

## EUROPE AND EURASIA

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### ALBANIA

Albania is a republic with a multiparty parliament, a Prime Minister, and a President, elected by the Parliament. The Prime Minister heads the Government; the presidency is a largely ceremonial position with limited executive power. The Socialist Party (SP) and its allies won 87 of 140 parliamentary seats in general elections held from June through August that were conducted in a peaceful atmosphere. The Organization for Security and Cooperation in Europe (OSCE)'s Office for Democratic Institutions and Human Rights (ODIHR) judged the elections to have improved over past elections in terms of the conduct of the campaign; however, ODIHR noted some serious irregularities in the voting process. The Constitution provides for an independent judiciary; however, the judiciary remained hampered by a lack of resources and inexperienced and untrained personnel and was subject to political pressure, intimidation, and widespread corruption that weakened its ability to function independently and efficiently.

Local police units that report to the Ministry of Public Order are responsible principally for internal security. The Ministry also has a small force of police officers organized into special forces units to combat organized crime. The military has a special 120-man "commando" unit, which operates in an antiterrorist role under the Minister of Defense. During times of domestic crisis, the law allows the Minister of Public Order to request authority over this unit. The National Intelligence Service (SHIK) is responsible for both internal and external intelligence gathering and counterintelligence. One of the most serious problems involving public order and internal security is the fact that police officers largely are untrained, ill paid, and often unreliable. The international community continued to provide training, advice, and equipment to improve the quality of the police forces; however, unprofessional behavior and corruption remained a major impediment to the development of an effective, civilian police force. The police committed human rights abuses.

The country is poor, and is in transition from central economic planning to a free market system; many questions related to privatization, property ownership claims, and the appropriate regulation of business remained unresolved. The country continued to experience slow but stable economic progress; however, 29.6 percent of the country's population of approximately 3.5 million live below the poverty line, with poverty greater in rural areas. Inflation was negligible during the year. The gross domestic product (GDP) grew by about 7.5 percent to an estimated \$4.3 billion (602 billion lek). The official unemployment rate was 16 percent, a slight decrease from the 17.5 percent of the previous year. With two-thirds of all workers employed in agriculture—mostly at the subsistence level—remittances from citizens working abroad remained extremely important, as did foreign assistance. The agricultural sector counts for 52.9 percent of GDP with industry and services contributing 25.2 and 21.9 percent respectively. The GDP may be underestimated because considerable income is believed to be derived from various organized and semiorganized criminal activities. A variety of other unreported gray and black market activities, such as unlicensed small businesses, along with the Government's inability to collect fully accurate statistics, also contributed to the underestimation of the GDP.

The Government's human rights record was poor in many areas; however, there were some improvements. The opposition Democratic Party (DP) alleged that the Government was responsible for the killing of one of its members while in police custody at the Rreshen police station, although a government medical team confirmed that the death was a suicide. Police beat and otherwise abused suspects, detainees, and prisoners. The DP credibly reported some incidents of police harassment of its members and of the dismissal of some of its members from official positions for political reasons. Prison conditions remained poor. The police arbitrarily arrested and detained persons, and prolonged pretrial detention was a problem. The judiciary is inefficient, subject to corruption, and executive pressure on the judiciary

remained a serious problem. The Government occasionally infringed on citizens' privacy rights. The Government limited freedom of the press, although there were some improvements. Police on at least one occasion beat and detained journalists. There were a few limits on the right to freedom of assembly. Violence and discrimination against women and child abuse were serious problems. Vigilante action, mostly related to traditional blood feuds, resulted in many killings. Societal discrimination against religious and ethnic minorities, particularly against Roma and Egyptians, persisted. Child labor was a problem. Trafficking in persons, particularly of women and children, 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.*—There were no confirmed cases of political killings by the Government or its agents; however, the main opposition party, the DP, claimed that several of its members were harassed, beaten, and in one case, killed by government agents while in custody. In March police arrested Gjon Gjonaj, a resident of Lezhe and a DP supporter, and detained him for verification purposes in the Kreshen police station pre-detention center; Gjonaj later was found dead in his prison cell. The police insisted that Gjonaj had committed suicide with a knife he possessed, which the police had not detected. A group of government medical and legal experts confirmed that Gjonaj's death was by suicide; however, his family members and the DP dismissed this explanation. The Albanian Helsinki Committee (AHC) and the Albanian Human Rights Group (AHRG) both called attention to the case and requested that law enforcement officials institute more effective procedures to prevent future incidents of this kind.

There was no further action taken to investigate the 2000 killing of a DP activist in Vlora following a party rally, or to investigate the allegations that more than 21 DP members, supporters, local government officials, and former national party officials were killed from 1997 to 1999. The DP accused the Government of failing to investigate these crimes adequately, noting that no suspects had been tried for the killings. The Government completed its investigation into the 1998 murder of DP leader Azem Hajdari, and during the year, police arrested several individuals believed to have played a role in his killing; their trial remained ongoing at year's end.

During the year, explosions of landmines, most of which were believed to have been placed by the former Yugoslav Army against the Kosovo Liberation Army in 1998 and 1999, killed 22 individuals and injured 219 civilians and 3 military personnel.

The country continued to experience high levels of violent crime, although statistics indicated a decrease in the number of violent incidents from the previous year. Many killings continued to occur throughout the country as the result of individual or clan vigilante actions connected to traditional "blood feuds" or criminal gang conflicts (see Section 5). According to the Ministry of Public Order, more than 14 individuals were killed in blood feuds, which are based on the medieval Code of Lek Dukagjini (the "Kanun"), which is practiced by individuals particularly in the northern part of the country. Under the Kanun, only adult males are acceptable targets for blood feuds, but women and children often were killed or injured in the attacks. The AHRG reported that during the year, 2,750 families were self-imprisoned at home and that 900 children were prevented from attending school due to fear of revenge.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution stipulates that "no one can be subject to torture, or cruel and brutal treatment;" however, the police often beat suspects in the process of arresting them. The Penal Code makes the use of torture a crime punishable by up to 10 years' imprisonment; however, the three main human rights groups—the AHC, the AHRG, and the Albanian Center for Human Rights (ACHR)—in addition to other nongovernmental organizations (NGO's), continued to report that police forces nationwide used torture, and inhumane or excessive treatment. According to the AHC, major police stations were the sites of the worse abuses of detainees, and all stations were overcrowded. Police physically abused minors in detention. In January police arrested and assaulted the local head of the DP branch in Tropoja, Azgan Haklaj, in connection with his role in a November 2000 attack on a police station and other public buildings by DP supporters, which resulted in the death of one individual. OSCE officials, the People's Advocate, the AHC, and the AHRG, among others, confirmed that Haklaj had been assaulted by the police; the police did not conduct an investigation or take any action against the responsible officers.

In February the head of the Lezha criminal police division physically abused a 16-year-old girl during questioning. In accordance with a proposal from the People's Advocate, the officer was disciplined, but was not dismissed.

In March police arrested Clirim Proko in the town of Lazarat (in southern Albania) in connection with a September 2000 incident involving the then-Deputy Prime Minister/Minister of Labor and Social Affairs; members of the Gjirokaster police physically mistreated Proko and denied him access to his lawyer for 2 days. A doctor and the AHRG visited Proko and confirmed signs of this mistreatment. Also in March, a police officer in Pogradec reportedly beat Lorenc Callo in custody. The People's Advocate recommended that the officer, who at the time was Head of the Public Police in Pogradec, be dismissed. The officer was demoted to the level of Head of Police Check Point.

In April members of the Republican Guard, responsible for protecting senior public officials and institutions, were accused of physically assaulting two homosexuals. Nasser Almalak, a foreign citizen, and Amanta Bakalli, an Albanian, were attacked outside of the main barracks of the Republican Guard. Both men reported the incident despite receiving threats. Bakalli left the country soon after. No action had been taken against the Republican Guard members by year's end.

In June police arrested and beat an 11-year-old orphan in Saranda (see Section 1.d.). The child alleged that a police officer beat him with a rubber truncheon, cut him on the arm, and burned him with a cigarette. The Ministry of Public Order reportedly dismissed the officer, but the Saranda District Prosecutor dismissed the case against him. With the involvement of the People's Advocate, the General Prosecutor ordered the District Prosecutor's Office to reopen the case, which remained pending at year's end. The officer was not permitted to resume his duties.

On December 22, Col. Edmond Koseni, the Director of Police of Elbasan District, beat a taxi driver so severely that the driver was hospitalized. Koseni later went to the hospital and assaulted the driver again. The Minister of Public Order dismissed Koseni, and the General Prosecutor's Office issued a warrant for his arrest. Koseni and other members of his staff had a history of physical abuse against members of the public; there were at least five cases of abuse pending against police officers in Elbasan at the time of Koseni's dismissal.

Police on at least one occasion beat journalists (see Section 2.a.).

Police officers often were involved in cases of trafficking in persons (see Section 6.f.).

Most of the country's 13,000-member police force still remained largely untrained despite efforts by foreign governments to provide training or equipment. Foreign governments continued police training programs aimed at improving technical expertise, operational procedures, and respect for human rights, and 432 police officers, Judicial Police Officers, and Prosecutors received such training during the year. However, the overall performance of law enforcement remained weak. Prior to the elections, training by foreign governments was provided to the police on how to handle election security and to respond to the needs of election observers. The ACHR was particularly active in providing seminars and publishing texts to educate the police about the importance of respecting human rights. In addition to such training, the Ministry of Public Order started to revamp and update the Police Academy's curriculum and promote sound and effective teaching practices of instructors. The Academy trained 125 new officers candidates during the year.

Prison conditions remained poor and overcrowding remained a serious problem. Lack of space in prisons led to the detention of convicted criminals in pretrial detention centers rather than prisons, causing significant security problems for the police forces. For example, the AHC cited a case at the Lushnje police station when a detainee, who was to be transferred to prison, escaped; the AHC claims that the case is not an isolated incident and that by maintaining this practice, the Government violated the law on Executing Penal Decisions. One of the AHC's fact-finding missions found that 299 inmates were being held in police pretrial detention sites rather than serving their terms in prisons. In police detention centers, women often were held with men; however, women are not held with men in prisons.

A large number of Albanian prisoners also are held in prisons in Greece and Italy due to overcrowding. According to Greek Ministry of Justice sources, more than 3,500 Albanians are in pretrial detention centers and 1,890 are serving prison sentences in Greece, 200 of whom are juveniles. The education of these young Albanian prisoners remained a problem. There were no classes offered to these juveniles in Greek prisons. It is estimated that 2,000 prisoners were serving sentences in Italian prisons.

The country has no juvenile justice system and children's cases frequently were presented to judges who had not received any education in juvenile justice. More than 40 children are serving sentences in Vaqarr prison, the only prison for juve-

niles in the country, and more than 100 are in pretrial detention centers. According to the AHC, there were 91 juveniles, aged 14 to 18, including 13 girls, in pretrial detention centers. Several NGO's noted that in various police districts nationwide, minors often were kept in the same cells as adults and that sanitary conditions were generally poor.

The Government made attempts to address prison problems such as poor facilities and overcrowding within prisons. The Government, with international assistance, financed many improvements, including the continued construction of a new prison in Peqin, financed by the Italian Government, which is expected to house 250 to 300 inmates. Three other prisons in the towns of Rrogozhina and Tepelena are scheduled to be built. The new prison in Rrogozhine is scheduled to be built with financial support from the Government and to house approximately 700 inmates.

The Government cooperated well with the International Committee of the Red Cross and with other NGO's and there were no reports of refusals to permit access for prison inspections by either domestic or international independent human rights monitors.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution forbids arbitrary arrest and detention; however, the police arbitrarily arrested and detained persons.

The 1995 Penal Procedures Code sets out the rights of detained and arrested persons. By law, a police officer or prosecutor may order a suspect into custody. Detained persons must be informed immediately of the charges against them and of their rights. A prosecutor must be notified immediately after the police detain a suspect. Within 48 hours of the arrest or detention, a court must decide in the presence of the prosecutor, the suspect, and the suspect's lawyer the type of detention to be imposed. Legal counsel must be provided free of charge if the defendant cannot afford a private attorney; however, this right to legal counsel is not widely known and police often fail to inform suspects of it. Access to legal information remained difficult for citizens, including legal professionals and, at times, judges.

There were numerous cases in which persons were illegally detained and were unable to contact their private attorneys. The AHC sought to bring to the attention of the authorities a number of cases in Gjirokaster, in which defense attorneys had failed several times to make contact with their clients. In some cases, the detainees had been interrogated without their defense attorneys being present.

Bail in the form of money or property may be required if the judge believes that the accused otherwise may not appear for trial. Alternatively a suspect may be placed under house arrest. The court may order pretrial confinement in cases where there is reason to believe that the accused may flee the country or pose a danger to society. The Penal Procedures Code requires completion of pretrial investigations within 3 months. The prosecutor may extend this period by 3-month intervals in especially difficult cases. The accused and the injured party have the right to appeal these extensions to the district court. Lengthy pretrial detention as a result of delayed investigations remained a serious problem. In January the AHC conducted a fact-finding mission that monitored the conditions of prisoners in a Tirana prison and learned that three individuals, Sali Lushaj, Dem Dollapi, and Vlash Ndoi, had been detained past the legal limits. Lushaj and Dollapi claimed to be detained on political grounds; they were charged with participation in an armed uprising to overthrow the constitutional order, and their trial was ongoing at year's end. The men remained in detention at year's end.

NGO's claimed that prostitutes and trafficked women have been kept in detention for more than 48 hours without charges being brought against them (see Section 6.f.). In February a fact-finding mission of the AHC, the AHRG and the International Helsinki Federation discovered that five trafficked Moldovan women were detained in prison cells in Tirana on charges of illegal crossing of borders and prostitution (see Section 6.f.). They were kept in pretrial detention for over 6 months, and three did not have a defense attorney either in their initial hearing or during their detention. One detainee's trial was postponed more than 15 times for illegitimate reasons.

A fact-finding mission by the AHRG to the Vaqarr prison observed that many detained minors were not informed of their rights or the reasons for their arrest, that their relatives were notified only after a delay, that no prosecutor had been present during their interrogation, that public defenders did not visit them sufficiently to investigate their cases, and that they were abused physically by the authorities. Juveniles kept at Pretrial Detention Center 313 in Tirana made similar complaints. A wider study conducted by the Peace for Justice Center inspecting Vaqarr prison, Pretrial Detention Center 313, and seven district police stations reached the same conclusions.

In June police arrested, detained, and beat an 11-year-old orphan in Saranda (see Section 1.c.). He was detained on theft charges (later proved to be false) for 20

hours, although the Penal Code prohibits detention of children under 14 years of age. No lawyer or adult guardian was present during his detention.

There were no confirmed cases of detainees being held strictly for political reasons. The trial of Ekrem Spahia, the Chairman of the Legality Party, and the trials of 12 of his supporters for participation in the events of September 1998 which followed the killing of the DP parliamentarian Azem Hajdari by unknown persons were ongoing at year's end.

The Constitution prohibits forced exile, and the Government does not use it.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however, because of political pressure, intimidation, endemic corruption and bribery, and limited resources, the judiciary was unable to function independently and efficiently.

The judicial system is composed of district courts of the first instance, military courts, six courts of appeal, and the Supreme Court. There also is a separate and independent Constitutional Court. The Supreme Court hears appeals from the Courts of Appeal, while the Constitutional Court reviews those cases requiring constitutional interpretation. Constitutional Court justices serve maximum 9-year terms, with three justices rotating every 3 years. Justices of the Supreme Court serve for 7 years.

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

The President of the Republic nominates the President and Vice President of the Supreme Court, and the Parliament elects all of the Supreme Court's justices. The President selects four of the nine members of the Constitutional Court; five are elected by the Parliament. Parliament has the authority to approve and dismiss the judges of the Constitutional Court and the members of the Supreme Court. According to the law, dismissal only may be ordered after conviction for a serious crime or for mental incompetence. There were no new developments in the 1999 appeal of the former Chief Judge of the Supreme Court, who was dismissed from his position 3 years before the expiration of his mandate for technical reasons.

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

Parliament approves the courts' budgets and allocates funds. The Judicial Budget Office, a separate, independent body, administers court budgets, but each court may decide how to spend the money allocated to it. A board chaired by the Chief Justice of the Supreme Court runs the Judicial Budget Office; all other board members are judges. The Ministry of Justice provides and approves administrative personnel. The Ministry of Justice also supervises the Bailiffs' Office, the body that ensures that civil judgements are enforced. A school for magistrates was established in 1999.

During the year, the High Council of Justice punished nine judges, including for the first time, four Appellate Court judges; they were punished for infractions such as giving light sentences for serious crimes, shortening sentences in exchange for guilty pleas, releasing prisoners on their own recognizance to await trial, changing sentences from imprisonment to house arrest, delaying cases, and other ethics violations. Out of the four Appellate Court judges, three were dismissed and one received disciplinary measures. Two other judges were fired and three were given warnings.

For the first time, parliament members attempted to impeach three members of the High Council of Justice over their conduct in a high-profile case of trafficking in persons, which allowed a suspect to get out on bail and flee the country (see Section 6.f.); however, the impeachment failed, in part due to lack of adequate evidence. In August a district judge in Pogradac, in contradiction of the country's rules of procedure, struck down a suspected car smuggler's pretrial detention, allowing the suspect to go free and presumably flee the country; the High Council of Justice dismissed the judge, but he was not prosecuted.

The Constitution provides that all citizens enjoy the right to a fair, speedy, and public trial, except in cases where the necessities of public order, national security, or the interests of minors or other private parties mandate restrictions. However, due to limited material resources, in many instances the court system is unable to process cases in a timely fashion. Many court buildings were destroyed in the civil unrest in 1997, and although all have reopened, important records and legal materials were lost permanently. Long case backlogs are typical, and resulted in suspects being detained for longer than legal limits (see Section 1.d.). Defendants, witnesses, and others who do not speak Albanian are entitled to the services of a translator.

Defendants are entitled to a lawyer, and the Government respects this right in practice. Under the law, the Government provides lawyers for indigent defendants. If convicted the accused has the right to appeal the decision within 5 days to the Court of Appeals.

Public opinion holds the judiciary, in particular, responsible for the Government's failure to stop criminal activity. Tension continued between the police and the judiciary, despite some improvement in relations between police and prosecutors, especially outside Tirana. Each side cites the failures of the other as the reason criminals avoid imprisonment. The courts accuse the police of failing to provide the solid investigation and evidence necessary to prosecute successfully, and the police allege that corruption and bribery taint the courts. The Judicial Police are responsible, under the direction of prosecutors, for developing investigations initially conducted by the police.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Law on Fundamental Human Rights and Freedoms provides for the inviolability of the person, of dwellings, and for the privacy of correspondence; however, at times the Government infringed on these rights. For example, in January during the arrest of Azgan Haklaj, the local head of the Tropoja DP, police violated procedures to obtain entry into his residence to arrest him. Individuals often complain to the People's Advocate that police typically carry out operations late at night, at times without proper authorization. The AHRG also noted that in February the police had improperly searched the house of Alberia Hadergjonaj while in pursuit of her husband, whom they suspected of being involved in a drug ring.

Individuals also reported to the People's Advocate that they were not adequately compensated for some private land taken for public use during the Communist regime.

In January three female Muslim students reported to the People's Advocate that their schools had prohibited them from wearing headscarves (see Section 2.c.).

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Law on Fundamental Human Rights and Freedoms provides for freedom of speech and of the press and the media is active and unrestrained; however, there are serious, fundamental problems with the blatant use of the media for political purposes. Libel carries criminal sentences, and during the year, there were incidents of journalists being fined under criminal libel charges brought by high-level officials. The punishment for libel varies from a fine to 2 years' imprisonment. Political interference in the media remained a problem. Publishers and newspaper owners often edit news stories to serve their own political and economic interests.

The total daily circulation of all newspapers was estimated at 50,000 in 2000, but during the year continued to fall. Political parties, trade unions, and various societies and groups publish their own newspapers or magazines. The opposition media is active, but is constrained by limited professionalism and lack of finances. An estimated 200 publications were available, including daily and weekly newspapers, magazines, newsletters, and pamphlets. At least 2 newspapers were published in Greek in the south of Albania, and 15 Greek papers and magazines were distributed throughout the south. The print media made some improvements during the year; for example, internationally funded training has had an impact in improving professionalism, and private advertising revenues have increased significantly. However, the print media continued to face formidable obstacles, including a poor distribution network, high production costs, low circulation, limited editorial standards, and low credibility.

Sensationalism is the norm in the newspapers, and the political party-oriented newspapers print gossip, unsubstantiated accusations, and outright fabrications. The print media is extremely polarized, and with few exceptions, the print media lack a mature, trained, professional staff. These dailies and weeklies have very small circulation figures, and have low credibility with the general public. However, several publications continued to make efforts to improve professional standards and to provide more balanced, professional and accurate reporting.

Albanian Radio and Television (RTVSh) is the sole public broadcaster in the country. RTVSh is composed of a national television station and a national radio station. National television broadcasts 17 hours a day and reaches 94 percent of the population. National television also broadcasts a 2-hour, Albanian-language regional satellite program that is viewed widely throughout Europe. National radio broadcasts on two channels: The first channel broadcasts 19 hours per day and the second channel broadcasts 5 hours per day. National radio operates a foreign language service that broadcasts in 7 languages: English, Serbo-Croatian, Turkish, Italian,

French, German, and Greek. Radio Gjrokastra, located in southern Albania, broadcasts a 45-minute daily news and entertainment program in Greek, and Radio Tirana broadcasts a Greek program for 30 minutes daily. Radio Korca, located in southwestern Albania, broadcasts a weekly 40-minute Macedonian language. Both stations are affiliates of RTVSh.

Television is highly influential; it is estimated that as much as 80 percent of the public obtain their news and information from television. Television programming includes some responsible journalism; however, political affiliation was pervasive in programming. The majority of stations were blatantly one-sided in their political coverage.

Broadcasting issues are governed by the National Council of Radio and Television (NCRT), a seven-member bipartisan body elected by the Parliament, with one appointment by the President. In 2000 the NCRT awarded broadcasting licenses to 2 national television stations, 50 local television stations, 31 local radio stations, and 1 national radio station. Several broadcasters failed to pay for their licenses or abide by the regulations governing the licenses; however, these regulations were enforced weakly.

On February 16, a policeman in Korca reportedly kicked and punched Pellumb Cuni, a reporter for the newspaper 55.

Access to the Internet is available and unrestricted; however, the Internet is too expensive for the majority of citizens.

Academic freedom, while generally respected, is constrained by lack of resources; public academic institutions do not receive adequate funding.

*b. Freedom of Peaceful Assembly and Association.*—The Law on Fundamental Human Rights and Freedoms provides for the right of peaceful assembly and the Government generally respected this right in practice, although there were a few limits. In some cases, individuals claimed that the police or agents of the SHIK intimidated them because of their participation in opposition rallies, while others claimed that they were fired from their jobs because they participated in opposition rallies.

According to the law, organizers must obtain permits for gatherings in public places, which the police may refuse to issue for reasons such as security and traffic. However, there were no reports that such permits were withheld arbitrarily. In practice rallies and demonstrations took place during the year and the Government made no concerted efforts to prevent them. The police generally maintained order with due respect for citizens' rights.

In June the SP held a major election rally in Tirana that was met with a counterrally by the DP. The police detained more than a dozen DP supporters after they allegedly began attacking the police. However, the DP charged that it was their supporters who were attacked by the police. Various human rights groups called on all parties to respect law and order and the right to freely assemble.

The Law on Fundamental Human Rights and Freedoms provides for the right of association, and the Government generally respected this right. However, the Constitution prohibits the formation of any political party or organization that is totalitarian; incites and supports racial, religious, or ethnic hatred; uses violence to take power or influence state policies; or is nontransparent or secretive in character. There were no reports that this provision was used against any group. A political party must apply to the Ministry of Justice for official certification, and it must declare an aim or purpose that is not anticonstitutional or otherwise contrary to law, describe its organizational structure, and account for all public and private funds it receives. Such certification is granted routinely.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion and the Government generally respects this right in practice. According to the Constitution, there is no official religion and all religions are equal; however, the predominant religious communities (Muslim, Orthodox, and Roman Catholic) enjoy de facto recognition by the authorities that gives them the legal right to hold bank accounts, own property and buildings, and to function as legal entities based on their historical presence in the country.

Religious movements—with the exception of the three de facto recognized religions—may acquire the official status of a legal entity by registering under the Law on Associations, which recognizes the status of a nonprofit association irrespective of whether the organization has a cultural, recreational, religious, or humanitarian character. All religious communities have criticized the Government for its unwillingness to grant them tax-exempt status.

The State Committee on Cults is the government body that addresses religious affairs and groups; the chairman of the committee has the status of a deputy minister. There is no law on religious communities, although one is mandated by the

Constitution. Most religious communities have expressed the need for such a law to clarify their rights and responsibilities and relationship to the Government.

The Albanian Evangelical Alliance, an association of more than 100 Protestant Churches, has complained that it has encountered administrative obstacles to building churches, accessing the media, obtaining residence permits, and receiving exemptions from customs duties. The growing evangelical community continued to seek similar official recognition as bonafide religious institutions as that enjoyed by the three main groups.

While the Government does not require registration or licensing of religious groups, the State Committee on Cults was in the process of registering all foreign religious organizations. The Committee claims that registration facilitates the granting of residence permits by police to foreign employees of various religious organizations; however, some foreign religious organizations have complained that obtaining registration has not made gaining residence permits any less cumbersome administratively.

Students are not allowed to demonstrate their religious affiliations in public schools. In January three female Muslim students, Miralda Gjoka, Ermira Dani, and Edlira Dyrnishaj, presented a case to the People's Advocate, claiming that their schools had prohibited them from wearing their headscarves. The Ministry of Education contended that public schools in the country were secular and that Albanian law prohibited ideological and religious indoctrination. The case appeared to have been dropped by year's end.

The Government has failed to return to the various religious communities all of the properties and religious objects that were confiscated under the Communist regime in 1967. In cases where religious buildings were returned, the Government often did not return the land surrounding the buildings or provide comparable compensation. In addition, the Government was unable to compensate churches adequately for the extensive damage that many religious properties suffered. The Orthodox Autocephalous Church of Albania has complained that it has had difficulty in recovering some religious icons for restoration and safekeeping.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Law on Fundamental Human Rights and Freedoms provides for these rights, and the Government generally respects them in practice.

As a result of significant internal migration, thousands of citizens no longer have local registration and status, which has led to a loss of access to basic services such as education and medical care. In many educational institutions, students must have, among other documents, an official document from the district authorities that acknowledges that they are inhabitants of the district. The lack of these documents prevents many students from attending school.

Citizens who fled the country during or after the Communist regime are able to return, and if they lost their citizenship, they are able to have it restored. Citizens born in the country who emigrate may hold dual citizenship.

The Constitution and a 1998 asylum law provide for the granting of asylee or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1961 Protocol. The Government accepts the entry of refugees, does not expel those with valid claims to refugee status, and works with the international community to provide housing and support for them. The Government provides for first asylum, but no appeals procedure was in place at year's end.

The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The country hosted approximately 359 registered refugees during the year, the majority of whom are Macedonian-Albanians fleeing the conflict in Macedonia. Another 108 Macedonian-Albanians did not apply for asylum but were assisted by the Red Cross. The UNHCR provided social service support for the refugee community and coordinated further assistance through a network of NGO's that provide health care coverage, insurance, and limited training. The Government's Office of Refugees at the Ministry of Local Government continued to play a key role in facilitating and coordinating the work of these groups. In May the UNHCR closed the last refugee camp for Kosovars.

Organized criminal gangs have made the smuggling of illegal immigrants—Albanians, Kurds, Pakistanis, Chinese, Turks, and others from the Middle East and Asia—a lucrative business. Due to its proximity to Albania, Italy (which is a 90-minute speedboat ride from Vlora to Bari) remained the preferred destination. The Government took a number of measures to stop the illegal flow of economic migrants; however, a lack of resources and corruption among law enforcement forces hindered its efforts. Italian military and border patrol squads operated in various coastal zones in Albania in an effort to stop the flow of illegal immigrants. Individuals who have become stranded in Albania while trying to use this illegal pipeline

are eligible for a “care and maintenance” program run by the UNHCR and the Albanian Red Cross and can have their cases evaluated by UNHCR officials.

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

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

The Constitution provides citizens with the right to change their government peacefully and citizens exercise this right in practice through periodic elections held on the basis of universal suffrage. General elections, which began in June and ended in August, were deemed by international monitoring organizations to be an improvement over past contests; however, some serious irregularities occurred, and problems worsened during each round of voting. Five rounds of voting, beginning in June and ending in August, were required to complete the process. The Council of Europe’s Parliamentary Assembly commended political parties for processing their complaints through internationally accepted frameworks. The OSCE’s ODIHR, which observed the elections, noted that there was progress in the areas of election administration, media coverage, and campaign conduct; however, ODIHR’s final report noted that the election process was “protracted, uncertain, and fragmented.” It also noted some serious irregularities in the voting process, including ballot box stuffing; fraud in a limited number of constituencies; political pressure exercised at times that compromised the performance of the Central Elections Commission (CEC); inadequate handling of key elections complaints by the CEC; police interference in a limited number of instances; and a dubious appeals process, particularly with regard to the Constitutional Court. In a number of cases, the courts failed to fully investigate election appeals. Coverage by the state television station, RTVSh, deteriorated after the first round, favoring the governing party.

The percentage of women in government and politics does not correspond to their percentage of the population, although no legal impediments hinder the full participation of women and minorities in government. In Parliament only 8 of 140 members were female. In the Government, one woman serves as Minister of Foreign Affairs and another served as the Minister of Economic Trade and Development. The major political parties have women’s organizations and have women serving on their central committees. Despite the prominence of a few women in positions of power in the Government, many NGO’s also point to the general decrease of women in politics.

The percentage of minorities in government and politics does not correspond to their percentage of the population, although no legal impediments hinder their full participation. Ethnic Greeks constitute the largest minority group. They are represented in the Government and participate actively in various political parties, particularly the Human Rights Union Party. There were three ethnic Greek ministers in the Government.

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

A number of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are somewhat cooperative but minimally responsive to their views. The Albanian Helsinki Committee, the Albanian Human Rights Group, the Albanian Center for Human Rights, the Society for Democratic Culture, the Albanian Media Institute, SOROS Foundation, the Albanian Institute for Contemporary Studies, the Women’s Center, and Women in Development were among the most active domestic NGO’s involved in addressing human rights problems. Despite the assistance of international donors, the work of these organizations was hampered by a shortage of funds and equipment.

The People’s Advocate (Ombudsman), an institution that became operational in July 2000, investigates inappropriate, inadequate, or illegal actions on the part of the Government. Although it lacks the power to enforce decisions, the People’s Advocate acts a watchdog for human rights violations. Its most common cases include citizen complaints of police and military abuse of power, lack of enforcement of court judgments in civil cases, wrongful dismissal, and land disputes (see Sections 1.c., 1.e., and 1.f.). The caseload of the People’s Advocate office continued to increase as the public became more aware of the services provided. While the People’s Advocate enjoyed the political support of the highest ranking members of the Government and is authorized to receive information from all public agencies, there were reports that some officials often tried to impede the work of the People’s Advocate in its investigations. For example, government entities did not always provide requested information in a timely manner.

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

The law prohibits discrimination based on sex, race, ethnicity, language, or religion; however, discrimination against women and some minority groups persisted.

*Women.*—Violence against women and spousal abuse remained serious problems. In the country's traditionally male-dominated society, cultural acceptance and lax police response resulted in most abuse going unreported. Rape is punishable by law, as is spousal rape; however, in practice, spousal rape is not reported or prosecuted. The concepts of spousal rape and sexual harassment are not well established, and, consequently, such acts often are not considered crimes by the authorities or the public. In 1999 the Advice Center for Women and Girls, an NGO, conducted a poll which showed that 64 percent of women surveyed had experienced some form of physical, emotional, or sexual abuse. Later statistics were not available. The State Committee on Women and Children is the primary government agency that addresses the status of women; however, it is underfunded and lacks political influence.

An NGO maintains a shelter in Tirana for abused women, but the facility has the capacity to house only a few victims at a time. The same NGO also operates a hot line that provides advice and counseling to women and girls.

Many men, especially those from the northeastern part of the country, still follow the traditional code known as the "kanun," in which women are considered to be, and are treated as, chattel. Under the kanun, a woman's duty is to serve her husband, and to be subordinate to him in all matters. The kanun has contributed significantly to attitudes in the region espousing the subordination of women.

The law prohibits prostitution, but it was a problem. Trafficking in women for the purpose of sexual exploitation remained a serious problem (see Section 6.f.).

Women are not excluded, by law or in practice, from any occupation; however, they are not well represented at the highest levels of their fields. The Labor Code mandates equal pay for equal work; however, while women continued to gradually gain economic power this provision was not fully implemented. Women enjoy equal access to higher education, but they are not accorded full and equal opportunity in their careers, and it is common for well-educated women to be underemployed or to work outside their field of training. An increasing number of women continued to open shops and small businesses. Many women migrated along with men to Greece and Italy to seek employment.

Various groups such as the Women's Center, the Family Planning Association, Useful to Albanian Women, the Independent Women's Forum, Women in Development, the Millennium Coalition, the Women's Advocacy Center, the Association of Women's Lawyers, Refleksione, and the three main human rights groups work to promote women's rights. Some of these groups have been successful in promoting public awareness regarding domestic violence and implementing programs to empower women; however, their ability to lobby the Government and other prominent individuals to institute actual change in government policies and practices remained negligible.

*Children.*—The Government's commitment to children's rights and welfare is codified in domestic law. The law provides for the right to at least 8 years of free education and also authorizes private schools. School attendance is mandatory through the eighth grade (or until age 18, whichever comes first). However, in practice many children leave school earlier than allowed by law in order to work with their families, especially in rural areas (see Section 6.d.). According to a Save the Children 2000 report, in some rural areas approximately 90 percent of adolescent girls drop out of secondary school. The lack of proper documents—many of which have been lost due to internal migration—prevented many students from attending school (see Section 2.d.). The State Committee on Women and Children is responsible for children's issues; however, it is underfunded and lacks political influence.

According to 2000 statistics issued by the Ministry of Public Order and the Commission for Reconciliation of Blood Feuds, more than 2,000 children remained endangered by blood feuds involving their families (see Section 1.a.).

Child abuse, including sexual abuse, rarely is reported, but authorities and NGO's believe that it exists. According to the Ministry of Public Order, more than 300 cases of child sexual abuse were reported in 2000. According to the Center for the Protection of Children's Rights (CRCA), more than 2,000 children between the ages of 13 and 18 are involved in prostitution rings. According to the same organization, a large number of Albanian children (as many as 4,000) work as child prostitutes in Greece, and trafficking in children was a serious problem (see Section 6.f.). Criminals may kidnap children from families or orphanages to be sold to prostitution or pedophilia rings abroad. Child labor continued to be a problem (see Section 6.d.).

Various organizations work on children's issues including the Children's Human Rights Center in Albania, the Albanian Children's Alliance, which is made up of

150 organizations across the country, and Useful to Albanian Women. The international organizations active in this area include UNICEF, Save the Children, Caritas, and Catholic Relief Services.

*Persons with Disabilities.*—There is some discrimination against persons with disabilities in employment, education, and the provision of other state services. Widespread poverty, unregulated working conditions, and poor medical care pose significant problems for many persons with disabilities. They are eligible for various forms of public assistance, but budgetary constraints mean the amounts that they receive are very low. No law mandates accessibility to public buildings for persons with disabilities, and little has been done in this regard.

*Religious Minorities.*—Relations among the various religious groups are generally amicable, and tolerance is widespread in the country's largely secular society. Inter-marriage among religious groups is extremely common. Unlike the previous year, there were no reports of vandalism of Orthodox churches and buildings.

*National/Racial/Ethnic Minorities.*—The Constitution provides for national minorities' "pluralism, national identity and inheritance, and religious coexistence." The Constitution also provides for minorities the right to "freely express, without prohibition or compulsion, their ethnic, cultural, religious and linguistic belonging" and the right "to preserve and develop them, to study and be taught in their mother tongue, and to unite in organizations and associations for the protection of their interests and identity." A National Minorities Section in the Department of Prefectures in the Ministry of Local Government monitors the participation of national minorities in policymaking both at the local and national levels, while the Office of National Minorities, established at the Ministry of Foreign Affairs in 2000, monitors Albania's compliance with international obligations and commitments as they relate to minority issues.

No recent official statistics exist regarding the size of the various ethnic communities. The Government omitted questions regarding ethnicity and religion in the April census, which caused some ethnic Greeks to boycott the process. Of all minority groups, ethnic Greeks are the largest and best organized and receive the most attention and assistance from abroad. There also are small groups of Macedonians, Montenegrins, Vlachs, Roma, and Egyptians.

The ethnic Greek minority, led by their cultural association Omonia, have a variety of complaints against the Government. Minority leaders cite the Government's unwillingness to recognize the existence of ethnic Greek towns, such as Himara, that are not considered part of communist-era "minority zones"; to utilize Greek on official documents and on public signs in ethnic Greek areas; to address effectively crimes committed against ethnic Greeks, particularly allegations that communal property is being taken illegally by means of fraudulent documents and in some cases with complicity of the courts; to ascertain the size of the ethnic Greek population; and to include a higher number of ethnic Greeks in public administration. Omonia is also concerned about the lack of access to Greek-language education. Greek-language public elementary schools are common in much of the southern part of the country, where almost all ethnic Greeks live. Every village in this zone has its own elementary-middle (8-year) school in the Greek language, regardless of the number of students. There also is a Greek chair at the University of Gjirokaster. However, there are no Greek-language high schools and Omonia complains that the ethnic Greeks need more classes both within and outside the so-called minority zones. Ethnic Greeks enjoy access to Greek language media (see Section 2.a.). Ethnic Macedonians live primarily in the Pogradec and Devoll and the Prespa area bordering Macedonia. Their interests are represented by Society Prespa. Classes in Macedonian are available to students in the area; the Macedonian Government provides texts for these classes free of charge. A considerable number of students from this area study at the universities of Skopje and Bitola. A small group of ethnic Montenegrins and Serbs live north of Shkoder. Persons from this area received scholarships from the Montenegrin government for their children to study in Montenegro. Montenegrin interests are represented by the Association of Montenegrins. There are no reports of discrimination against ethnic Montenegrins. Vlachs, also known as Aromanians, speak their own Romanian-related language as well as Albanian and live primarily in the southern part of the country. No discrimination has been reported by the Vlachs, who are represented by the groups Armeni-Alban, The Aromanian Association Voskopoja, and Aefallofisi.

The Roma, and the Egyptians, who trace their roots back to Egypt, are among the most neglected groups in the country. The Egyptians tend to settle in urban areas and generally are more integrated into the economy than the Roma. In addition to widespread societal discrimination, these groups generally suffer from high illiteracy, poor health conditions, lack of education, and marked economic disadvantages. The interests of the Egyptians are represented by the Association Socio-Hu-

manitarian Vllazerimi, the Roma by the Association Amaro Drom, Amaro Divas, Romani Baxt, and the Group for the Development of Roma Culture. The Soros Foundation supported various initiatives sponsored by the Association Amaro Drom, particularly in the field of education.

*Section 6. Worker Rights*

*a. The Right of Association.*—Workers have the right to form independent trade unions and workers exercise this right in practice. Two major federations act as umbrella organizations for most of the country's unions: The Independent Confederation of Trade Unions of Albania (membership around 75,000) and the Albanian Confederation of Trade Unions (membership around 100,000). Both organizations experienced another drop in membership during the year due to harsh economic reforms that have left many individuals unemployed. Some unions chose not to join either of the federations. No union has an official political affiliation, and the Government does not provide any financial support for unions.

The Law on Major Constitutional Provisions and other legislation provides that all workers, except the uniformed military, the police, and some court officials, have the right to strike. The law forbids strikes that are declared openly to be political or that are judged by the courts to be political. During the year, the Confederation of Trade Unions organized a general 1-hour strike with employees of the education system. This strike was followed 1 week later with a general 1-day strike; the union claimed that 70 percent of schools nationwide participated.

Unions are free to join and maintain ties with international organizations. Twelve federations, which are part of the Albanian Confederation of Trade Unions, are members of the International Confederation of Free Trade Unions.

*b. The Right to Organize and Bargain Collectively.*—Citizens in all fields of employment, except uniformed members of the armed forces, police officers, and some court employees, have the constitutional right to organize and bargain collectively, and the Labor Code establishes procedures for the protection of workers' rights through collective bargaining agreements. In practice, unions representing public sector employees negotiate directly with the Government. However, labor unions operate from a weak position, given the country's very high level of unemployment. Effective collective bargaining remained difficult, and agreements were difficult to enforce.

The law does not prohibit antiunion discrimination; however, there was no such discrimination in practice.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Law on Major Constitutional Provisions and the Labor Code prohibit forced or compulsory labor; however, trafficking in women for sexual exploitation was a serious problem (see Section 6.f.).

The law forbids forced or bonded labor by children; however, trafficking in children for sexual exploitation or begging were serious problems (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The Labor Code sets the minimum age of employment at 16 years and limits the amount and type of labor that can be performed by children under the age of 18. Children between the ages of 14 and 16 legally may work in part-time jobs during summer vacation. The Ministry of Labor may enforce minimum age requirements through the courts; however, there were no reports that this enforcement took place. According to the CRCA, an estimated 30,000 to 50,000 children under the age of 18 work either full or part time; some children as young as 4 years of age were employed, and some children work as many as 16 hours a day. According to the CRCA, the majority of child laborers find work as street or shop vendors, farmers or shepherds, drug runners, textile factory workers, shoeshine boys, or prostitutes (see Section 5). In Tirana and other cities, it is common to see children, mostly Roma, working as beggars or selling cigarettes and other items on the street; the police generally ignored this practice. According to NGO reports, labor inspectors who are charged with investigating child labor complaints have not given out any fines, penalties, or convictions to those who violate child labor laws.

The CRCA noted that in a March 1998 study carried out with the Ministry of Education in 11 cities throughout the country, more than 17 percent of children surveyed had abandoned their studies in order to work. The State Committee on Children also noted that there are approximately 800 street children in Tirana. According to unofficial statistics provided by UNICEF, there are more than 2,000 Albanian children in Thessaloniki, and approximately 6,000 children all over Greece; most of these children work or beg. Italian sources believe that there are more than 6,000 unaccompanied minors in Italian institutions such as orphanages and child centers.

In April the Government ratified ILO Convention 182 on the worst forms of child labor.

The law forbids forced or bonded labor by children; however, trafficking in children for sexual exploitation and to a lesser degree for begging rings was a serious problem (see Section 6.f.).

*e. Acceptable Conditions of Work.*—The legal minimum wage for all workers over the age of 16 was approximately \$50 (6,380 lek) per month, which is not sufficient to provide a decent standard of living for a worker and family. Many workers look for second jobs, which are difficult to find. Remittances from those working abroad are very important for many families. The law provides for social assistance (income support) and unemployment compensation, but these are very limited, both in terms of the amounts received and the number of persons actually covered. The average wage for workers in the public sector was approximately \$100 (14,000 lek) per month. Persons who work and live in urban areas earn almost 50 percent more than those who live and work in rural areas, and poverty is greater in rural areas. Nationwide more than 17 percent of the population lives under the official poverty line. No data is available for private sector wages, but they are believed to be considerably higher than in the public sector.

The legal maximum workweek is 48 hours, although in practice, hours typically are set by individual or collective agreements. Many persons work 6 days a week. By law overtime pay must be provided and there are mandated rest periods; however, these are not always observed in practice.

The Government sets occupational health and safety standards; however, it had limited funds to make improvements in the remaining state-owned enterprises and a limited ability to enforce standards in the private sector. Actual conditions in the workplace generally were very poor and often dangerous. A number of job-related deaths were reported in the press during the year, especially in the construction industry. In such cases, the victims' families did not receive any financial support from the state social security administration because the workers often were not insured. The Labor Code lists the safety obligations of employers and employees but does not provide workers with the right to leave a hazardous workplace without jeopardy to their continued employment.

*f. Trafficking in Persons.*—New legislation passed in January criminalizes trafficking in persons and provides penalties for traffickers; however, trafficking in persons, particularly women and children, remained serious problems. Albania is a country of origin and a transit country for trafficking. Police corruption and involvement in trafficking was a problem.

Although the number of Albanians subjected to trafficking to other countries has decreased, Albania remained a significant country of origin. Most trafficked women and young girls are transported to Italy, Greece, and to a lesser extent, other European countries such as Belgium and the Netherlands. Due to the poor economic situation, many women and young girls from all over the country—particularly Berat, Fier, Lushnje, Shkoder, and Vlora—were lured by men and women working in organized criminal groups who promised them jobs in Italy and Greece. Some men, primarily in the north of the country, also marry women and girls under false pretenses and take them abroad as prostitutes. Other forms of recruitment include promises of marriage, and to a lesser extent, the selling of victims to traffickers by family members, or kidnaping, including from orphanages. Most of these victims were taken to the southern port city of Vlora for transport by speedboat to Italy, although the port of Durres increasingly was a transport point.

Most trafficked Albanians increasingly fall into the 14 to 17-year-old age group; according to the AHRG, 25 percent of Albanian trafficking victims were minors. The CRCA reported in 2000 that statistics offered by the Italian census showed that there were more than 900 children (girls aged 14–18) who worked as prostitutes in Italy. A daily paper referred to one specific case in September in which the Director of the Orphanage in Korca was accused of selling young girls for prostitution to foreign citizens and was detained temporarily. The press published several cases involving minors who were victims of trafficking throughout the year. Children, including boys, also were trafficked for begging. Such children often were bought from families and even kidnaped. There are rumors that some children are sold to pedophilia rings abroad, although such reports have decreased from 1997.

The country also was a major transit country for trafficked women and girls, due to weak border controls, corruption, and proximity to Italy. Foreign women and girls in transit mostly originate from Moldova and Romania and to a lesser extent, Ukraine, Russia, Yugoslavia (Kosovo), Bulgaria, and other countries. These victims usually entered Albania through Montenegro, then passed through the northern Albanian city of Shkoder before heading for the southern port city of Vlora. From Vlora, they were transported by speedboat to Italy. Others were taken farther south to Greece. Traffickers typically confiscated victims' documents, physically and sexually abused them, and often forced them to work as prostitutes before they left Alba-

nia. Both Albanian and foreign women trafficked by Albanian organized crime networks are abused, tortured, and raped. Traffickers also may threaten their family members.

The police were often directly or indirectly involved in trafficking. The Ministry of Public Order has established an Anti-Trafficking Unit, an Organized Crime Section, and an Office of Internal Control which pays particular attention to police involvement in human trafficking; however, these structures were largely ineffectual for most of the year due to lack of staffing and corruption. By year's end, the Ministry of Public Order had increased staffing to antitrafficking units at its headquarters and installed regional chiefs in 10 of the country's 12 prefectures. Nevertheless, the Ministry of Public Order failed to follow up on high-profile trafficking and corruption investigations, and the Office of Internal Control did not prosecute any police officers for corruption. Local police often tip off traffickers when raids are scheduled. In the fall, nine police officers were dismissed, including five for trafficking. In one case, a police officer allegedly raped a 15-year-old girl that he intended to traffic; he was arrested but no further information on the case was available at year's end.

In January Parliament passed changes to the Criminal Code, introducing specific articles on trafficking. Under the new articles, penalties for trafficking in persons are 5 to 15 years' imprisonment, penalties for trafficking of women for prostitution are 7 to 15 years' imprisonment, and the penalty for trafficking in minors is a minimum of 15 years' imprisonment. The General Prosecutor's office was in the process of establishing an Organized Crime Strike force, made up of prosecutors and police officers, to handle high profile and sensitive cases; however, the lack of prosecution of traffickers remained a problem. Although police detained persons in 116 cases of trafficking in persons during the year, less than 10 percent of those arrested ever are convicted and sentenced. Only 22 traffickers were imprisoned during the year; almost all were sentenced to only 2 to 3 years imprisonment, because their crimes were committed before harsher sentences came into effect on March 14. When they were arrested, traffickers often were released because of insufficient evidence. If they were prosecuted, they often were charged for lesser crimes or were given less than the minimum sentence for trafficking. The absence of a witness protection program also impeded the Government's ability to build strong cases against traffickers. Victims often do not identify themselves as trafficked persons and are unwilling to testify due to fear of retribution from traffickers and because of distrust of the police. Cooperation between the police and prosecutors remained weak.

Parliament members attempted to impeach three members of the Supreme Court over their conduct in a high-profile case of trafficking in persons, which allowed a suspect to get out on bail and flee the country; however, the impeachment failed, in part due to lack of adequate evidence and proper investigation by prosecutors.

On October 21, police arrested a couple suspected of having trafficked 12 minors to Italy for use as beggars. The couple was caught with two children, aged 11 and 12, whom they had kidnaped from a family in Durres. The couple has been charged with trafficking children; their case was sent to court but remained pending at year's end.

The Government began reforms in the Ministry of Public Order and the General Prosecutor's Office to better enable it to address human trafficking and other organized crime activity; however, these efforts have not yielded concrete results. In July the Government established an Inter-Ministerial Commission on Human Trafficking, which was tasked with drafting a National Strategy on Anti-Trafficking, and has appointed a Minister to serve as the National Anti-Trafficking Coordinator. The draft National Strategy was completed in December. The Government, with the assistance of foreign governments, inaugurated the Vlora Anti-Trafficking Center on October 15; however, the center remained unstaffed at year's end.

The Government's State Committee on Women and Children provided limited trafficking prevention education; however, this office was underfunded and politically weak. The bulk of many awareness campaigns were carried out by various national and international NGO's and organizations.

Police treatment of trafficked women remained a problem. Police often treated trafficked women like criminals rather than victims. Foreign women who were detained at times lacked translation services, or were not given a choice of lawyers. Those detained by the police often were kept in the corridors of overcrowded, unsanitary detention centers (where they reportedly may be subject to verbal and sexual abuse by their traffickers, who are kept in cells nearby) and often were charged for crimes (illegal entry, prostitution); foreign victims at times were detained for extended periods of time (see Section 1.d.). In one case, the OSCE, the Albanian Helsinki Committee, and the Albanian Human Rights Group complained to the authorities regarding the lengthy detention of six foreign women (four Moldovans and two

Romanians,) who were held in a pretrial detention center in Tirana for over 6 months (see Section 1.d.). Women who reject voluntary repatriation were deported at the nearest border, where they often were trafficked again.

However, in one case in Vlora, police gave a young girl refuge at the police station for more than 2 months after she gave evidence against more than 10 individuals who were part of a trafficking ring. She later received refuge with an organization in Italy.

Albanian victims of trafficking often face significant stigmatization from their families and society. The Government did not offer any assistance programs to victims, including repatriated Albanian victims. The Government does not provide any psychological counseling services. Several NGO's address the issue on a case by case basis; however, given the scope of the trafficking problem and limited resources to address reintegration, most victims of trafficking receive little or no assistance. The lack of a functioning and effective reintegration system often results in women being returned to the family members who sold them to traffickers previously. In late December a shelter for Albanian trafficked women and victims of domestic violence opened, and had helped six trafficked women by year's end.

The Ministry of Public Order provided assistance in referring foreign victims to a shelter administered jointly by the International Organization for Migration (IOM) and the International Catholic Migration Commission (ICMC). Foreign trafficked victims, if they so desired, benefited from an interagency referral system, a temporary social assistance program supported by a group of local NGO's, and a shelter, all organized by IOM and ICMC. From January to early October, 46 women were repatriated by the program.

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## ANDORRA

The Principality of Andorra is a constitutional parliamentary democracy. Two Princes with joint authority, representing secular and religious authorities, have headed the Principality since 1278. Under the 1993 Constitution, the two Princes—the President of France and the Catholic Bishop of Seu d'Urgell, Spain—serve equally as heads of state, and each is represented in Andorra by a delegate. In March elections, which domestic elections monitors considered to be free and fair, were held to choose the 28 members of the “Consell General” (the Parliament) which selects the head of government. The judiciary is independent.

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

The country has a total population of approximately 66,800, and its neighbors France and Spain influence the market-based economy significantly. Commerce and tourism are the main sources of income; however, the number of tourists decreased during the year by approximately 5 percent, which created a slowdown in the economy.

The Government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of dealing with individual instances of abuse. Violence against women increased, and there was some discrimination against women in the workplace. There were some limits on workers rights. Some immigrant workers complained that they do not have the same labor rights and security as citizens, despite legal protections.

### RESPECT FOR HUMAN RIGHTS

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

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

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

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

Prison conditions generally meet international standards. Men and women are held separately, as are juveniles and adults. Pretrial detainees also are held separately from convicted criminals. The Government permits visits by independent human rights monitors; however, no such visits occurred during the year.

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

Police legally may detain persons for 48 hours without charging them with a crime. Warrants are required for arrest. In spite of the 2000 request of the Council of Europe's Committee for the Prevention of Torture, the Government has declined to modify the law to provide arrested individuals access to an attorney from the moment of arrest. Legislation provides for legal assistance only 25 hours after the time of arrest. There is a system of bail.

In 2000 the country became part of a network of 47 states with prisoner transfer arrangements permitting qualifying prisoners to serve their sentences in their own country.

In 2000 an attorney filed a complaint against the director of the police, 2 police commissioners, and 11 members of the police force, alleging that he was arrested illegally; however, the court rejected the case because of lack of evidence.

The Constitution prohibits forced exile, and the Government does not employ it. *e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice.

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

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

There were no reports of political prisoners.

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

#### *Section 2. Respect for Civil Liberties, Including:*

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

There are two independent daily newspapers, *Diari d'Andorra* and *El Peridico de Andorra*. There is one radio station and one television station.

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

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. The Constitution acknowledges a special relationship between the Roman Catholic Church and the State, "in accordance with Andorran tradition." The Catholic Church receives no direct subsidies from the Government, although some payment is provided to the Church for maintenance of birth and death records.

Catholic religious instruction is available to students in public schools on an optional basis, outside of both regular school hours and during the timeframe set aside for elective school activities, such as civics or ethics. The Catholic Church provides teachers for these classes, and the Government pays their salaries.

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

The law does not provide for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The law does not specifically provide for first asylum; however, the government has provided first asylum. The issue of first asylum did not arise during the year.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. There are three political parties:

The Andorran Liberal Party (ALP), the Centrist Democratic Party (CDP), and the Social Democratic Party (SDP).

Parliamentary elections were held on March 4, and 81.6 percent of eligible voters took part. The election was run smoothly, and considered to be free and fair by domestic monitors. The ALP, (the head of Government's Party), retained its absolute majority, winning 15 of the 28 seats in Parliament. The CDP and the SDP won five and six seats respectively. A local group won two seats.

The percentage of women in government and politics does not correspond to their percentage of the population. Although progress has been made, and there are no formal barriers, few women have run for office. Of 28 Members of Parliament, 4 are female, and 3 women hold cabinet level positions.

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

A number of domestic and international human rights groups in general operate in the country without government restriction, investigating and publishing their findings on human rights cases. Government officials are very cooperative and responsive to their views. Approximately 10 human rights associations exist in the country, the most active being the Association of Immigrants in Andorra (AIA), which defends the rights of foreign residents, and the Association of Andorran Women (AAW), which actively supports women's rights (see Section 5). The Red Cross has a presence within the country.

An ombudsman receives and addresses complaints, many of which are against the Government's policy. For example, the ombudsman was able to secure a permit for the Muslim community in Andorra, which requested help in obtaining a residence permit for the imam of their mosque.

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

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

*Women.*—Observers maintained that violence against women persisted. The AIA and the AAW received 30 complaints of physical and psychological violence against women during the year, compared with more than 60 in 2000. Women suffering from domestic violence requested help from the AIA and the AAW but very rarely filed a complaint with the police. The AIA and the AAW also asserted that such domestic violence existed at all levels of society. There is no specific legislation regarding violence against women, although other laws may be applied in such cases. No complaints were known to have been filed with the police during the year.

The law prohibits discrimination against women, privately or professionally; however, the AAW reported that in practice, there have been many cases of women dismissed from employment due to pregnancy. Women did not earn equal pay for equal work; observers estimate that women earn 25 percent less than men for comparable work, although this gap continued to lessen slowly.

The AAW actively promoted women's issues through information exchanges and limited direct support to those in need; the AAW collaborates with the Department of Public Health and Social Welfare to help battered women, single parent families, and others in need. In spite of demands from both the AAW and the AIA, the Government has declined to create a department specifically for women's issues; however, in June the Government created a Secretariat of State for the Family.

*Children.*—The Government is committed to children's welfare; it has a system of health care and education. The Secretariat of State for the Family is responsible for promoting children's welfare. Free public education begins at age 4 and is compulsory until age 16; school attendance until that age is universal. The Government provides free nursery schools, although the number of nursery schools continued to fall short of the needed number.

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

There is no societal pattern of abuse of children.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, or in the provision of other state service, and there were no reports that it occurred. Societal discrimination does exist on a small scale.

The law mandates access to new buildings for persons with disabilities, and the Government generally enforces these provisions in practice.

*National/Racial/Ethnic Minorities.*—Spanish nationals are the largest group of foreign residents, accounting for approximately 41 percent of the population. Other sizable foreign groups include Portuguese, French, and British. A small but growing group of immigrants, especially from North Africa, work mostly in agriculture and construction. Some immigrant workers complained that they do not have the same labor rights as citizens (see Section 6.e.).

Approximately 7,000 immigrants working in the country do not have work permits or residence permits because the quota for immigration is not as high as the number of workers needed and employed in the country.

*Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution recognizes the right of all persons to form and maintain managerial, professional, and trade union associations without prejudice; however, necessary implementing legislation had not been passed by year's end. In accordance with constitutional provisions, the Government maintains a registry of associations. Approximately 600 associations exist in the country and have registered with the Government. At year's end, this figure included cultural associations, workers associations, foreign associations, colleges of attorneys, and colleges of physicians. For example, the police union functions more as a professional association than as a union. No unions have emerged among workers in the private sector, and the public sector was awaiting legislation that would make it legal for the formation of a union.

In September a federation workers' association officially was formed that aims to regularize labor relations through dialog. At year's end, it was negotiating with the Government on the drafting of a law for the protection of workers in trade unions, and to develop social security system and labor relations.

Neither the Constitution nor the law state explicitly that strikes are permitted, and there were no strikes during the year.

*b. The Right to Organize and Bargain Collectively.*—The Constitution states that both "workers and employers have the right to defend their own economic and social interests"; however, there is no law that specifically provides for collective bargaining. Parliament is charged with adopting legislation to regulate this right in order to guarantee the provision of essential services, such as the vital services of doctors, nurses, and police; however, it had not done so by year's end.

Antiunion discrimination is not prohibited under the law, although there were no reports of such discrimination during the year.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law does not prohibit forced and bonded labor; however, such practices are not known to occur.

The law does not prohibit specifically forced and bonded labor by children; however, there were no reports of such practices.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—Children under the age of 18 generally are prohibited from working, although in exceptional circumstance children ages 16 and 17 may be allowed to work. The Labor Inspection Office in the Ministry of Social Welfare, Public Health, and Labor is responsible for enforcing child labor regulations.

The law does not specifically prohibit forced and bonded labor by children; however, such practices are not known to occur (see Section 6.c.).

*e. Acceptable Conditions of Work.*—The workweek is limited to 40 hours, although employers may require overtime from workers. The legal maximum for overtime hours is 66 hours per month and 426 hours per year. An official minimum wage is set by government regulations, although other, higher wages are established by contract. The minimum wage is \$3.65 (705 pesetas) per hour and \$633 (122,200 pesetas) per month. The minimum wage does not provide a decent standard of living for a worker and family. The Labor Inspection Office enforces minimum wage observance.

Workers may be dismissed with 15 days' to 6 months' notice, depending on how long they have been working for the company. A minimal indemnification of 1 month's salary per year worked is paid if a worker is fired without justification. A dismissed worker receives unemployment and health benefits for only 25 days. A board composed of Andorran nationals, although they represent only a small portion of the work force, controls retirement benefits. The Labor Inspection Service hears labor complaints.

The Labor Inspection Service sets occupational health and safety standards and takes the necessary steps to see that they are enforced. During the year, the Labor Inspection Service filed 193 complaints against companies for violating labor regulations, and it has the authority to levy sanctions and fines against such companies. Although the law authorizes employees to refuse certain tasks if their employers do

not provide the customary level of protection, no legislation grants workers the right to remove themselves from dangerous work situations without jeopardy to their continued employment.

Although the Constitution provides that foreign legal residents are to enjoy the same rights and freedoms as citizens, some immigrant workers believed that they did not have the same rights and security. Many immigrant workers hold only "temporary work authorizations," which are valid only as long as the job exists for which the permit was obtained. When job contracts expire, temporary workers must leave the country. The Government prohibits the issuance of work permits unless workers can demonstrate that they have a fixed address with minimally satisfactory living conditions.

*f. Trafficking in Persons.*—The law does not prohibit specifically trafficking in persons, although the law does provide punishment for traffickers of illegal workers; however, there were no reports that persons were trafficked to, from, or within the country.

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## ARMENIA

Armenia has a Constitution that provides for the separation of powers; however, the directly elected President has extensive powers of appointment and decree that are not balanced by the legislature or an independent judiciary. The President appoints the Prime Minister, who is in charge of the Cabinet. Robert Kocharian was elected President in a multi-candidate election in 1998 after former President Levon Ter-Petrossian was forced to resign by his former political allies in the Government and Parliament. There were flaws and substantial irregularities in both rounds of the 1998 presidential elections. Although marred by irregularities, the May 1999 parliamentary elections and several 2000 by-elections, showed continued improvement over past elections and Organization for Security and Cooperation in Europe (OSCE) observers categorized the former as a relevant step toward compliance with OSCE commitments, but stated that they still failed to meet international standards. The majority in Parliament is made up of a coalition called Unity, which includes the two parties which gained the most votes in the May 1999 Parliamentary elections: The Republican Party and the Peoples' Party; however, due to political differences between the Republican Party and the People's Party, the Unity coalition during the year largely ceased to function. The legislature approves new laws, confirms the Prime Minister's program, and can remove the Prime Minister by a vote of no confidence. Both the Government and the legislature can propose legislation. The Constitution provides for an independent judiciary; however, in practice, judges are subject to pressure from the executive branch and some are corrupt.

The Ministries of Internal Affairs and of National Security, jointly are responsible for domestic security, intelligence activities, border controls, and the national police force. Members of the security forces committed human rights abuses.

According to unofficial statistics the country has a total population of approximately 2 million persons (official estimates dating back 10 years were 10 million). The transition from a centralized, controlled economy to a market economy continued to move forward, although the industrial sector did not function at peak capacity and its output remained low. Unemployment remained high, and there is a high degree of income inequality, but reliable figures were not available; unemployment was approximately 10 percent according to the Government; however, other sources estimated the unemployment rate to be approximately 40 percent. Women account for approximately 60 percent of the unemployed. A significant amount of economic activity, unofficially estimates between 40 and 60 percent, is not captured by government accounting or taxation. The per capita gross domestic product (GDP) increased approximately 9 percent, to approximately \$550 (308,000 drams). Inflation was 2.9 percent for the year. Most small and medium-sized enterprises have been privatized, as has most agricultural land. In August 2000, Parliament passed a bill establishing a strict and transparent system for bidding on privatization of the electrical distribution network; however, all government efforts to privatize distribution networks failed due to a lack of qualified bidders. Emigration remained a serious problem. Foreign assistance and remittances from Armenians abroad play a major role in sustaining the economy; the Central Bank estimated that remittances from abroad were approximately \$300 million (108 billion drams).

The Government's human rights record remained poor; however, there were improvements in a few areas. Substantial intervention by local power structures in the election process continued to restrict citizens' ability to change their Government peacefully. There were no confirmed reports of political killings by the Government

or its agents; however, there were deaths in police custody and deaths in the military as a result of mistreatment. Members of the security forces routinely beat detainees during arrest and interrogation. Arbitrary arrest and detention was a problem. The Government rarely investigated abuses by members of the security forces and impunity remained a problem. Prison conditions remained harsh and life threatening, although there were some improvements. Lengthy pretrial detention was a problem. In June Parliament approved a proposal initiated by the President to declare an amnesty which resulted in the release of nearly 1,250 prisoners serving sentences of up to 5 years or kept in detention pending trial; approximately 310 additional prisoners had their prison terms curtailed. The judiciary is subject to political pressure and does not enforce constitutional protections effectively. Authorities did not respect constitutional protections regarding privacy and due process.

There are some limits on press freedom, and many journalists practiced self-censorship. There were some limits on freedom of association. The law places some restrictions on religious freedom, including a prohibition against proselytizing by religions other than the Armenian Apostolic Church. The Government continued to deny registration to Jehovah's Witnesses and 13 members of Jehovah's Witnesses were in corrective labor facilities for refusing military service, while 4 more Jehovah's Witnesses were awaiting trial. During the year, 40 Jehovah's Witnesses were released from jail by the June amnesty. The Government places some restrictions on freedom of movement. There was some violence against women, and governmental and societal discrimination against women, the disabled, and religious and ethnic minorities remained problems. There were a number of street children. There are some limits on workers' rights. Trafficking in women and girls 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 confirmed reports of political killings by the Government or its agents; however, there were deaths in police custody and deaths in the military as a result of mistreatment.

On September 25, a Georgian citizen of Armenian origin and a Dashnak leader, Poghos Poghosian, was found dead in a Yerevan cafe. According to some witnesses, one of President Kocharian's bodyguards beat Poghosian to death after he made an insulting remark to the President. On the next day, President Kocharian suspended Harutuyun Aghamalian and several other bodyguards until an investigation could be carried out by the Prosecutor's Office. On November 27, the Procurator General's office announced that one of Kocharian's bodyguards would be tried for involuntary manslaughter, a crime that carries a penalty of 3-years in prison. On December 7, the Procurator General Aram Tamazian, acknowledged that the corpse and injuries were consistent with torture.

There were 27 deaths in custody during the year; 18 persons died in prison, while 9 deaths occurred in a group of persons who had finished their sentences but were on probation. There were a number of deaths in prison due to disease (see Section 1.c.).

There were approximately 92 deaths of military servicemen reportedly due to mistreatment and training related accidents (see Section 1.c.). In August authorities detained and brought charges against two servicemen, the commander of the Stepanavan military unit, a sergeant, and a private, for facilitating the suicide of a junior sergeant of the Stepanavan military unit, Mkrtich Poghosian in July. According to the Procurator General's office, 513 criminal cases involving 669 servicemen were investigated during the year. Some of the crimes committed included desertion, hazing, and abuse of power and embezzlement.

On May 20, the master sergeant of a military unit in Noyemberian, Suren Levon Abrahamian, was killed on duty near the village of Voskehat. A legal case against a fellow soldier was instituted under Article 100 of the Criminal Code for "premeditated murder," and was being investigated by the military garrison of the province of Gugark at year's end. On December 29, the case was sent to court.

In January 2000, the trial began of former Minister of Interior and Mayor of Yerevan Vano Siradeghian and 11 other defendants in Yerevan. All 11 defendants were former employees of the Department of Internal Troops of the Interior Ministry, including former Deputy Minister of Interior and ex-Commander of Internal Troops Vahan Harutyunian. According to the indictment, Siradeghian and the 11 others were charged with 10 counts of murder and plotting to commit murder of various government officials. In April 2000, Siradeghian disappeared and is believed to have fled the country. In April 2000, the National Assembly had voted to strip Siradeghian, a National Assembly deputy, of his parliamentary immunity. On November 19, the Parliament voted to strip Siradeghian of his parliamentary seat. In

August 2000, the court found all 11 defendants guilty of murder, attempted murder, abuse of power and complicity in murder on all counts mentioned in the indictment. The prison terms for six of the accused ranged from 6 to 15 years, while five subsequently were released under the terms of two amnesties.

Another court case prosecuted in 2000, related to Siradeghian, involved the trial of a group of nine persons led by Armen Ter-Sahakian, a police officer and the former Deputy Commander of Internal Troops of the Interior Ministry. In July 2000, the first instance court of Nork-Marash district of Yerevan found all nine members (of what the indictment described as a "death squad" set up by Siradeghian) guilty of the assassinations of Hovhannes Sukiassian, Chairman of the Executive Committee of the city of Ashtarak and Head of the Armenian Railroad Hambartsum Ghandilian, murder attempts, intimidation, and racketeering. Gang leader Armen Ter-Sahakian and defendant Alik Grigorian received the death sentence; the prison terms for the seven other defendants varied from 4 to 11 years. In January the verdict was upheld by a high court in Yerevan.

Cease-fire violations by both sides in the Nagorno-Karabakh conflict occasionally resulted in deaths and injuries to civilians.

During the year, there were a few deaths as a result of landmines, although reliable statistics are difficult to obtain. Landmines were used by all sides throughout the Nagorno-Karabakh conflict and landmines have been laid on the 900-kilometer border line and territories along the contact line. During 2000 1 person was killed and 12 wounded. According to the Procurator General's office there were 2 deaths in the military as a result of landmines.

On February 27, unknown persons shot and killed Arthur Mnatsakanian, Deputy Chief of Public Affairs of the Customs Department, in his car. The case was suspended during the year pending new information.

On September 11, a grenade explosion killed Gagik Poghosian, advisor to the Prime Minister and ex-Minister of State Revenues. The case was under investigation by the Procurator General's office at year's end.

In October 1999, five terrorists opened fire on a session of Parliament with automatic weapons. They killed the Prime Minister, the Speaker of Parliament, the two Deputy Speakers, the Minister for Special Projects, and three deputies, and wounded the Minister of Privatization and four other deputies, some critically. Deputy Procurator General Jhangirian (who is also the Military Prosecutor) was placed in charge of the investigation of the shootings. By the end of 1999, 19 persons, including a National Assembly deputy (who was stripped of his immunity by a vote of that body), the then-presidential chief of staff and advisor, and the deputy chief of state television, had been imprisoned. The investigation was criticized by attorneys for the accused, by the media, and by representatives of human rights organizations for alleged human rights abuses, including physical and mental coercion of the detainees. For example, chief defendant Nairi Hunanian claimed he was threatened and tortured in jail by Military Prosecutor Jhangirian and other investigators, who forced him to testify against presidential advisor Alexan Harutyunian, MP Mushegh Movsisian, and journalists Harutyun Harutyunian and Nairi Badalian, in the process of trying to fabricate a case against President Kocharian. In June 2000, Hunanian filed a motion demanding the dismissal of Jhangirian and the investigator's team on the grounds of alleged torture and pressure. After a brief investigation of the claims, the motion was denied by the Prosecutor General's office. Gagik Jhangirian, the Military Prosecutor investigating the case, repeatedly rejected calls for the creation of a special Parliamentary investigation to ensure an impartial investigation. In 2000 four of the accused, including the presidential advisor, the Parliamentarian, and the deputy chief of state television, were released, and charges against them dropped. The Military Prosecutor admitted that the evidence was insufficient to hold the accused. One additional detainee was released on bail for health reasons, and another prisoner was found dead in his cell in September 2000. According to the testimonies by the gunmen both before and after they surrendered to security forces and during the investigation, their motives for the killings appeared to be both political and personal.

In February court hearings began for the 13 accused defendants in the October 1999 killings. In May an ad hoc parliamentary commission consisting of 12 members was established to monitor the court hearings and visit the defendants in jail. In February the trials of the 13 accused began. In June six defendants were released by amnesty: Armen Gasparian and Avetik Minasian, two policemen, were charged with negligence; Misak Mkrtyan, Sashik Khlechian, and Sargis Yetimian, charged with illegal possession of arms; and Armen Harutyunian, charged with failure to inform authorities about the terrorist plot.

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

The International Committee of the Red Cross (ICRC) reported that civilian and military personnel on all sides of the Nagorno-Karabakh conflict continued occasionally to engage in crossborder hostage-taking, sometimes to win release of a friend or relative held on the other side but more often for ransom. The ICRC, in coordination with the OSCE, has facilitated a number of prisoner exchanges.

*c. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.*—The Constitution and laws prohibit torture; however, security personnel routinely beat pretrial detainees during arrest and interrogation, and prosecutors rely on such confessions to secure convictions (see Section 1.e.).

Most cases of police brutality go unreported because of fear of police retribution. During the year, a few cases of police brutality were reported after the intervention of local human rights groups. The Helsinki Association received two complaints from citizens about beatings at the police precincts in the village of Kasakh and in the Korhrdain community in Yerevan. Both petitioners agreed to file a motion to the Procurator General's office; however, one of them later refused to proceed with his case. Impunity remained a problem. During 2000 there were approximately 9 cases of death in custody caused by beatings and other abuse; however, there no reports available on the number of deaths caused by beatings and other abuse at year's end (see Section 1.a.).

During the year, ex-defendants and attorneys for the defendants of the October 1999 killings in the Parliament claimed in the media that they were being held in inhuman conditions and were beaten during interrogations. A number of those arrested alleged they were mistreated, including being drugged, beaten, and denied sleep for extended periods of time while in pretrial detention. During the year, representatives of the President's Commission on Human Rights, after several attempts, were able to see the detainees and were told by the men that they had been coerced physically and mentally to confess. The Commission reported no obvious evidence of physical abuse. However, a parliamentary commission was allowed to see imprisoned Deputy Mushegh Movsesian in December 1999, and confirmed that he showed signs of physical abuse. Four detainees released in 2000 also told media representatives that they had been mistreated; former presidential Chief of Staff Alexan Harutyunian stated that as part of his release agreements, he had promised not to talk to the media about the details of his case. On December 26, at a session of an ad hoc parliamentary commission set up to monitor the investigation and court hearings of the October 27 case, Haryutyunian confirmed that during the investigation he had been beaten severely by three military prosecutors. According to his report, Haryutyunian also stated that he was given psychotropic substances and that his family was threatened.

The Government has not investigated allegations of abuse by security services except in rare cases under pressure from human rights groups and only where death had resulted. On July 12, the Human Rights Commission held open hearings on more than 50 complaints of torture by the Military Prosecutor's office. Most complaints involved inhuman treatment, torture, and beatings of service men at the so-called reception and deployment stations (detention facilities of the military police). The next week, the Commission held another round of hearings together with the Military Prosecutor Gagik Jhangirian and Chief of the Military Police Vladimir Gasparian. Both Jhangirian and Gasparian denied the claims of torture. Subsequently family members of those killed staged a protest outside of the office, demanding Jhangirian's resignation. As a result, during the period of the investigation the Commission requested that the Prosecutor's office begin an investigation into the complaints and suspend Jhangirian. By year's end, the case remained under investigation and Jhangirian had not been suspended.

During the year, the Ministry of Defense cited reasons of "national security" in declining to provide local NGO's with exact details on some cases, citing the fact that the country remained technically in a state of war with Azerbaijan.

Homosexuals complained that police physically and mentally abused them and demanded bribes; such abuse reportedly increased when homosexuals were unable to pay police.

The number of deaths of conscripts from training accidents and physical abuse decreased in 2000 according to government figures. According to the Defense Minister's statement, 10 percent fewer deaths were registered in the army during the first 5 months of the year compared with the same period of 2000; however, 20 percent of military commanders were dismissed during the year due to numerous violations in their units. The hazing and beating of conscripts was severe especially for Yezidi conscripts (see Section 5). Persons accused of homosexuality in the military generally are believed to suffer beatings and otherwise are physically abused and beaten more severely or frequently than other recruits. During the year, parents of recruits killed or injured in the army or prosecuted by the Military Prosecutor's of-

rice staged several rallies in front of the presidential office and petitioned both the President and the Human Rights commission.

Yezidis complained that police routinely failed to respond to crimes committed against Yezidis (see Section 5). In April 2000, police reportedly did not intervene to prevent harassment and abuse of members of Jehovah's Witnesses by local hoodlums (see Section 5.).

There were reports that corruption by Government officials facilitated trafficking in persons (see Section 6.f.).

Prison conditions were Spartan and medical treatment was inadequate; however, according to domestic human rights organizations, conditions continued to improve. Some facilities were less overcrowded, food was better prepared, a special tuberculosis institution was built, although not operational at year's end, and prisoners' rights were codified in writing and displayed throughout the prisons. On October 1, responsibility for prisons was transferred from the Ministry of Internal Affairs to the Ministry of Justice. Nevertheless, physical abuse by guards and other prisoners continued to be a problem. During the year, 27 prisoners died in custody (18 died in prison, while 9 deaths occurred in a group of persons who were on probation.). On October 2000, the President's Commission on Human Rights visited the main prison in Gyumri, and reported that it found conditions there to be "shocking," and that the prison was filthy, cold, and in poor repair. Officials reportedly were indifferent to the welfare of the prisoners. The Commission reported that complaints mailed to them by prisoners were intercepted and given instead to the prison's warden. Since this visit, the Commission has been instrumental in improving the conditions in this facility. For example, inmates are able to receive toiletries from family members and are allowed to engage in activities and hobbies, such as sewing and writing.

A June amnesty resulted in the release of nearly 1,250 prisoners serving sentences of up to 5 years or kept in pretrial detention: 940 were released while the remaining 310 had their sentences curtailed. Out of 940 prisoners released, 14 were female and 18 were minors. By year's end, 4,112 prisoners (including 117 female and 36 minors) remained in prison and 1,675 persons remained in pretrial detention facilities.

Men and women are housed separately, and juveniles are housed separately from adults. Convicted criminals and pretrial detainees are kept in different facilities.

The Government permits domestic human rights NGO's to visit prisons; however, they do not have access to pretrial detention facilities. Domestic NGO's complained of complicated and time-consuming procedures in order to obtain permits for visits; however, permission for visits by international monitors, such as those from the Council of Europe were granted more easily. During the year, several domestic NGO's monitored prison conditions. During the year, the ICRC had free access to detention facilities run by the Ministry of Interior. In these facilities, the ICRC was able to visit any prisoner in whom it had an interest, whether housed in prisons or in local police stations. The ICRC also had free and regular access to the remaining prisoners of war (POW's) from the Nagorno-Karabakh conflict in the prison of the Ministry of National Security, in military police stations, and in Nagorno-Karabakh (see Section 1.d.).

*d. Arbitrary Arrest, Detention or Exile.*—Arbitrary arrest and detention was a problem. Authorities continued to arrest and detain criminal suspects without legal warrants, often on the pretext that they were material witnesses. An amendment to the Criminal Code reduces the length of time the police have the right to detain suspects without official charges from 96 to 72 hours. The police frequently imprisoned detainees without notifying their family members. Often several days passed before family members obtained information about an arrest and the person's location. Security agencies often restricted access of lawyers and family members to prisoners until the preliminary investigation phase was complete, a process that can last weeks (see Section 1.e.).

Although the Criminal Procedure Code has entered into force, the Criminal Code remained under consideration in Parliament (see Section 1.e.). A suspect may be detained for no more than 12 months pending trial, after which the suspect must be released or tried; however, this latter provision is not always enforced in practice and lengthy pretrial detention remained a problem. A number of pretrial detainees were released from prison as part of a June amnesty (see Section 1.c.).

At year's end, 13 members of Jehovah's Witnesses remained in detention for refusal to serve in the military services; 6 were released on parole after serving part of their sentences, 8 additional members were awaiting trial, and 38 members were released from jail by amnesty (see Section 2.c.). The Government has sought to reopen prosecutions against 27 members of Jehovah's Witnesses convicted on the same charge, including 14 released by the amnesty.

Unlike in the previous year, there were no reports of armed forces recruiters detaining persons to compel the surrender of relatives who evaded the draft or deserted (see Section 1.f.).

During the year, a total of eight prisoners of war (POW's)—seven Azerbaijanis (two military official and five civilians) and one Armenian (military official)—were released. At least four others (three Azerbaijani military officials and one Armenian military official) were repatriated during direct exchanges by both sides.

In 2000 a local human rights group made unsubstantiated allegations that there were cases in which security authorities used confinement in mental institutions as an alternative form of detention. During the year, the same human rights group stated that they had received complaints from homosexuals claiming that they had been threatened by police with forced psychiatric examinations.

During the year, the Government allowed ICRC representatives and a parliamentary investigating committee to visit those detained in connection with the October 1999 shootings. The detainees also were permitted contact with lawyers, although their attorneys complained that their contacts were insufficient and restricted. Requests by a local human rights monitoring group to visit detainees to investigate allegations of physical and mental abuse were denied (see Section 1.c.). Some of the detainees reportedly were not allowed visits by family members.

The Constitution does not address forced exile, but there were no reports that the Government employed it.

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

The Constitution mandates a three-level court system: The highest court is the Court of Cassation. There are two lower-level courts, the Appellate Court and courts of the first instance. First instance courts try most cases, with a right of appeal to the Court of Appeals, and then to the Court of Cassation. The Constitutional Court rules on the conformity of legislation with the Constitution, approves international agreements, and decides election-related legal questions. It can accept only cases proposed by the President, by two-thirds of all parliamentary deputies, or election-related cases brought by candidates for Parliament or the presidency. Because of these limitations, the Constitutional Court cannot ensure effective compliance with constitutional human rights safeguards.

Prosecutors continued to greatly overshadow defense lawyers and judges during trials. Under the Constitution, the Council of Justice, headed by the President, the Procurator General, and the Justice Minister, appoints and disciplines judges for the tribunal courts of first instance, review courts, and the Court of Appeals. The President appoints the other 14 members of the Justice Council and 4 of the 9 Constitutional Court judges. This authority gives the President dominant influence in appointing and dismissing judges at all levels.

The selection of judges is often based on scores on a multiple-choice test to determine potential judges' fitness under the system, and on their interviews with the Minister of Justice. The list of nominations is then approved by the Council of Justice and, finally, by the President. Approximately 55 percent of the appointed judges in 1999 had been judges under the old structure.

Based on the results of this four-stage selection, 123 judges were appointed to the courts in January 1999. Judges are subject to review by the President, through the Council of Justice, after 3 years; unless they are found guilty of malfeasance, they are tenured until they reach the age of 65.

A commission to amend the Constitution's chapter on the judiciary, the second such body to undertake this task, reportedly continued to work on measures. Such constitutional revisions must pass both Parliament and a national referendum. Most of the constitutional revisions are aimed at removing some of the executive branch's powers and increasing judicial independence. In July 2000, the President discharged by decree old members and appointed new members to the commission. During the year, the constitutional amendments drafted by the commission and approved by the President, were presented for Parliament's consideration; however, Parliament had not acted on them by year's end.

The military legal system operates essentially as it did during the Soviet era. There is no military court system; trials involving military personnel take place in the civil court system and are handled by military prosecutors. Military prosecutors perform the same functions as their civilian counterparts, and operate in accordance with the Soviet-era Criminal Code. In November 1999, the Military Prosecutor was

named Deputy Procurator General, and placed in charge of the investigation into the October 1999 shootings in Parliament.

The Criminal Procedure Code does not allow detainees to file a complaint in court prior to trial to redress abuses committed by the Prosecutor's Office, the police, or other security forces during criminal investigations. Witnesses have no right to legal counsel during questioning while in police custody—even though failure to testify is a criminal offense—and detainees must obtain permission from the police or the Prosecutor's Office to obtain a forensic medical examination to substantiate a report of torture. Although defense lawyers may present evidence of torture in an effort to overturn improperly obtained confessions and, according to law, all such charges must be investigated, judges and prosecutors routinely ignored such complaints even when the perpetrator can be identified.

All trials are public except when government secrets are at issue. Defendants are required to attend their trials unless they have been accused of a minor crime not punishable by imprisonment. Defendants have access to a lawyer of their own choosing. The court appoints an attorney for any indigent defendants who need one. However, during the year, the local Helsinki Association conducted a survey of the courts together with the International Helsinki Federation, the International Union of Armenian Lawyers, and the Moscow Helsinki Group. According to their report, 38 percent of 50 respondents stated that they were not provided with defense attorneys during the preliminary investigation. Reportedly individuals choose to defend themselves in court because they have little respect for a defense attorney's professional skills and ethics.

Defendants may confront witnesses and present evidence. The Constitution provides that those accused of crimes shall be informed of charges against them; however, the constitutionally mandated presumption of innocence is not observed in practice, and acquittals are rare once a case comes to trial. Defendants and prosecutors have the right to appeal; however, figures released by the Association of Armenian Judges showed that in 2000, three out of four appeals were turned down by higher courts. During 2000 only 563 of 2,266 court rulings were overruled or annulled.

In October 2000, after an 8-month trial, Former Education Minister Ashot Bleyan was sentenced to 8 years in prison for embezzlement of state property. Bleyan claimed that the charges against him were politically motivated. Bleyan's lawyers charged that his client had been abused physically while in detention and kept in especially harsh conditions in an attempt to force a confession. In May a decision by a Yerevan court of appeals upheld the October 2000 conviction of Bleyan for corruption and embezzlement, but reduced his original prison sentence to 5 years. The ruling also dismissed several punitive measures of Bleyan's initial sentence, including the confiscation of half of all his property and assets and a fine. In June Bleyan was released from jail by a presidential amnesty after serving one-third of his prison term.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits unauthorized searches and provides for citizens' rights to privacy and confidentiality of correspondence, conversations, and other messages; however, the Government did not always respect these rights in practice. The security ministries must petition a judge for permission to wiretap a telephone or intercept correspondence. The judge acting alone must find a compelling need for a wiretap before granting the agency permission to proceed. There were no reports of illegal wiretapping during the year.

The law requires that security forces obtain a search warrant from a judge before conducting a search. Security forces were refused warrants because of lack of evidence in several cases; however, in practice there were charges that searches continued to be made without warrants, both in connection with the October 1999 killings in Parliament and the 2000 arrest of Arkady Vardanyan (see Section 2.b.). The Constitution provides that the judiciary must exclude evidence obtained without a warrant, and the judiciary does so in practice.

There continued to be violations of the right to privacy during army conscription drives. Unlike in the previous year, there were no reports that armed forces recruiters detained persons to compel the surrender of relatives who evaded the draft or deserted. There were credible reports of improper, forced conscription of ethnic Armenian refugees from Azerbaijan, who by law are exempt from military service. The parents of such refugees are reluctant to complain because they fear reprisals against their sons. Sweep operations for draft-age men no longer occurred, although police at times maintained surveillance of draft age men to prevent them from fleeing the country.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and the press; however, while the Government generally respects freedom of speech, there are some limits on freedom of the press, and journalists continued to practice self-censorship. There is no official censorship, publications present a variety of views, and the opposition press regularly criticizes government policies and leaders, including the President, on sensitive issues such as the Nagorno-Karabakh peace process and privatization. However, to avoid repetition of the retribution experienced in the past from powerful officials and other individuals, most journalists continued to practice self-censorship, particularly when reporting on major cases of corruption or national security issues.

Journalists remain cautious in their reporting, especially about proceedings in the courtroom, and the range of subjects the Government considers sensitive for national security reasons is large. Some members of the press have access to army facilities and places of detention. Even in cases where they do have such access, permission for media visits is a prolonged and cumbersome bureaucratic process.

Newspapers are privately owned with the exception of Hayastani Hanrapetutyun (a joint venture between Parliament and the newspaper's staff) and Respublika Armenia. The state printing house and distribution agency both function as commercial enterprises, with no visible government intervention. However, newspapers operate with extremely limited resources, and none are completely independent of patronage from economic or political interest groups or individuals. Because of prevailing economic conditions, total newspaper circulation is small (25,000 copies, by the Yerevan Press Club's estimates, or approximately 1 copy per 100 persons). The few international newspapers and imported magazines are not censored.

State institutions that previously exerted control over the media have lost most of their functions. A Department of Information, which existed as a separate entity for several years, had become part of the Ministry of Culture by year's end; however, it had no clear purpose beyond allocating small government subsidies to newspapers and occasionally interceding with the state-owned newspaper distribution agency to forward a share of its receipts to the newspapers.

Because there are a limited number of newspapers in print, television is the most widely accessible medium. The President's office continued to influence state television news coverage significantly. The most widely available of the two state-owned television channels, Public TV of Armenia, takes policy guidance from the Government. It presents mostly factual reporting but avoids editorial commentary or criticism of official actions. In Yerevan and major regional media markets, private television stations offer independent news coverage of good technical quality. Most of the more than 20 radio stations are private and independent. There are no restrictions on reception of satellite television and other foreign media, and they are not censored. There is foreign language programming.

In May security officers interrupted an interview with an opposition politician aired by Service TV, an independent cable television station in Ashtarak, and ordered the program to stop. Vilen Botsinian, the station director, refused and a few minutes later the power was cut off in the city block where the station was located. On August 28, the television station aired a live interview with another opposition politician, and a few days later the station was closed by the Argatsotn governor's decree.

Since September, the independent television station Noyan Tapan has suspended broadcasting due to an unresolved dispute over contract terms with its partner and broadcast license holder. Some opposition members of the National Assembly described this as "political and financial pressure from the government" and called for an end to the information war on the part of government authorities. Noyan Topan filed a civil suit against the license holder, which had not taken place at year's end.

Opposition parties and politicians receive adequate news coverage and access to broadcast media. During the 1999 parliamentary elections the coverage of political parties on state television and other media generally was balanced and largely neutral. Single-mandate candidates were not entitled to free programming, but there were no restrictions on paid time.

The process of license issuances for broadcast media is arbitrary and nontransparent.

In October 2000, Parliament passed a draft law on television and radio, which later was signed by the President but with reservations regarding the constitutionality of 7 articles of the law. The President appealed to the Constitutional Court and in January the Court ruled that 5 out of 7 articles were unconstitutional and must be suspended. These articles would have expanded the Parliament's control of public television and radio by the establishment of a National Board, to monitor television and radio companies. The law was criticized strongly by journalists and

independent media experts for limiting freedom of speech. On January 12, in a display of protest, most private television stations suspended their prime-time broadcasting for 45 minutes. During the year, the Parliamentary Standing Committee on Science, Education, Culture, and Youth Affairs worked together with the Yerevan Press Club and the international NGO Internews to bring the law into compliance with the Constitution. At year's end, amendments had been passed by the Parliament and signed by the President. While the draft law on television and radio meets many previously expressed demands by media and human rights groups regarding freedom of the media, it still contains loopholes that could be used to impose greater control on the media by government bodies.

Internet access is not restricted.

The Government does not fully respect academic freedom. There are more than 80 private institutions of higher education. The curriculum committee of the Ministry of Education must approve the curriculum of all schools that grant degrees recognized by the State, seriously limiting the freedom of individual schools and teachers in their choice of textbooks and course material. According to the Ministry, only 15 schools have applied for such licensing, which gives private institutions equal status with state-run higher institutions.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly, and the Government generally respects this right in practice. Permits are required for demonstrations and marches; however, they are granted routinely.

On September 7, more than a dozen security officers summoned Petros Makeyan, a participant in an unsanctioned protest rally against the introduction of per-minute phone payments, and the chairman of the “Democratic Motherland” Party, to their office to clear up certain questions. Makeyan refused to go and asked for a warrant; the verbal argument quickly turned into a fistfight, after which Makeyan and the officers left together. Makeyan's family was not informed where he was taken. The next day, the first instance court of Kentron (Central Yerevan) and Nork-Marash sentenced Makeyan to 10 days of administrative arrest for participation in an unsanctioned rally and resisting the police. He served the term and was released without further incident.

In October 2000, Arkady Vardanyan, a Moscow-based Armenian businessman who is a Russian citizen, led a demonstration in Yerevan of approximately 10,000 persons calling for the removal of the Government. After the demonstration, security forces searched Vardanyan's house and took him into custody; he was sentenced to 11 days detention on the charge that he had a permit for a demonstration but not a march (see Section 1.d.). In November 2000, Vardanyan was charged with attempting a coup. In January 2001, Vardanyan was moved to a Yerevan cardiac hospital because his health had deteriorated. In February Vardanyan was released, cleared of charges and his case was closed. Soon after his release, Vardanyan left the country.

The Constitution provides for freedom of association; however, there are some limits on this right. There are cumbersome registration requirements for all political parties, associations, and organizations. The process of registering an organization is time-consuming, and the Government has compelled some human rights and political organizations to revise their bylaws several times in order to have their registrations accepted. However, no human rights or political organizations reported problems with registration during the year.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion; however, the law specifies some restrictions on the religious freedom of adherents of faiths other than the Armenian Apostolic Church. The law establishes the separation of church and state, but grants the Armenian Apostolic Church special status as the national church.

The law requires all religious denominations and organizations to register with the State Council on Religious Affairs. Petitioning organizations must “be free from materialism and of a purely spiritual nature,” and must subscribe to a doctrine based on “historically recognized holy scriptures.” To qualify a religious organization must have at least 200 members. A religious organization that has been refused registration may not publish newspapers or magazines, rent meeting places on government property, broadcast programs on television or radio, or officially sponsor the visas of visitors. No registered religious group has been denied reregistration under the law, and all existing registered denominations have been reregistered annually except the Hare Krishnas, whose membership is below the membership threshold of 200 and Jehovah's Witnesses; the Council still denies registration to Jehovah's Witnesses. One group of Russian “Old Believers” and some congregations of Yezidis remained unregistered, according to the State Council on Religions, because they have not applied to register. According to the leadership of the Yezidi community,

appeals on their behalf in regard to alleged discrimination were raised with the Council; however, no response by government officials was forthcoming.

The State Council on Religions continued to deny registration to Jehovah's Witnesses, no longer on the grounds that the group does not permit military service, but because its "illegal proselytizing" allegedly is integral to its activity and because of the dissatisfaction and tension caused in some communities by its public preaching. The State Council on Religions and Jehovah's Witnesses continued to negotiate changes in the group's charter that would bring it into compliance with the law, but in May the State Council again refused to register the group, and a June statement by the head of the Council accused Jehovah's Witnesses of continuing to practice "illegal preaching."

The law forbids "proselytizing" (undefined in the law) except by the Armenian Apostolic Church and a presidential decree enjoins the Council on Religious Affairs to investigate the activities of the representatives of registered religious organizations and to ban missionaries who engage in activities contrary to their status. However, the Council largely has been inactive, in part because of lack of resources, except for registering religious groups. The Council took no action against missionaries during the year, although groups such as the Church of Jesus Christ of Latter Day Saints (Mormons) limited the number of official missionaries they have in the country.

The law bans foreign funding for churches whose centers are outside the country; the ban on foreign funding has not been enforced and is considered unenforceable by the State Council on Religious Affairs. The law also mandates that religious organizations, except the Armenian Apostolic Church, need prior permission from the State Council on Religious Affairs to engage in religious activities in public places, to travel abroad, or to invite foreign guests to the country. Despite these mandated restrictions, in practice there is no restriction on travel by the religious personnel of any denomination, including those that are unregistered. Members of unregistered minority religious organizations are allowed to bring in small quantities of religious literature for their own use, but large shipments by unregistered groups are prohibited.

Thirteen members of Jehovah's Witnesses remained in detention, charged with draft evasion or, if forcibly drafted, with desertion. Members of Jehovah's Witnesses receiving draft notices continued to report directly to police and turned themselves in as draft evaders, rather than await induction to claim conscientious objector status. In June the President amnestied 40 members of Jehovah's Witnesses who were accused of draft evasion. Four others were awaiting release at year's end. On September 18, the Armavir Court of First Instance acquitted Levon Margarian, a leader of Jehovah's Witnesses, of charges of "enticing minors into attending religious meetings of an unregistered religion, and influencing members to refuse their civic duties." The Procurator had appealed the case to a higher court at year's end.

Alternative nonmilitary service is not available under existing law to members of Jehovah's Witnesses. On its accession to the Council of Europe in January, the Government pledged to adopt a law on alternative military service within 3 years of accession. During the year, the draft law on alternative military service was prepared by the parliamentary Commission on Defense, National Security, and Interior, but no action in Parliament had been taken by year's end.

Military conscripts who are members of Jehovah's Witnesses are subject to even harsher treatment than other conscripts by military and civilian security officials, because their refusal to serve in the military is seen as a threat to national survival (see Section 1.c.).

Members of Jehovah's Witnesses continued to experience difficulty renting meeting places and reported that private individuals who are willing to rent them facilities frequently were visited by police and warned not to do so. Lack of official visa sponsorship means that visitors of Jehovah's Witnesses must pay for a tourist visa. When shipped in bulk, publications of Jehovah's Witnesses are seized at the border. Although members supposedly are allowed to bring in small quantities of printed materials for their own use, officials of Jehovah's Witnesses reported that mail from one congregation to another, which they said was meant for internal purposes rather than for proselytizing, still was confiscated by customs officials. In August 2000, the mayor and town council published a decree expelling two members of Jehovah's Witnesses from the town of Talin, near Yerevan, for alleged "agitation," after residents alleged that they were going from door to door preaching and disturbing residents.

On September 25, Pope John Paul II arrived in Yerevan for a 3-day visit. He was the first head of the Roman Catholic Church to visit the country.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for freedom of movement within the country,

foreign travel, emigration, and repatriation; however, the Government places restrictions on some of these rights.

The Government does not restrict internal movement, and citizens have the right to change their residence or workplace freely. However, citizens must negotiate with a corrupt and inefficient bureaucracy to register these changes. In addition registration of a residence is difficult, because in order to be registered at a particular residence, a person must be either the property owner or an immediate family member of the owner. Special written permission from the owner of the property, signed by a lawyer, is required to make a temporary or permanent registration of a non-immediate family member.

The Constitution and laws require that passports be issued to all citizens except convicted felons; however, in cases of permanent residents who wish to relocate abroad permanently, an exit stamp may be denied to those persons who possess state secrets, to those subject to military service, to those who are involved in pending court cases, and to those whose relatives have lodged financial claims against them. The exit stamp is valid for up to 5 years and can be used as many times as an individual chooses to travel. Men of military age must overcome substantial bureaucratic obstacles to travel abroad.

As a result of the Nagorno-Karabakh conflict, especially within the period from 1988 to 1994, ethnic minorities on both sides have been subject frequently to societal and governmental discrimination and intimidation, often accompanied by violence intended to drive them from the country. Almost all ethnic Azeris living in Armenia in 1988—approximately 185,000 persons—fled to Azerbaijan. Of the 400,000 ethnic Armenians then living in Azerbaijan, 330,000 fled and gained refugee status in Armenia and Nagorno-Karabakh. As of November, Armenian officials stated that the number of ethnic-Armenians in the country during the year was 264,332. The Government and the United Nations High Commissioner on Refugees (UNHCR) do not provide numbers or any other information on refugees in Nagorno-Karabakh.

The National Assembly passed a law on citizenship in 1995 that provides the right for refugees of Armenian ethnicity to gain citizenship, provided that they are stateless and have resided in the country for the past 3 years. The UNHCR local office reported that 16,259 ethnic Armenian refugees had been naturalized by year's end. Only 15 percent of all refugees in the country had been naturalized by year's end.

During the year, the National Assembly amended the 1999 refugee law, which provides for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the UNHCR and other humanitarian organizations in assisting ethnic Armenian refugees. The Government respects the right of first asylum. Since 1999 there has been an established procedure for the formal recognition of asylum. However, there are few cases of applications for asylum or refugee status, since most persons use the country as a transit country. Since 1999 six persons from different countries have been granted refugee status. Border officials have little training on asylum issues. In some cases, rejected asylum seekers denied permission for legal residence were subjected to fines for illegal residence when they attempted to depart the country.

In July the National Assembly approved the draft law on political asylum, which states that political asylum will be granted only by the president. According to authorities, no one has asked Armenian authorities for political asylum since the law was approved. During the year the National Assembly adopted two new laws which protect the rights of refugees. The laws were the Law on Legal and Socio-Economic Guarantees for Persons Forcibly Displaced from the Republic Of Azerbaijan in 1988–1992 and the Law on Refugees.

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

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

Serious flaws in the 1998 presidential election continued to restrict the constitutional ability of citizens to change their government peacefully. Serious breaches of the election law resulted in a lack of public confidence in the integrity of the overall election process. However, 1999 parliamentary elections although marred by some irregularities, represented a step towards more free and fair elections.

In both rounds of the 1998 presidential elections, OSCE observers witnessed substantial irregularities. There were unusually high voter turnouts in certain areas, particularly in the second round, and these increases corresponded directly to high vote percentages for then-Acting President Kocharian. Based on detailed analyses

of the results tracked by observers in certain districts, it appeared that ballot box stuffing, discrepancies in vote counts, the presence of large numbers of unauthorized persons at polling stations, and other fraud practices perpetrated by local power structures inflated the number of votes for Kocharian by more than 100,000 votes in the second round. Kocharian won the second round by approximately 290,000 votes. Some military units were compelled to vote without exception for Kocharian, and officials used pressure to encourage a large turnout for the "official" candidate. There were no legal consequences for electoral fraud. The Government pursued only minor violations, and no penalties were announced. There was no criminal investigation of the amply documented ballot box stuffing.

The 1999 parliamentary elections and several by-elections during 1999 and 2000 represented a step toward compliance with OSCE commitments, but failed to meet international standards for free and fair elections. The OSCE's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) observers voiced most concern over the poor quality of the voter lists, which were often outdated or inaccurate; mistakes in registration and voting by military personnel; problems in the formation of the election commissions and the status of their members; and the presence of unauthorized personnel in precincts during voting and counting procedures. Thousands of voters had to appeal to local courts on election day in order to cast their votes, after finding that their names had been left off local voter lists. Opposition parties such as the National Democratic Union, the Self Determination Union, the Communist Party, Hayrenik, and Azatutuyun criticized the exclusion of numerous residents from the lists. The Central Election Commission blamed the omissions on the negligence of some civil servants. Fourteen criminal cases related to parliamentary election fraud, involving 16 persons, were under investigation by the Procurator General's office at year's end. At year's end, four cases had not been resolved, three had been closed because the perpetrators appeared to be juveniles, six cases had been closed because the perpetrators agreed to pay compensation for damages, and one case had been sent to court. Nonetheless observers from OSCE/ODIHR categorized the 1999 Parliamentary elections as a step towards compliance with OSCE commitments, and noted improvements in the electoral framework and the rights of freedom of association, freedom of assembly, and freedom of expression. In many precincts, election officials, candidates' proxies, and domestic observers worked together to provide transparent voting and counting procedures. The May 1999 elections took place under a new electoral code that represented an improvement compared with previous legislation and incorporated some recommendations of international organizations. For example, the code provides for the accreditation of domestic nonpartisan observers, and provides for the courts to address electoral complaints during the campaign rather than after results are announced.

In a July 1999 by-election in Yerevan's Achapniak district, violence erupted when armed supporters of one of the candidates beat and opened fire on supporters of another candidate. The Central Elections Commission suspended this vote and declared it invalid. A criminal investigation was started and resulted in the arrest of 12 persons. According to the Procurator General's office 12 persons eventually went to prison for the Achapianak disturbances; of those eight were sentenced to 2 years each, while the remaining four got probationary terms of 16 to 20 months and were released on probation. Ten of these individuals were released under the June amnesty. The Achapniak by-election subsequently was held again—the two candidates involved in the altercation were removed from the ballot—and took place without incident.

Several Parliamentary by-elections were held during the year and in 2000. Most of the by-elections were carried out peacefully; however, after hearing extensive evidence about irregularities in Yerevan's Arabkir district, the Constitutional court ordered the cancellation of the results in the May 2000 by-election. The election was held again in July 2000, and a different candidate won. An appeal by the winner of the first election was considered but subsequently rejected in July 2000 by the Central Elections Commission.

In October the first national census since the Soviet era was held; however, the results were unavailable at year's end, which has raised political concerns about the integrity of the process.

The National Assembly (Parliament) consists of 131 deputies; 56 are elected on a proportional basis and 75 on a district by district majoritarian basis. Regular sessions are held twice a year: The first from mid-September to mid-December, and the second from early February until mid-June. Given the large amount of legislative business connected with the total reform of the legal system, special sessions frequently are called, but may not last more than 6 days. The majority in Parliament is made up of a coalition called Unity, which includes the two parties that gained the most votes in the May 1999 Parliamentary elections: the Republican Party and

the Peoples' Party. The coalition still formally exists but had become almost largely inoperative due to disagreements between the two parties, with the People's Party usually opposing the Government. The Government has maintained a majority for most of its proposals by adding to the votes of the Republicans those of a number of smaller parties such as the ARF/Dashnaks, Orinats Yerkir, and a large number of independents, including those in the a bloc called the Agro-Technical Peoples' Union. In December 2000, this bloc split and the minority faction renamed itself "Peoples Deputies"; however, both factions continued to support the Government. Some deputies from the Unity coalition left the coalition during 2000 over policy differences, and during the year, formed the new Republic Party, which opposes the Government on most issues, and which has reduced, but not eliminated Unity's majority. During the year, the Speaker of Parliament and one deputy speaker formally left the People's Party and became independents.

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

There are no legal restrictions on the participation of women and minorities in government and politics; however, due to traditional social attitudes, the percentages of both women and minorities in government does not correspond to their percentages of the population. There are no female cabinet ministers, although there are several female deputy ministers. Only 4 of the 131 deputies in the Parliament are female. There are no minority representatives in the Cabinet or in the Parliament, although they are not prohibited from running and have run for office.

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

Several domestic and international human rights groups generally operate without government restrictions, investigating and publishing their findings on human rights cases. Public access to information on human rights cases is adequate, and there is extensive media coverage of significant court cases; however, civilian and military prosecutors have been less open since the October 1999 shootings. Nongovernmental human rights organizations often reported funding difficulties. During the year, several local NGO's received Government permission to visit several detention facilities (see Section 1.c.).

As part of the commitments it made in advance of joining the Council of Europe (COE), the Government permitted monitoring of its human rights practices by the COE and reaffirmed this right for the ICRC, which retains full access to civilian detention facilities. An office created by the Procurator General in July to communicate with international observers was responsive to requests for information; however, information about criminal cases stemming from elections fraud was incomplete.

Existing electoral law allows local and international observer organizations to monitor all elections, and such organizations reported no impediments to their observation of the 1999 elections and the 2000 by-elections (see Section 3).

In 1998 President Kocharian appointed a prominent opposition politician, Paruyr Hairikyan, to head a new human rights commission within the President's office. The commission exists essentially as a reference bureau and has no formal legal powers; however, it has had a modest impact in persuading authorities to review official actions on problems ranging from apartment allocations to police behavior, in some cases winning official reconsideration. The commission refers such cases to the appropriate agency, but it does not follow up on specific issues. During the year, the commission was successful in implementing prison reforms, with the help and support from several of its members. The commission also visited military units and prisons and held open hearings on abuses in the army. The Commission visited those accused in the October 1999 killings, visited the Gyumri jail, and frequently visited military units to hear human rights complaints by soldiers. The Parliamentary Commission on National Security, Defense and Interior, headed by Vahan Hovhanissian, made regular visits to military units to hear complaints by soldiers as well.

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

The Constitution prohibits discrimination based on race, gender, religion, disability, language, or social status; however, cultural and economic factors prevent women, ethnic and religious minorities, and persons with disabilities, from partici-

pating fully in public life. The religion law discriminates against some religious groups.

*Women.*—There is no specific law banning violence against women and a few cases of spousal abuse, or other violence against women were reported during the year; however, such violence is believed to be more widespread than statistics indicate. According to an opinion poll conducted in 2000 by a local NGO, 50 percent of Armenian women have been victims of domestic violence, although other local NGO's claimed that the percentage is lower. The problem of battered wives is much more widespread than the Government or local human rights groups will admit. Many cases were not reported to police because victims were afraid of physical harm if they do so, afraid that police would refuse to take action and instead return them to their husbands, or embarrassed to make "family matters" public. Embarrassment and concerns for family honor make the problem particularly sensitive and difficult to quantify; women's groups and health professionals also declined to offer specific figures. The Procurator General's office stated that 17 women were killed during the year; however, the office did not specify how the crimes were committed. According to the Procurator General, 404 women were victims of violence, although it did not specify whether or not the violence was domestic. Several NGO's exist in the Yerevan and Gyumri areas and provide shelter and assistance to battered women.

From January to June, 24 cases of rape or attempted rape were registered by the authorities. However, observers believe the actual number of rapes to be higher. The law cites specific punishments for rape. By June 12 persons had been convicted for rape.

Prostitution is not illegal, and according to anecdotal evidence, most prostitutes stopped by police simply are sent to a hospital or physician for a medical check-up. Although the Criminal Code does not forbid prostitution itself, operating brothels is prohibited. According to an investigation conducted by journalists more than 1,500 prostitutes, were registered by the police, most of them in the Yerevan area. A study of Yerevan prostitution conducted by local journalists in 2000 showed that while some operate by telephone, the vast majority of prostitutes are what is known as streetwalkers, with their "class" and desirability defined by the area of the city in which they operate.

Trafficking in women abroad was a problem (see Section 6.f.).

The law does not specifically prohibit sexual harassment; however, some articles in the criminal code address different aspects of sexual harassment. Cases of sexual harassment are not considered to be worthy of legal action by society.

Men often play a dominant role in many societal institutions. Although women have been present in the work force for several generations, tolerance for broadening their roles or behavior is low, especially in the rural regions. In the workplace, women receive equal pay for equal work, but generally are not afforded the same professional opportunities given to men, and often are relegated to more menial or low-skill jobs. The law prohibits discrimination in employment and hiring because of pregnancy; however, the extremely high unemployment rate makes it difficult to gauge how effectively the law has been implemented. According to official statistics, women make up 65.4 percent of those officially registered as unemployed (approximately 96,000). In the past, labor unions protected women's rights in the workplace, at least nominally, but the weakness of unions has made them less effective (see Section 6.a.). More women than men are enrolled in university and postgraduate programs. This may in part be accounted for by the Nagorno-Karabakh situation, which necessitates a high number of men in military service, and in part by the economic situation, which has caused men to emigrate in search of employment.

*Children.*—The Government does not have the economic means to provide fully for the welfare of children. Education is free, universal, and compulsory through age 14, then optional through age 16 (complete secondary education), and girls and boys receive equal educational opportunities. However, many facilities are impoverished and in poor condition, and teachers are forced to tutor pupils privately to supplement salaries that are low and paid irregularly. Some teachers are known to demand bribes from parents in return for good or passing grades for their children. Free children's health care is available for all children through the age of 8 for treatment of some diseases and for emergency care, but often is of poor quality, and the practice of demanding overt or concealed payment of fees for medical service continued. In the Yezidi community, a high percentage of children do not attend school, partly for family economic reasons and partly because schools lack Yezidi teachers and books in their native language.

The Government focused its efforts regarding children's rights and welfare on measures to insulate large families—those with four or more children—from the effects of the country's poor economic conditions. The Government directed foreign hu-

manitarian aid programs toward the most socially vulnerable families and single-parent families.

Despite social programs, the number of street children increased. A local NGO reported that there were approximately 900 homeless children and that the number was growing every year; however, government officials estimated the number of children to be between 600 and 700 (including 400 homeless children in Yerevan). Child abuse of street children does not appear to be a serious problem. Trafficking in girls was a problem (see Section 6.f.).

*Persons with Disabilities.*—The Constitution provides for the right to social security in the event of disability, and the law provides for the social, political, and individual rights of persons with disabilities; however, the Government's enforcement of the rights of persons with disabilities remained rudimentary. Legal safeguards for those with psychiatric problems are inadequate to protect patients' rights. Hospitals, residential care, and other facilities for serious disabilities are substandard. There were unsubstantiated reports in 2000 that security authorities used confinement in mental institutions as an alternative form of detention (see Sections 1.c. and 1.d.). There is societal discrimination against persons with disabilities.

Expenditures for the health sector increased by 27 percent (according to official statistics) during the year, and budget allocations were \$33.8 million (18,252 drams); however, despite these increases, there were no improvements in the provision of benefits and services to persons with disabilities. According to the official statistics, the social sector budget, which among other social payments and expenditures covers the needs for persons with disabilities, was budgeted at \$51.9 million (28 billion drams) and expenditures increased 58 percent. According to the Ministry of Social Welfare, approximately \$7.4 million (400 million drams) was directed towards support for persons with disabilities which includes pensions, prostheses, and wheelchairs. The amount represents approximately 32 percent of the Ministry's budget.

The law and a government decree have special provisions that mandate accessibility in buildings for persons with disabilities; however, in practice very few buildings and other facilities are accessible.

*Religious Minorities.*—There was no reported violence against minority religious groups during the year. However, "nontraditional" religious groups are viewed with suspicion, especially by some mid-level clergy in the Armenian Apostolic Church and their supporters in the bureaucracy. Yezidi children on occasion reported hazing by teachers and classmates. Some observers reported increasingly unfavorable attitudes towards Jehovah's Witnesses among the general population, both because they are seen as "unpatriotic" for refusing military service and because of a widespread but unsubstantiated belief that they pay money to the desperately poor in order to obtain conversions. The press reported a number of complaints lodged by citizens against Jehovah's Witnesses for alleged illegal proselytizing. Jehovah's Witnesses were the targets of religious attacks and hostile sermons by some Armenian Apostolic Church clerics.

As a result of the Nagorno-Karabakh conflict with Azerbaijan, anti-Muslim feeling persisted among the populace, and the few remaining Muslims in the country keep a low profile. There is no formally operating mosque, although Yerevan's one surviving 18th century mosque, which was restored with Iranian funding, is open for regular Friday prayers on a tenuous legal basis. In practice the Mosque is open for prayers; however, it is not registered as a religious facility. The Government does not create any obstacles for Muslims who wish to pray there.

*National/Racial/Ethnic Minorities.*—The population is approximately 95 percent ethnic Armenian. The Government does not discriminate against the small, officially recognized "national" communities, although the economic and social situation of such groups has deteriorated substantially since independence in 1991. The Government includes in the category of "national" communities are Russians, Ukrainians, Belarusians, Jews, Kurds, Yezidis, Georgians, Greeks, and Assyrians. As a result of the Nagorno-Karabakh conflict, there is no significant Azeri minority (see Section 2.d.). Several hundred Azeris or persons of mixed Azeri heritage still living in the country maintained a low profile in the face of societal discrimination.

The Constitution grants national minorities the right to preserve their cultural traditions and language, and the law provides linguistic minorities with the right to publish and study in their native language. There are token publications in minority languages, but the Government devoted minimal resources to maintaining minority language schools. The large network of Russian-language schools has diminished significantly. In practice virtually all students, including members of the Yezidi and Greek communities, attended Armenian-language schools, with very limited classes available in their native tongues. Yezidi leaders complained that no

books or newspapers were published in their native language and that no new teachers were being trained for their schools.

Yezidi leaders continued to complain that police and local authorities subjected their community to discrimination. The Yezidis, whose number was estimated at 20,000 by Yezidi leaders decreased from 60,000 Yezidis (registered in the 1988 population census, due to emigration) speak a Kurdish dialect and practice a traditional, non-Christian, non-Muslim religion with elements derived from Zoroastrianism, Islam, and animism. They cited numerous incidents of unfair adjudication of land, water, and grazing disputes, nonreceipt of privatized agricultural land, an unusually high number of beatings of Yezidi conscripts in the army (see Section 1.c.), and lack of police response to serious crimes committed against Yezidis by other citizens. The Yezidi complaints likely reflect societal discrimination as well as the more general problem of poorly functioning local and central Government bodies, particularly when it concerns national minorities. Members of the Yezidi Community also tried to address their grievances with the State Commission on National Minorities, but stated that all attempts have been ignored.

In August the OSCE Yerevan Office and the NGO CIVITAS organized a conference on National Minorities which was well-attended by all minority groups, government officials, parliamentarians, and journalists. In March 2000, the National Minorities Commission held a Congress of National Minorities; the last such Congress was held in 1991. At the conference, human rights was not a topic of major concern. Nonetheless, Yezidis and Ukrainians complained of unfair treatment in regard to forced military service. Most representatives demanded more government aid for native-language newspapers and for broadcasting minority produced programs on television.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides employees with the right to form and join trade unions although it stipulates that the right to form associations—including political parties and trade unions—may be limited for persons serving in the armed services and law enforcement agencies. In practice, labor organization remained weak because of high unemployment and the weak economy. The absence of active unions and of accurate employment data precludes a reliable estimate of the percentage of the workforce that is unionized.

The Constitution provides for the right to strike; however, workers have neither the financial resources to maintain a strike nor enforceable legal protection against retaliation, and existing unions play a relatively passive role.

Unions are free to affiliate with international organizations; however, none had done so at year's end.

*b. The Right to Organize and Bargain Collectively.*—Although the Law provides for the right to organize and bargain collectively, collective bargaining is not practiced. Voluntary and direct negotiations do not take place between unions and employers without the participation of the Government, because many large employers remain under state control.

The Government encourages profitable enterprises to establish their own pay scales. Factory directorates generally set the pay scales without consultation with employees. Labor disputes are arbitrated in regular or economic courts.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution and the law prohibit forced and bonded labor; however, trafficking in women was a problem (see Section 6.f.).

The Constitution and the law prohibit forced and bonded labor by children; however trafficking in girls was a problem (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—According to the law, 16 years is the minimum age for employment. Children may work from the age of 14 with the permission of a medical commission and the relevant labor union board. The law is enforced by local community councils, unemployment offices, and, as a final board of appeal, the courts. Children under the age of 18 are not allowed to work in difficult or dangerous jobs, night labor, or jobs that require over 6 hours of work per day, although children 16 years of age or older may apply for waivers in the latter two cases.

According to the Ministry of Social Welfare, some children up to the age of 12 years are involved in family businesses, as well as some other business activities, such as agriculture where such activity is not forbidden by law. Children are forbidden specifically from engaging in arduous, or dangerous employment, even if it is their families' business, without permission by the Ministry of Social Welfare; the Ministry grants such permission only on a case-by-case basis and only for children

12 years of age or older. The Government has not ratified ILO Convention 182 on the worst forms of child labor.

The Constitution and the law prohibit forced and bonded labor by children; however, trafficking in girls was a problem (see Section 6.f.).

*e. Acceptable Conditions of Work.*—The Government sets the minimum wage by decree. The monthly minimum wage is \$9 (5,000 drams) and is insufficient to provide a decent standard of living for a worker and family. The majority of the population (approximately 54.7 percent), lives below the poverty line and approximately 23 percent of the population is considered extremely poor (as a result of economic dislocations caused by the breakup of the Soviet Union, the 1988 Spitak earthquake, the conflict in Nagorno-Karabakh, and disruptions in trade resulting from a blockade by Azerbaijan and Turkey. A significant amount of economic activity, perhaps as much as 40 percent, takes place without being recorded or taxed by the local authorities. The extent to which this affects the overall economic situation is unknown.

The majority of industrial enterprises either are idle or operating at a fraction of their capacity. Some furloughed workers continued to receive minimal partial compensation from their enterprises, but most no longer received any payment if they were not working. Under the law, if an employee loses their job, 2 month's salary must be paid as compensation.

The standard legal workweek is 40 hours; many persons work multiple jobs in order to provide for basic necessities. The law provides for annual and sick leave; there are not mandated rest periods. Compensation for overtime work is required; however, it depends on the position and type of employment.

The Constitution provides citizens with the right to clean and safe workplaces. Soviet-era occupational and safety standards remained in force; however, in practice conditions were very inconsistent. Labor legislation places responsibility on the employer and the management of each firm to ensure "healthy and normal" labor conditions for employees, but it provides no definition of healthy and normal. Workers are reluctant to complain or remove themselves from hazardous working conditions as they risk losing their jobs.

*f. Trafficking in Persons.*—The law does not prohibit specifically trafficking in persons, although it does prohibit exploitation by force of persons for financial gain; trafficking in women and girls abroad for prostitution was a problem. There were reports that corruption by Government officials facilitated trafficking.

Armenia is a country of origin for trafficking, and trafficking in women and girls is more of a problem than the Government and women's organizations have recognized openly. Although specific information on trafficking is difficult to obtain, experts from international organizations estimate that every year approximately 700 women are trafficked primarily to the United Arab Emirates and other Gulf States, as well as to Turkey, Russia, Germany, Greece, and other European countries to work as prostitutes. Women were trafficked from Yerevan, Gyumri, and Vanadzor.

Young women and girls from socially vulnerable groups all over Armenia and Nagorno-Karabakh are the main targets of traffickers. Trafficked persons often were lured by jobs abroad offered through recruiters and informal channels, tourism firms and some media. Reportedly, there were cases when older girls from orphanages and poor families are sold to wealthy men in Dubai. An orphanage run by a religious group reports that older girls have been approached by relatives urging them to "earn their share" for the family by engaging in prostitution. Most parents and relatives are convinced; however, that they are sending such children to work in the UAE or elsewhere as models, dancers, waitresses, or domestic servants. Traffickers themselves are often ex-prostitutes or pimps who have already established "good working contacts" in the country of destination. They are well organized, have connections with local authorities and are supported and protected by criminal gangs. Most potential victims are approached by persons whom they personally know (e.g. friends of friends, relatives of relatives, neighbors, etc.), or by travel agencies. Most often, recruiters tell victims that they will be working as babysitters, waitresses, or cleaning ladies. Only a few of the victims know before departure that they will work as prostitutes, but even these do not realize that they will have their documents and money confiscated and that they will be pressured to receive numerous clients every day to maximize their employer's profits. To tighten control over their "staff" procurers threaten to burn prostitutes' passports or to inform police about their "business."

There is no specific law prohibiting trafficking in persons. Traffickers may be prosecuted under different articles of the Criminal Code: For example, illicit seizure of non-property documents (passports or other personal documents), as well as use of these documents, may be punished by imprisonment up to 1 year; falsification and selling of documents, by imprisonment up to 5 years; pandering, by imprisonment up to 5 years; bogus marriage and bogus divorce with mercenary ends or other

reasons, by imprisonment up to 1 year; extortion (coercion of a person, or coercion by publishing compromising information about a person), by imprisonment from 2 to 4 years; coercing of a woman to perform sexual intercourse by a person on whom this woman is financially (or economically) dependent by imprisonment up to 7 years. The Criminal Code specifically prohibits keeping brothels, although prostitution itself is legal. Police officials announced the investigation of numerous cases of procuring but said that they were unable to arrest the main offenders because they resided in the Middle East rather than in the country. There have been few cases (four to five in 1999–2000) in which traffickers were prosecuted. Some officials from the Ministry of Interior complained that courts easily acquit procurers or sentence them to only minor administrative punishment and fines. In addition, victims usually are the main witnesses and are often reluctant to come forward out of fear of violent retaliations. Reliable information on trafficking has been difficult to obtain.

Some NGO's and experts insist that local police officers, border guards and customs officers are involved in trafficking by accepting bribes from traffickers in exchange for tolerating their business.

According to international NGO's, the Government appears to be focusing more on prostitution within the country than on trafficking; however, the Government acknowledges the problem.

There are no trafficking prevention programs run by the Government. The Armenian Government indicated to IOM that Armenia would join the U.N. convention against transnational organized crime and two protocols against human trafficking and illegal migration by the end of the year. In November the Government acceded to the convention and two protocols: however, the ratification process had not been completed by year's end. However, Armenian law enforcement authorities and the Procuracy General cooperated with foreign countries in particular cases when assistance and information exchange were necessary, including trafficking cases.

There were also some women's NGO's that tried to raise public awareness of this problem and obtain funding for assistance programs; however, there were no NGO sponsored assistance programs for victims.

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## AUSTRIA

Austria is a constitutional democracy with a federal parliamentary form of government. Citizens choose their representatives in periodic, free, and fair multiparty elections. In February 2000, a right-of-center coalition came to power, comprised of the conservative People's Party (ÖVP) and the rightist Freedom Party (FPÖ). The judiciary is independent.

The police are subject to the effective control of the executive and judicial authorities. The national police maintain internal security, and the army is responsible for external security. The police are well trained and disciplined; however, there were reports that police committed some human rights abuses.

The country's highly developed, market-based economy, with its mix of technologically advanced industry, modern agriculture, and tourism, affords the approximately 8.1 million citizens a high standard of living. The per capita gross national product was \$24,315 in 2000.

The Government generally respected the human rights of its citizens; however, there were problems in a few areas. There were some reports of abuse by police, which involved occasional beatings but mainly involved verbal abuse, threats, and harassment. Stringent slander laws were criticized as detrimental to press reporting. The Government passed a media reform bill to make the oversight board for the state radio and television company more independent of political influence; however, the board continued to be dominated by political appointees. There was some governmental and societal discrimination against members of some nonrecognized religious groups, particularly those considered to be "sects". Violence against women was a problem, which the Government took steps to address. Interior Ministry statistics for 2000 showed a decrease in the number of official complaints of neo-Nazi, rightwing extremist, and xenophobic incidents. Trafficking in women for prostitution remained a problem, which the Government took steps to combat.

### RESPECT FOR HUMAN RIGHTS

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

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

the past, some detainees have died while in police custody; however, there were no such reports during the year.

In May 2000, Richard Ibekwe died while in pretrial custody for suspected drug offenses. An official autopsy confirmed that Ibekwe died of a drug overdose, but due to allegations of police brutality, an internal investigation into Ibekwe's death was opened. In February the case officially was closed for lack of evidence and charges against the police officers were dropped.

The investigation into the death in May 2000 of a Slovakian man while in police custody concluded with a finding of no fault on the part of the police.

In May 1999, an unsuccessful Nigerian asylum applicant died while being deported; his hands and feet were cuffed and his mouth was taped shut to control his violent behavior. The trial of three police officers involved in the death was pending at year's end (see Section 2.d.).

The request by the Austrian Justice Ministry for the extradition of terrorist Illich Ramirez Sanchez (alias "Carlos the Jackal") from France has been pending since 1994. Sanchez is wanted on charges of manslaughter, kidnaping, and blackmail in connection with the terrorist attacks at Vienna's Organization of Petroleum Exporting Countries (OPEC) headquarters in December 1975. In 1999 French authorities rejected the Government's request for extradition. No progress was made during the year to secure Sanchez's extradition.

*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 occasional reports that at times police beat and otherwise abused persons. Government statistics for 2000 showed 373 complaints against federal police officials for "unjustified use of force", compared with 365 in 1999. Types of abuse ranged from slander to kicking and hitting, which resulted mainly in bruising. Some of the violence appeared to be racially motivated. An Interior Ministry survey conducted in 2000 on the "ethics of police conduct" revealed that half of the 2,000 policemen interviewed stated that they would not report their colleagues in cases of misconduct. In 2000 four police officers were convicted for the use of unjustified force.

NGOs and other groups continued to criticize the police for targeting minorities. In April the European Commission Against Racism and Tolerance released a report that was critical of police treatment of black Africans (see Section 5). During the year, the Interior Ministry's racial sensitivity training programs for police and other officials were conducted through the Anti-Defamation League on a limited basis (see Section 5).

In December 2000, three policemen gagged a Chinese detainee, Ma Haibin, while he was being deported as an illegal alien. In May the Carinthian state prosecutor decided to drop the charges against the officers; human rights advocates criticized the decision.

In May 1999, an unsuccessful Nigerian asylum applicant died while being deported; his hands and feet were cuffed and his mouth was taped shut to control his violent behavior (see Section 2.d.).

In 1999 the Interior Ministry created a committee to ensure that the police and gendarmerie respected human rights while carrying out their duties. Since its founding, the committee has issued 4 reports, including 92 recommendations regarding the improvement of human rights in the country (see Section 2.d.). The Government adopted many of the Committee's recommendations; for example, the publication of the Committee's report on deportation led to a reform of the Government's deportation procedures.

Prison conditions generally meet international standards. Male and female prisoners are held separately, as are adults and juveniles. Pretrial detainees are held separately from convicted criminals.

The Government permits prison visits by independent human rights monitors. In individual cases, prison directors or judges have jurisdiction over questions of access to the defendant.

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

In criminal cases, the law provides for investigative or pretrial detention for up to 48 hours; an investigative judge may decide within that period to grant a prosecution request for detention of up to 2 years pending completion of an investigation. The grounds required for such investigative detention are specified in the law, as are conditions for bail. The investigative judge is required to periodically evaluate an investigative detention. There is a system of bail.

The law prohibits forced exile, and the Government does not employ it.

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

The Constitution provides that judges are independent in the exercise of their judicial office. Judges cannot be removed from office or transferred against their will. There are local, regional, and higher regional courts, as well as the Supreme Court as the court of highest instance. While the Supreme Court is the court of highest instance for the judiciary, the Administrative Court acts as the supervisory body over the administrative branch, and the Constitutional Court presides over constitutional issues.

The Constitution provides for the right to a fair trial and an independent judiciary generally enforces this right. The system of judicial review provides for extensive possibilities for appeal. Trials have to be public, and have to be conducted orally. Persons charged with criminal offenses are considered innocent until proven guilty.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such actions, the Government generally respects these prohibitions in practice, and violations are subject to effective legal sanction.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of the press, and the Government generally respected this right in practice; however, stringent slander laws tend to discourage reports of police brutality, and foreign observers—including the European Court of Human Rights—criticized the use of libel procedures to protect politicians, which they argue hampered freedom of speech and the press. For example, since 1986 Joerg Haider, Governor of Carinthia and former FPO national leader, has engaged in over 350 libel suits against media outlets and individuals. A conviction for libel by a criminal court cannot be appealed to the Supreme Court. Judgments for appeals are handed down by an appeals court, which does not rely on case law for its decisions; that has resulted in claims that appeals courts were inconsistent in their judgements on libel cases. Publications may be removed from circulation if they violate legal provisions concerning morality or public security, but such cases are extremely rare.

In 2000 several FPO politicians were accused of paying police officers to obtain confidential information in order to discredit opponents of the FPO. In May the cases against 8 of 20 FPO-affiliated policemen in Vienna were dropped due to insufficient evidence. Ten cases remained pending at year's end. By year's end, of 13 original charges filed against the Vienna FPO leader Hilmar Kabas, 9 had been dropped. Critics claim that justice authorities were not actively pursuing the investigation due to the involvement of politicians connected with the Government. A number of officers were suspended pending the completion of the investigation.

The small print media consists of 16 dailies, 6 of which receive direct subsidies from the Government. In 2000 a merger of two of the largest print media groups resulted in the establishment of one company, referred to as Newsgroup, which controls 55 percent of the market in daily newspapers and 70 percent of the magazine market. This market concentration led to complaints of a print media monopoly. The country's largest daily also owns the only private nationwide radio station.

There are 34 commercial and 12 community radio stations. By mid-year, 77 percent of citizens listened to state-run radio stations, and 20.9 percent listened to private stations. On August 1, the Government passed a new law governing the regulation of public broadcast media. The law governs the oversight board for the state radio and television company, with the cited goal of making it more independent of political influence; however, critics contend that the board continued to be dominated by political appointees. In August the Government began permitting global frequencies for private television stations. In November the Government received 22 bids for 3 regional and 1 nationwide global television licenses; the licenses were pending at year's end. The first private terrestrial (land-based) television station is expected to begin broadcasts in mid-2002.

The Government does not restrict access to the Internet.

Academic freedom is respected.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for the freedoms of assembly and association, and the Government generally respected these rights in practice. However, the Law on the Formation of Associations states that permission to form an organization may be denied if it is apparent that the organization would pursue the illegal activities of a prohibited organization, such as Nazi organizations; there were no such denials during the year.

Regular peaceful demonstrations against the OVP/FPO Government continued throughout the year.

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

Religious organizations may be divided into three different legal categories (listed in descending order of status): Officially recognized religious societies, religious confessional communities, and associations. Religious recognition under the law has wide-ranging implications, such as the authority to participate in the state-collected religious taxation program; to engage in religious education; and to bring in religious workers to act as ministers, missionaries, or teachers. Under the law, religious societies have "public corporation" status. This status permits religious societies to engage in a number of public or quasi-public activities that are denied to other religious organizations. The Constitution singles out religious societies for special recognition.

The law also allows nonrecognized religious groups to seek official status as confessional communities without the fiscal and educational privileges available to recognized religions. Confessional communities must have at least 300 members, and once they are recognized officially as such by the Government, they have juridical standing, which permits them to engage in such activities as purchasing real estate in their own names and contracting for goods and services. A religious organization that seeks to obtain this status is subject to a 6-month waiting period from the time of application to the Ministry of Education and Culture. The law also sets out additional criteria for eventual recognition such as a 20-year observation period, at least 10 of which must be as a group organized as a confessional community and membership equaling at least two one-thousandths of the country's population. Many religious groups and independent congregations do not meet the 300-member threshold for registration as a confessional community, and only Jehovah's Witnesses meet the higher membership requirement for recognition under the law.

The nine religious groups that have constituted themselves as confessional communities according to the law are: Jehovah's Witnesses, the Baha'i Faith, the Baptists, the Evangelical Alliance, the Movement for Religious Renewal, the Pentecostals, the Seventh-Day Adventists, the Coptic Orthodox Church, and the Hindu religious community. After initially filing for confessional community status, the Church of Scientology withdrew its application from consideration in 1998. The Ministry rejected the application of the Sahaja Yoga group. In 1998 the group appealed the decision to the Constitutional Court; a decision still was pending on this case at year's end. Numerous religious groups not recognized by the State, as well as some religious law experts, dismiss the purported benefits of obtaining status under the law and have complained that the law's additional criteria for recognition obstruct claims to recognition and formalize a second-class status for nonrecognized groups. Experts have questioned the law's constitutionality.

After the Education Ministry granted Jehovah's Witnesses the status of Confessional Community in 1998, the group immediately requested that it be recognized as a religious group. The Education Ministry denied the application on the basis that, as a confessional community, Jehovah's Witnesses would need to submit to the required 10-year observation period. The group has appealed this decision to the Constitutional Court, arguing that a 10-year observation period is unconstitutional. In April the Constitutional Court upheld the Education Ministry's decision. Jehovah's Witnesses filed an appeal with the Administrative Court, arguing that the law is illegal on administrative grounds. In 1998 Jehovah's Witnesses also filed a complaint with the European Court for Human Rights, arguing that the group has not yet been granted full status as a religious entity under the law, despite having made numerous attempts for more than 2 decades. Decisions in both cases remained pending by year's end.

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

The Government continued its information campaign against religious sects that it considered potentially harmful to the interests of individuals and society. In 1999 the Ministry for Social Security and Generations issued a new edition of a controversial brochure that described numerous nonrecognized religious groups in negative terms, which many of the groups deemed offensive. This brochure includes information on Jehovah's Witnesses, despite its status as a confessional community. The Federal Office on Sects continued to collect and distribute information on organizations considered sects. Under the law, this office has independent status, but its head is appointed and supervised by the Minister for Social Security and Generations.

The Governor of Carinthia, Joerg Haider, repeatedly has made intolerant and anti-Semitic statements, including verbal attacks against the head of the Jewish community, Ariel Muzicant, and a prominent Jewish-American campaign advisor to

the Vienna local elections in March. Although Haider repeatedly follows such statements with expressions of regret, his statements contribute to the widespread belief that he and some extreme elements of the FPÖ have contributed to a climate of intolerance in the country (see Section 5). Muzicant has filed several lawsuits against Haider for slander as a result of the comments. In May he won a preliminary court order in one suit; the rest of the cases were pending at year's end.

In April 1999, the ÖVP convention formally accepted a decision made by the party's executive board in 1997 that party membership is incompatible with membership in a sect.

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

The law includes provisions for granting of refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government subscribes to the "safe third country" concept, which requires asylum seekers who enter illegally to depart and seek refugee status from outside the country. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. In response to continuing criticism by the office of the UNHCR and other humanitarian organizations, in 1997 the Government passed an amendment to the 1991 asylum law designed to bring some improvements to the "safe country" rule and the appellate procedure. The UNHCR and other humanitarian organizations approve of the asylum law, but there still is some dissatisfaction with its implementation. A 1999 amendment to the asylum law, which authorizes the Ministry of Interior to draw up a "white list" of "safe third countries," drew sharp criticism from human rights and refugee advocacy groups, on the grounds that it compromises the principle of individual investigation of claims. This principle was upheld in February 1999 and March 2000 rulings, when the High Court reversed a denial of asylum made on the basis of the "safe third country" rule. The asylum law was amended again in July, but included only minor procedural improvements; for example, asylum-applicants may be granted temporary residency rights until their cases are processed (renewals every 3 months are no longer necessary), and the legal age limit has been lowered from 19 to 18.

In principle asylum applicants are entitled to federal assistance for food, shelter, and medical care; however, the Federal Care Provisions Act specifically states that there is no corresponding legal right for applicants. The result is that asylum applicants denied assistance have no legal recourse to acquire benefits. The Government grants assistance to only one-third of all asylum applicants who face financial hardship; one-third are forced to rely on charitable assistance, and the remaining applicants abandoned their applications and are believed to have left the country to apply for asylum elsewhere. The care of unaccompanied minor asylum seekers also has been inadequate. Asylum seekers whose claims have been rejected by the Federal Asylum Office may appeal to the independent Federal Asylum Senate; the Administrative Court is the court of last instance.

Of the estimated 95,000 Bosnian refugees who arrived between April 1992 and July 1993, the Government provided temporary protected status (TPS), similar to first asylum, to 47,000, which made them eligible to receive government assistance without having to file asylum applications. Most of the other 48,000 refugees were deemed to have other means of support, either from families already present in the country or from NGO's. The overwhelming majority of all Bosnian refugees have been integrated into the labor market. They hold "guest worker" status, which means that their residency permit is evaluated each year on the basis of the country's overall labor demand. Many of the refugees have chosen voluntarily to return to their homeland, a process that continued during the year. The Government's program of assistance for Bosnian war refugees in TPS expired on July 31, 2000. Approximately 300 Bosnian refugees formerly in TPS remained in the country and are being supported by the social welfare system.

During the Kosovo crisis, the country accepted an estimated 10,000 to 15,000 refugees. A total of 5,080 Kosovar Albanians were evacuated directly from Macedonia and admitted to Austria under cover of TPS. The immigration law was modified to allow Kosovar Albanians already in the country in a variety of statuses to extend their stay. A program of assistance for Kosovar refugees, which began in April 1999, ended in July 2000. At that time, the Government decided to secure further residence rights for the approximately 1,200 Kosovar Albanians that remained in the country in a variety of statuses. In addition residence rights were extended to those needing protection, immediate relatives of guest workers who had benefited from the original assistance program under either TPS or asylum, and Kosovars who had stayed in the country until July 2000 under either TPS or asylum—provided that

one immediate family member was integrated into the labor market. According to June statistics, a total of 1,934 Kosovo-Albanians in the country had applied for humanitarian residence status temporarily until new immigration quotas become available.

Asylum applications in 2000 decreased by 9.1 percent to a total of 18,280, compared with 20,100 in 1999. In 2000 authorities approved 1,002 applications and denied 4,787 requests; government statistics show 3,393 approvals and 3,300 denials in 1999. The official approval rate for 2000 was 17.3 percent or 20 percent, including nonrefoulement decisions, compared with 50.7 or 44.7 percent in 1999. In 2000 the biggest groups of applicants were from Afghanistan (4,205), Iran (2,559), India (2,441), Iraq (2,361) and the Federal Republic of Yugoslavia (1,486). In the first half of the year, the Government received 14,995 asylum applications, almost double the 8,031 applications received in the same period in 2000. Citizens from Afghanistan filed 4,975 of these applications.

On October 7, when military action commenced in Afghanistan, the Government suspended processing of asylum applications filed by citizens of Afghanistan. Of the 11,465 applications from Afghans filed prior to October, 6,211 were filed in the country and 5,254 were received by Austrian embassies abroad, primarily in Teheran and Kabul.

In May 1999, an unsuccessful Nigerian asylum applicant, Marcus Omofuma, died after being physically restrained for violent behavior while being deported to Lagos via Sofia, Bulgaria (see Section 1.a.). The incident prompted a complete review of internal procedures regarding deportations. Two of the three police officers who accompanied Omofuma were suspended; however, the suspension was lifted in February. Authorities ruled that three policemen on duty at the time should be tried for abuse of a prisoner; legal action is expected to begin in 2002. In July 1999, the Interior Ministry created the Human Rights Advisory Council, composed of representatives from the Justice and Interior Ministries, as well as NGO's, to ensure that the police and gendarmerie respect human rights while carrying out their duties. In addition the Ministry announced a new policy requiring that all potentially violent individuals be deported on chartered aircraft, rather than on commercial flights. In March the Constitutional Court ruled against the Administrative Arbitration Board for rejecting civil charges, filed on behalf of Omofuma's daughter, that stated that Omofuma's human rights were violated, and returned the case to the Administrative Board for review.

In August the Human Rights Advisory Council released a report criticizing the conditions of deportation detention for minors. The Council's report to the Ministry of Interior included recommendations to correct the implementation of existing legal provisions or to amend the law; the Council was reviewing the Government's implementation of those recommendations at year's end.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. National elections were held in October 1999, in which the Social Democrats (SPO) won 65 seats in Parliament, the FPO 52, the OVP 52, and the Green Party 14. In February 2000, the OVP and FPO formed a right-of-center coalition government, headed by the OVP, that gave them an absolute majority in Parliament. This coalition received widespread criticism due to the nature of the FPO, which has been characterized by many observers as a "right wing populist party with radical elements."

The percentage of women in government or politics does not correspond to their percentage of the population. Approximately 27 percent of the Members of Parliament and 5 of 16 cabinet members are female.

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

A number of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases. In some cases, they have been dissatisfied with the information that the authorities have supplied in response to specific complaints. There have been no reports of discrimination against organizations that report on human rights.

Following the inclusion of the FPO in the Government, several NGO's expressed concern that the country's climate of tolerance and respect for ethnic and religious diversity would worsen. In 2000 a group of 3 human rights experts, accepted by the

other 14 European Union (EU) member states, conducted a review of the rights of minorities, refugees, and immigrants in the country. Their report, published in September 2000, concluded that appropriate legal protection was available for minorities.

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

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

*Women.*—Violence against women remained a problem. There are no accurate statistics available on the number of women abused annually, but it is believed to be a widespread problem. Police and judges enforce laws against violence; however, it is estimated that less than 10 percent of abused women file complaints. The Association of Houses for Battered Women has estimated that one-fifth of the country's 1.5 million adult women has suffered from violence in a relationship. In 1999 legislators passed an amendment to the 1997 Law on the Protection Against Violence in the Family, extending the period during which police can expel abusive family members from family homes. In 2000 an injunction to prevent abusive family members from returning home was applied in 3,354 cases. The Government also sponsors shelters and help lines for women.

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

Of the 850 cases brought to the Ombudsmen for Equal Opportunity in 2000, 142 were complaints of sexual harassment. The Federal Equality Commission, as well as the Labor Court, can order employers to compensate victims of sexual harassment.

The Government's coalition agreement contained a detailed section advocating the equal rights and opportunities for women. Most legal restrictions on women's rights have been abolished. A Federal Equality Commission and a Federal Commissioner for Equal Treatment oversee laws prescribing equal treatment of men and women. In October 2000, the FPO replaced Social Security and Generations Minister Elisabeth Sickl with FPO Member of Parliament Herbert Haupt. Haupt has been criticized widely for devoting Ministry resources to a new department dealing with discrimination faced by men. The Government has received extensive criticism for replacing the head of this ministry, which oversees women's affairs, with a man.

In 1994 the European Court of Justice ruled that the country's law prohibiting women from working nights was not permissible and gave the Government until the end of the year to adapt its legislation to gender-neutral EU regulations. In January 1998, legislation went into effect that required collective bargaining units to take action by the end of the year to eliminate restrictions on nighttime work for women, and on December 31, the legislation banning nighttime work for women expired. EU legislation is expected to take effect in 2002.

An estimated 60 percent of women between the ages of 15 and 60 are in the labor force; however, a report published by the European Commission in July found that women in the country on average earn 31 percent less than men. Women are more likely than men to hold temporary positions and also are disproportionately represented among those unemployed for extended periods of time. In September 2000, the U.N. Committee on Elimination of Discrimination Against Women released a report criticizing the Government's treatment of women, including its decision to abolish the Federal Women's Affairs Ministry and fold its portfolio into the Ministry of Social Affairs and Generations. The Committee was particularly concerned about immigrant women's access to employment.

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

Female employees in the private sector can invoke equality laws prohibiting discrimination of women; the Federal Equality Commission may award compensation of up to 4 months' salary if women are discriminated against in promotions because of their sex. The Commission also may order legal recompense for women who are denied a post despite having equal qualifications.

Women are allowed to serve in the military voluntarily. At year's end, there were a total of 147 women—out of a standing force of approximately 51,000—serving in the military, including 7 officers. There are no restrictions on the type or location of assignments given to women.

Women's rights organizations are partly politically affiliated, and partly autonomous groups. They usually receive wide public attention when voicing their concerns. Despite fears of women's rights groups, the Government continued to provide government subsidies to these groups.

*Children.*—The law provides for the protection of children's rights. Each provincial government and the federal Ministry for Youth and Family Affairs has an "Ombudsperson for Children and Adolescents" whose main function is to resolve complaints about violations of children's rights.

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

There is no societal pattern of abuse against children, although heightened awareness of child abuse has led the Government to continue its efforts to monitor the issue and prosecute offenders. The growing number of reported incidences of child abuse is considered a result of increased public awareness of the problem. In June the OVP and FPO reached a compromise agreement requiring doctors to report to the police suspected cases of child abuse and molestation. An exception may be made if the suspected abuser is a parent or sibling, in which case the report is not disclosed until an investigation is completed by the police.

According to the Penal Code, sexual intercourse between an adult and a child (under 14 years of age) is punishable with a prison sentence of up to 10 years; in case of pregnancy of the victim, the sentence can be extended to up to 15 years. Sex between a male ages 14 to 18 and an adult male are punishable with sentences ranging from 6 months to 5 years. In 2000 the Ministry of Justice reported 819 cases of child abuse, most involving intercourse with a minor. Of these cases, 249 resulted in convictions. Under the law, any citizen engaging in child pornography in a foreign country becomes punishable under Austrian law even if the actions are not punishable in the country where this violation was committed. The law also entails severe provisions for the possession, trading, and private viewing of pornographic materials. For example, exchanging pornographic videos is illegal even if done privately rather than as a business transaction.

*Persons with Disabilities.*—The law protects persons with disabilities from discrimination in housing, education, and employment. A 1997 amendment to the law explicitly requires the State to provide for equal rights for the disabled "in all areas of everyday life." The law requires all private enterprises and state and federal government offices to employ one person with disabilities for every 25 to 40 employees, depending on the type of work. Employers who do not meet this requirement must pay a fee to the Government, and the proceeds help finance services for the disabled such as training programs, wage subsidies, and workplace adaptations. However, the law has received some criticism because many observers believe that penalties are too low to discourage companies from bypassing the requirement. There were no reports of societal discrimination against the disabled.

Federal law mandates access for the physically disabled; however, low fines and insufficient enforcement resulted in the inaccessibility of many public buildings to persons with disabilities.

On January 1, an omnibus bill on child custody went into effect that prohibits the sterilization of minors, particularly mentally handicapped girls below the age of 18. Those 18 and older only may be sterilized in life-threatening instances. Previously, mentally retarded minor girls could be sterilized involuntarily at the request of parents, and mentally retarded women could be sterilized involuntarily at the request of the responsible family member or by court order.

*Religious Minorities.*—There is widespread societal mistrust and discrimination against members of some nonrecognized religious groups, particularly those considered to be sects. A large portion of the public perceive such groups as exploiting the vulnerable for monetary gain, recruiting and brainwashing youth, promoting anti-democratic ideologies, and denying the legitimacy of government authority. Societal discrimination against sects is, at least in part, fostered by the Government (see Section 2.c.). Muslims have complained about societal discrimination.

Sensitivity to Scientology in the country remained high. The Church of Scientology has reported problems obtaining credit cards, and individual Scientologists have experienced discrimination in hiring.

The leader of the country's Jewish community reported that persons within the community who took a stand against racism and xenophobia were subjected to anonymous verbal and written threats.

In October a 17-year old boy was charged with vandalizing 28 graves in an Islamic cemetery in Linz. Authorities stated that the boy was motivated by hatred of foreigners. He paid a fine to cover the cost of restoring the damage done to the graves.

*National/Racial/Ethnic Minorities.*—The law recognizes six national minority groups: Croats, Czechs, Hungarians, Romas, Slovaks, and Slovenes. In the past, any community whose population was composed of at least 25 percent of one of these groups was entitled to bilingual town signs, education, media, and access to federal funds earmarked for national minorities. In December the Constitutional Court ruled that the standard should be only 10 percent; the Court cited international and historical precedence as its reasoning. The Government responded to the ruling by stating that it would submit implementing legislation to Parliament in 2002. The Governor of Carinthia, Joerg Haider, announced that he would not honor the Court's decision and alleged that the President of the Constitutional Court was influenced unfairly by Slovene groups.

The largest problem facing these national minority groups is the preservation of their culture and language. In addition most human rights groups claim that Roma face particular discrimination in employment and housing. Members of other minority groups such as Turks and Indians are not considered national minorities and do not have access to the same type of assistance.

Statistics for 2000 showed a decrease in the number of official complaints of neo-Nazi, rightwing extremist, and xenophobic incidents. During 2000 the Interior Ministry recorded 291 rightwing incidents, 36 xenophobic incidents, 9 anti-Semitic incidents, and 35 convictions. During the year, the Government continued to express concern over the activities of extreme-right skinhead and neo-Nazi groups, many with links to organizations in other countries.

In April the European Commission Against Racism and Intolerance published a report to the Government recommending the swift implementation of additional measures against racism, xenophobia, discrimination, and intolerance. The report noted that black Africans in particular, were subject to racism and discrimination, including by police (see Section 1.c.). Members of the Commission also expressed concern over the use of racist and xenophobic propaganda in national politics.

The Viennese Integration Fund published a report during the year that stated that the majority of immigrants in Vienna live in substandard housing. This included 69 percent of families from the countries of the former Yugoslavia, and 76 percent of Turkish households. Only 15 percent of citizens live in substandard housing. In March the Vienna city government announced the creation of a pilot program to integrate immigrants into government-owned housing.

In March the Austrian NGO ZARA, in conjunction with other groups, released a report entitled "Racism 2000", which found that persons from diverse ethnic and racial backgrounds continued to face widespread discrimination from government officials, particularly the police, as well as in the workplace and in housing. The report cited 130 different examples of discrimination faced by immigrants on a daily basis and called for the strengthening of public education and legal protections for immigrants.

In July the Anti-Defamation League and the Diplomatic Academy announced that the Government was working to incorporate a training program into the education system, designed to combat racism and educate participants in cultural sensitivity; the program was used successfully to sensitize members of the police. In July 2000, the Government passed a comprehensive prominority rights bill providing expanded constitutional protections for the country's six officially recognized minorities. In July 2000, in a related development, the Government approved the placement of bilingual town signs in Croat- and Hungarian-speaking areas of Burgenland province, an action pending since 1955.

During 2000 regional election campaigns, the FPO attempted to exploit the fears of many citizens that EU expansion and a continued influx of asylum seekers and refugees from the Balkans and other areas would result in uncontrolled immigration. The Vienna FPO chapter widely distributed placards carrying anti-immigrant slogans, including a call to stop "over-foreignization." These campaigns failed to garner widespread support among the electorate and have been criticized heavily by human rights groups for contributing to an atmosphere of intolerance.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—Workers have the right to form and join unions without prior authorization, under general constitutional provisions regarding freedom of association. In practice trade unions have an important and independent voice in the political, social, and economic life of the country. An estimated 52 percent of the work force are organized into 13 national unions belonging to the Aus-

trian Trade Union Federation (OGB), which has a highly centralized leadership structure. Association of national unions with the OGB is voluntary. Individual unions and the OGB are independent of government or political party control, although formal factions within these organizations are allied closely with political parties.

The right to strike is not provided explicitly in the Constitution or in national legislation; however, it is recognized universally in practice. Historically strikes have been comparatively few and usually of short duration. A major reason for the record of labor peace is the unofficial system of "social partnership" among labor, management, and government. At the center of the system is the Joint Parity Commission for Wages and Prices, which has an important voice on major economic questions.

The law prohibits retaliations against strikers, and the Government effectively enforces the law. In general legal disputes between employers and employees regarding job-related matters are handled by a special arbitration court for social affairs, which is part of the judicial system. Unions have access to the arbitration court.

*b. The Right to Organize and Bargain Collectively.*—Unions have the right to organize and bargain collectively. Almost all large companies, private or state-owned, are organized. Worker councils operate at the enterprise level, and by law workers are entitled to elect one-third of the members of the supervisory boards of major companies. Collective agreements covering wages, benefits, and working conditions are negotiated for each industry by the OGB with the National Chamber of Commerce and its associations, which represent the employers.

In cases of disputed terminations, the law obliges employers of enterprises with more than five employees to prove to a labor court that job dismissals are not motivated by antiunion discrimination. Employers found guilty of this offense are required to reinstate workers. Labor and business representatives remain in a long-standing disagreement over how to provide legal protection to employees against arbitrary dismissals in firms with five employees or fewer.

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

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor; however, trafficking in women for the purpose of prostitution remained a problem (see Section 6.f.).

In 2000 former forced laborers filed suit against Austrian companies that used forced labor provided by the Nazi Government. In October 2000, an agreement was signed between the Government, attorneys representing former forced and slave laborers, and representatives of foreign governments, providing compensation for former forced and slave laborers. In July the first payments from the \$400 million (6 billion ATS) fund were sent to victims of forced and slave labor.

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

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The minimum legal working age is 15 years. The Labor Inspectorate of the Ministry of Social Affairs effectively enforced this law. The Government has adopted laws and policies to protect children from exploitation in the work place. On December 4, the Government ratified International Labor Organization Convention 182 on the Worst Forms of Child Labor.

The law prohibits forced and bonded labor by children, and such practices are not known to occur (see Section 6.c.).

*e. Acceptable Conditions of Work.*—There is no legislated national minimum wage. Instead nationwide collective bargaining agreements set minimum wages by job classification for each industry. The estimated accepted unofficial minimum gross income is \$10,928 (171,451 ATS) per year, and it provides a decent standard of living for a worker and family. Every worker is entitled to a variety of generous social benefits.

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

Laws regularly enforced by the Labor Inspectorate of the Ministry of Social Affairs provide for mandatory occupational health and safety standards. Workers may file complaints anonymously with the Labor Inspectorate, which may bring suit against the employer on behalf of the employee. However, this option rarely is exercised; workers normally rely instead on the Chambers of Labor, which file suits on their behalf. The Labor Code provides that workers have the right to remove themselves from a job if they fear "serious, immediate danger to life and health" without

incurring any prejudice to their job or career, and the Government effectively enforces this law.

*f. Trafficking in Persons.*—There is no single law covering all forms of trafficking in persons, although several laws contain provisions that can be used to prosecute traffickers; however, trafficking in women for prostitution and domestic service was a problem. Austria is a transit and final destination country for women trafficked from Bulgaria, Romania, Ukraine, the Czech Republic, Slovakia, Hungary, and the Balkans; the women are trafficked into Austria and other western European countries, primarily for the purpose of sexual exploitation. Women also were trafficked from Asia and Latin America to Austria for domestic labor.

Most women were brought to Austria with promises of unskilled jobs such as nannies or waitresses. Upon arrival they were coerced or forced into prostitution. There also were cases of women who came to Austria explicitly to work as prostitutes but who then were forced into states of dependency akin to slavery. Most victims were in Austria illegally and feared being turned into authorities and deported. Traffickers usually retained victims' official documents, including passports, to maintain control over the victims. Victims of trafficking have reported being subjected to threats and physical violence. A major deterrent to victim cooperation is widespread fear of retribution, both in Austria and in the victims' countries of origin.

There are no accurate statistics on trafficked persons specifically; however, the number of intercepted illegal immigrants, of whom some were trafficking victims, continued to increase. Police estimated that one-fourth of trafficking in women in the country is controlled by organized crime. Austria is particularly attractive to traffickers due to its geographic location and to the fact that citizens of the Czech Republic, Slovakia, and Hungary do not require visas to enter the country.

The Interior Ministry works at the national and international level to raise awareness of human trafficking. Federal police units addressing organized crime and sex crimes also focused on this issue. Although prostitution is legal, trafficking for the purpose of prostitution is illegal, and can result in jail sentences of up to 10 years for convicted traffickers. In July 2000, the Government passed legislation implementing stronger penalties for alien smuggling including trafficking. The maximum penalty for the most serious offenses increased from 5 to 10 years' imprisonment. In 2000 the Interior Ministry, which is the primary government agency involved in antitrafficking efforts, reported that 125 complaints were filed under the law against trafficking for prostitution, of which 10 resulted in convictions. The Ministry of Interior estimated that most traffickers are prosecuted under criminal law provisions on alien smuggling.

In October in a high-profile case, the Government convicted the Carinthian "Porno King", Hellmuth Suessenbacher, and 10 others for trafficking in persons and other related offenses. Charges resulted from the trafficking of 50 Romanian women who were initially hired as dancers and subsequently forced into prostitution. Suessenbacher was sentenced to 2½ years' imprisonment. The other defendants received sentences ranging from fines to up to 4 years' imprisonment. Suessenbacher appealed the sentence.

Some NGO's have called for an expansion of the legal definition of trafficking to include exploitation for domestic labor and coerced marriages. In March in response to a marked increase of illegal border crossings at Austria's eastern borders in the first half of the year, the Government set up a special task force to address trafficking.

The Government provides temporary residence to victims of trafficking who are prepared to testify or intend to raise civil law claims; however, victims still rarely agree to testify, due to fear of retribution. The temporary residency status allows victims to stay in the country only during a trial; no provisions are made for them to stay in the country following their testimony. Virtually all victims of trafficking are deported.

The Government funds research on the problem of trafficking as well as NGO prevention efforts, including antitrafficking brochures and law enforcement workshops. The Government also provides funding for intervention centers that provide emergency housing and psychological, legal, and health-related assistance to victims. There is one NGO center that provides comprehensive counseling, educational services, and emergency housing to victims of trafficking. The Government also is active in U.N. and Organization of Security and Cooperation in Europe international efforts to combat trafficking.

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**AZERBAIJAN**

Azerbaijan is a republic with a presidential form of government. The Government is dominated by incumbent President Heydar Aliyev—reelected in October 1998 in a controversial election marred by numerous, serious irregularities, violations of the election law, and lack of transparency in the vote counting process at the district and national levels—and by the ruling New Azerbaijan Party that he leads. The Constitution established a system of government based on a division of powers among a strong presidency, a legislature with the power to approve the budget and impeach the President, and an independent judiciary. Parliamentary elections in November 2000 and in January were marked by numerous and serious flaws, particularly in the vote counting process. Parliamentary byelections held in November in Tovuz and Adjabedi to fill vacant parliament seats also were marred by election fraud and ballot box-stuffing. Opposition members make up only a small minority of parliament's members. The judiciary has failed to remedy election irregularities, and as a result some domestic groups regard the Parliament as illegitimate. The judiciary does not function independently of the executive branch and is corrupt and inefficient.

The Ministries of Internal Affairs and National Security are responsible for internal security and report directly to the President. Members of the security forces committed numerous human rights abuses during the year.

The country has a total population of approximately 8 million. The Government continues to affirm its commitment to development of a market economy, but widespread corruption and patronage reduce competition, and the absence of essential reforms has limited economic development outside the oil and gas sector, which accounts for over 90 percent of the country's export revenues. Approximately 98 percent of the country's farmland is privatized, but commercial agriculture remains weak, and subsistence farming dominates the rural economy. Foreign aid is an important source of national income. Per capita gross domestic product (GDP) is approximately \$600 per year. Official statistics indicated that private sector output contributes a majority to the country's annual GDP. Much of the labor force is employed in the state sector where wages are low. The overall economic situation of the average citizen remains tenuous; although a growing moneyed class has emerged in Baku, over 60 percent of the population live in poverty, according to World Bank statistics. Severe disparities of income have emerged that are attributed partly to patronage and corruption.

The Government's human rights record remained poor. The Government continued to restrict citizens' ability to change their government peacefully. Some prison inmates and detainees died in part due to mistreatment by the authorities. Police tortured and beat persons in custody and used excessive force to extract confessions. Arbitrary arrest and detention was a problem. In most instances, the Government took no action to punish abusers, although perpetrators were prosecuted in a few cases. Prison conditions remained harsh and life threatening, and some prisoners died as a result of these conditions. Lengthy pretrial detention was a problem. The judiciary is subject to outside influence. The Government continued to hold a number of political prisoners. Some local nongovernmental organizations (NGO's) reported that the Government held approximately 200–300 political prisoners, although others claimed the number was much higher. A number of these individuals were convicted of alleged participation in armed efforts to overthrow the Government. The Government infringed on citizens' privacy rights.

The Government continued to restrict freedom of speech and of the press, and the press faced increased harassment during the year. Government officials repeatedly sued journalists for defamation, arrested them, and shut down their newspapers. As a result, journalists practiced self-censorship. The Government largely controlled radio and television, the primary source of information for most of the population. During December the Government took significant steps towards improving the media, including the announcement that five private television stations would be granted long sought-after operating licenses by the frequencies committee. The Government restricted freedom of assembly and forcibly dispersed some demonstrations. The Government continued to restrict freedom of association and refused to register some political parties. Opposition political parties have been evicted from their offices, and security officials harassed their members, especially in outlying areas. There were restrictions and abuses of religious freedom, and harassment of some "non-traditional" religious groups by lower-level and local government officials continued. The Government criticized and harassed certain domestic human rights activists, and non-transparent registration procedures resulted in numerous delays and denials of the registration of human rights and many other groups. Violence

and discrimination against women and discrimination against certain religious and ethnic minorities was a problem. The Government limited some worker rights. Trafficking in persons was a problem.

A cease-fire in effect since 1994 continued to contain the conflict with Armenia over Nagorno-Karabakh; however, minor outbreaks of fighting occurred and resulted in the deaths of civilians as well as combatants. The taking of prisoners, including civilians still occurred. Armenian forces continued to occupy an estimated 16 percent of Azerbaijan's territory (including Nagorno-Karabakh); this fact continued to dominate Azerbaijan's national politics, weaken state institutions, and undermine democratic and economic development. The Government of Azerbaijan does not exercise any control over developments in the territories occupied by Armenian forces, and little information exists on the human rights situation there. Some reports indicated that the Armenian Apostolic Church enjoys at least quasi-official status in these territories and that the practice of some other religious faiths is discouraged. In addition to the 800,000 Azerbaijani refugees and internally-displaced persons (IDPS) who cannot return to their homes in Armenia and the occupied territories, approximately 300,000 Armenians also left Azerbaijan and were unable to return. There were some press reports that Armenians were being settled into occupied Azerbaijani territories; however, these reports could not be confirmed.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, including Freedom from:*

*a. Arbitrary or Unlawful Deprivation of Life.*—During the year, there were no reports of political killings by the Government or its agents; however, some prison inmates and detainees died in part as a result of prison conditions and mistreatment by law enforcement personnel. Those suspected in these cases were not prosecuted (see Section 1.c.).

On January 19, Aydin Hasanov died after his release following a 5-day detention and interrogation for suspected drug possession in the western city of Ganja. Although Hasanov's relatives suspect that police mistreatment played a role in his death, a Ministry of Internal Affairs investigation revealed no foul play. On May 13, 28 year-old Ilgar Javadov, who was detained by police for not having proper identification, died under suspicious circumstances at a Baku police station. Police claimed that he fell from a 4-story window while trying to escape detention; however, family members allege that he was beaten to death. Following a short investigation, the Government cleared officers of any wrongdoing.

Cease-fire violations by both sides in the Nagorno-Karabakh conflict occasionally resulted in deaths and injuries to both civilians and soldiers. There were three casualties (one military and two civilians), which were caused by landmines laid near the line of contact. Landmines were laid by the Governments of Azerbaijan and Armenia and the Karabakh Armenian authorities.

A number of deaths occurred among army conscripts during the year. Hazing of the victims is suspected. For example, in August a total of 20 army conscripts died, 13 of these deaths were confirmed to be suicides. Defense Minister Safar Abiyev stated that all of the deaths would be investigated fully; however, the results had not been made public at year's end.

On September 26, the Baku city prosecutor's office opened a criminal case against Suleyman Agayev, former chief of the 17th police office of Narimanov District, Baku, in connection with the 1994 killing of Djamal Aliyev, leader of the Industrial Union; however, no action had been taken by year's end.

In May unknown assailants shot and killed a senior Chechen military commander outside his Baku apartment.

Beginning in June, several police officers were killed or wounded in attacks by unknown assailants in the northwest part of the country. Suspects in some of those attacks were later apprehended by police, apparently in cooperation with Russian authorities. The motives of the attacks were unclear.

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

The International Committee of the Red Cross (ICRC) repeatedly urged the Azerbaijan and Armenian Governments to provide information on the fate of those missing in action since the fighting over Nagorno-Karabakh began. Since the early 1990's, the ICRC has collected from concerned family members the names of approximately 2,300 missing Azerbaijani citizens allegedly held by Armenia. The Government believes that the number to be closer to 5,000.

*c. Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The criminal code enacted in September 2000 bans acts of torture and provides for up to 10 years imprisonment for violators; however, there were credible reports that

prison guards continued to torture inmates and that both prison guards and the police used excessive force to extract confessions. Police beat prisoners during arrest, interrogation, and pretrial detention. In November 2000, in the days following a violent demonstration in Sheki, police detained and reportedly tortured a 61-year old woman, Gulhar Pashayeva, in order to extract a confession that she had participated in the demonstration and to obtain the name of other participants. The policemen involved were not punished.

The Government does not hold most members of the police accountable for their actions. Impunity continued to be a problem and in most cases, the Government took no action to punish abusers. According to the Ministry of Interior, since 1991 approximately 740 police officers have received official reprimands for abuse of power and 91 have been fired from their jobs.

The Government continued to harass opposition politicians and members of their families (see Sections 1.f. and 3). Government harassment of and attacks on journalists continued (see Section 2.a.). The Government forcibly disrupted some demonstrations and in some cases beat protesters (see Section 2.b.). Government harassment of certain religious groups continued (see Section 2.c.).

There were unconfirmed reports that official corruption facilitated trafficking in persons (see Section 6.f.).

Conditions in prisons, which are managed by the Ministry of Justice, remained harsh and life threatening. Deaths of inmates occurred, in part these harsh conditions and in some cases due to mistreatment by prison guards. Overcrowding and poor medical care combined to make the spread of infectious diseases, including tuberculosis (TB), serious problems. TB continued to be the main cause of death in prisons. In 2000 approximately 2,000 prisoners were treated for TB. Due to the absence of systematic screening of the prison population, patients often start treatment when they are already seriously ill and there is only a 55 percent cure rate. There were widespread and credible reports that the authorities have withheld medical treatment from selected inmates, especially political prisoners.

Prisoners must rely on their families to provide food and medicine, and bribes generally are required for families to gain access to imprisoned relatives. The authorities severely limit opportunities for exercise and visits by lawyers and family members of prisoners in security prisons. Some prisoners are kept in "separation cells" often located in basements, in which prisoners reportedly are denied food and sleep in order to elicit confessions from them with no physical evidence of abuse. Men and women are housed in separate prison facilities. There are separate facilities for juveniles and adults, and pretrial detainees and convicts are held separately.

In March 2000, President Aliyev signed a human rights decree permitting the ICRC to begin prison visits, which allowed the ICRC access to all places and to all detainees both sentenced and unsentenced within its mandates. Since June 2000, the ICRC also has had access to all prisons. The ICRC has had access to prisoners of war as well as civilians held in relation to the conflict over Nagorno-Karabakh.

Foreign observers regularly received permission to enter maximum security prisons for meetings with alleged political prisoners. However, some local domestic human rights officials complained that the authorities restricted their access to prisons during the year. For example, the Society to Defend Women's Rights (SDWR) was not able to visit prisons during the year. The Human Rights Center of Azerbaijan (HRCA) regained access to jails during the year, and it conducted several human rights seminars for law enforcement officers. The HRCA released a report on the prison system stating that the situation had improved slightly as a result of monitoring efforts and suggestions made by NGO'S and international organizations.

*d. Arbitrary Arrest, Detention or Exile.*—The Constitution prohibits arbitrary arrest and detention; however, arbitrary arrest and detention were common. The authorities arbitrarily arrest and detain persons without legal warrants. The Constitution states that persons detained, arrested or accused, of a crime should be advised immediately about their rights, reasons for arrest, and the institution of criminal proceedings against them; however, the authorities often do not inform detainees of the charges against them. The Constitution provides for access to a lawyer from the time of detention (a right upheld by the Constitutional Court in 1999); however, access to lawyers is poor, especially in the regions. The authorities often do not notify family members after arrests. Frequently it is days before family members are able to obtain information as to whether the authorities have arrested someone, and where the authorities are holding the detainee. Family members do not enjoy the right of visitation. Bail commonly is denied, and lengthy pretrial detention was a serious problem.

Members of opposition parties and their families were more likely to experience official harassment and arbitrary arrest and detention than other citizens. In No-

vember the authorities disrupted regional meetings of the Azerbaijan National Independence Party (ANIP) and Popular Front and detained their leaders. In November two nephews of exiled former parliament speaker and Azerbaijan Democratic Party (ADP) leader Rasul Guliyev were arrested and charged with alleged embezzlement and weapons possession. Several other Guliyev relatives and ADP figures also were harassed by police.

The authorities occasionally arbitrarily arrested and detained journalists (see Section 2.a.). For example, in June the authorities arrested and detained two editors from the opposition *Ulus* newspaper for allegedly beating a female journalist; they remained in detention until October, when both were released; however, charges remained pending. In August 2000, an opposition *Yeni Musavat* newspaper reporter investigating the hijacking of a plane from the Nakhchivan enclave that borders Turkey to Baku was arrested by Nakhchivani police, who refused to provide information about his whereabouts until his release 2 days later.

Police forcibly disrupted unsanctioned protests and briefly detained participants throughout the year (see Section 2.b.).

Chechens residing in the country reported that police arbitrarily detained them (see Section 2.d.).

During the year, a total of eight prisoners of war (POWS)—seven Azerbaijanis (two military official and five civilians) and one Armenian (military official)—were released. At least four others (three Azerbaijani military officials and one Armenian military official) were repatriated during direct exchanges by both sides.

The Constitution does not address forced exile, but there were no reports that the Government employed it.

*e. Denial of a Fair and Public Trial.*—The Constitution provides for an independent judiciary; however, in practice, judges do not function independently of the executive branch, and the judiciary widely is believed to be corrupt and inefficient. Courts of general jurisdiction may hear criminal, civil, and juvenile cases. District and municipal courts try the overwhelming majority of cases. The Supreme Court also may act as the court of first instance, depending on the nature and seriousness of the crime.

The Constitutional Court has exhibited some independence in the past few years. In 2000 the Court reregistered the opposition Azerbaijan Democratic Party after a long appeal process. The Court also declared unconstitutional the retroactive application of a clause in the election law that required parties to be registered 6 months in advance of the announcement of the elections. It voided the results in four districts (in addition to the several voided by the Central Election Commission) following flawed parliamentary elections in November 2000 (see Section 3).

Cases at the district court level are tried before a panel consisting of one judge and two lay assessors. The judge presides over and directs trials. The President appoints Supreme and Constitutional Court judges, who are then subject to confirmation by the Parliament. Lower level judges are appointed by the President without confirmation. In April 2000, the first qualifying exams for judges were administered as part of a judicial reform effort, but credible allegations that judgeships were bought and sold persist. Low salaries for judges and lawyers increase the incentives for bribe taking and undermine the rule of law.

The Government organizes prosecutors into offices at the district, municipal, and republic level. They are ultimately responsible to the Minister of Justice, are appointed by the President, and are confirmed by Parliament.

The Constitution provides for public trials except in cases involving state, commercial, or professional secrets, or matters involving confidentiality of personal or family matters. The Constitution provides for the presumption of innocence in criminal cases and for numerous other rights such as a suspect's right to legal counsel and to be informed immediately of his legal rights, and of the charges against him (see Section 1.d.). During trial, defendants may confront witnesses and present evidence. The court is required to appoint an attorney for indigent defendants. Defendants and prosecutors have the right of appeal, and foreign and domestic observers generally may attend trials. Although the Constitution prescribes equal status for prosecutors and defense attorneys, in practice, prosecutors' prerogatives outweigh those of the defense. A Law on Advocates and Advocate Activity, to reform the legal profession was signed by the President; however, it had not been implemented by year's end. The system, a holdover from the Soviet times, limits representation in criminal cases to members of state-controlled Collegium and therefore restricts the public's access to legal representation.

The Constitution bars the use of illegally obtained evidence; however, investigations often rely on obtaining confessions rather than obtaining evidence against suspects and no judge has dismissed a case based on a prisoner's claim of having been abused (see Section 1.c.). Judges frequently send cases unlikely to end in convictions

back to the prosecutor for "additional investigation." Such cases either may be dropped or closed, occasionally without informing either the court or the defendant.

In April the trial began of Jan Mirza-Mirzoyev, the former director of the Baku Naval Academy, who was arrested in November 2000 on charges that he ordered the murder of his predecessor in 1993. Mirzoyev had criticized corruption in the military. Trial observers, including press and diplomatic community representatives, found the evidence to be circumstantial. The prosecution's main witnesses were unable to confirm Mirzoyev's alleged sanction of the murder and one key government witness openly questioned the veracity of the evidence in court. The judge in the case repeatedly denied bail throughout Mirzoyev's 7-month pretrial detention. In November the court found Mirzoyev guilty and sentenced him to 8 years' imprisonment. At year's end, he was appealing the court's decision. Numerous local NGO'S and international organizations have called for Mirzoyev's release.

In November 2000, the authorities in Sheki arrested a large number of opposition figures and others suspected of participating in an unsanctioned and violent demonstration to protest falsified parliamentary elections and economic conditions. Domestic human rights groups reported that several suspects had solid alibis; however, all were tried and convicted, and representatives of opposition parties all received maximum sentences of 6 to 7 years' imprisonment.

The Government continued to hold a number of political prisoners. Some local NGO's reported that the Government held approximately 200-300 political prisoners, although others claimed the number was much higher. A number of these individuals were convicted of alleged participation in armed efforts to overthrow the Government.

During the year, there were 2 presidential pardons and 1 amnesty, which resulted in the release of more than 3,000 prisoners and reduced the sentences of 52 others. Some of the individuals released were included on the lists of political prisoners developed by NGO's.

*f. Arbitrary Interference with Privacy, Family, Home or Correspondence.*—The Constitution prohibits such actions; however, the Government restricted privacy rights in practice. The Constitution provides for secrecy of correspondence and telephone conversations, subject to limits provided by law in criminal investigations or in the prevention of a crime; however, it is believed widely that the Ministry of National Security and other security entities monitor telephones and Internet traffic, especially those of foreigners and prominent political and business figures. The Constitution allows searches of residences only with a court order or in cases provided by law; however, the authorities often conduct searches without warrants. Police continued to intimidate and harass family members of suspects, particularly those belonging to opposition parties (see Section 3).

Following the imposition in February of a midnight curfew for some bars and discotheques by the mayor of Baku, men and women walking or driving in the city after midnight reported being stopped by police and questioned regarding their activities. Some of those without identification papers were detained by police.

In 1999 the Supreme Court overturned a lower court decision in favor of group of Muslim women who sued for the right to wear headscarves in passport photos (see Section 2.c.).

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and it specifically outlaws press censorship; however, the Government restricts these rights in practice. There was lively public debate and criticism of government policies in a variety of areas; however, direct criticism of President Aliyev was rare. A large number of opposition and independent media outlets functioned during the year; however, the press faced increased pressure from the Government during the year, and various restrictive government policies caused a decline in freedom of the press. Harassment of journalists, closures of newspapers and libel suits (which would bankrupt immediately any independent or opposition newspaper if upheld), created an atmosphere in which editors and journalists exercised self-censorship.

Actions against the media culminated with a public attack on opposition newspapers by ruling New Azerbaijan Party officials during a party congress on November 21 and 22. In December in a televised meeting with opposition and independent media representatives, President Aliyev acknowledged government mistakes and promised to correct them. As a result some restrictions eased, including: The reduction and or abolishment of tariffs and import taxes on newsprint supplies, improved access to government printing houses, the retraction of libel suits by government officials, and the issuance of broadcasting licenses to regional independent stations.

Most newspapers are printed in government publishing houses. The Government's control over most publishing facilities and of trade in newsprint gave it leverage over the press. Early in the year, government authorities restricted imports of newsprint, which resulted in a doubling of newsprint prices; however, this restriction abated during the year. Private advertisers were intimidated and harassed into removing their advertisements from some independent and opposition newspapers, forcing many newspapers to subsist on newsstand sales alone and adding to the financial pressures on newspapers that do not benefit from government financial support. The finances of most independent and opposition papers were precarious and they had increasing problems meeting their wage and tax payment obligations. Rising costs and declining revenues forced one of the largest opposition Azeri language dailies, *Azadlig*, to cease publication from June to September. Following the President's December meeting with journalists, customs duties on newsprint and other tariffs were lifted and access to the government printing houses improved.

Government-run and independent kiosks distributed government, opposition, and independent publications throughout the year. A number of editors continued to report that government-run kiosks refused to carry their newspapers, or claimed to have sold all received copies while actually retaining many unsold copies in stock, leading some newspapers to depend on independent distributors. *Gaya*, the country's largest independent distributor, reported increased government harassment. The company's manager complained that some of its most profitable newsstands have been torn down arbitrarily in Baku and in regional cities, in an effort to run the company out of business. There was no improvement in *Gaya's* situation by the end of the year. The availability of independent and opposition newspapers in outlying areas of the country was sporadic or nonexistent.

During the year, there were frequent closures of newspapers for libel. According to the media law enacted in 2000, a newspaper may be shut down if it loses three libel suits within 1 year or if the court so orders. A court shut down two small newspapers, *Millatin Sasi* and *Bakinsky Bulvar*, for articles "insulting the honor and dignity" of high-ranking officials. *Bakinsky Bulvar* and *Millatin Sasi* remained closed at year's end. Another small paper, *Etimad*, also was closed for insulting a public religious figure. Several government officials dropped their libel cases against these newspapers following the president's December address; however, President Aliyev's brother, *Jalal Aliyev*, launched a libel suit against the opposition *Yeni Musavat* newspaper, which he claims insulted his dignity.

The Government controlled radio and television, the main source of information for much of the population. The Government periodically used state television to conduct campaigns of denunciation and harassment against political parties and leaders critical of the Government. Various talk shows, such as *Nezer Nugtasi* and *Nebz*—which are broadcast by privately run, independent television channels—broadcast views of both government and opposition officials. Independent radio is oriented largely to entertainment, but one independent station broadcasts programs on political topics. *Radio Free Europe/Radio Liberty* and the *Voice of America* broadcast without restriction and there are no restrictions on reception of foreign stations via satellite.

Television and radio stations require a license to operate, and the Government used this requirement to prevent several independent stations from broadcasting. Immediately following accession to the Council of Europe in January, the Government forced the closure of several regional television stations because they lacked broadcasting licenses, which licensing authorities have denied without explanation over a period of several years. In December as a result of international pressure, the Government granted licenses to five of the stations following the President's meeting with journalists.

During the year, the authorities launched questionable tax inspections of independent television, newspapers, and a main printing house for nongovernment print media. In 2000 the government temporarily shut down the independent *ABA* television station over tax issues and took the station to court. Although the station reopened by the end of 2000, it closed permanently in July 2001 following accusations of continued tax irregularities and government confiscation of the station's equipment. *ABA* was the country's CNN distributor and held rebroadcasting rights for a number of Russian channels as well. The owner of the television station left the country and has claimed that the television station was being victimized because "it was independent." Independent newspapers also have reported harassment by tax authorities. In September the owner of the *Baku Printing Press*, which prints a number of nongovernment papers, was sentenced to 18 months imprisonment for tax evasion.

In September numerous journalists were arrested for articles written regarding government officials. The journalists later were released. On December 12, three

journalists were arrested and later released following an unsanctioned protest in front of ruling New Azerbaijan Party headquarters. Violence against journalists also took place during the year. The Committee to Protect Journalists (RUH) reported over 150 incidents of physical attacks against journalists. In two separate attacks in January, unknown assailants beat Azadlig reporter Haji Zamin and the editor-in-chief of Etimad, newspaper, Etibar Mansuroglu. Both had authored articles criticizing government officials for the difficult economic and social conditions existing in the country. Minister of Interior Ramil Usubov pledged that his ministry would initiate investigations into attacks against journalists. In March police officers in northwest Azerbaijan who attacked a cameraman from independent ANS television received reprimands, but in most other cases, perpetrators of violence against journalists were not brought to justice.

All Internet providers in Azerbaijan are required to have formal links with the Ministry of Communications. There are a number of Internet service providers and vendors sell accounts. Internet access costs less than \$1 (4,600 manats) per hour. Usage is growing, particularly in Baku, which has a number of small Internet cafes. Internet usage is less common in other parts of the country, but there are increasing numbers of Internet cafes in some other cities. Many observers believe that the Government monitors Internet traffic, especially that of foreign businesses and opposition intellectuals and leaders (see Section 1.f.).

Academic freedom was respected. Several professors with tenure are active in opposition parties.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly; however, the Government restricts this right on occasion. By law Citizens are permitted to assemble, associate with others, and organize demonstrations, processions, and pickets (demonstrations with less than 50 participants) “provided that they notify respective governmental bodies in advance.” A permit is required to stage a demonstration or picket and normally may be acquired from local government authorities (such as the mayor’s office in Baku or the local executive authority in the regions) in advance of the event. However, while both sanctioned and unsanctioned protests took place throughout the year, the Government denied permission for some assemblies and in some cases forcibly disrupted protests. The authorities frequently prevented political parties critical of the Government from conducting indoor meetings as well as outdoor gatherings. The Government did allow some opposition parties to organize pickets and to stage larger rallies far from the city center. The authorities cited security considerations repeatedly to ban any larger demonstrations in the center of town throughout the year.

During the year, the opposition Azerbaijan Democratic Party (ADP) repeatedly was denied permission to demonstrate in the center of Baku, and the authorities dispersed several other unsanctioned protests. For example, on April 21, 200 to 300 supporters of the ADP party attempted to march across downtown Baku without a permit to protest the Government’s treatment of ADP party leader Rasul Guliyev and political prisoners (see Section 1.e.). Approximately 150 police in riot gear blocked the road and stopped the protesters with a minimal use of force. Over 30 protesters were arrested; however, all were released by the end of the day. The ADP later reported that 15 members were tried and sentenced to 10 to 14 days in prison for public disorder and resisting arrest. The Government did allow the party to have numerous rallies outside of the city center. On December 12, a group of 50 to 70 journalists and supporters of opposition Yeni Musavat, Hurriyet, and Azadlig newspapers participated in an unsanctioned picket in front of the New Azerbaijan Party (YAP) headquarters (see Section 2.a.).

In January and February, a group of Nagorno-Karabakh war veterans protesting in front of the Ministry of Justice against poor social and economic conditions launched a hunger strike for several weeks in the early part of the year. Police forcibly broke up the group and detained several of the strikers. All were later released. On September 28, the Court of Appeals ordered the release of two of the protesters who had been sentenced for participation in protests demanding social services.

Authorities harassed opposition party members when they tried to meet with supporters outside Baku. For example, in August local law enforcement authorities prevented Musavat Party Deputy Chairman Rauf Arifoglu and Bahil Husseyinly from holding the party’s regional congress in the northern Khachmaz and Gusar regions. In August local authorities in Gusar harassed members of the unregistered opposition Justice Party, including party chairman Ilyas Ismaylov, when they attempted to meet with supporters. In November the authorities disrupted regional meetings of the Azerbaijan National Independence Party and Popular Front and detained their leaders. In November local authorities blocked several opposition party training sessions in regional capitals by an international NGO.

In November 2000, the police forcibly dispersed unsanctioned demonstrations to protest falsified parliamentary elections results and poor social conditions in the cities of Sheki, Agstafa, and Jalilabad, and alleged demonstrators were arrested and jailed.

The Constitution provides for freedom of association; however, in practice the Government continued to restrict this right. A number of provisions enable the Government to regulate the activities of political parties, religious groups, businesses and NGOs, including a requirement that all organizations be registered in order to function normally. Registration is necessary for an organization to rent property, open a bank account and generally act as a legal entity. Vague, cumbersome and nontransparent registration regulations resulted in long delays and inaction on some registration requests that in effect limited citizens' right to association.

There were 38 registered political parties; some of these are affiliated with or support the President's party. At least 20 registered parties are considered opposition parties. During the year, opposition political parties faced harassment from the authorities and were evicted from their headquarters (see Section 3). In February 2000, the Government registered the ADP. Other unregistered parties have not met the legal requirements for registration. Nevertheless, unregistered political parties continued to function openly. Members of unregistered political parties can run for president but must be sponsored by a registered party or an independent "voters initiative group." Members of unregistered parties may run for Parliament, but only as independents in a direct constituency, not on a party list. A party must be registered to run a list of candidates. Members of unregistered parties can run in municipal elections only as independents, or as nominees of a registered party or another voter initiatives group.

*c. Freedom of Religion.*—The Constitution provides that persons of all faiths may choose and practice their religion without restrictions; however, there were some abuses and restrictions. The Law on Religion expressly prohibits the Government from interfering in the religious activities of any individual or group; however, there are exceptions, including cases where the activity of a religious group "threatens public order and stability."

The most common restriction on religious freedom results from the requirement in the Law on Religion that all religious organizations be registered by the Government. Registration enables a religious organization to maintain a bank account, rent property, and generally act as a legal entity. Lack of registration makes it more difficult, but not impossible, for a religious group to function. The process is burdensome and there are frequent, lengthy delays in obtaining registration for religious and nonreligious groups. Religious groups are permitted to appeal registration denials to the courts. In August all religious groups were asked to reregister with the State Commission on Work with Religious Structures (SCWRS), and the Justice Ministry's responsibilities for registering religious groups were terminated.

There are thousands of mosques, churches, temples, religious communities, and other smaller clerical organizations throughout the country. By year's end, several religious groups continued to report that they had not been registered; however, this did not prevent them from functioning. These included Azerbaijani Presbyterian, Living Stones, New Life, and Baptist congregations from the towns of Aliabad, Sumgait, and Neftchala. In late 2000, two congregations, the nondenominational Baku Christian Fellowship and a branch of the Evangelical Lutheran Church, were denied registration by the Religious Affairs Department and the Ministry of Justice. In both cases, the reasons for denial appeared to have had no basis in the law and contradicted the President's 1999 commitment to religious freedom.

There have been isolated instances of harassment of religious groups by local officials. Early in the year, local police repeatedly called in for questioning members of the evangelical Greater Grace church in Ismayli concerning the allegedly forced conversion of church members. In April local police detained and later released two members for allegedly disobeying police orders. In April local police in Ganja banned a Baptist church from holding services; the head of the SCWRS overrode this ban and the church resumed services in December. In April local city authorities demolished a Baku mosque on grounds that it allegedly was constructed on a strategic site in the city. In May police interrupted Greater Grace services at a private apartment in Sumgait and took religious literature. In December the head of the SCWRS filed a lawsuit to shut down the "Love" Baptist church in Baku for "anti-Islamic" comments contained in one of its pastor's sermons. The Government continued to resist the resumption of worship at Baku's Ashkenadze synagogue, a Lutheran church, and a Baptist church seized during the Soviet period.

In November 1999, President Aliyev declared publicly the country's commitment to religious freedom. Since that time there has not been a repeat of sustained and violent attacks, which occurred at that time against unregistered religious groups.

Some officials at times discriminated against members of minority religions. In many instances, abuses by officials reflected the popular prejudice against conversion to Christianity and other nontraditional religions (see Section 5). For example, in 2000 local authorities in the Zagatala region in Northwestern Azerbaijan denied a birth certificate for a newborn boy for several months allegedly because his parents were members of a local Baptist Church and gave their son a non-Azeri name. During the year, a police officer reportedly was fired from his job after he was seen by policemen attending a Baptist Church service in Baku.

Religious proselytizing by foreigners is against the law. In July the head of the new SCWRS intervened to allow the import of evangelical Christian literature by a Baku bookstore, which had been blocked by the Department of Religious Affairs. There is official concern regarding "foreign" (mostly Iranian and "Wahhabist") Muslim missionary activity. The Government banned several Islamic humanitarian organizations because of credible reports regarding connections to terrorist activities. The Government also deported foreign Muslim clerics it suspected of engaging in political activities.

In 1999 the Supreme Court overturned a lower court decision in favor of a group of Muslim women who sued for the right to wear headscarves in passport photographs; at year's end, the women continued to fight to wear their headscarves.

Ethnic Azerbaijanis have fled areas of Azerbaijan controlled by ethnic Armenians, and mosques in this area that have not been destroyed do not function. According to press reports the Armenian Apostolic Church enjoys special status and courses in religion are mandatory in Nagorno-Karabakh.

*d. Freedom of Movement within the Country, Foreign Travel, Emigration and Repatriation.*—The Constitution provides for these rights; however, at times, the Government limited the freedom of movement. A passport is required for travel abroad, and the internal residence regime from the Soviet system ("propiska") still is imposed on displaced persons, who are required to register their location with the authorities and may reside only in approved locations. Residents of border areas in both Azerbaijan and Iran travel across the border without visas. Members of opposition parties were harassed and denied the right to travel within the country for political purposes (see Section 3). Draft-age men must obtain documents from military officials before they can leave for international travel, and some restrictions are placed on military personnel with access to national security information.

The number of refugees and IDP's from the Nagorno-Karabakh conflict is approximately 800,000; 200,000 of these are refugees and over 600,000 are IDP's. Armenians have settled in parts of Nagorno-Karabakh. Approximately 10,000–30,000 Armenians (almost exclusively persons of mixed descent or mixed marriages) remain in Azerbaijan (in addition to Armenians residing in Nagorno-Karabakh). While official government policy is that ethnic Armenians are free to travel, low-level officials seeking bribes have harassed citizens of Armenian ethnicity who sought to obtain passports. The Armenian Government has not allowed the hundreds of thousands of Azerbaijanis who were forced out of the now-occupied Nagorno-Karabakh to return to their homes.

The Government depends on international assistance to care for refugees and IDP's. The Government provided a minimal allowance to IDP's in the form of a bread allowance of \$4 (18,000 manats) per month per family as well as an additional \$2 (9,000 manats) per month for each child. Many IDP's complained of 10 percent "processing fees" by local officials, further reducing their already meager resources. In August President Aliyev decreed that he would allocate \$18 million from the country's oil fund to improve the social and economic conditions of refugees. He later raised that amount to \$37 million, of which \$190,000 per year are to be allocated for providing basic food and provisions for IDP's. International assistance to the refugee and IDP population continued to decline. Most of the IDP's continued to live in camps and other temporary shelters, at below-subsistence levels, without adequate food, housing, education, sanitation, or medical care. The parties to the conflict have cut normal trade and transportation links to the other side, causing severe hardship to civilians on all sides.

A law that provides for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention relating to the Status of Refugees and its 1962 Protocol was passed; however, no mechanism for its implementation had been created by year's end. The Government cooperates with the U.N. High Commission for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. Such organizations report full and unrestricted access to the refugee population. The issue of the provision of first asylum did not arise during the year, and there are no procedures for granting first asylum. A 2000 presidential decree laid the groundwork for creation of a refugee status determination procedure, but this had not occurred by year's end.

There are approximately 8,000 to 10,000 Chechens who fled from Russia, residing in Azerbaijan, 4,500 of whom are registered as refugees with the UNHCR. According to UNHCR personnel, during the year, many Chechens complained of arbitrary detention and police harassment because of their undocumented status in the country. No residence permits are issued to Chechens, Chechen children are not allowed to attend public schools, and medical services are provided only on a fee for service basis. Several Chechens were extradited to Russia for alleged criminal offenses, but their status as refugees was unclear.

At year's end, many suspected Afghans, some with falsified travel documents, were expelled at the border with Iran after the outbreak of hostilities in Afghanistan. Approximately 1,000 Afghans who fled their country have registered with UNHCR and have lived in Azerbaijan for the past several years.

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

The Constitution and the law allow citizens to change their government by peaceful means; however, the Government continued to restrict citizens' ability to change their government peacefully by interfering in local and national elections. The country is a republic with a strong presidency, and a legislature that the Constitution describes as independent. However, in practice the legislature's independence from the executive is minimal. The Parliament exercises little legislative initiative independent of the executive.

The 1998 presidential election was an improvement over the 1995 parliamentary elections, especially in regard to reduced multiple voting and the presence of domestic observers; however, some domestic and international observers witnessed ballot stuffing and irregularities in vote counting, and some were barred from observing the vote counting. Neither domestic nor international observers were allowed to monitor the compilation of the national vote totals. Precinct vote totals were never reported. The observed irregularities and lack of transparency in vote counting led to serious doubts regarding the accuracy of the 76 percent vote total officially recorded for President Aliyev. International observers, including the OSCE Office of Democratic Institutions and Human Rights (ODIHR), concluded that the election did not meet international standards.

The November 2000 parliamentary elections showed some improvement over the 1998 presidential and 1999 municipal elections, according to OSCE/ODIHR; however, they did not meet international standards due to numerous serious irregularities. Several major opposition parties were disqualified from campaigning as a result of alleged falsifications in signature lists required for participation, only after international pressure were all major parties allowed to launch their campaigns. Individual candidates were harassed, and some were beaten up or detained. Potential candidates reported that individuals who signed their petitions were asked by police to remove their names. An election law passed prior to the November 2000 voting period incorporated most, but not all OSCE/ODIHR recommendations. Among the most serious flaws was a provision banning domestic election monitoring groups that received over 30 percent of their funding from foreign sources. This provision appeared to be targeted at "For the Sake of Civil Society," which was supported by the National Democratic Institute (NDI) and was the only NGO capable of mounting a nation-wide monitoring effort. Individual parties and some NGO's were able to post their own monitors at the polls, but intimidation, harassment, and even arrests of the observers took place. Frequently, international observers were denied access to polling stations and were expelled from election commission premises. International observers seriously doubted the accuracy of the election results because of ballot stuffing, premarked ballots and vote counting irregularities.

Following domestic and international objections, the Constitutional Court in 2000, voided the results in four districts (in addition to several voided by the Central Election Commission) and repeat elections took place on January 7. International observers reported that the administration of those elections was generally better than in November 2000, but violations still occurred.

The ruling New Azerbaijan Party occupies 76 out of 125 seats in the new parliament. Independent deputies that are primarily loyal to the Government occupy most of the remaining seats. Opposition parties outside the Parliament routinely are harassed by the authorities. In July the Ministry of Economic Development forced the opposition Azerbaijan National Independence Party to vacate its headquarters in Baku, and local authorities later forced the party out of seven regional offices. In August the opposition Musavat Party received notice to vacate its headquarters in Baku, which it had occupied since 1992. In September the unregistered Justice Party also was evicted from its regional offices in Sumgait, and the Civil Unity

Party, which supports former President Ayaz Mutalibov, was evicted from its party headquarters in Baku.

By-elections held in November in Tovuz and Ajabedi to fill vacant parliament seats were also marred by election fraud and ballot box-stuffing. As a result of objections by local observers, the results in three polling stations in Tovuz were cancelled by the Central Election Commission.

The percentage of women in government or politics does not correspond to their percentage of the population. There are no legal restrictions on women's participation in politics; however, traditional social norms limit women's roles in politics, and they are underrepresented in elective offices. The practice of "family voting," where men cast the votes of their wives and other female members of their families, persisted. There are 13 women in Parliament and several women in senior government positions.

The percentage of minorities in government or politics does not correspond to their percentage of the population, although there are no restrictions on the participation of minorities in politics. Several Lezghins, Talysh, and Avars serve in the Parliament and Government.

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

A wide variety of domestic and international human rights groups in general investigate and publish their findings on human rights abuses without restrictions. Some NGO's wholly independent of the Government are objective and effective conduits of information to local officials, the diplomatic community and such international institutions as the Council of Europe. The Government maintains ties to some of the human rights NGO'S and responds to inquiries. However, the Government occasionally criticizes some human rights NGO'S and activists and the Ministry of Justice routinely failed to act on or denied registration to NGO'S, including human rights NGO'S, although it has not tried to restrict their activities (see Section 2.b.). In May the Human Rights Resource Center in Khachmaz experienced increased hostility from local regional authorities and its director was called into local police headquarters for repeated questioning about the center's activities. The Government accused some human rights activists of working in the interests of foreign governments that fund them. In 2000 the Government alleged that some domestic activists provided inaccurate lists of political prisoners to visiting foreign government officials.

Human rights NGO'S are moderately effective. A serious impediment to their effectiveness is the inability of local human rights activists to work together. During the year, several human rights activists publicly accused each other of working under the auspices of the Government and lack of independence. The Government at times used these disputes to its advantage in discrediting the operation of many human rights NGO's.

The local diplomatic community, the ICRC, and delegations from the Council of Europe enjoyed access to prisons and conducted meetings with inmates throughout the year (see Section 1.c.). Various human rights groups offer courses and sensitivity training to law enforcement officials with the help of foreign financing. In November the Institute for Peace and Democracy, together with the OSCE and a foreign embassy, held a course for Baku police officers on international standards of behavior during public demonstrations.

In December the Parliament passed legislation on the creation of an ombudsman position; however, the position had not been created by year's end. Both Parliament and the Ministry of Justice have human rights offices that hear complaints from citizens. During the year, the Ministry of Foreign Affairs also established a human rights office under the direction of a Deputy Foreign Minister and began regular meetings with the diplomatic community.

In November 2000, the head of the International Republican Institute who had working on democracy issues was murdered in Baku. Local officials continued to cooperate with international law enforcement officials in the ongoing investigation.

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

The Constitution provides for equal rights without respect to gender, race, nationality or national origin, religion, language, social status, or membership in political parties, trade unions or other public organizations; however, in the wake of the Nagorno-Karabakh conflict, there is widespread anti-Armenian sentiment in society. Some members of other ethnic groups also complained credibly about discrimination. Preventing this discrimination is not a government priority.

*Women.*—Violence against women, including domestic violence, was a problem. In rural areas, women have no real recourse against assaults by their husbands or others; no laws exist regarding spousal abuse or spousal rape. There is a law against rape, which makes rape punishable by up to 15 years in prison; however, many incidents go unreported; such subjects are taboo in society. According to the Society for the Defense of Women's Rights (SDWR) and the Ministry of Internal Affairs, there were 41 rapes reported during the year. There are no government-sponsored or funded programs for victims of domestic violence. In November an NGO, the Institute for Peace and Democracy, opened a women's crisis center in Baku to assist women on a variety of issues, including physical abuse.

Prostitution is a serious problem, particularly in Baku. The legal age of consent is 16. According to the criminal code, prostitution is not a crime, but a personal matter, and prostitutes cannot be criminally charged. However, pimps and brothel-owners are liable to criminal laws. In February the mayor of Baku ordered all restaurants and discotheques, except those in foreign hotels, shut down at midnight (see Section 1.f.), a move that observers believed was aimed partly prostitution rings in the city. Pornography is prohibited.

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

Women nominally enjoy the same legal rights as men; however, societal discrimination is a problem, and traditional social norms continue to restrict women's roles in the economy. Representation of women is significantly lower in the higher levels of the work force, and there are few women in leading business positions. The labor law prohibits pregnant women from working at night and pregnant women with children under 18 months of age from working more than 36 hours per week. According to the labor law, women are also prohibited from working underground.

There are 24 registered NGO's that address issues pertaining to women. The SDWR is not registered, but is one of the most active women's NGO's in the country. The SDWR provides speech and communication training for women from all political parties.

*Children.*—The Constitution and laws commit the Government to protect the rights of children to education and health; however, difficult economic circumstances limit the Government's ability to carry out these commitments. Public education is compulsory, free, and universal until the age of 17. The Government provides minimum standards of health care for children, although the quality of medical care overall is very low.

The criminal code prescribes severe penalties for crimes against children, and in general, the young are treated with respect regardless of gender. There is no known societal pattern of abuse of children. A large number of refugee and IDP children live in substandard conditions in refugee camps and public buildings. Poverty at times compels families to send their children to beg on the streets. Trafficking of children was a problem (see Section 6.f.).

*Persons with Disabilities.*—The law prescribes priority for persons with disabilities in obtaining housing, as well as discounts for public transport and pension supplements. The Government does not have the means to fulfill these commitments. In January and February, following a demonstration and hunger strike by Nagorno-Karabakh war veterans and persons with disabilities (see Section 2.b.), the Government promised to increase the special subsidies provided to those groups, but had not done so by year's end. There are no special provisions in the law mandating accessibility to public or other buildings for the disabled; this was not a government priority.

*Religious Minorities.*—There is considerable popular concern regarding the conversion of ethnic Azerbaijanis to faiths considered alien to Azerbaijani traditions (primarily nontraditional Christian and Islamic faiths). Proselytizing by foreigners is against the law (see Section 2.c.) and there is widespread popular hostility towards groups that proselytize (largely evangelical Christians, but also Muslim missionary groups), and toward Muslims who convert to other faiths.

During the year, several newspapers and television broadcasts depicted these groups as a threat to the identity of the nation. An article published in a local daily in February criticized Western pressure on religious issues and the President's decision to register nontraditional evangelical faiths in late 1999. During a March 2000 opposition Civil Solidarity Party press conference, participants claimed that missionary activity undermined the country's morals and that certain missionaries operated in the political interests of foreign countries. Russian Orthodox Church officials publicly blamed nontraditional Christian faiths for promoting discord between Christians and Muslims in the country.

Some of these attacks extended to humanitarian organizations operating in the country that are linked to foreign religious organizations. In June the Adventist De-

velopment and Relief Agency (ADRA) became the subject of several negative press reports on independent television stations. These reports accused both the Adventist Church and ADRA of religious proselytism in the country. Local Muslim leaders and government officials were featured, warning such agencies that they should be closed. During the year, the press also accused the ICRC in Baku of supporting religious groups after the ICRC distributed a publication that some believed recognized the breakaway region of Nagorno-Karabakh as independent. The ICRC—a purely secular organization—immediately and publicly refuted the accusations regarding supporting religious groups.

Hostility also exists toward foreign (mostly Iranian and “Wahabbist”) Muslim missionary activity, which partly is viewed as seeking to spread political Islam and thus a threat to stability and peace. In those portions of Azerbaijan controlled by ethnic Armenians, all ethnic Azerbaijanis have fled and those mosques that have not been destroyed are not functioning. Animosity toward the Armenian population elsewhere in Azerbaijan forced most Armenians to depart, and all Armenian churches, many of which were damaged in ethnic riots that took place over a decade ago, remain closed. As a consequence, the estimated 10,000 to 30,000 Armenians who remain in Azerbaijan are unable to attend their traditional places of worship.

*National/Racial/Ethnic Minorities.*—Many indigenous ethnic groups live in the country. The Constitution provides for the right to maintain one’s nationality and to speak, be educated, and carry out creative activity in one’s mother tongue or any language as desired. However, some groups have complained that the authorities restrict their ability to teach or print materials in indigenous languages. Separatist activities undertaken by Farsi-speaking Talysh in the south and Caucasian Lezghins in the north in the early 1990’s have engendered some suspicions in other citizens and fostered occasional discrimination. Meskhetian Turks displaced from Central Asia, as well as Kurdish displaced persons from the Armenian-occupied Lachin region, also complained of discrimination. A senior government official is responsible for minority policy.

The approximately 10,000–30,000 citizens of Armenian descent complained of discrimination in employment, schooling, housing, and other areas. Most shield their identity or try to leave Azerbaijan. Some have changed their nationality, as reported in their passports. Ethnic Armenians have complained of discrimination in employment and harassment at schools and workplaces and of the refusal of local government authorities to pay pensions. Armenian widows have had permits to live in Baku revoked. Some persons of mixed Armenian-Azerbaijani descent continued to occupy government positions. Government officials whose parents reportedly are of or had mixed-Armenian and Azerbaijani marriages have been attacked publicly by colleagues in the press.

In the area of the country controlled by ethnic Armenian forces, the Armenians forced approximately 800,000 ethnic Azerbaijanis to flee their homes (see Section 2.d.). The regime that controls these areas effectively has banned them from all spheres of civil, political, and economic life.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides for freedom of association, including the right to form labor unions, but there are some limits on this right in practice. Branches of the government-run Azerbaijani Labor Federation seek to organize most industrial and white-collar workers; the Federation claims some 300,000 members. The semi-independent Azerbaijan Trade Union Confederation (ATUC) has 1.5 million members, of which approximately 800,000 are active. The overwhelming majority of labor unions still operate as they did under the Soviet system and remain tightly linked to the Government. Most major industries are state-owned. Police, customs, and military personnel are prohibited from forming unions. Trade unions are prohibited by law from engaging in political activity, but individual members of trade unions have no such restrictions.

In 1997 the State Oil Company (SOCAR) formed a progovernment union, the Azerbaijan Union of Oil and Gas Industry Workers, which took over the former Independent Oil Workers Union without a vote of the union membership. It continues to operate without a vote of its rank and file workers. An independent group of oil workers, the Committee to Defend the Rights of Azerbaijani Oil Workers, operates outside of established trade union structures and promotes the interests of workers in the petroleum sector.

According to International Confederation of Trade Unions’ (ICFTU) Annual Survey of Violations of Trade Unions Rights during the year, “one of the most serious problems facing unions in the country is that union dues are rarely transferred to them. As a consequence the unions do not have the resources to carry out their ac-

tivities effectively. The ATUC has listed approximately 40 enterprises in almost all sectors where dues have not been transferred.

The Constitution provides for the right to strike, and there are no legal restrictions on this right. The law prohibits retribution against strikers. During the year, there were several peaceful strikes to demand salary increases or payment of unpaid wages.

Unions are free to form federations and to affiliate with international bodies. In November 2000, the ATUC became a member of the ICF TU.

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

There is antiunion discrimination by foreign companies operating in Baku; however, there were no reports of government antiunion discrimination. Labor disputes are handled by local courts. The ATUC sometimes helps plaintiffs with lawyers and legal advice.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution allows forced or compulsory labor only under states of emergency or martial law or as the result of a court decision affecting a condemned person; however, while the Government has not invoked the forced labor clause; women were trafficked for the purpose of prostitution (see Section 6.f.). Two departments in the General Prosecutor's office (the Department of Implementation of the Labor Code and the Department for Enforcement of the Law on Minors) are responsible for enforcing the prohibition on forced or compulsory labor.

No constitutional provisions or laws specifically prohibit forced or bonded labor by children; however, trafficking of children was a problem (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for employment is 16 years. The law allows children ages 14 and 15 to work with the consent of their parents and limits the workweek of children between the ages of 14 and 16 to 24 hours per week. However, children at the age of 15 may work if the workplace's labor union does not object; there are no explicit restrictions on the kinds of labor that 15-year-old children may perform with union consent. The Ministry of Labor and Social Security has primary enforcement responsibility for child labor laws. With high adult unemployment, there have been few, if any, complaints of abuses of child labor laws. At year's end the Government had not ratified the International Labor Organization (ILO) Convention 182 on the worst forms of child labor.

The law does not prohibit specifically forced and bonded labor; however, trafficking of children was a problem (see Section 6.f.).

*e. Acceptable Conditions of Work.*—The Government has set by decree the nationwide administrative minimum wage at \$5.00 (27,000 manats) per month. This wage is not sufficient to provide a decent standard of living for a worker and family. The recommended monthly wage level to meet basic subsistence needs was estimated to be \$50 (215,000 manats) per person. Most workers earn more than the minimum wage. Idle factory workers earn a fraction of what they received a decade ago. Many rely on the safety net of the extended family. Many have second jobs or makeshift employment in the informal sector, such as operating the family car as a taxi, selling produce from private gardens, or operating small roadside stands. As many as 2 million people relied on remittances from relatives working in Russia, but this support dropped after the 1999 Russian financial crisis. Combinations of these and other strategies are the only way for broad sectors of the urban population to reach a subsistence income level.

The legal workweek is 40 hours. There is a 1-hour lunch break per day and short breaks in the morning and afternoon. The Government attempts to enforce this law in the formal sector, but does not enforce it in the informal sector where the majority of persons work.

Health and safety standards exist, but are ignored widely. Workers cannot leave dangerous work conditions without fear of losing their jobs.

Foreign workers are protected under the law and enjoy the same rights as citizens.

*f. Trafficking in Persons.*—There are no laws that specifically prohibit trafficking in persons although traffickers may be prosecuted under other laws; trafficking in persons was a problem. The country primarily is a country of origin and a transit

point for trafficked men, women, and children. There were unconfirmed reports that corruption by officials facilitated trafficking.

Azerbaijanis are trafficked into northern Europe, particularly to the Netherlands and Germany, where many unsuccessfully seek asylum. Traffickers usually sent women to the United Arab Emirates (UAE), Iran, Turkey, or Western Europe, mainly Germany, to work as prostitutes. Women from Iran, Russia, and sometimes Iraq are transported through the country to the UAE, Europe, and occasionally the U.S. for the same purposes. Traffickers generally target women; however, there also were cases in which men and children were victims of trafficking. Traffickers either may be foreigners or ethnic Azerbaijanis who act as middlemen for large trafficking syndicates headquartered abroad. Victims are approached directly and indirectly through friends and relatives. Traffickers also use newspaper advertisements offering false work abroad. According to an NGO, draft-age men seeking to escape military service in 2000 were invited by local traffickers to work in the hotel industry in Turkey, but ended up in male brothels. In cases where young children are involved, families either sell the children or are led to believe by traffickers that their child will travel abroad on a work and study program. Another NGO reported that families of young women had been approached by individuals claiming that visiting Iranian businessmen had seen their daughters and wished to marry them. Following parental permission for such marriages the women were transported to Iran to work as prostitutes.

There is no specific law prohibiting trafficking in persons; however, traffickers may be prosecuted under articles prohibiting forced prostitution and labor. Under the new criminal code, the act of forcing an individual into prostitution carries a 10 to 15 year jail term, which is a harsher sentence than in the previous code. During the year, four persons who international organizations consider to be traffickers were prosecuted under forgery laws in the criminal code. In 2000 police apprehended an individual accused of luring a young girl to the UAE for employment in the sex industry; however the case failed to go to trial.

There is no evidence of government complicity in the facilitation of the trafficking of persons; however, NGO's suspect that lower-level civil servants accept bribes from traffickers in exchange for turning a blind eye to their activities.

The Ministry of Internal Affairs, the Ministry of Labor and Social Protection, and the Border Guards are responsible for antitrafficking efforts. There are no government antitrafficking campaigns. There is no mechanism to return trafficked women to Azerbaijan and there are no government support services for female victims of trafficking. There were no reports of deportations of Azerbaijani nationals back to Azerbaijan for trafficking or prostitution.

The International Organization for Migration has conducted awareness campaigns and was undertaking a study of the trafficking problem in the country at year's end. Several NGO's deal with the problems of trafficking in women and prostitution.

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## BELARUS

According to its amended Constitution, Belarus is a republic with a directly elected President. The President, Alexander Lukashenka (elected in 1994), used a November 1996 referendum to amend the 1994 Constitution in order to broaden his powers, extend his term in office, and replace the unicameral Parliament with a handpicked one, ignoring the then-Constitutional Court's ruling that the Constitution could not be amended by referendum. Most members of the international community criticized the flawed referendum and do not recognize the legitimacy of the 1996 Constitution or the bicameral legislature that it introduced. On September 9, Lukashenka renewed his term of office as President through an election process that the Organization for Security and Cooperation in Europe (OSCE) described as neither free nor fair and as having failed to meet OSCE commitments for democratic elections. Parliamentary elections were held in October 2000, the first since the 1996 referendum. The President and his administration manipulated the election process to ensure an absolute minimum of antiregime candidates and opposition members of the Parliament. The OSCE concluded that the elections were neither free nor fair. The judiciary is not independent.

The Committee for State Security (KGB) and the Ministry of Internal Affairs (MVD), both of which report directly to the President, share law enforcement and internal security responsibilities. Under the law, the President has the right to subordinate all security bodies to his personal command. Civilian authorities, apart from the President, do not maintain effective control of the security forces. Under Lukashenka's direction, the Presidential Guard—initially created to protect senior

officials—continued to act against the political enemies of the Lukashenka regime with no judicial or legislative oversight. Members of the security forces committed numerous serious human rights abuses.

The country has a population of approximately 10,350,000. The economy remained centrally planned, and is primarily industrial, with industry accounting for approximately half of economic output. Primary industrial products include machine tools, tractors, trucks, and consumer durables. The majority of workers are employed in the state industrial and state agricultural sectors. The authorities claimed that the gross domestic product (GDP) grew by 4 percent, but independent analysts have asserted that all growth was the result of the accumulation of noncompetitive goods in inventories, fueled by continued massive credits to the debt-ridden state sector. Officials claimed that per capita GDP was slightly more than \$2,000 (2,4 million rubles), but little of that growth resulted in real economic gain for the population. In the state sector wages were lower than the national average and wage arrears were chronic. Although the unreliability and unavailability of official statistics makes it difficult to measure macroeconomic conditions, living standards for many segments of society continued to decline. Residents of small towns and rural areas, where incomes are particularly low, sustained themselves through unreported economic activity and subsistence farming.

The regime's human rights record continued to be very poor and worsened in several areas. The authorities continued to limit severely the right of citizens to change their government. In the period prior to the September presidential elections, the regime committed widespread human and civil rights violations, including physical mistreatment of opponents, manipulation of the regime-dominated mass media, intimidation of election observers, and manipulation of the vote count. The authorities did not undertake serious efforts to account for disappearances in previous years of well-known opposition political figures and discounted credible reports during the year regarding the regime's role in those disappearances. Security forces continued to beat political opponents, detainees, and others. There were reports of severe hazing in the military during the year. Prison conditions remained poor. Security forces arbitrarily arrested and detained citizens, and the number of apparently politically motivated detentions greatly increased, although many of those detained were held for brief periods. The security services infringed on citizens' privacy rights and monitored closely the activities of opposition politicians and other segments of the population. Severe restrictions continued on freedom of speech and of the press, and the authorities did not respect freedom of peaceful assembly or association. During the year, the regime introduced several new decrees further severely restricting these freedoms. The authorities continued to restrict freedom of religion, favoring the Russian Orthodox Church at the expense of the Roman Catholic, Protestant, Greek Catholic, and Autocephalous Orthodox churches. The regime restricted freedom of movement. Regime security agents closely monitored human rights organizations and hindered their efforts. Domestic violence and discrimination against women remained significant problems, and anti-Semitism persisted. The authorities continued to restrict severely workers' rights to associate freely, organize, and bargain collectively; and after the Presidential elections launched a major effort to cut off resources to the trade unions by prohibiting employers from withholding union dues. The International Labor Organization has sanctioned the regime for these violations. There were reports of forced labor. Trafficking in women and girls was a continuing 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 conclusive reports of political killings committed by the regime or its agents during the year. However, several credible reports surfaced during the year implicating senior levels of the regime in the 2000 disappearance of journalist Dimitry Zavadsky and the 1999 disappearances of opposition figures Yury Zakharenko, Viktor Gonchar, and Anatoliy Krasovsky (see Section 1.b.). Regime investigators and human rights monitors alleged that senior regime officials were involved in the killing of these individuals because of their involvement in political activities. Zakharenko, Gonchar, and Zavadsky had worked for the Government Lukashenka prior to joining the opposition.

On June 11 and 12, investigators Dmitry Petrushkevich and Oleg Sluchek of the Prosecutor's Office publicly revealed in several media sources the results of their investigations into these disappearances. The investigators alleged that Yuriy Sivakov, the Minister of the Interior at the time of the disappearances, organized a special squad within the ministry under the direct control of Dmitry Pavluchenko,

head of a special OMON (riot police) brigade. This “death squad” reportedly had been organized under orders from the highest levels of the regime. The squad included Valery Ignatovich, a former officer of Almaz, an elite unit of the Ministry of the Interior, Maksim Malik, a former officer in the Almaz Special Assignment Police Force, and others subsequently charged with responsibility for disappearances. Their allegations put the number of killings conducted by the group at more than 30. Petrushkevich and Sluchek further alleged that Vladimir Naumov, who later became Minister of the Interior, repeatedly visited Ignatovich and Malik in their cells following their arrest, speaking with them in the absence of investigators or witnesses and with no record having been made of the visit. After these visits, according to Petrushkevich and Sluchek, Malik and Ignatovich made very specific threats against investigators who questioned them. Petrushkevich and Sluchek also stated that several investigators working on the case had died mysteriously. During the year, two operatives who were working on the case from the criminal search unit of the Prosecutor’s Office died under mysterious circumstances.

On June 15, Prosecutor’s Office investigators Dmitry Petrushkevich and Oleg Sluchek released a copy of what they stated was the investigation’s forensic report concerning a shovel found in the car of Ignatovich. The shovel was said to have bloodstains matching Zavadsky. Petrushkevich and Sluchek, fearing reprisals, left the country and sought asylum abroad.

On July 17, the independent and Russian press carried a document that appeared to be a handwritten report dated November 21, 2000 from Chief of Internal Police Nikolai Lopatik to Naumov, naming those who had given orders to kill Zakharenko, Gonchar and Krasovsky, as well as those who had executed those orders. The document claimed that on May 6, 1999, then-National Security Advisor Viktor Sheiman had ordered Sivakov to give Pavluchenko access to a death row prison, where he received a weapon allegedly used to carry out judicially sanctioned executions. Sheiman then ordered Pavluchenko to kill Zakharenko. Pavluchenko returned the weapon on May 8. The document further asserted that Gonchar and Krasovsky were eliminated in the same fashion by the same squad.

At the same time, the independent press carried testimony by Colonel Oleg Alkayev, warden of the death row prison, confirming the Lopatik report. In addition copies of a log book containing records of the issue of the alleged execution weapon and ammunition were made public.

On August 22, Alkayev himself was interviewed by an independent newspaper. In the interview, he stated he was aware of the existence of the death squad unit and confirmed that he was questioned by Deputy Prosecutor Mikhail Snyahir in connection with the Lopatik report. Alkayev also confirmed the issue of a pistol to MVD Minister Sivakov on the days preceding the disappearances and its return afterwards. He further confirmed that the pistol given to Sivakov was the pistol used for death row executions. He alleged that a unit of SOBR, a special Ministry of the Interior SWAT team, under the guidance of Pavluchenko and the orders of Naumov, executed Zakharenko, Gonchar, and Krasovsky. Alkayev subsequently left the country.

On August 27, former KGB investigator Gennady Uglyanitsa and an associate released a videotape in which Uglyanitsa stated that Gonchar and Krasovsky were killed by a special rapid response unit (SOBR) within the Ministry of the Interior. They further released videotaped testimony of a man who claimed to be a driver within that unit, who alleged that he was present when Pavluchenko murdered Gonchar and Krasovsky. He identified the place where they allegedly were buried; he said that Krasovsky’s Jeep, which also disappeared with the politicians, had been buried there as well. He further named several other members of the death squad, including, Vladimir Novatorsky, the head of the “capture group,” Aleksandr Mekiyanets, Yury Budko, Lieutenant Koklin and warrant officer Murashko. The regime denied these charges. Initially KGB officials claimed that the man on the tape was not Uglyanitsa and that they had investigated the alleged burial site and found nothing. In October Lukashenka accused the United States and Russia of conspiring to remove Uglyanitsa to another country and of blocking regime attempts to have him arrested and extradited.

*b. Disappearance.*—There were no reports of politically motivated disappearances during the year; however, the disappearances of several opposition figures in earlier years remained unresolved.

In July 2000, Dimitry Zavadsky, a cameraman for the Russian television network ORT, who previously had been a cameraman for President Lukashenka, disappeared at the Minsk Airport while waiting for ORT journalist Pavel Sheremet, another ORT journalist, to arrive from Moscow. In 1997 Zavadsky and Sheremet had been arrested by government authorities for crossing the border illegally while filming a documentary critical of the Lukashenka regime. The authorities initially accused

the opposition of organizing Zavadsky's disappearance, calling it a provocation, but opened a criminal investigation into the disappearance. In November 2000, Sheremet reported that several current and former police officers, including members of the elite Almaz Unit of the Ministry of the Interior, had been arrested as suspects in the Zavadsky case. At the same time, an open letter on the Internet, reportedly written by a KGB officer, alleged that Zavadsky had been killed by a group of former and current security service officers, including Valery Ignatovich, a former Almaz officer (see Section 1.a.). The letter also alleged that senior authorities, particularly then National Security Advisor Viktor Sheiman and Minister of the Interior Vladimir Naumov, interceded with Lukashenka to prevent investigators from fully examining the case. Lukashenka claimed that the letter was a fabrication and promised to renew the investigations into the disappearances; however, he removed the Prosecutor General and the KGB Chief who allegedly had been leading the investigation, and named Sheiman as the Prosecutor General. On May 11, the authorities officially confirmed that they were arresting and charging Ignatovich and three others with kidnaping in connection with the disappearance of Zavadsky. Officials announced that the motive for kidnaping was personal revenge stemming from Zavadsky's statement in a private newspaper that security personnel, including Ignatovich, had been operating in Chechnya. Most observers determined that this explanation was not credible because Zavadsky had not named any of the accused.

On July 12, Prosecutor General Sheiman remanded the Zavadsky kidnaping case to court. He charged Ignatovich, Malik, and two others, Aleksei Guz and Sergei Saushkin with, in addition to the Zavadsky kidnaping, seven premeditated murders, five armed assaults, and a second kidnaping. The trial was closed to the public and press. Zavadsky's wife and a lawyer representing his mother were allowed to attend, but were under court order not to disclose anything about the court proceedings. Some observers claimed that Ignatovich was being drugged during the testimony phase of the trial so that he could not incriminate others; the authorities stated that he was semiconscious because he was on a hunger strike, but later the judge ordered him removed from the courtroom. Many human rights advocates believe that the regime's handling of the Zavadsky case does not constitute meaningful progress in resolving the case because of the authorities' refusal to investigate whether the higher authorities ordered the kidnaping and execution.

There also has been no progress in the case of former Minister of Internal Affairs Yury Zakharenko who disappeared on May 7, 1999. Zakharenko, a close associate of the then-detained former Prime Minister Mikhail Chigir, disappeared after voting began in an opposition presidential election initiative in which Chigir was one of the principal candidates. Zakharenko was highly popular among Ministry of Interior personnel. An investigation began 6 months later, but there was no evidence that the authorities had taken concrete steps to resolve the case by year's end. The regime failed to present any information on the investigation in response to a request from the U.N. Working Group on Involuntary Disappearances. The authorities also harassed and hindered the investigations by independent nongovernmental organizations (NGO's) of Zakharenko's disappearance. In December 2000, after accusing Lukashenka of direct involvement in Zakharenko's disappearance Zakharenko's wife and children sought political asylum in a foreign country. During the September presidential campaign, regime media repeatedly ran stories alleging that Zakharenko was alive and well in Germany and that his disappearance had been fabricated by the opposition.

There has been no satisfactory resolution of the September 1999 disappearance of 13th Supreme Soviet Deputy Chairman Viktor Gonchar and his local business associate Anatoliy Krasovsky, which occurred after Lukashenka, in a meeting broadcast on state television, ordered the chiefs of his security services to crack down on "opposition scum." Gonchar was a high profile antiregime politician and Krasovsky was considered an active fundraiser for the opposition.

On January 19, ORT broadcast a report that the decision to replace the heads of the KGB—Uladzimir Matskevich—and the Prosecutor General—Oleg Bozhelko—was in fact a direct response to the arrest of Dmitriy Pavluchenko, head of a special ALMAZ brigade. The KGB head and Prosecutor General arrested Pavluchenko in connection with the abduction and suspected killing of Gonchar and Krasovsky (see Section 1.a.). The report alleged that Pavluchenko was arrested but released after President Lukashenka personally intervened. Sources close to the former KGB Chief and the former Prosecutor General stated that the two had requested permission to arrest Viktor Sheiman, then head of the Presidential Security Council, for ordering the killings but that Lukashenka had refused, instead dismissed them and put Sheiman in charge of the investigation. On June 11, on the Web site of the NGO Charter 97, Petrushkevich charged that Lukashenka fired Bozhelko approximately

a week after Bozhelko sent a request to his Russian counterpart asking for machinery designed to search for human bodies that have been buried and that Lukashenka then sent a message to the Russian Procurator General canceling Bozhelko's request for technical assistance.

In late August, former Prosecutor Oleg Bozhelko was quoted publicly by former Minister of Agriculture Vasily Leonov as having confirmed the speculation surrounding his dismissal, the existence of the Lopatik report, and the veracity of its allegations (see 1.a.). Bozhelko neither confirmed nor denied this report.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution provides for the inviolability of the person and specifically prohibits torture, as well as cruel, inhuman, or degrading treatment; however, police and prison guards beat detainees and prisoners. Law enforcement and prison officials lawfully may use physical force only against detainees and prisoners who are violent, have refused to obey the instructions of the prison administration, or have violated “maliciously” the terms of their sentences; however, human rights monitors repeatedly reported that investigators coerced confessions through beatings and psychological pressure. In November 2000, the U.N. Committee Against Torture issued conclusions and recommendations in its third periodic report on the country. The Committee cited concern over the deterioration in the human rights situation and noted numerous continuing allegations of torture and inhuman treatment or punishment committed by state officials or with their acquiescence, reportedly against political opponents of the regime and peaceful demonstrators. Police and plainclothesmen frequently beat individuals while arresting them or holding them in detention. For example, during the year police repeatedly beat Alexander Abramovich and Sergei Podzholko, two noted human rights activists in Borisov, for organizing nonviolent protests. Lukashenka opponent Aleksander Chigir reported that he was beaten and denied adequate medical attention while in detention. The authorities seldom, if ever, punished those who committed such abuses.

On April 4, police detained four other members of the opposition youth group “Zubr” (Bison) for writing graffiti on the walls of the Minsk refrigerator factory (see Section 1.d.); the police handcuffed the youths immediately, threw them to the ground, and sprayed their hands with paint. Two of the youths—Aleksey Shidlovski and Timofei Dranchuk—reported that police beat them at the police station after they had been arrested.

On April 5, in Minsk two policemen detained Nikita Sasim, a juvenile member of Zubir, for allegedly writing “Zubr” on a bus stop and on the walls of the nearby building and a bridge. The officer on duty handcuffed the boy, beat him, sprayed his hair with the paint, and threatened to shave the boy's head. Other policemen then removed all of his clothes and placed him in a cold cell overnight. In an effort to coerce the youth into signing an affidavit, the policemen handcuffed him again, forced him down on the ground, and began shooting a pistol above the boy's head. The police also threatened to subject the boy to electroshock and denied him food.

Police frequently beat participants in demonstrations and at times denied them food while they were in detention (see Sections 1.d. and 2.b.).

There were many reported beatings by police and plainclothesmen during the period prior to the September 9 Presidential election. For example, in July both Igor Gaishun and Sergei Stryzhelko, two associates of Oleg Volchek, a noted human rights lawyer and activist, were beaten in their apartment buildings by unknown assailants in civilian clothes; the assailants are believed to be police security personnel after escorting the wives of political figures who had disappeared on trips throughout the country and Western Europe (see Section 1.b.). In August 2 weeks prior to the election, Gaishun again was beaten severely, and lay unconscious and bleeding in his apartment elevator for several hours before his wife discovered him.

“Dedovshchina”—the practice of hazing new recruits through beatings and other forms of physical and psychological abuse—reportedly continued. According to statistics released by the regime, in the first 5 months of the year, there were 30 reported cases. The authorities blocked efforts by family members and human rights monitors to investigate these and other reports of Dedovshchina.

Prison conditions remained poor and were marked by severe overcrowding, shortages of food and medicine, and the spread of diseases such as tuberculosis, syphilis, and HIV/AIDS. Prison guards regularly beat detainees and prisoners. According to Vladimir Kudinov, a member of the disbanded Parliament and vocal critic of the Lukashenka regime who spent 4 years in prison, torture is widespread in prisons.

According to human rights monitors, conditions at prison hospitals were poor. Although official statistics on prison overcrowding were not available, OSCE Advisory Monitoring Group (AMG) officers who visited a detention facility in Vitebsk during June 1999 noted that in one cell, 16 female prisoners shared 10 beds, while in another, 14 prisoners between the ages of 14 and 17 shared 8 beds. One observer re-

ported that the prisons of the Mogilev region are designed to hold a total of 8,550 inmates but housed more than 14,000. The average amount of space provided for each inmate was 1.2 square yards. Food provided in prisons did not meet minimum medical requirements. Male and female prisoners are held separately. Juveniles are held separately from adults, and pretrial detainees normally are held separately from convicted prisoners; however, due to prison overcrowding, they occasionally may be housed together. Detainees in pretrial detention facilities also reported poor conditions and denial of medical treatment, which contributed to their declining health while they awaited trial.

The regime at times granted human rights monitors access to observe prison conditions; however, only family members and lawyers were permitted to visit individual prisoners during the year.

*d. Arbitrary Arrest, Detention, and Exile.*—The law places limits on arbitrary detention; however, during the year, security forces continued to arrest and detain citizens arbitrarily, most often in connection with demonstrations, some of which were not authorized (see Section 2.b.). Politically motivated arrests continued, although most of those arrested were released within a few days or hours.

The Criminal Procedure Code provides that police may detain a person for up to 3 hours without providing any explanation for the detention. Police may detain a person suspected of a crime for 24 hours without a warrant, within which time the procurator is notified. The procurator then has 48 hours to review the legality of the detention. If the procurator finds that the detention is legal, a suspect may be held for a maximum of 10 days without a formal charge. However, once the decision is made to hold a suspect, formal charges generally are filed. Once a suspect is charged, a trial must be initiated within 2 months, although in some cases the procurator general may extend pretrial detention to 18 months to allow for further investigation. Alternatively a suspect who has been charged can be released on a written pledge not to flee, in which case there is no time limit on pretrial investigation. The law gives detainees the right to apply to the court (rather than the procurator) to determine the legality of their detention. In practice suspects' appeals to have their detentions reviewed by the courts frequently are suppressed because detention officials are unwilling to forward the appeals. Statistics on the number of persons in pretrial detention and the average length of pretrial detention were not available. There is no provision for bail under the legal code.

Despite legal protections, investigators routinely failed to inform detainees of their rights and conducted preliminary interrogations without giving detainees an opportunity to consult counsel. The information gained in interrogations conducted without counsel was used against the defendant in court. Access by family members to those detained is at the discretion of the investigators and they frequently were not notified when a family member, even a juvenile, was detained.

The Administrative Code permits the detention of any citizen for up to 3 hours with no prosecutorial action whatsoever and the authorities frequently used this provision. These short detentions were used routinely in the period prior to the Presidential election on September 9, as a way to remove suspected leaders of opposition groups from the streets at critical moments. These detentions frequently lasted longer than the permitted 3 hours. For example, on September 1, 8 days before the election, Ales Belyatsky, one of the cochairmen of the independent domestic observation network, was detained for approximately seven hours. Authorities believed that Belyatsky and several others were organizing a protest at the World Cup qualifying match, and he was held until after the start of the match.

Unidentified plainclothes officials working for the security services regularly apprehended and detained individuals engaged in antiregime demonstrations and in the distribution of opposition materials. There were several reports that individuals and members of organizations involved in publishing opposition media were arrested and detained (see Section 2.a.). Security officers on occasion preemptively arrested and detained organizers and individuals considered to be potential participants in demonstrations (see Section 2.b.). Security officials held some detainees incommunicado following demonstrations. In addition to the hundreds of antiregime protesters, whom authorities held for several hours or days, authorities also held several prominent political detainees for prolonged periods of time in pretrial detention, some for more than a year.

On February 10, police arrested Alexander Chigir, son of former Prime Minister and active Lukashenka opponent Mikhail Chigir. He was accused publicly of selling stolen car parts. Charges of "large-scale larceny committed by a group" were pending at year's end. At year's end, Alexander Chigir's lawyer was in the hospital awaiting surgery for an attack he suffered on March 6 by unknown individuals and was unable to represent his client. Alexander Chigir reported that while in deten-

tion he was beaten and denied adequate medical attention. His case remained pending at year's end.

On April 5, police detained four members of the youth group ZUBR, Aleksei Shydlovsky, Timothy Dranchuk, Dmitry Drapochko, and Ales Apranich, on suspicion that they had spray painted the fence of the Minsk refrigerator factory (see Section 1.c.). They were taken to the Central police department. The police would not allow the youths to contact their relatives or lawyers and held them at the station until the afternoon of April 6. The lawyers met with their clients on April 6 but were not allowed to speak with their clients alone. The police forced the four youths to sign falsified documents to make it appear that the police had detained them legally. The detainees refused to give testimony to the police. Journalists, diplomats, and OSCE AMG officials were unable to obtain information about the four youths. They were held overnight in the confinement center of the Minsk city police.

On September 1, 20 activists from Zubr were detained for wearing the wrong colored shirts to a Ukraine-Belarus football match. The youths wore white shirts or red shirts, and by sitting in designated seats they formed a human white-red-white banner, symbolizing the autonomous flag of Belarus replaced by Lukashenka with a flag similar to Belarus's Soviet flag. The public display of the nationalist flag has been declared illegal (see Section 2.a.). Noticing an increasing police presence around them, they attempted to leave the match at halftime but were detained by dozens of militia, held overnight and had their shirts confiscated.

The Constitution does not address forced exile and the authorities generally do not use forced exile; however, there were credible reports that the security services threatened opposition political activists and trade union leaders with criminal prosecution or physical harm if they did not cease their activities and depart the country.

*e. Denial of Fair Public Trial.*—The 1994 Constitution provided for an independent judiciary; however, in practice the judiciary was not independent and was unable to act as a check on the executive branch and its agents. Reforms adopted to support the independence of the judiciary in 1995 remained unimplemented. The 1996 Constitution further subordinated the judiciary to the executive branch by giving the President the power to appoint 6 of the 12 members of the Constitutional Court, including the chairman. The remaining six are appointed by the Council of the Republic, which itself is composed of individuals appointed by the President or those deferential to the President. The President appoints the chairmen of the Supreme Court and the Supreme Economic Court. The President has authority under the Constitution to appoint and dismiss all district and military judges.

The criminal justice system has three tiers: District courts, regional courts, and the Supreme Court. The Constitutional Court was established to adjudicate serious constitutional issues; however, because it is dependent on the executive branch, it does not challenge presidential initiatives in practice. The Constitutional Court has no means of enforcing its decisions.

Prosecutors, like the courts, are organized into offices at the district, regional, and republic levels. They ultimately are responsible to and serve at the pleasure of the Procurator General who is appointed by the Council of the Republic. Prosecutors are not independent and do not have the authority to bring charges against the President or the Presidential Administration.

Pursuant to a 1997 Presidential decree all lawyers legally are subordinated to the Ministry of Justice, which controls the licensing of lawyers and, to a considerable extent, the bar association also is under Ministry of Justice control. According to international legal experts and human rights monitors, the decree has compromised seriously the independence of lawyers from the authorities.

Both the 1994 and 1996 Constitutions provide for public trials, although exceptions may be made in cases established by law (for example, in cases of rape or on grounds of national security). For example, the trial of the individuals charged in the disappearance of ORT cameraman Dimitry Zavadsky was closed to the public for security reasons, since the defendants had previous links to the Ministry of Interior and were privy to state secrets, and to protect witnesses (see Section 1.b.). Judges adjudicate trials; only in capital offense trials in which the defendant pleads not guilty and demands a jury trial do juries determine innocence or guilt. Judges are dependent on the Ministry of Justice for sustaining court infrastructure and on local executive branch officials for providing their personal housing. There were widespread and credible reports that executive and local authorities dictated to the courts the outcome of trials; the Procurator's Office denies these assertions.

Defendants have the legal right to attend proceedings, confront witnesses, and present evidence on their own behalf; however, these rights are not always respected in practice. By law detainees must be allowed unlimited access to legal counsel and for those who cannot afford counsel, the court appoints a lawyer; how-

ever, at times this right was not respected in practice. While the Constitution establishes a presumption of innocence, in practice defendants frequently must prove their innocence. According to 1998 statistics, the latest available, from the Belarusian Helsinki Committee criminal charges were brought by prosecutors against 59,700 individuals. Of these only 272, or fewer than 0.5 percent, were found to be not guilty.

Both defendants and prosecutors have the right to appeal court decisions, and most criminal cases are appealed; however, appeals rarely result in reversals of verdicts. In appeals neither defendants nor witnesses appear before the court; the court merely reviews the protocol and other documents from the lower court's trial. Throughout the year, antiregime protestors arrested after demonstrations were subjected to assembly line-style trials, often without the right to counsel or the opportunity to present evidence or call witnesses (see Section 2.b.). For example, Vinstuk Vyachorka, the leader of the opposition Belarusian Popular Front, was sentenced to 15 days in prison for holding an unsanctioned rally in March; at his trial he was allowed neither an appeal nor a closing statement.

On June 18, professors Vlamir Revkov and Yury Bandazhevsky, were convicted of bribery after a 4-month trial and sentenced to 8 years in prison. Some observers claimed that the authorities filed charges against Revkov and Bandazhevsky in retaliation for their outspoken criticism of the Government's handling of problems related to the aftermath of the Chernobyl nuclear disaster. Revkov, who had already spent 19 months in a local pretrial detention cell, is the former deputy rector of the Gomel State Medical Institute, and Bandazhevsky is a former rector of the Institute. The case, initiated in 1999, failed to produce any evidence to prove the claim that the two took a total of \$200,000 in bribes. Testimony from students and parents reportedly was coerced. According to Revkov, the investigator interrogated him for a total of 14 to 16 hours during the 19 months he spent in pretrial detention. Several other faculty members also were charged; there were no reports concerning the disposition of their cases by year's end.

In May Ivan Spasyuk, a priest of the Belarusian Orthodox Autocephalous Church (BOAC), was detained and fined at a closed hearing without the opportunity to call witnesses or other legal assistance. The Court denied his request to have the trial conducted in his native Belarusian language (see 2.c.).

Andrei Klimov, of the disbanded elected Parliament, continued to serve a 6-year prison sentence following his conviction in March 2000 on what were considered widely to be fabricated charges of malfeasance and large-scale embezzlement in the handling of government contracts at a property development firm which he had run. Klimov, whose trial began in July 1999, had been held in pretrial detention since February 1998. International and local human rights observers believe that the trial and conviction were motivated politically to punish Klimov for his involvement in a 1996 impeachment drive against President Lukashenka. In August 2000, Klimov's appeal was denied by another Minsk court without comment. Human rights monitors believe that the appeals court overlooked numerous procedural violations in rejecting the appeal.

There were no other reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution forbids arbitrary interference in a citizen's personal life; however, the regime did not respect these rights in practice. The inviolability of the home also is provided for by the Constitution, which states that "no one shall have the right to enter, without legal authority, the dwelling and other legal property of a citizen against such a citizen's will." The interception of telephone and other communications without a court order is prohibited; however, in practice regime monitoring of residences, telephones, and computers continued. The KGB, MVD, and certain border guard detachments have the right to use wiretaps, but under the law they must obtain a prosecutor's permission before installing them; however, the KGB entered homes, conducted unauthorized searches, and read mail without warrants.

The prosecutor's office exercised no independence; and the due process protections regarding wiretaps effectively therefore are meaningless. The Administrative Offenses Code provides penalties for those who obstruct KGB officers. For example, any effort to prevent KGB officers from entering the premises of a company, establishment, or organization is a criminal offense, as is any refusal by such entities to allow audits, or to deny or restrict access to company information systems and databases.

Contracts used by the Ministry of Communications for supplying telephone service forbid subscribers from using telephone communications for purposes that run counter to state interests and public order. The Ministry has the authority to terminate telephone service to those who breach this provision; however, there were no reports during the year that the Ministry exercised this authority.

Nearly all opposition political figures report that the authorities monitor their activities and conversations. The Lukashenka regime did nothing to refute these reports. Political, human rights, and other NGO's stated that their conversations and correspondence were monitored routinely by the security services. The Presidential Guard (or security service) reportedly continued to conduct surveillance activities of the President's political opponents. There was no judicial or legislative oversight of the Presidential Guard's budget or activities, and the executive branch repeatedly thwarted attempts to exercise such oversight. Some regime officials are themselves monitored. Militia officers assigned to stand outside diplomatic missions are known to keep records of visits by political opposition leaders. Some opposition figures expressed reluctance to visit some foreign embassies due to fear of reprisals.

Harassment in the form of "inspections" and confiscation of political literature was widespread, particularly in the period prior to the September presidential election. Targets included opposition candidates and their supporters. Security officials routinely raided and searched the apartments of opposition politicians, often without warrants. At the Bruzgi customs-house in the Grodno region, customs officers spent 2 hours searching the personal possessions of former presidential candidate Syamon Domash, who was on his way to Poland via automobile. None of the goods in Mr. Domash's possession were found to be in violation of the law. The customs officers never explained their actions.

On March 11, the police forced Evgeny Lobanovich, head of the executive committee of the opposition United Civil Party, to disembark from a train, searched him, and took him to the police station, where they copied all of the documents in his possession. A dozen police officers who carried out the search identified themselves as members of the team investigating the Zavadsky case but refused to give their names. Lobanovich was traveling to Moscow to participate in a press conference on the disappearances of prominent opposition politicians (see Section 1.b.). Lobanovich, a lawyer, argued successfully for his release when the authorities could not produce the legal reasons for holding him.

Also in March, Minsk police accompanied by KGB officers conducted an unlawful search of cars owned by opposition members and confiscated several thousand leaflets prepared for the March 25th Freedom Day demonstration. Police arrested Sergei Mikhnov, secretary of the Belarusian Popular Front, and two other BPF members from Gomel and Orsha, and charged them with distribution of printed materials by an unregistered organization.

In November Lukashenka rescinded a decree issued in 1999 that allowed the authorities to nationalize the property of any individual the President determined to have caused financial damage to the State. There were reports that this decree was used against businessmen who supported political opposition.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—Both the 1994 and 1996 Constitutions provide for freedom of speech, as well as the freedom to receive, retain, and disseminate information; however, the regime restricts these rights in practice. Laws and decrees restrict freedom of expression by limiting citizens' use of symbols and words on posters and by overly broad interpretation of libel laws to restrict criticism of regime officials and activities. The regime restricted freedom of the press in many ways, including: Using the libel laws, limiting foreign funding, pressuring businesses not to advertise with independent media, limiting their access to newsprint, denying accreditation to critical journalists, outright censorship, restricting the import of media related materials, temporarily suspending opposition periodicals, bringing legal actions against the main independent publishing house, and detaining individuals seeking to distribute opposition newspapers. The regime made use of its monopoly of television broadcasting to present biased news coverage and to minimize the presentation of opposing points of view. These restrictions on press freedom were particularly severe in the period prior to the September 2000 presidential election.

The executive branch continued its suppression of freedom of speech. A 1997 presidential decree prohibits a range of broadly defined activities and limits freedom of expression. For example, the decree prohibits individuals from carrying placards or flags bearing emblems that are not registered officially with the State, as well as emblems, symbols, and posters "whose content is intended to harm the State and public order, rights and legal interests of the citizens." The decree also bans activities that are "humiliating to the dignity and honor of the executive persons of state bodies." This decree has been used to prosecute and fine those carrying symbols emphasizing the country's independence, such as the red and white flag (see Section 1.d.). A 1998 decree limited citizens' right to express their own opinions.

Laws against defamation and libel have been used to limit both freedom of speech and freedom of the press. The defamation law makes no distinction between private and public persons in lawsuits for defamation of character. For example, a public figure who has been criticized for poor performance in office may ask the prosecutor to sue the newspaper that printed the criticism. The law stipulates that public insults or libel against the President may be punished by up to 4 years in prison, 2 years in a labor camp, or a large fine; however, there were no reports that anyone was arrested or charged subsequently for this offense, and the law apparently was devised principally as a means of intimidation. Nevertheless, its provisions remained in effect.

On January 16, Ales Abramovich, Alesia Yasiuk, Nadzieya Grachukha, and Dmitry and Mikhail Kuznitsov were arrested and charged with defamation for verbal abuse of the president's honor and dignity during the course of a 30-minute demonstration in Borisov (see Section 2.b.). Abramovich subsequently left the country and remained abroad at year's end. On January 12, a criminal case for slander was initiated against Nasha Svaboda for publishing the article of Dr. Dmitry Shchygylski, a psychologist, who diagnosed Aleksandr Lukashenka as suffering from "mosaic psychopathy." The charges were not pursued after the Nasha Svaboda editor suggested that to prove slander, the prosecutors would have to prove Lukashenka was not ill, and offered to help find an independent expert for the evaluation of his health.

In April 2000, a new presidential decree came into effect on "the Use by Legal Entities of the Name of the Republic of Belarus." The decree allows only legal entities specially authorized by the President to use the name of the country in their titles. According to the decree and independent legal experts, the independent press is barred from using the country name in its titles.

In a step designed to discourage foreign support for independent media, on March 15 the regime published a decree "On improving the system of receipt and use of humanitarian assistance." Ostensibly aimed at stopping foreign-supported seditious activity, the decree specifically forbids foreign-supported "activities directed at alteration of the constitutional order, overthrow of state power or encouragement of such activities . . . preparation, administration and organization of elections, referenda, organization of meetings, rallies, demonstrations, pickets, strikes, publication and distribution of promotional materials, organization of seminars and other types of promotional activities involving the population." The decree was the basis for a nationwide crackdown during the electoral campaign on independent media outlets and independent NGO's, many, if not most, of which are supported by the international community. The regime utilized tax inspections and confiscation of printed matter and equipment to immobilize much of the prodemocratic opposition throughout the campaign, thus severely restricting freedoms of speech and expression (see Section 1.f.).

The regime continued to use its near-monopolies on newsprint production, newspaper printing and distribution, and national television and radio broadcasts, to restrict dissemination of opposition viewpoints. The regime also denied accreditation to journalists critical of the regime and kept up economic pressure on the independent media by pressuring advertisers to withdraw advertisements, as well as by fines and other administrative harassment. The authorities stepped up their campaign of harassment against independent media, including open censorship, requiring some independent publications to remove stories, which forced them to publish blank pages or spaces. For example, on January 1, the independent newspaper Nasha Svaboda was obliged to print several blank pages; its periodic satirical section "Stinger" had been removed at the insistence of the printing house, which had been pressured by the State Committee on the Press not to print it. Some state-run enterprises discouraged employees from subscribing to independent newspapers and journals.

A 1997 decree by the Council of Ministers restricts the movement of certain goods across customs borders; the decree specifically prohibits the import and export of printed, audio, and video materials, or other news media containing information "that could damage the economic and political interests of the country." In addition authorities searched vehicles at border crossings and on several occasions confiscated nonpartisan campaign materials being brought into the country.

Regulatory provisions grant power to the authorities to ban and censor critical reporting; for example, the State Committee on the Press was given authority to suspend the publication of periodicals or newspapers for 3 months without a court ruling. In 1999 Lukashenka signed amendments to the law that prohibit the media from disseminating information on behalf of political parties, trade unions, and NGO's that are not registered with the Ministry of Justice.

The newspapers and other print media with the largest circulation are state-owned, although there also are a number of independent publications, some of which were critical of the regime. Independent newspapers were available widely in Minsk, but outside of the capital choice was limited to the state-run national newspaper and local newspapers, only some of which are independent. All nationally available radio and television broadcasts originating in the country are government-owned, although some broadcasts from other countries, including Russia, Poland and Lithuania, could be received in many parts of the country.

In order to ensure loyalty to the authorities, a 1996 Presidential decree designated all editors-in-chief of state-supported newspapers as state employees and members of their respective local-level government councils. Another decree granted the Ministry of Press the authority to assign graduates of state-supported journalism schools to work in state-owned media organizations as a way to repay their schooling.

Independent newspapers came under increasing criticism by the regime. The regime issued dozens of warnings to independent media outlets for publishing articles critical of the authorities. The law provides that the regime may close down a publication after two warnings. On February 6, *Belaruskaya Delovaya Gazeta*, one of the country's leading independent newspapers, was given an official warning for publishing an article on the investigation into the disappearance of Dmitry Zavadsky, and the investigation of Valery Ignatovich (see Section 1.b.). On February 14, the newspaper *Narodnaya Volya* was given a warning for publishing an article on a similar topic. The author, Valery Schukin, later was arrested while trying to gain access to a trial. The militia would not let him enter despite his valid press credentials. The regime also issued warnings concerning the Belarusian editions of Russian newspapers. For example, on February 14, the State Committee for Press issued a warning to *Komsomolskaya Pravda* (Belarusian edition) for reporting on the detention of a cousin of exiled writer Vasily Bykov.

After a series of warnings, the authorities froze the bank account and seized the newsprint and computers of the independent newspaper *Pahonia* in the period prior to the September election. It was charged with violating the law on the press, including the publication of articles about unregistered organizations. In November the newspaper was closed formally.

The authorities continued to act against the Magic publishing house, which is the printing press for most of the country's leading nongovernmental newspapers. On January 9, one of Magic's presses was seized by tax authorities pursuant to a decision by Supreme Economic Court that the equipment could be used to cover the tax indebtedness of its original owners, the Belarus-Soros Foundation. The printing press was scheduled to be sold at a tax auction within several weeks of its seizure to recoup the lost tax revenues; however, the auction was delayed 6 to 9 months until the presidential campaign period was over, despite repeated inquiries by Magic into its sale. There were unofficial reports that the State Committee on Press would not hold the tax auction until there was a buyer for the press other than Magic. Despite these difficulties, Magic continued to print at half-capacity until its second and final press was seized on August 22. Magic was reopened after a short closure, but a new director was placed on its board by the State Committee on Press, forcing Magic to practice self-censorship during the election period. Several newspapers were run on Magic presses with blank pages during the election campaign.

Throughout the year, and with increasing frequency during the campaign period, members of opposition youth groups were detained for handing out free copies of independent newspapers' special editions. The standard procedure involved confiscating the papers, holding the youths for several hours and eventually letting them go, usually late at night. For example, on March 3, three men were detained in Minsk for distributing a special edition of *Nasha Svaboda* dedicated to the fate of the political figures who had disappeared (see Section 1.b.).

State-controlled Belarusian Television and Radio (B-TR) maintained its monopoly as the only nationwide television station. Its news programs regularly featured reporting that was biased heavily in favor of the authorities, sharply critical of opposition politicians, and failed to provide an outlet for opposing viewpoints. Local, independent television stations operated in some areas and reported local news relatively unimpeded. However, most of these stations reported that they were under pressure not to report on national-level issues or were subject to censorship.

Until the authorities shut it in 1996, Radio 101.2 had been the sole Belarusian-language independent station in the country. The Belarusian Patriotic Union of Youth, a regime-subsidized presidential youth organization, was permitted to take control of Radio 101.2. An independent Belarusian-language crossborder radio station, Radio *Ratcija*, based in Poland, began operating in 2000. However, in April

2000, the Foreign Ministry's special commission for accrediting foreign journalists refused to register four of the radio station's journalists based in Belarus.

On March 25, Police in Grodno detained and beat photojournalist Dmitry Yegorov for taking photos of a heavy police presence in the center of town in advance of a "Freedom Day" march. On the same day, unidentified assailants widely believed to be linked to the police beat Vladimir Shlapak, a photojournalist in Minsk, while he was covering a similar march.

The OSCE Office of Democratic Institutions and Human Rights OSCE/ODIHR Limited Election Observation Mission reported 26 violations of freedom of expression and information against the media during the 3 weeks they were in the country, from August 17 to September 9. These violations included repeated misuse of tax inspections, seizure or theft of equipment, confiscation of newspapers, editorial interference akin to censorship, and detention of journalists.

A 1997 Council of Ministers decree nullified the accreditation of all correspondents and required all foreign media correspondents to apply for accreditation with the Ministry of Foreign Affairs; the application form for accreditation requested biographic information as well as a record of the applicant's journalistic activity. Journalists who were residents of the country also were required to register with the state tax authorities. The Ministry of Foreign Affairs used its authority to deny accreditation in April 2000 to four journalists from Radio Ratcija, and there were reports that other journalists from foreign media outlets have been threatened with a loss of their accreditation for reporting on opposition-related activities.

Although there are several Internet service providers in the country, they are all state controlled. The Lukashenka regime's monopoly on Internet service results in high prices, poor quality, and limited service and allows for the monitoring of practically all e-mail. Although the authorities have full control, they appear to be cutting off access only selectively. On September 9, the day of the Presidential election, many media Web sites were inaccessible within Belarus until midday, when a technical bypass was found and access was resumed. Problems continued with Web sites until September 10. OSCE/ODIHR and other election observers noted that several of the most prominent Web sites covering the elections, including the websites of Belapan, Charter '97, Nasha Svaboda, and Zubr, could not be accessed during the 2000 parliamentary election campaign. Access to these sites is provided by "Beltelecom," a state-owned monopoly.

The Lukashenka regime restricts academic freedom. University administrators targeted and strongly discouraged research into politically sensitive subjects, such as the Belarusian independence movement during the Soviet era, a theme that is seen to challenge the State's policy of integration with Russia. On April 13, the regime ruled that, starting June 1, independent, nonstate academic institutions would have to obtain special permission from the authorities to hold educational seminars or lectures.

There were credible reports that independent universities engaged in self-censorship. The European Humanities University, one of the country's leading independent universities, reportedly has asked students to refine or rethink dissertation topics if that topic is likely to be embarrassing to the regime.

The Lukashenka regime continued to harass students engaged in antiregime activities, such as demonstrations (see Section 2.b.). Some students were expelled for their participation in demonstrations or in opposition groups. More than 30 university students were expelled for their participation in street demonstrations during the year.

After the September election, activist youth groups reported that their membership was being greatly reduced because students were pressured to give up their membership in opposition groups in order to stay in school; young male students expelled from school are subject to compulsory military service. During the election period, on September 8, there were credible reports that students on the medical faculty of the Belarusian State University were locked into their dormitories, so they could not participate in youth demonstrations. There also were widespread and credible reports of students being forced to vote during the early voting period, from September 4–8, when ballots could be more easily manipulated (see Section 3). Students also were forced to participate in potato harvesting activities (see Section 6.c.).

*b. Freedom of Peaceful Assembly and Association.*—The 1994 and 1996 Constitutions provide for freedom of peaceful assembly; however, the Lukashenka regime severely restricts this right in practice. Following some sanctioned and unsanctioned demonstrations, police and other security officials beat, detained, and attempted to coerce confessions from some demonstration participants (see Sections 1.c. and 1.d.).

Organizers must apply at least 15 days in advance to local officials for permission to conduct a demonstration, rally, or meeting. The local government must respond with a decision not later than 5 days prior to the scheduled event. Such permits

are not issued routinely. Since the September elections, in most cases such permits either have not been granted, or have been granted only for demonstrations in obscure, hard-to-reach locations.

A 1997 presidential decree further limits citizens' ability to assemble peacefully by restricting the locations where rallies may take place and allowing local authorities to place strict limits on the number of participants. The decree also prohibits the display of unregistered flags and symbols, as well as placards bearing messages deemed threatening to the State or public order (see Section 2.a.). The decree, along with subsequent amendments adopted by the legislature, imposes severe penalties on those who violate the law, particularly the organizers of events. The decree allows for either monetary fines or detention for up to 15 days, but courts frequently imposed high fines that those convicted cannot pay. For example, the courts punished organizers of rallies with fines of several times the average monthly wage. When individuals failed to pay fines, authorities threatened to confiscate their property.

In May Lukashenka issued a decree banning all demonstrations by unregistered organizations, limiting participation in any demonstration to under 1,000, and including a specific prohibition against the wearing of masks. According to members of opposition parties, the authorities frequently denied permission to opposition groups to meet in public buildings. On February 3, Leakadzia Vlasuk, director of the Brest region NGO, "Fellowship for the Deaf," opened the organization's assembly hall to a town meeting with Semyon Domash, one of the potential presidential candidates from the opposition. After the meeting, she was questioned by police and fired.

The regime particularly targeted the Zubr youth movement throughout the year, and authorities routinely harassed Zubr assemblies, which ranged from very small groups to larger marches. On March 5, police arrested three members of Zubr in connection with a demonstration on the fate of the disappeared (see Section 1.b.). The three were holding portraits of those figures when they were arrested; they were charged with holding an illegal demonstration. Two were fined and one, Anton Tsialezhnikov, was sentenced to 15 days in prison.

In May a Zubr "street theater" performance, entitled "Ultimate Diagnosis," led directly to the issuance of the May decree No. 11. The performance, a series of ironic skits, featured costumed members of Zubr wearing papier-mâché masks of Lukashenka being chased by other Zubrs. The authorities arrested 35 individuals in connection with the May Zubr street performance and the event resulted in 25 trials. Among the 35 original detainees, there were several journalists. All of the detainees were beaten, and one young woman was rushed to the hospital with a concussion after her release. A second young woman, who was pregnant, was released nearly unconscious. Of the 35 detainees, 16 were held for 3 days pending trial. They were beaten and denied food. Police who were questioned at trial could not explain on what charges the members of Zubr were arrested, held, or beaten, nor could they define the illegal nature of the performance in which the Zubrs had been engaged.

On January 16, police arrested Ales Abramovich, Alesia Yasiuk, Nadziya Grachukha, and Dmitry and Mikhail Kuznitsov who had picketed for 30 minutes in Borisov; they were charged with defamation for verbal abuse of the President's honor and dignity.

On February 16, police arrested Pavel Severinets, the leader of the youth group "Youth Front," (YF) in connection with his organization of a February 14 St. Valentine's Day Love Rally. He claimed that he was not a leader of the rally but was fined a multiple of 150 times the minimum wage, or \$500 (800,000 rubles).

On March 15, the YF held a rally celebrating the anniversary of the 1994 Constitution. Police detained two of the participants who were passing out brochures to pedestrians and took them to the central police station.

On March 25, the opposition organized a Freedom Day Rally, which was attended by 5,000 marchers. The event was unsanctioned despite attempts by the organizers to agree to a compromise march route with the authorities. More than 500 police, riot troops, and plainclothes security personnel forcibly disrupted the march. The security forces encircled the peaceful protest and beat demonstrators at random. Vinstuk Vyachorka, the leader of the opposition party Belarusian Popular Front, was arrested and charged with organizing the rally; he was sentenced to 15 days in prison. Several other prominent opposition figures were arrested, held, and fined or sentenced to short periods of administrative detention.

Nevertheless public demonstrations occurred frequently in Minsk, varying in size from a few participants to several thousand. However, they were always under strict regime surveillance, including through open videotaping of the participants by the police and plainclothes security officers. Demonstrations also occurred in other parts

of the country but were less frequent, especially in areas in the east close to the border with Russia.

The Constitution provides for freedom of association; however, the authorities severely restrict this right in practice. The authorities regularly harassed members and supporters of opposition parties and confiscated leaflets and publications (see Section 3). The authorities continued to attempt to limit severely the activities of NGO's (see Section 4). Employees at state-run enterprises were discouraged from joining independent trade unions (see Section 6.a.). Officials warned alumni of foreign-sponsored education programs against continued affiliation with their programs' sponsoring agencies.

In January 1999, Lukashenka issued a decree requiring all political parties, trade unions, and NGO's to reregister with the authorities by July 1. Such public associations already had completed a lengthy reregistration process in 1995. Observers believe that the intent of the decree, which increased the scope of operations and the number of members that organizations would need in order to qualify for reregistration, constituted political intimidation. The regime also announced regulations that prohibited private organizations from using private residences as their legal addresses. In view of regime control or ownership of many office buildings, the regulations had the effect of complicating the reregistration process by making nonresidential addresses difficult to establish.

After the reregistration process had begun, the authorities announced that organizations would have to alter their charters to indicate recognition of the 1996 Constitution and to exclude the words "popular" or "national" from their titles. In December 1999, an amendment to the Law on Public Associations went into effect that prohibited political and social organizations from using the words "Belarus," "Republic of Belarus," "national," or "popular" in their titles. Also in December 1999, Lukashenka signed into law a bill on amendments to the Administrative Offenses Code that would make any work on behalf of an unregistered NGO punishable by fines. Although most of the major political parties and unions that applied were allowed to reregister, the Assembly of Belarusian Prodemocratic NGO's reported that only 1,268, or 57 percent of the NGO's in existence when the reregistration law went into effect were reregistered by the summer of 2000. A total of 202 NGO's were rejected by the Ministry of Justice for reregistration on various grounds, and 31 were still in the process of reregistering at year's end.

On March 23, the Ministry of Justice outlawed the activities of Independent View, an independent domestic election monitoring organization, on the grounds that the organization failed to register with the authorities. They made this decision despite the fact that Independent View was a name for a joint initiative launched by several officially registered democratic NGO's.

*c. Freedom of Religion.*—The 1994 and 1996 Constitutions provide for freedom of religion; however, the authorities restrict this right in practice. Although both Constitutions affirm the equality of religions and denominations before the law, the 1996 Constitution stipulates that cooperation between the State and religious organizations "is regulated with regard for their influence on the formation of spiritual, cultural, and country traditions of the Belarusian people."

There is no State religion; however, since his election as the country's president in July 1994, Lukashenka has pursued a policy of favoring the Russian Orthodox Church as the country's chief religion and harassing most other religions. The President grants the Russian Orthodox Church special financial advantages that other denominations do not enjoy and has declared the preservation and development of Russian Orthodox Christianity a "moral necessity." On June 24 in a meeting with the Aleksiy II, Patriarch of Moscow and all of Russia, Lukashenka said, "Fundamentally, Orthodoxy is the basis of our state." The authorities also encourage a greater role for the Russian Orthodox Church, largely as part of an overall strategy to strengthen "Slavic unity" in the region and promote greater political unification between Belarus and Russia.

The State Committee on Religious and National Affairs (SCRNA) describes some religions and denominations, including Russian Orthodoxy, Roman Catholicism, Judaism, and Islam as "traditional;" Some, including some Protestant and other faiths are viewed as "nontraditional;" while some other faiths, including Eastern religions, are viewed as "sects." This categorization affects the overall attitude of the regime toward these religions, including the ease or difficulty they face in becoming registered.

The authorities deny legal registration at the national level to some faiths considered to be nontraditional, and to all considered to be sects. The regime asserts that it denies some groups permission to register as religious organizations because their activities "run counter to the Constitution." These groups include some Protestant groups, the Belarusian Orthodox Autocephalous Church (BOAC), the Greek Catholic

Church, and all groups considered to be sects. Some congregations are registered only on a local level, which entails only limited rights. Only congregations registered nationally are allowed to invite foreign religious workers and open new churches and in the absence of registration, it is extremely difficult for a religious organization to rent or purchase property for religious services. Police have disrupted some services or religious meetings that were being conducted peacefully in private homes because they were being held by religious groups that have not been able to register.

The SCRNA claims that 26 religious denominations are registered officially; however, the significance of this figure is uncertain. According to independent estimates, as many as 70 percent of Protestant churches have been denied registration, have lost their registration as a result of the 1999 regime-imposed reregistration requirement, or have not attempted to register. A number of Protestant groups were refused registration because they did not have a legal address, but they also were refused permission to acquire property that could qualify as a legal address because they were not registered.

The Full Gospel Pentecostal churches regularly have been refused registration in this way. Article 272 of the Civil Code states that property may be used only for religious services once it has been converted from residential use; however, the authorities decline to permit unregistered religions to make such conversions. Religious groups that can not register often were forced to meet illegally or in the homes of individual members. Several charismatic and Pentecostal churches were evicted from property they were renting because they were not registered as religious organizations. A number of nontraditional Protestant and other faiths have not attempted to register because they do not believe that their applications would be approved.

Local courts have refused to hear appeals made by the BOAC to overturn the Lukashenka regime's decision not to register their churches. Because of ongoing registration problems, including the inability to register a seminary, the BOAC is unable to train a enough priests to meet the growing needs of its parishioners. Their only alternative is to send seminarians to a Kiev seminary for training. In May BOAC priest Ivan Spasyuk was arrested by authorities while attempting to hold a service in the village of Radaulyany. Spasyuk and his wife were then summoned to a local court where, in a closed hearing and without resort to witnesses or other legal assistance, Spasyuk was fined for "petty hooliganism." Spasyuk also was denied the right to have the trial conducted in his native Belarusian, although government offices are obligated legally to permit proceedings in Belarusian. In July 2000, regime security forces had twice raided BOAC services because of their lack of registration. On that occasion, Spasyuk was sentenced to five days imprisonment for allegedly resisting arrest.

Citizens are not prohibited from proselytizing; however, while individuals may speak freely about their religious beliefs, the authorities have intervened to prevent, interfere with, or punish individuals who proselytize on behalf of an unregistered religion. The authorities continued to enforce a July 1995 Council of Ministers decree that controls religious workers in an attempt to protect Orthodoxy and prevent the growth of evangelical religions. A 1997 Council of Ministers directive prohibits teaching religion at youth camps. In 1999 the Council of Ministers passed a decree that expanded upon these earlier regulations and which appears to stipulate, among other things, that among foreign religious workers only male clergy may engage in religious work upon invitation from a religious organization already officially registered, a provision that could be invoked to prohibit female religious clergy, such as Catholic nuns, from engaging in religious activity. However, this provision has not been tested in the courts.

Foreigners generally are prohibited from preaching or heading churches, at least with respect to what the authorities view as nontraditional faiths or sects, which include Protestant groups. Foreign missionaries may not engage in religious activities outside the institutions that invited them. Foreign missionaries must have "spiritual activities" visas that are valid for 1 year and permit multiple entries; obtaining such visas involves a difficult bureaucratic process, even for individuals whose religions are registered with the authorities and have a long history in the country. Foreign clergy or religious workers who did not register with the authorities or who have tried to preach without regime approval or without an invitation from, and the permission of, a registered religious organization, have been expelled from the country. In February 2000, SCRNA authorities warned a Belarusian pastor of a Pentecostal church that a citizen of Ukraine had delivered a public sermon in his church in violation of the law on religion and that a future violation of the law would lead to a revocation of his church's registration. At year's end, the Pentecostal church was fighting a court battle to overturn the denial of the Ukrainian pastor's permission to preach.

The authorities continued efforts to curb the role of foreign clergy. In April 2000, the Council of Ministers introduced changes to its regulations that allow internal affairs agencies to force foreign clergymen to leave the country by not extending their registration or by denying them temporary stay permits. There is no provision for appeals to judicial bodies. In April relying on these new regulations, the Minsk city authorities refused to extend the registration of the foreign pastor of a Pentecostal church. In March the regime approved additional changes to the regulations on inviting foreign clergy to the country and on their activities while they were there. Under the new regulations, representatives of foreign religious organizations may be invited to the country, even for such nonreligious activities as charitable work, only upon agreement with the SCRNA. There is no provision for appeal of the SCRNA's decision. In April the regime enacted changes to the civil code to restrict "subversive activities" by foreign organizations in the country. A new clause prohibits the establishment of offices of foreign organizations, "the activities of which are aimed at . . . the inciting of national, religious and racial enmity, as well as activities which can have negative effects on the physical and mental health of the people."

The Roman Catholic Church has experienced a shortage of qualified native clergy, and at times the Church has had difficulty getting permission from the authorities to bring in a sufficient number of foreign religious workers, mostly from Poland, to make up for the shortage. In September after a long delay, the Lukashenka regime gave permission to the Catholic Church to open a seminary in Minsk. The regime indicated that in light of this development foreign priests no longer would be allowed to work in the country; however, this change may not be enforced at the local level, and at least some foreign priests still are allowed to work in the country. Bishops must receive permission from the SCRNA before transferring a foreign priest to another parish.

Regime officials took a number of hostile actions toward the Jewish community. The Lukashenka regime did little to counter the spread of anti-Semitic literature. In May 20 members of a messianic Jewish group were detained in Minsk while they were attempting to distribute religious literature. Also in May, police acting under SCRNA orders detained members of the same group while they were attempting to hang posters in central Minsk congratulating veterans of World War II on Victory Day. The SCRNA informed the group that "it would be offensive for Veterans to receive congratulations from the Jews." On September 26, authorities arrested two members of the Jewish community for holding an unsanctioned picket protesting the illegal destruction of a former synagogue in Minsk. Charges were dropped in one of the two cases, but the organizer of the picket was awaiting trial at year's end. The regime refused to help maintain Jewish cemeteries and historic monuments, or create memorials to Belarusian Holocaust victims. As in the previous year, authorities attempted to prohibit the distribution of matzoh for Passover among members of the Jewish community. The Committee on Humanitarian Aid stated that the matzoh could not be considered humanitarian aid, reportedly because a Jewish organization affiliated with the Government alleged that matzoh was being sold instead of being distributed. Their decision was overturned and Jewish charity organizations were able to distribute a limited amount of matzoh in time for Passover. There has been a noticeable lack of regime action in redressing earlier instances of anti-Semitic vandalism. For example, no discernible effort was made by the authorities to find those responsible for the fire bombing of a Minsk synagogue in December 2000.

Officially sanctioned media attacks on minority faiths increased. In February the B-TR aired a documentary entitled "Dushekhvaty" (Soul Snatchers), which alleged that Catholic communities were eroding citizens' national-religious consciousness by urging them to deny the faith of their ancestors. The author of the documentary asserted that "Catholicism is a threat to the very existence of the Belarusian nationality, its psychological health and security" and urged the Government to take steps to protect Orthodoxy. In March and April, a State-owned television station presented a series of pseudo-documentaries accusing Protestant churches of engaging in human sacrifice, poisoning children, and other "destructive rituals." In the series, SCRNA officials claimed that Protestant groups were undermining the authority of the government, and needed to be banned from the country. Efforts by Catholic and Protestant groups to halt these broadcasts were rejected by SCRNA authorities and the courts. On April 12, the official newspaper of the armed forces, *Vo Slavu Rodinu*, published an article that listed 74 "destructive sects," including many eastern religions, the Church of Jesus Christ of Latter-Day Saints (Mormons), and Jehovah's Witnesses, and urged all military personnel to avoid such organizations.

State employees are not required to take religious oaths or practice elements of a particular faith; however, the practice of a faith not viewed as traditional, espe-

cially one not permitted to register, could place a believer at a disadvantage in terms of advancement within the government bureaucracy or the state sector of the economy.

There were no reports of restrictions on the importation of religious literature; however, there were repeated instances of authorities preventing the distribution of religious literature, through holding or seizures of the materials.

There also were reports of the detention of members of Protestant religious groups, usually for several hours, for distribution of unregistered religious materials.

Restitution of religious property remained limited during the year. There is no legal basis for restitution of property that was seized during the Soviet and Nazi occupations, and legislation restricts the restitution of property that is being used for cultural or educational purposes. Many former synagogues in Minsk are used as theaters, museums, sports complexes, and a German-owned beer hall; the Jewish community's requests to have these synagogues returned has been refused. The few returns of property to religious communities have been on an individual and inconsistent basis, and local government authorities in general are reluctant to cooperate. Over the past several years, the Jewish community has lobbied the authorities successfully to return several properties in Minsk and other cities; however, most properties have not been returned. The Russian Orthodox Church appears to have had the most success on the issue of property restitution.

*d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.*—According to both the 1994 and 1996 Constitutions, citizens are free to travel within the country and to live and work where they wish; however, the authorities restrict these rights in practice. The authorities issue internal passports to all adults. These passports serve as primary identity documents and are required for travel, permanent housing, and hotel registration.

In 1999 the Constitutional Court declared unconstitutional an article of the Administrative Code barring enterprises, establishments, and organizations from employing persons without a "propiska" (pass) or a registered address. Under that article, employers had faced fines for giving jobs to persons who had no stamp in their passport indicating that their residence and their new place of employment were located in the same city or district. However, the extent to which this court decision actually has affected the practice by local security officials was unknown. In practice the right to choose one's residence remains restricted. In November 1999, the Ministry of Internal Affairs announced a three-stage program to replace the "propiska" system, but at year's end, there were no reports that this program was implemented.

Official entry and exit regulations specify that citizens who wish to travel abroad must first obtain a "global" exit visa valid for 1 to 5 years. Once the traveler has this document, travel abroad is not restricted further by law; however, the authorities occasionally limited foreign travel. For example, they delayed issuing "global" exit visas to some opposition activists in an effort to hinder their political activity abroad. The regime also delayed issuing passports to opposition politicians, sometimes for several months, in an effort to restrict their travel abroad for political activities.

The Government also used such restrictions to limit the travel of members of youth groups that are not considered to be proregime. On October 10, Siarhiey Zaleuski, a member of the Belarusian Students Association (BSA) received a communication from the Embassy of Cuba apologizing for canceling an invitation to participate in a congress on relations between the authorities and student self-government. When the Cuban Embassy began the to prepare the documents, the Ministry of Justice recommended that Cuba invite the representatives of the proregime Belarusian Patriotic Youth Union instead. In autumn 2000, the authorities refused to grant permission to a painter, Ales Pushkin, who had earlier been convicted of malicious hooliganism because of a 1999 protest-performance critical of Lukashenka, to travel to Poland to exhibit his works.

According to official data, the State did not deny any citizen permission to emigrate; however, legislation restricting the emigration of individuals with access to "state secrets" remained in effect, and any citizen involved in a criminal investigation also was ineligible to emigrate. Prospective emigrants who have been refused the right to emigrate may appeal to the courts.

The 1994 and 1996 Constitutions give aliens and stateless persons the same rights as citizens, except in cases established by law, international agreement, or the Constitution. Under both Constitutions, the State may grant refugee status to persons who were persecuted in other states for their political and religious convictions or because of their nationality. There is no law on first asylum, nor has the regime signed readmission agreements with any of its neighboring states. The au-

thorities cooperate with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The UNHCR reported that 169 applications were submitted for refugee status during the year; 219 applications were rejected at the registration stage. In July the Deputy Minister of Labor told journalists that 2,000 aliens had applied for refugee status since 1997 and 385 applications had been approved. Of the 385 applicants, 294 were from Afghanistan. The Ministry of Interior reported that illegal aliens in the country were estimated to number between 100,000 and 150,000 during the year.

The UNHCR noted in a July 2000 report that the Minsk city and Minsk regional migration services regularly refused to accept illegally arriving new refugee applicants and instructed such persons to apply with migration authorities in other regions. Regional migration services also continued to refuse applications for refugee status from those asylum seekers who came through countries considered to be safe (mainly Russia).

There were no reports of the forced return of persons to a country where they feared persecution; however, refugees often are persons from third world countries seeking to pass through Russia and then Belarus en route to other European countries. The Government often deported such individuals to Russia, despite the fact that the UNHCR does not consider Russia to be a safe country for such purposes.

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

The Lukashenka regime severely limits the rights of citizens to change their government. The President dominates all branches of government. Since his election in July 1994 to a 5-year term as the country's first President, he has consolidated power steadily in the executive branch. He used a November 1996 referendum to amend the 1994 Constitution in order to broaden his powers and extend his term in office. Lukashenka ignored the Constitutional Court's ruling that the Constitution could not be amended by referendum. As a result, the political system is based on the 1996 Constitution, which was adopted in an unconstitutional manner.

The 1996 Constitution limits the legislature to meeting twice a year for a total of no more than 170 days. Presidential decrees issued when the legislature is out of session have the force of law, except—in theory—in a few cases specified in the 1996 Constitution. The 1996 Constitution also allows the President to issue decrees having the force of law in circumstances of "specific necessity and urgency," a provision that Lukashenka has interpreted broadly.

On September 9, a presidential election was held in which Lukashenka was re-elected for a further term in a process that the OSCE described as fundamentally flawed. The OSCE/ODIHR observer mission (limited by the regime's refusal to allow the mission to travel to the country until 3 weeks before the election was held) noted in its final report that conditions in the months before the election precluded the possibility of a free, fair, transparent and accountable election. The environment did not provide an equal opportunity for contestants nor for the possibility for the public to be informed about the choices available. During the election campaign, coverage of politics, including the election, was very limited. Political coverage in both the electronic and print media was dominated by the President and executive branch.

The regime restricted freedoms and undermined human rights in the period prior to, during, and after the election (see Sections 1 and 2). In the period prior to the election, the regime led a sweeping crackdown on antiregime materials, campaign materials, and internationally-supported, nonpartisan, "Get Out the Vote" materials, in addition to beatings, arbitrary detentions, and searches of opposition members and supporters (see Sections 1.c., 1.d., and 1.f.). The regime also made use of its near-monopoly of the mass media to undermine all opposition candidates, particularly Vladimir Goncharik, who was regarded as the most credible opposition candidate. The OSCE/ODIHR Limited Election Observation Mission documented 26 separate incidents of human rights violations involving freedom of the press and expression (see Section 2.a.). On September 5, just 4 days before the election, the major state-owned newspaper doubled its print run to print the election platform of the incumbent, in direct contradiction of Central Election Commission (CEC) regulations. The regime-appointed CEC took no effective action. The head of the CEC stated publicly that it would be a "personal tragedy" for her if the incumbent lost. The OSCE/ODIHR found the broadcast media also overwhelmingly negative. Of the overall media time devoted to the election, Lukashenka clearly was favored, receiving nearly 70 percent of the time allocated; all of the coverage of Lukashenka was "overwhelmingly positive." Goncharik was given 20 percent of the media coverage but was portrayed in an "overwhelmingly negative" fashion. The regime used its mo-

nopoly of access to the Internet to deny access within the country to opposition Web sites on the morning of the Presidential election (see Section 2.a).

The regime allowed the presence of election observers but severely restricted their rights in practice. Electoral precincts throughout the country undermined the legal right of observers to observe the election counts by imposing the requirement that they stand several yards from the ballot counting. There were two main groups of domestic election observers: An independent group from NGO's working under the umbrella title of "Civic Initiative—Independent Observation," that included many of the country's most prominent human rights NGO's; and a proregime group of domestic observers led by the Belarusian Patriotic Youth Union (BPSM). In the months leading up to the election, the independent domestic observation effort was under constant attack, both physically by unknown assailants believed to be connected to the police, and in the media. Lukashenka repeatedly criticized the organization as a mechanism for recruiting spies and for training revolutionaries. During the period of "early voting," from September 4 to 8, domestic observers reportedly were expelled from, never admitted to, or denied access to information about, the polling process. One day prior to the election, on September 8, the CEC cancelled the accreditation of approximately 3,000 observers. Despite strong regime opposition, independent domestic observers attempted to organize a parallel vote tabulation in order to increase the transparency of the vote. However, due to complete lack of transparency at the lowest precinct level, the conditions for an effective parallel vote tabulation were not met.

The voting and vote-counting processes further restricted the rights of citizens to change their Government. The OSCE/ODIHR report found that the voting procedures, including mobile ballot boxes, early voting procedures, and handling of voting lists, provided several possible avenues for vote manipulation. However, most of the irregularities were not immediately apparent, creating the false image of an orderly polling station. As the OSCE/ODIHR noted, "The majority of those who voted could vote in an orderly fashion . . . however, the pattern of incidents that occurred in early voting continued on election day, obstructing monitoring and observation efforts, and calling into question the integrity of the voting process." OSCE/ODIHR noted widespread violations including presigned ballot papers, group voting, and the influence of unauthorized persons (such as police) assisting or directing the work of the polling station.

The OSCE/ODIHR also observed that the Electoral Code did not allow a transparent audit by election observers, which raised questions about the overall integrity of the process. This was a particular concern in light of the total domination of voting commissions, which were charged with conducting the election, by regime supporters. Despite considerable international attention to the composition of these commissions, and recommendations by international organizations for needed changes before the election, the regime took no action to attempt to address this flaw. Many flaws also were noted in the counting process. The OSCE/ODIHR reported that unused ballot papers were not disposed of properly; ballots from early voting, mobile voting, and regular voting were mixed together in direct contradiction of the electoral code. Polling station observers were not allowed to observe the counting process. The independent domestic observers reported being kept at one end of the room in which a count would take place, and being read the results of the election at that station, without ever being allowed to see the marked ballots. In some cases, members of the precinct electoral commission themselves openly expressed disagreement with the final announced tally, suggesting that it did not reflect the count conducted; however, they were silenced rapidly. The physical speed with which some of the counts were conducted also was suspect, since those precincts with the largest geographic area and those with the highest turnout always were among the first to report results. For example, the OSCE noted that only 2 hours after the close of polling stations, Minsk Oblast, excluding the City of Minsk, had reportedly counted 70.7 percent of all ballots, whereas Minsk City had at that point counted only 6.56 percent.

A large difference between results of pre-election polls and the official tally also suggested widespread manipulation of the totals. All independent polls in the days prior to the election indicated that the race between Lukashenka and Goncharik would be very close; one reputable polling organization showed Lukashenka leading with 46 percent of the vote to Goncharik's 40 percent. The disparity between these polls and the official results, which gave Lukashenka 75 percent of the vote and Goncharik 15 percent, suggest widespread manipulation of the totals.

The October 2000 parliamentary elections also failed to meet international standards for democratic elections. The regime severely restricted public participation on the electoral commissions. Candidate registration procedures were abused systematically to prevent candidates opposed to the regime from getting on the ballot.

Campaign activities were regulated excessively and heavily biased state-controlled media severely limited candidates' access to the media and the voters' choice of candidates. During the elections, provisions for early voting, mobile ballot boxes, vote counting, and the aggregation of results fell far short of minimum transparency requirements for independent verification. Voter turnout in many constituencies fell below the required 50 percent threshold, but electoral authorities falsified and amended voter lists to raise turnout to the required minimum. Numerous rallies and boycotts were held throughout the campaign; some were peaceful, and others were disrupted by the authorities. During the election campaign, coverage of politics, including the election, was very limited. Political coverage in both the electronic and print media was dominated by the President and executive branch.

In 1999 legislative amendments to the 1996 Referendum Law, which the OSCE AMG declared were not in accordance with international standards, came into force. The amended law provided that referendums could be initiated by the President, the National Assembly, or 450,000 signatories of a petition—including a minimum of 30,000 in the City of Minsk and in each of the country's 6 oblasts. It also gave the President the prerogative to decide on the validity of referendum results.

The percentage of women in government and politics does not correspond to their percentage of the population, although there are no legal restrictions on their participation. With the exception of the judiciary, social barriers to women are strong, and men hold virtually all of the leadership positions. The Minister of Social Security is the only female member of the Council of Ministers. The head of the regime's Central Election Commission also is a woman.

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

Several domestic human rights groups were active in the country; however, members of domestic human rights groups reported that the authorities hindered their attempts to investigate alleged human rights violations. The authorities monitored NGO correspondence and telephone conversations (see Section 1.f.). They also attempted to limit the activities of NGO's through a time consuming reregistration process and by rejecting their registration applications, conducting questionable tax audits, confiscating their equipment, denying them access to foreign support, and other means (see Section 2.b.).

There were widespread robberies of offices of several media outlets and NGO's, which were independently investigating the disappearances of prominent individuals associated with the opposition. In all cases, computers were smashed, but not stolen; only hard drives or floppy disks were removed, and nothing else of value was taken. Most human rights observers believed that these robberies were perpetrated by members of the security services. For example, on March 28–29, unidentified burglars broke into the headquarters of the Belarusian Helsinki Committee. The thieves stole a computer database containing election monitoring and human rights records from the past 5 years. It was the third such "burglary" of the Committee's office in the last 4 years. None of the crimes have been solved. On May 29, the offices of the Human Rights Center, headed by human rights lawyer Vera Stremkovskaya were burglarized, and files of human rights violations were stolen. There were no reports that the authorities made credible efforts to investigate these incidents.

On March 15, the regime published a decree "on improving the system of receipt and use of humanitarian assistance." This decree specifically forbids "activities directed at altering the constitutional order, overthrowing state power or encouraging such activities . . . preparing, administering, and organizing elections, referenda, organizing meetings, rallies, demonstrations, pickets, strikes, publishing and distributing promotional materials, organizing seminars and other types of promotional activities involving the population." The decree was interpreted by the tax authorities as the basis for a government-wide crackdown on independent NGO's, many of which receive funding from foreign sources. In the period prior to the presidential election, tax authorities and other security entities purporting to be tax authorities raided NGO's with impunity under the authority of this decree. The raids focused particularly on those organizations that sought to research the fate of regime opponents who had disappeared or on those who sought to make facts about the disappearances public. There was a credible report that the heads of the MVD, the KGB, and the tax police issued a joint communiqué in the weeks before the election instructing their organizations to raid and close election-related NGO's.

As the election approached, seizures of NGO property by representatives of the regime increased; often these seizures were carried out with little or no legal basis. In one attempt in August to seize computer equipment from the Independent Domestic Observer Network, a human rights lawyer was able to argue successfully

that the authorities did not know on what grounds they were seizing the equipment. The exchange took place in front of television cameras; the authorities left without seizing anything, only to return several days later to destroy the equipment.

The country's poor human rights record continued to draw the attention of many international human rights organizations. In general the authorities have been willing to discuss human rights with international NGO's whose members have been allowed to visit the country; however, members of some NGO's have been refused permission to make such visits, and the authorities have increased their harassment of international NGO's working in the country. One way in which the authorities regularly harassed NGO's was through taxes. Tax authorities seized the Belarus-Soros Foundation's Magic Printing Press (see Section 2.a.).

In 1998 after protracted negotiations, the authorities approved the opening in Minsk of an office of the OSCE AMG. However, the Government subsequently has threatened to shut down the office and refused to admit its new Chief of Mission into the country.

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

Both the 1994 and 1996 Constitutions state that all citizens are equal before the law and have the right to equal protection of their rights and legitimate interests; however, they do not prohibit specifically discrimination based on factors such as race, sex, or religion. Women, persons with disabilities, and minority religious groups experienced discrimination.

*Women.*—Although statistics were not available, women's groups report that domestic violence, including spousal abuse against women, was a significant problem. Spousal abuse is punishable under the Criminal and Administrative Codes; non-severe beating is punishable by a fine or up to 15 days imprisonment and more serious offenses are punishable by up to 15 years in jail. Women's groups have indicated that police generally enforce the laws against domestic violence, and that the courts generally impose these sentences. The primary problem remained a general reluctance among women to report instances of domestic violence due to fear of reprisal and the social stigma. Rape was a problem. A law against rape exists; however, most women do not report rape due to shame or fear that the police will blame the victim.

Although the authorities and local human rights observers reported that prostitution was not yet a significant problem inside the country, there was much anecdotal evidence that it was growing. Street prostitution appeared to be growing as the economy deteriorated, and prostitution rings operated in state-owned hotels. Trafficking in women was a serious growing problem (see Section 6.f.).

Sexual harassment reportedly was widespread, but no specific laws deal with the problem other than laws against physical assault.

The law requires equal wages for equal work; however, it was not obeyed always in practice. Women have significantly fewer opportunities for advancement to the upper ranks of management. Women report that managers frequently take into consideration whether a woman has children when considering potential job candidates. At a roundtable in April 2000 on "The Problem of the Trade in Women in Belarus," it was reported that the average length of unemployment for women was more than 18 months, versus 5 months for men. In 1999 the regime reported that approximately 64 percent of those considered to be long-term unemployed were single mothers.

The level of education of women is higher than that of men. Women make up approximately 58 percent of workers with a higher education and approximately 66 percent of workers with a specialized secondary education. Of employees with higher or specialized secondary education between two-thirds and three-fourths (mostly women) live beneath the official poverty level. Women legally are equal to men with regard to property ownership and inheritance.

Women's groups were active; most focus on problems such as child welfare, environmental concerns (especially the aftereffects of Chernobyl), and the preservation of the family. There was an active women's political party. A private university in Minsk established the country's first gender studies faculty in 1997.

*Children.*—The authorities are committed to children's welfare and health, particularly to overcoming the consequences of the nuclear accident at Chernobyl, and, with the help of foreign donors, they have tried to give children special attention. By law everyone is entitled to health care, including children. There does not appear to be any difference in the treatment of girls and boys in the provision of either health care or education. Children begin school at the age of 6 and are required to complete 9 years, although the authorities make 11 years of education available at no cost and began to develop a 12-year education program. Higher education also

is available at no cost on a competitive basis. Families with children continued to receive token government benefits, such as discounted transportation. According to a 1999 World Bank study, the majority of those living in poverty were families with multiple children or single mothers.

As part of the Lukashenka regime's efforts to promote a union with Russia and to reduce the influence of opposition movements, the authorities continued to discourage the promotion of, or the teaching of, students in the Belarusian language by limiting the availability of early childhood education in Belarusian. In its June 2000 report, the Belarusian Helsinki Committee reported that only 30 percent of students in primary schools were instructed in Belarusian. In Minsk only 11 of the 242 middle schools taught in the Belarusian language. In other regional cities, the numbers were significantly lower. The authorities continued to claim that the only schools that have been closed that taught in the Belarusian language were those that experienced diminishing enrollment; however, observers doubted this claim.

There does not appear to be a societal pattern of abuse of children; however, trafficking in girls was a problem (see Section 6.f.).

*Persons with Disabilities.*—Discrimination against persons with disabilities in the provision of employment, education, and other state services is a problem, as is social discrimination. A 1992 law mandates accessibility to transport, residences, businesses, and offices for persons with disabilities; however, facilities, including transport and office buildings, often were not accessible to persons with disabilities. The country's continued difficult financial condition makes it especially difficult for local governments to budget sufficient funds to implement the 1992 law. The central authorities continued to provide some minimal subsidies to persons with disabilities. However, continued high inflation and the sharp decline in the value of the ruble greatly reduced the real worth of those limited subsidies.

Evidence indicates that funding for persons with disabilities was not a priority for the Lukashenka regime. According to "Narodnaya Volya," an independent newspaper, the budget provision for the year for persons with disabilities was \$71 (114,958 rubles), compared to approximately \$875 (1.4 million rubles) for the Belarusian Patriotic Youth Union, a proregime patriotic organization.

*Religious Minorities.*—Societal anti-Semitism persisted and sentiment critical of minority faiths increased. Some instances of vandalism appeared to be related to anti-Semitism. In December 2000 a Minsk synagogue was firebombed (see Section 2.c.). Action by the authorities has been noticeably lacking in redressing instances of earlier anti-Semitic vandalism. According to the Anti-Defamation League and the World Jewish Congress, a number of small, ultranationalist organizations operate on the fringes of society, and a number of newspapers regularly print anti-Semitic material. Anti-Semitic material from Russia also circulates widely. For example, the anti-Semitic newspaper Slavianskaia Gazeta, although distributed locally, reportedly was published in Moscow.

There were constant attacks on Protestant groups during the year.

The clergy of the Russian Orthodox Church continued publicly to insist on the identification of the country with Orthodoxy and to call for greater protection for the Russian Orthodox Church by the State. For example, in a public meeting with members of the Parliament's human rights committee in May the Russian Orthodox Archbishop of Mogilev and Mstislavl Maksim publicly called for a new law on religion that would protect the "dominant" status of the Russian Orthodox Church in the country, introduce religious education in secondary schools, and ban the spread of "non-traditional" denominations. Valery Lipkin, chairman of the committee, asserted the new law would ban the spread of "destructive sects" in the country. In a May speech to the All Belarusian People's Congress, Minsk Patriarchal Exarch Filaret called for the authorities to cooperate with the Russian Orthodox Church to protect the "spiritual security" of the people, and to limit the presence of "destructive and pseudo-Christian societies that destroy the spiritual, social, and cultural unity of the people."

*National/Racial/Ethnic Minorities.*—The law grants citizenship to any person living permanently on the territory of the country as of October 19, 1991. Those who arrived after that date and wish to become citizens are required to submit an application for citizenship, take an oath to support the Constitution, have a legal source of income, and have lived in the country for 7 years. Legally the Russian and Belarusian languages share equal status; however, the regime at times harassed those that used Belarusian language in practice. In October 2000, two women were arrested for speaking Belarusian. Police claimed that they looked very suspicious because they spoke the Belarusian language to each other.

*Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution upholds the right of workers, except state security and military personnel, to form and join independent unions on a voluntary basis and to carry out actions in defense of worker rights; however, these rights are not respected in practice. The authorities have taken numerous measures to suppress independent trade unions. Members of independent trade unions were arrested for distributing union literature, had union material confiscated, were denied access to work sites, were subjected to excessive fines, and were pressured by their managers and state security services to resign from their jobs because of trade union activities.

In 1999 Lukashenka signed a decree “On certain Measures to Improve the Activities of Political Parties, Trade Unions, and Other Public Associations Activities,” which requires trade unions to have a minimum of 10 percent of the workers of an enterprise in order to form and register a local union. The decree also obliged existing registered unions to reregister and meet the new requirements. Free trade union leaders reported that this decree has had the effect of making registration, and therefore union activities, nearly impossible in many of the larger state-owned enterprises. Some local unions have been denied registration under this decree.

The Belarusian Free Trade Union (BFTU) was established in 1991 and registered in 1992; however, following a 1995 Minsk metro workers strike, the President suspended its activities. The BFTU’s local unions were denied registration by local authorities in many towns, including Bobruisk, Grodno, Mogilev, and Orsha, and in numerous instances union activists and members were fired because of their union activities. In 1996 BFTU leaders formed a new umbrella organization, the Belarusian Congress of Democratic Trade Unions (BCDTU), which encompasses four leading independent trade unions and is reported to have approximately 15,000 members.

The authorities continued to discourage employees at state-run enterprises from joining independent trade unions. The Official Federation of Trade Unions of Belarus (FTUB), formerly the Belarusian branch of the Soviet Union’s All-Union Central Council of Trade Unions, consists of approximately 4.5 million workers (including retirees) and is by far the largest trade union organization. According to official union federation figures, 92 percent of the workforce is unionized. Although wary in the past of challenging the regime seriously, some FTUB leaders have become increasingly vocal in their criticism of the policies of the Lukashenka regime. In retaliation the regime has threatened and harassed some FTUB officials.

In September 2000, FTUB members reportedly were pressured by the management of Dzerzhinsky, a subsidiary of the state-owned electronics manufacturer Integral, to break with their union and join a management-established and -run union. The FTUB reported that union members at other Integral plants similarly had been threatened. Under reported pressure from management and authorities of the regime, employees at Tsvetotron, a state electrical equipment factory, voted in 2000 to quit the union of electrical workers, a member of the FTUB.

Since September the Government has failed to transfer approximately \$2 million (5 billion rubles) in back union dues collected from workers by state-owned enterprises to the FTUB. On December 14, the Belarusian Council of Ministers banned the withholding from salaries of trade union dues by state enterprises, a move that leaves unions in a state of financial crisis. These steps widely were believed to be designed to pressure the FTUB into removing its chairman, Vladimir Goncharik, at its December 6 plenary session. Goncharik was Lukashenka’s primary opponent in the September 9 election. In December members of the FTUB presidium decided to end their support for Goncharik in an attempt to resolve the crisis. Facing the prospect of loss of funds and property by the FTUB, and having lost his support within the presidium, Goncharik resigned on December 28.

During the year, members of the Independent Trade Union of Belarus faced continual pressure at their workplace to join state unions or lose their jobs. Typically members of the Union smuggled copies of Rabochi, a newspaper about labor issues, into their workplace under their clothing. In December 2000, police detained seven members of the Independent Trade Union of Steel Workers and confiscated 3,000 copies of Rabochi outside the entrance to the Minsk Automobile Plant.

In July 2000, the Presidential Administration released a statement criticizing some union leaders for propagating what it called a groundless assertion that the regime violates unions’ rights. The statement accused unions of engaging in “political activities . . . which cause direct damage to the labor movement and aggravate the socioeconomic problems of society.” In a July 2000 speech at an agriculture conference, Lukashenka criticized the trade unions, the FTUB, and FTUB President Goncharik for a “lack of constructive activity” and blamed them for the loss of trade privileges with another country. On July 31, as part of the authorities’ campaign

of harassment of the FTUB, the Federation's bank accounts were frozen following an unexplained investigation of the union's records by the state committee for financial investigations. FTUB accounts were frozen again in September 2000 by tax authorities conducting an unspecified investigation. The accounts later were released. In an October 2000 speech to the FTUB Congress, Prime Minister Yermoshyn told trade union leaders to "stop agitating people and get to work" and accused the FTUB of engaging in politics rather than focusing on the needs of workers.

The Constitution provides for the right to strike; however, tight control by the Lukashenka regime over public demonstrations makes it difficult for unions to strike or to hold public rallies to further their objectives (see Sections 1.d. and 2.b.). For example, a demonstration planned for November 2000, organized by workers of the Minsk Tractor Works and the Minsk Engine Works to protest low pay and wage arrears was banned. Other demonstrations similarly were banned. Union members at times undertook work stoppages, usually in response to late payment of wages.

On July 3, 2000, noting that the authorities failed to respect the rights of workers, suppressed trade union rights, harassed union leaders, and had not taken sufficient steps to conform to internationally recognized labor rights, a foreign government suspended the country's trade benefits.

Unions are free to affiliate with international bodies. At year's end, the BFTU was attempting to join the International Confederation of Free Trade Unions (ICFTU); the independent unions already were affiliated with ICFTU.

*b. The Right to Organize and Bargain Collectively.*—Legislation dating from the Soviet era provides for the right to organize and bargain collectively; however, the authorities and state-owned enterprises have hindered the ability of workers to bargain collectively and, in some instances, arbitrarily suspended collective bargaining agreements (see Section 6.a.). Provisions of a 1999 presidential decree intended to place all workers on individual rather than collective contracts were criticized heavily by both independent and official union leaders, who believe that they were designed principally to enable the Presidential Administration to increase its control over the labor sector. These provisions had not been implemented by year's end. In February 2000, the management of the Mogilev Automobile Factory (MAZ) unilaterally suspended its collective bargaining agreement with the local union of the BFTU, evicted the organization from its office, and confiscated office equipment.

Several BFTU activists were dismissed by MAZ management in connection with their union activities. Since the economy remained largely in the hands of the State, unions usually sought political redress for economic problems. Workers and independent unions have recourse to the court system.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced labor except in cases when the work or service to be performed is fixed by a court's decision or in accordance with the law on states of emergency or martial law; however, there were some reports of forced labor. For example, in July 2000, town authorities in Ivatsevichy, in the Brest region, sent letters to local industrial enterprises and state institutions ordering them to increase the "voluntary" participation of their employees in the harvesting of livestock fodder by 20 percent. Workers who refused to "volunteer" for the harvest were ordered to pay a fine of \$5 (5,000 rubles) or approximately 15 percent of their average monthly salary. The order had the effect of forcing local individuals to work in the fodder harvest. Students also were forced to participate in potato harvesting activities.

The constitutional provision prohibiting forced or bonded labor applies to all citizens, although its application to children is not specified; trafficking in girls was a problem (see Section 6.f.). With the possible exception of juvenile prisoners, other forms of forced and bonded labor by children are not known to occur.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The law establishes 16 as the minimum age for employment. With the written consent of one parent (or legal guardian), a 14-year-old child may conclude a labor contract. The Prosecutor General's office reportedly enforces this law effectively.

The constitutional provision prohibiting forced or bonded labor applies to all citizens, although its application to children is not specified; trafficking in girls was a problem (see Section 6.f.).

*e. Acceptable Conditions of Work.*—The minimum wage was \$3 (3,600 rubles) a month, which does not provide a decent standard of living for a worker and a family. Average real wages improved during the year from approximately \$40 (48,000 rubles) to \$60 (72,000 rubles) a month. During the Presidential campaign, President Lukashenka decreed that average wages would be increased from approximately \$65 (78,000 rubles) to \$100 (120,000 rubles) a month. Authorities reported that average wages were just more than \$106 (127,200 rubles) a month at year's end, although independent analysts reported the figure was lower. According to the Inter-

national Monetary Fund (IMF), the wage increase was accomplished by accumulating arrears to suppliers and by other nonsustainable means. Agricultural workers are paid approximately 39 percent less than the average monthly wage. The country's continuing economic problems made it difficult for the average worker to earn a decent living. Major wage arrears continued to grow, especially in the agricultural sector. The Constitution and Labor Code set a limit of 40 hours of work per week and provide for at least one 24-hour rest period per week. Because of the country's difficult economic situation, an increasing number of workers found themselves working considerably less than 40 hours per week. Reportedly factories often required workers to take unpaid furloughs caused by shortages of raw materials and energy and a lack of demand for factory output.

The law establishes minimum conditions for workplace safety and worker health; however, these standards often are ignored. Workers at many heavy machinery plants do not wear even minimal safety gear, such as gloves, hard hats, or welding glasses. A State Labor Inspectorate exists but does not have the authority to enforce compliance, and violations often were ignored. According to the Labor and Social Security Ministry, during the year 239 workers died and 675 were injured in workplace accidents. The high accident rate is due to a lack of protective clothing, shoes, equipment, nonobservance of temperature regulations, the use of outdated machinery, and inebriation on the job. There is no provision in the law that allows workers to remove themselves from dangerous work situations without risking loss of their jobs.

In January 2000, Lukashenka issued a new decree, despite the protests of independent trade unions, lowering the level of disability allowances paid by the State or state enterprises for result of workplace injuries. Under the decree, industrial injury suits also are to be covered by the Civil Code, rather than the Labor Code. Independent union leaders believe workplace injuries should be reviewed under the Labor Code, under which compensation is more generous.

The Labor Code accords foreign workers the same protections as citizens.

*f. Trafficking In Persons.*—The law prohibits trafficking in persons; however, trafficking in persons is a serious and growing problem. There were no reports of official involvement in trafficking; however, observers believe that given the extensive corruption that exists within the police and other agencies of the regime, such involvement is likely.

The country is both a country of origin and a country of transit for women and girls being trafficked to Central and Western Europe for purposes of prostitution and sexual exploitation. The authorities have not released any statistics; however, according to country NGO's, several thousand Belarusian women have fallen victim to trafficking. Information from the Netherlands, Lithuania, and Bosnia, refer to Belarus as a country of origin for women being trafficked to or through their countries. Women from Russia, Ukraine and Lithuania are trafficked through Belarus to countries in Europe, primarily Germany and Poland. Other anecdotal evidence suggests that the Russian Mafia is active in trafficking young women to Cyprus, Greece, Israel, and Western Europe. The Ministry of Internal Affairs acknowledges that Russian criminal organizations actively may try to recruit and lure women into serving as prostitutes in Western Europe and the Middle East. Traffickers, who are associated with organized crime and drug trafficking, entice their victims through advertisements for lucrative jobs in newspapers and on the Internet.

On January 1, Article 181 of the new Criminal Code for Belarus entered into effect. It penalizes trafficking in persons for the purpose of sexual or other kinds of exploitation. The Criminal Code also criminalizes the hiring of individuals in order to exploit them sexually or otherwise. The penalty for trafficking is between 5 and 7 years imprisonment. A criminal case against a trafficker was opened in the region of Grodno, in which a man was charged with trafficking at least 35 women from Belarus to Poland over a period of 2 years. There were convictions in 12 of the cases. When the case was first tried in October 2000, the accused received a 4 year sentence for pandering but the Grodno Regional Court dismissed the verdict and ordered a new investigation in order for the defendant to be charged under the new Criminal Code. However, the prosecution again charged the man with drug dealing and pandering.

The authorities have begun to recognize and address the problem of trafficking in persons. In 1999 a Board of Morals and Illegal Distribution of Drugs was created by the Ministry of the Interior, but the Board has not been effective. The Ministry of Interior and the Ministry of Social Welfare are involved in antitrafficking efforts. In partnership with the U.N. Development Program (UNDP), the Ministry of Social Welfare established the Gender Information and Policy Center (GIPC), which also deals with this problem.

Women seldom report incidences of trafficking to police because of a generally negative public opinion about law enforcement authorities, shortcomings in legislation on the subject, and the insufficient protection of victims and witnesses. Victims generally are detained until the investigation identifies them as victims. Victims can be prosecuted for violations of other laws. No information is available on state or nongovernmental initiatives to help victims return to their countries. Crisis centers established by some NGO's do provide psychological assistance to victims of violence. However, such centers do not include specialists in dealing with victims of trafficking.

In April 2000, the Ministry of the Interior held a seminar in cooperation with NGO's, in which NGO's discussed programs devoted to warning the public about the problem. The Belarus Young Christians Women Association (BYCWO) conducts a program inform women of the risks associated with employment abroad and the minimization of possible dangers. The BYCWO also established an information telephone line for women traveling abroad for reasons other than tourism. BYCWO receives more than 100 inquiries a month.

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## BELGIUM

Belgium is a parliamentary democracy with a constitutional monarch who plays a mainly symbolic role. The Council of Ministers (Cabinet), led by the Prime Minister, holds office as long as it retains the confidence of the lower house of the bicameral Parliament. Belgium is a federal state with several levels of government, including national, regional (Flanders, Wallonia, and Brussels), and community (Flemish, Francophone, and German). The Government respects the constitutional provisions for an independent judiciary in practice.

The Government maintains effective control of all security forces. In a sweeping reorganization carried out during the year, the former Police Judiciare and the Gendarmerie merged at the federal level to form a new federal police force responsible for internal security and nationwide law and order issues. Local Gendarmeries merged with local police forces and operate as local branches of the federal police in all 196 police districts.

The country, which has a population of approximately 10 million, is highly industrialized, with a vigorous private sector and limited government participation in industry. The primary exports are machinery and equipment. The 2000 estimated GDP was \$230 billion. The economy provides a high standard of living for most citizens.

The Government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of dealing with individual instances of abuse. Trafficking in women and children and violence against women remained problems, and the Government took steps to combat them.

### RESPECT FOR HUMAN RIGHTS

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

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

In December police arrested former Socialist Party Minister Alain Van der Biest and eight other persons in connection with the killing of Socialist Party leader Andre Cools in 1991.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits such practices, and in general government officials did not employ them; however, there were reports that authorities mistreated some foreign nationals during their detention and deportation (see Section 2.d.).

In addition to the integration of the police forces, on January 1 the Federal Police Council, an oversight unit, and an anticorruption unit began operations.

A delegation from the Council of Europe's Committee for the Prevention of Torture carried out one of its periodic visits to the country in November and December. The Committee's report had not been released by year's end.

Prison conditions vary: Newer prisons generally meet international standards, while some older facilities nearly meet international standards despite their Spartan physical conditions and limited resources. Overcrowding is a problem: In August the prison system, which is designed to hold 7,500 prisoners, held approximately 8,600. Due to the lack of space in specialized centers, juveniles may be held up to 15 days in adult prisons. The Government does not hold convicted criminals and

pretrial detainees in separate facilities. Men and women are held separately. Families are allowed to visit prisoners without supervision. Approximately 115 prisoners, nearing the end of their sentences, lived at home under electronic surveillance at year's end. The Government plans to expand the program to 300 prisoners in 2002. The Government permits visits by independent human rights monitors, and such visits took place.

*d. Arbitrary Arrest, Detention, or Exile.*—The law prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions. Arrested persons must be brought before a judge within 24 hours. Pretrial confinement is subject to monthly review by a panel of judges, which may extend pretrial detention based on established criteria (e.g., whether, in the court's view, the arrested person would be likely to commit further crimes or attempt to flee if released). At times lengthy pretrial detention is a problem. Bail exists in principle under the law but is granted rarely. Approximately 40 percent of the prison population consists of pretrial detainees. Pretrial detainees receive different privileges from convicted criminals, such as the right to more frequent family visits. Arrested persons are allowed prompt access to a lawyer of their choosing or, if they cannot afford one, to an attorney appointed by the State.

An indicting court ruled in September that Fehriye Erdal, a Kurdish woman accused of involvement in a 1996 terrorist attack in Turkey in which a prominent businessman was killed, could be tried for murder under the 1977 European Convention on the Suppression of Terrorism. Lawyers for Erdal argued in court that the Belgian courts had no jurisdiction over the case. Erdal was arrested in Knokke in 1999 and charged with weapons violations. The Government refused the Turkish Government's extradition request in 2000 because of the possibility that Erdal could face the death penalty in Turkey. Erdal sought asylum in Belgium in 2000. After her request was denied, she went on a hunger strike to protest her continued detention. She discontinued her hunger strike in August, 2000, when she was placed under house arrest at an undisclosed location. Erdal remained under house arrest pending trial at year's end.

The law prohibits forced exile, and the Government does not employ it.

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

The judicial system is organized according to specialization and territorial jurisdiction, with 5 territorial levels: Canton (225), district (27), provinces and Brussels (11), courts of appeal (5), and the Cour de Cassation, which is the highest appeals court.

Military tribunals try military personnel for common law as well as military crimes. All military tribunals consist of four military officers and a civilian judge. At the appellate level, the civilian judge presides; a military officer presides at trial. The accused has the right of appeal to a higher military court.

Each judicial district has a Labor Court, which deals with litigation between employers and employees regarding wages, notice, competition clauses, and social security benefits (see Section 6.b.). There is also a magistrate in each district to monitor cases involving religious groups (see Section 2.c.).

The law provides for the right to a fair trial, and an independent judiciary generally enforces this right. Charges are stated clearly and formally, and there is a presumption of innocence. All defendants have the right to be present, to have counsel (at public expense if needed), to confront witnesses, to present evidence, and to appeal.

In June Parliament passed legislation creating a federal prosecutor's office. The new office was to be phased in gradually and will be responsible for prosecuting crimes against the security of the state, and for crimes involving nuclear material, human trafficking, arms trafficking, human rights violations, and terrorism. Such crimes previously fell under the less coordinated jurisdiction of several different national prosecuting magistrates.

As part of an ongoing program of judicial reform, the Government's summary trial act became effective in 2000. This act, which covers crimes punishable by 1 to 10 years' imprisonment, allows a prosecutor to issue an arrest warrant for the immediate appearance in court of an offender caught in the act of allegedly committing a crime. The warrant expires after 7 days, and the court must render its verdict within 5 days of the initial hearing. The first conviction under this act, against a British citizen accused of hooliganism during the Euro 2000 soccer championship, was upheld in April by the appellate court. Defense attorneys challenged the summary trial procedures in May before the cour de cassation. Several human rights organizations claim that summary trial violates the presumption of innocence and jeopardizes the right to a full and fair defense. The Justice Minister announced

plans early in the year to reform the summary trial procedure. This procedure, which magistrates rarely applied during the year, was used in less than 50 cases.

A High Council on Justice supervises the appointment and promotion of magistrates. The Council serves as a permanent monitoring board for the entire judicial system and is empowered to hear complaints against individual magistrates.

Following a 1998 review of the judicial system, the Government implemented several reforms that granted stronger rights to victims of crime. These measures allow victims to have more access to information during an investigation, as well as the right to appeal if an investigation does not result in a decision to bring charges. As part of its program of judicial reform, the Government undertook to open "justice houses" in each of the 27 judicial districts. These facilities combine a variety of legal services under one roof, including legal aid, mediation, and victim's assistance. As of September, 21 of the proposed justice houses had opened.

In 1999 Parliament enacted legislation that further defines crimes against humanity, war crimes, and genocide and also imposes penalties for such crimes. The law provides that Belgian courts have jurisdiction over such crimes no matter where they were committed, and it does not grant immunity to heads of state or government. As a result of the new law, commonly known as the law on universal jurisdiction, the courts have become a forum for third party efforts to try alleged human rights violations by high-profile participants in past and present conflicts in Central Africa, the Middle East, and South America. On June 8, a Brussels court rendered guilty verdicts against four Rwandans charged with genocide in Rwanda in 1994. The four sought refuge in Belgium shortly after the genocide; many of their accusers lived in Belgium. The four were sentenced to 12 to 20 years' imprisonment in Belgian prisons. The trial represents the first time a foreign citizen was convicted in a Belgian national court for crimes against humanity committed in a foreign country.

In June, citing the law on universal jurisdiction, two groups of Palestinians and Lebanese in Brussels filed complaints against Israeli Prime Minister Ariel Sharon and others for their alleged roles in mass killings in the Lebanese refugee camps of Sabra and Shatila in 1982, when Sharon was defense minister. A prosecutorial review of the legal case was suspended in September pending a ruling by relevant legal authorities on the jurisdiction of Belgian courts in the cases.

Similar complaints alleging crimes against humanity were filed during the year against seven other heads of state or government. By year's end, no action had been taken on these complaints. The Democratic Republic of Congo challenged the law on universal jurisdiction in 2000 at the International Court of Justice, arguing that the law violates the principle of sovereign immunity. A ruling was expected in 2002.

There were no reports of political prisoners.

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

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press, and the Government generally respects this right in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press. There are restrictions on the press regarding libel, slander, and the advocacy of racial or ethnic discrimination, hate, or violence.

The Government operates several radio and television networks but does not control editorial content; boards of directors that represent the main political parties in Parliament, and linguistic communities supervise programs. Private radio and television stations operate with government licenses. Almost all homes have access by cable to television from other Western European countries and elsewhere. Satellite services also are available.

The Government generally does not restrict Internet access.

Academic freedom is respected.

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

Citizens are free to form organizations and establish ties to international bodies; however, the Antiracism Law prohibits membership in organizations that practice discrimination "overtly and repeatedly" (see Section 5).

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. The law accords "recognized" status to Roman Catholicism, Protestantism, Judaism, Anglicanism, Islam, and Greek and Russian Orthodox, and these religions receive subsidies from government

revenues. The Government also supports the freedom to participate in nonconfessional philosophical organizations (laics). Laics serve as a seventh recognized “religious” group, and their organizing body, the Central Council of Non-Religious Philosophical Communities of Belgium, receives funds and benefits similar to those of the six recognized religions.

By law each recognized religion has the right to provide teachers at government expense for religious instruction in schools. For recognized religions, the Government pays the salaries, lodging, and retirement expenses of ministers and also subsidizes the construction and renovation of church buildings. During the year, the Muslim executive Council applied for the first time for subsidies, and the Government announced in April that in 2002 it will recognize 75 mosques and pay salaries to imams assigned to these mosques.

The lack of independent recognized status generally does not prevent religious groups from freely practicing their religions. Nonrecognized groups do not qualify for government subsidies but can qualify for tax-exempt status as nonprofit organizations.

Some recognized religions complained of incidents of religious discrimination. The Muslim Executive Council reported that women and girls wearing traditional dress or headscarves in some cases face discrimination in employment and public and private school admissions even though the law does not prohibit such dress. The Court of Cassation, the nation’s highest court, ruled in January that municipal authorities may not deny an identification card to a woman wearing a headscarf.

In February the Church of Scientology took legal action to force the return of documents seized in a 1999 police raid of church facilities and the homes and businesses of about 20 members. The Church of Scientology also filed a complaint asserting that the Prosecutor’s Office provided prejudicial statements to the press in violation of the country’s secrecy laws regarding investigations. A second, smaller raid on the Church of Scientology’s Brussels headquarters took place on February 8 at which time additional documents were seized. Most of the seized computer equipment was returned to the Church, but the documents from both raids still were being held by the investigating magistrate at year’s end. In March the Church filed a complaint against the Government with the U.N. Special Rapporteur on Religious Intolerance. No arrests were made or charges filed against church members as a result of the original raid.

In April 2000, authorities began refusing to issue visas to missionaries of the Church of Jesus Christ of Latter-Day Saints (Mormons) to enter the country for missionary work. Similar visas were issued for decades without problems. In July 2000, the Ministry of Interior instituted temporary procedures designed to ensure the issuance of visas to the missionaries and undertook to establish new permanent procedures by October 2000. At year’s end, visas were being issued regularly, but the Government had not devised new permanent procedures.

In 1998 Parliament adopted recommendations from a 1997 commission’s report on government policy toward sects, particularly sects deemed “harmful” under the law. The report divided sects into two broadly defined categories: It characterized a “sect” as any religious-based organization, and a “harmful sect” as a group that may pose a threat to society or individuals. Attached to the report was a list of 189 sectarian organizations that were mentioned during testimony before the commission. Although the introduction to the list clearly stated that there was no intent to characterize any of the groups as “dangerous,” the list quickly became known in the press and to the public as the “dangerous sects” list. This list was not part of the report approved by Parliament.

Some groups included in the parliamentary list of 189 sects continued to complain that their inclusion has resulted in discriminatory action against them. For example, in March Jehovah’s Witnesses—not an officially recognized religion—received a letter from the Brussels Exhibition Center notifying them that they could not use its facilities for their April convention. The group had held its annual convention at the Exhibition Center since 1968. The rejection letter specifically mentioned the appearance of Jehovah’s Witnesses on the parliamentary list of 189 sects as the reason for the refusal. In November a similar incident occurred when the Church of Scientology was informed on the morning of the scheduled day that it could not use the International Press Center to announce its suit against the Commission’s dangerous sect list. A representative of the center reportedly cited the presence of the Church of Scientology on the commission’s list as a reason for the cancellation. However, in a subsequent review of the refusal, the Center decided that in the future the Church of Scientology could use the facilities.

One of the primary recommendations of the parliamentary report was the creation of a government-sponsored Center for Information and Advice on Harmful Sectarian Organizations. The center began limited operations in 1999 and was fully oper-

ational and open to the public at the beginning of the year. The Government tasks the center with collecting publicly available information on a wide range of religious and philosophical groups and providing information and advice to the public regarding the legal rights of freedom of association, privacy, and freedom of religion. The center is authorized to share with the public any information it collects on religious sects but, despite its name, the regulations prohibit it from categorizing any particular group as harmful.

In late fall the center released its first report, covering the period from 1999 to 2000. The report reviewed the laws creating the center, meetings in which the center participated, and projects of the center. It identified two responses rendered by the center to specific government requests: First, it issued a "favorable" opinion of the European Center for Research and Information on Sectarianism in response to an inquiry from the Foreign Ministry; and, second, it issued a "favorable" opinion of the Mormon Church in response to an inquiry from the Ministry of the Interior. The report also recommended that the Ministry of Justice adopt a law to prohibit the abuse of a situation of "weakness."

An interagency coordination group designed to work in conjunction with the center to coordinate government policy meets bimonthly to exchange information on sect activities. The Government also has designated a national magistrate and one magistrate in each of the 27 judicial districts to monitor cases involving sects. Some courts in the Flanders region continued to stipulate, in the context of child custody proceedings and as a condition of granting visitation rights, that a noncustodial parent who is a member of Jehovah's Witnesses may not expose his or her children to the teachings or lifestyle of that religious group during visits. These courts have claimed that such exposure would be harmful to the child; however, other courts have not imposed this restriction.

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

In 2000 the Government began a "regularization" program for three categories of undocumented aliens: Those who had applied for asylum at least 4 years earlier and had received no answer or a negative answer; those whose medical condition made a return to their country of origin inadvisable; and those who could not return to their country of origin for political reasons. Undocumented aliens who could demonstrate evidence of a lasting integration into their community also were allowed to apply. Successful applicants were to be granted legal residence status. During the application period, the Government received 32,662 applications representing 50,600 individuals. Human rights groups criticized both the border controls that were imposed during the application period to prevent undocumented aliens living in other countries from applying and the slow pace of the approval process. At year's end, the Ministry of the Interior reported that, of the 32,662 applications, it had made positive determinations in 22,873 cases, made negative decisions in 5,013 cases, and the remainder were pending. Those denied were ordered to leave the country. Human rights organizations unsuccessfully sought financial aid for the applicants awaiting a determination.

Also in 2000, Parliament amended the nationality code to facilitate the acquisition of Belgian citizenship. Under the terms of the amended code, foreigners can apply for naturalization after living legally in the country for 3 years. Stateless persons and refugees can apply after 2 years. Moreover foreigners who have maintained their residence in the country for 7 years may acquire citizenship simply by declaring their intent to their local municipal authorities. Adult foreigners living outside the country may declare their Belgian nationality as soon as one parent legally has acquired it.

The law includes provisions for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government provides first asylum. The number of asylum applications dropped significantly during the first half of the year. Authorities believe the decrease was due to more stability in the Balkans and a change in government policy to provide in-kind assistance rather than direct assistance. The Government reported that it received 18,871 new asylum applications in the first 10 months of the year, compared with 42,691 during 2000. Of the 18,871, the Government refused 16,591; 2,280 remained under review. Normally only about 10 percent of applications are approved.

In response to complaints about slow processing time and the large backlog of asylum applications, the Government adopted a "last in, first out" policy in processing new applications. This policy is intended to reduce processing time for applicants. The backlog nevertheless remained at about 40,000 cases during the year.

The Government, in partnership with the International Organization for Migration (IOM), provides relocation assistance to unsuccessful asylum applicants who agree to repatriate voluntarily to their country of origin. Unsuccessful applicants who do not leave voluntarily are subject to deportation. During the first 10 months of the year, approximately 11,500 asylum seekers left the country; approximately 3,000 left voluntarily, 4,200 were repatriated, and 4,300 were expelled.

Undocumented asylum seekers arriving by air, whose claims do not appear legitimate as determined by immigration officials, are not allowed to enter but are held in a closed detention center at the airport often for as long as 5 months while awaiting deportation or voluntary repatriation. The children of such asylum seekers do not attend school. Those applicants whose claims appear to be legitimate are released to a system of 27 asylum centers for shelter and assistance. These centers have a total capacity of 5,000 beds. The centers, funded mainly by the Government and the Belgian Red Cross, have been overtaxed by the large backlog of asylum seekers, and the Government has solicited assistance from municipalities to handle the overflow.

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

The law provides citizens with the right to change their government peacefully, and citizens ages 18 and older exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Voting in all elections is compulsory, and failure to vote is subject to a nominal fine. Direct popular elections for parliamentary seats (excluding some Senators elected by community councils and others elected by Senate members) are held at least every 4 years. Opposition parties operate freely.

The Federal Government is responsible for security, justice, social security, and fiscal and monetary policy. The regional governments are charged with matters that directly affect the geographical regions and the material well-being of their residents, such as commerce and trade, public works, and environmental policy. The linguistic community councils handle matters more directly affecting the mental and cultural well-being of the individual, such as education and the administration of certain social welfare programs.

The existence of communities speaking Dutch, French, and German engenders significant complexities for the state. Most major institutions, including political parties, are divided along linguistic lines. National decisions often take into account the specific needs of each regional and linguistic group.

The law prohibits federal funding for political parties that espouse discrimination. In June the Brussels prosecutor charged three nonprofit organizations linked to the Vlaams Blok party with violations of the law. The district court held that it was not competent to hear the case. The prosecutor and the Center for Equal Opportunities and Opposition to Racism, an autonomous governmental entity, appealed the decision, but the appellate court took no action by year's end.

The percentage of women in government or politics does not correspond to their percentage of the population, but some women hold senior positions. Of 17 federal ministers, 4 are female. In the Federal Parliament, 36 of 150 Chamber of Representatives members and 21 of 71 Senators are female. In March the Senate passed a proposed amendment to the Constitution that would provide for the presence of both genders in the federal, regional, provincial, and local governments. By year's end, the proposed amendment remained under consideration by the Chamber of Representatives. Federal law requires that at least one-third of the candidates in each national and each local election be female.

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

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

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

The law prohibits discrimination based on these factors, and the Government enforces antidiscrimination law. In March the Senate passed a proposed constitutional amendment that states more clearly the equality of men and women; the proposed amendment was pending in the Chamber of Representatives at year's end. With Dutch, French, and German as official languages, the country has a complex linguistic regime, including language requirements for various elective and appointive

positions. The law prohibits the official financing of any racist or xenophobic party or any party that does not respect human rights (see Section 3).

*Women.*—Violence against women was a problem. A 1998 study commissioned by the Ministry of Employment and Labor (which is also responsible for equality issues) reported that 16.8 percent of women acknowledged suffering from repeated domestic physical or sexual violence at some point in their lives. The law defines and criminalizes domestic violence, with the aim of protecting married and unmarried partners. The law allows social organizations to represent victims of domestic violence in court with the victim's consent. A 1999 law allows police to enter a home without the consent of the head of household when investigating a domestic violence complaint. According to its proponents, the police do not use the law enough. By year's end, the Government had not implemented other provisions of the law that require it to establish and maintain a database of accurate statistics on domestic violence.

A number of government-supported shelters and telephone help lines are available throughout the country. In addition to providing shelter and advice, many offer assistance on legal matters, job placement, and psychological counseling for both partners. Approximately 80 percent of these organizations' budgets are provided by one of the three regional governments.

The law prohibits organizing prostitution or assisting immigration for the purpose of prostitution, but not prostitution itself. A 1995 law defined and criminalized trafficking in persons; however trafficking in women remained a problem (see Section 6.f.).

Sexual harassment is illegal. The Government has implemented procedures to monitor sexual harassment claims. Victims of sexual harassment have the right to sue their harassers under existing law, and according to the law, sexual harassment can be a form of sexual discrimination. The act outlaws discrimination in hiring, working conditions, promotion, wages, and contract termination. Despite these laws, most cases of sexual harassment are resolved informally. A study by the Ministry of Defense in October 2000 found that 54 percent of women in the armed forces had been subjected to abusive language, 36 percent had experienced unwelcome physical contact, and 4.6 percent reported being the victim of sexual harassment involving physical violence.

The equal treatment of men and women is provided for in the Constitution, federal law, and treaties incorporated into law. The Government actively promotes a comprehensive approach to the integration of women at all levels of decisionmaking. The Division of Equal Opportunity, a part of the Ministry of Labor, focuses specifically on issues affecting women, including violence against women, sexual harassment, and the participation of women in the political process. The net average salary for a woman is 84 percent of the national net average salary. In 1996, the last year for which comparative statistics are available, women in blue-collar jobs earned 79 percent of the salary of their male counterparts. The average salary for women in white-collar jobs was 70 percent of the salary of their male counterparts.

*Children.*—The Government is strongly committed to children's rights and welfare; it amply funds a system of public education and health care. It provides free compulsory education from ages 6 to 18. The Francophone and Flemish communities have agencies specifically dealing with children's needs.

In March 2000, Parliament amended the Constitution to include an article on children's rights. The new article provides that every child has the right to respect for his or her moral, physical, mental, and sexual integrity. There are comprehensive child protection laws. Children have the right to a voice in court cases that affect them, such as divorce proceedings. The law states that a minor "capable of understanding" can request permission to be heard by a judge, or that a judge can request an interview with a child. The law is designed to combat child pornography by the use of severe penalties for such crimes and for those in possession of pedophilic materials. The law permits the prosecution of Belgian residents who commit such crimes abroad and provides that criminals convicted of the sexual abuse of children cannot receive parole without first receiving specialized assistance and must continue counseling and treatment upon their release from prison. A Senate report in July indicated that not all courts apply the laws equally; the differences are attributed to inconsistent prosecutorial efforts. On April 1, a new youth protection act came into force to provide better protection against sexual exploitation, abduction, and trafficking.

There is no societal pattern of abuse directed against children.

Child prostitution is a problem but is not widespread. Belgium is both a transit point and a destination for trafficking in children (see Section 6.f.).

Government and private groups provide shelters for runaways and counseling for children who were abused physically or sexually. Child Focus, the government-spon-

sored center for missing and exploited children, reported that it handled 2,065 cases in 2000 and 1,503 cases in 1999. Nearly 48 percent of the reported cases concerned runaways, and 27 percent involved abduction by parents. Approximately 8 percent were pedophilia cases. Child Focus also reported that in the first half of the year, it handled 641 runaway cases, compared with 527 for the same period in 2000. Of such cases, 70 percent involved girls, most between the ages of 13 and 17.

*Persons with Disabilities.*—The law provides for the protection of persons with disabilities from discrimination in employment, education, and in the provision of other state services. There were no reports of societal discrimination against persons with disabilities. The Government mandates that public buildings erected since 1970 be accessible to such persons and offers subsidies to encourage the owners of other buildings to make necessary modifications. However, many older buildings are not accessible.

The Government provides financial assistance for persons with disabilities. It gives special aid to parents of children with disabilities and to parents with disabilities. Regional and community programs provide other assistance, such as job training. Persons with disabilities are eligible to receive services in any of the three regions (Flanders, Wallonia, or Brussels), not just their region of residence.

*Religious Minorities.*—There are generally amicable relations among different religious groups in society; however, several religious groups complain of societal discrimination, particularly groups that have not been accorded official “recognized” status by the Government and those associated primarily with immigrant communities.

*National/Racial/Ethnic Minorities.*—Belgium is a pluralistic society in which individual differences in general are respected, and linguistic rights in particular generally are protected. Approximately 60 percent of citizens are native Dutch speakers, 40 percent are French speakers, and less than 1 percent are German speakers.

The Antiracism Law penalizes the incitement of discrimination, hate, or violence based on race, ethnicity, or nationality. It is illegal for providers of goods or services (including housing) to discriminate on the basis of any of these factors and for employers to consider these factors in their decisions to hire, train, or dismiss workers.

In 1999 the Government-sponsored Center for Equal Opportunity and the Fight Against Racism, which is tasked with investigating complaints of discrimination based on race, handled 919 complaints, 18 of which led to court action. In its 2000 report, the center drew attention to discrimination against non-Belgians in certain categories of public service jobs. The report also referred to a study on behalf of the International Labor Organization (ILO), which revealed persistent discrimination against immigrants in private sector employment. However, the center reported that it found very little discrimination in eligibility for, and the payment of, social security benefits. In 2000 the Government expanded the mandate of the center to fight discrimination on the basis of gender, sexual orientation, birth, civil status, ill health, age, and disability.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—Under the Constitution, workers have the right to associate freely, which includes the freedom to organize and join unions of their own choosing. The Government does not limit such activities, and workers fully and freely exercise their right of association. Approximately 60 percent of employed and unemployed workers are members of labor unions. Unions are independent of the Government but have important links with major political parties. The Government does not require unions to register.

In its 1999 report, the ILO’s Committee of Experts on the Application of Conventions and Recommendations reiterated its criticism that the Government should adopt legislation establishing “objective, predetermined, and detailed criteria” to enable employers’ organizations and trade unions to have access to the National Labor Council. Because of restrictive interpretation of the legislation in force, only the Christian, Socialist, and Liberal trade union confederations have access to the National Labor Council. The Government has taken no action on the issue.

Organized workers, including civil servants, have the right to strike; however, members of the merchant marine, the military, and magistrates do not. The federal and local police forces have the right to strike; however, the Government can order necessary personnel back to work to maintain law and order. Even though many strikes begin as wildcat actions, strikers are not prosecuted for failure to observe strike procedures in collective bargaining agreements. Crimes committed during a strike action, such as causing bodily harm or damage to property, are clearly illegal strike methods, which the authorities prosecute. The size and frequency of strikes increased over those held in 2000. The most prominent strikes during the year con-

cerned collective bargaining for postal workers and education workers and the demise of the national airline, Sabena.

A 2000 report published by the International Confederation of Free Trade Unions (ICFTU) stated that for several years employers made applications to civil courts to end strikes. The ICFTU report added that civil court judges often ruled in the employers' favor without giving a hearing to the unions, tending to end strikes under the threat of massive fines and prohibit picketing. Under the law, unions are subject to third-party lawsuits for damages suffered due to strikes.

Unions are free to form or join federations or confederations and are free to affiliate with international labor bodies.

*b. The Right to Organize and Bargain Collectively.*—The right to organize and bargain collectively is recognized, protected, and exercised freely. Every other year, the employers' federation and the unions negotiate a nationwide collective bargaining agreement, covering 2.4 million private sector workers, that establishes the framework for negotiations at the plant and branch levels. Employers and unions reached a nationwide collective bargaining agreement in the fall of 2000 that put into effect a wage cost rise of 6.4 percent for the 2001–02 period. The agreement calls for a 38-hour workweek as of 2003, and provides that private sector workers are entitled to a 1-year career interruption for family-related reasons. The agreement also provides extended leaves of absence for parental reasons.

The law prohibits discrimination against organizers and members of unions and protects against the termination of contracts of members of workers' councils, members of health or safety committees, and shop stewards. Employers found guilty of antiunion discrimination are required to reinstate workers fired for union activities or to pay an indemnity; however, payment of the indemnity reportedly has become much more common than reinstatement. Effective mechanisms such as labor courts in each district exist for the adjudication of disputes between labor and management (see Section 1.e.).

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor; however, trafficking in women and children is a problem (see Section 6.f.).

The law prohibits forced and bonded labor by children; however, trafficking in children is a problem (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for employment of children is 15. Youths between the ages of 15 and 18 may participate in part-time work/study programs and may work full time during school vacations. The labor courts effectively monitor compliance with national laws and standards. There are no industries where any significant child labor exists.

The Government prohibits forced and bonded child labor; however, trafficking in children is a problem (see Section 6.f.).

*e. Acceptable Conditions of Work.*—The monthly national minimum wage for workers over 21 years of age is approximately \$1,050 (47,250 Belgian francs): 18-year-olds must be paid at least 82 percent of the minimum, 19-year-olds 88 percent, and 20-year-olds 94 percent. The national minimum wage, coupled with extensive social benefits, provides a decent standard of living for a worker and family. Minimum wages in the private sector are set in biennial, nationwide collective bargaining meetings (see Section 6.b.), which lead to formal agreements signed in the National Labor Council and made mandatory by royal decree for the entire private sector. In the public sector, the minimum wage is determined in negotiations between the Government and the public service unions. The Ministry of Labor effectively enforces the law regarding minimum wages. By law the standard workweek cannot exceed 39 hours, and work on Sundays is prohibited. Many collective bargaining agreements set standard workweeks of 35 to 38 hours. The law requires overtime pay for hours worked in excess of the standard. Work done from the 9th to the 11th hour per day or from the 40th to the 50th hour per week is considered allowable overtime. Longer workdays are permitted only if agreed upon in a collective bargaining agreement. These laws and regulations are enforced effectively by the Ministry of Labor and the labor courts.

There are comprehensive provisions in the law for worker safety. In some cases, collective bargaining agreements supplement these laws. Workers have the right to remove themselves from situations that endanger their safety or health without jeopardy to their continued employment, and the law protects workers who file complaints about such situations. The Labor Ministry implements health and safety legislation through a team of inspectors and determines whether workers qualify for disability and medical benefits. The law mandates health and safety committees in companies with more than 50 employees. Labor courts effectively monitor compliance with national health and safety laws and standards.

*f. Trafficking in Persons.*—The law defines and criminalizes trafficking in persons; however, the country is both a transit point and destination for trafficking in women and children. Since 1994 the majority of cases have involved victims of either sexual or economic exploitation from sub-Saharan Africa (especially Nigeria), Central and Eastern Europe, and Asia (especially China). The victims of sexual exploitation increasingly are women under age 18. For example, authorities reported that through November, 870 minor refugees (362 unaccompanied) attempted to depart for the United Kingdom through Zeebrugge Port. Nigerian and Albanian victims usually are young women between the ages of 21 and 30 trafficked for prostitution. Chinese victims often are young men trafficked for manual labor in restaurants and sweatshops. There also are persistent reports that teenage boys, some as young as 12 or 13 years, were being brought into the country from West Africa and Latin America with false documents by soccer agents for tryouts with local clubs. Boys who failed to gain a contract sometimes were abandoned by their agents and ended up on the streets.

The overall number of reported trafficked persons may be increasing. The three regional shelters report that they assisted 230 new victims in 2000, compared with 175 in 1999. The annual report of the Center for Equal Opportunities and the Fight Against Racism for the year 2000 focused on Albanian criminal organizations operating in Belgium and their involvement in trafficking and prostitution, among other crimes. The Center also noted that Chinese traffickers were increasingly active in sending victims through the country.

In December Irish authorities discovered eight illegal Turkish immigrants dead in a truck container carrying office furniture. Five others survived. The container was loaded in Italy, shipped by rail to Germany, trucked through Belgium, and loaded onto a ferry at the Belgian port of Zeebrugge bound for Waterford, Ireland. It was unclear if the eight Turks were victims of trafficking. A Belgian driver was arrested shortly after the discovery; at year's end, the case against him remained pending.

In 1996 the authorities uncovered a suspected pedophile/child pornography and trafficking ring. Five suspects remained under investigation, including the accused ringleader, Marc Dutroux, who was arrested in 1996 and charged with murder. In December 2000, the Government announced that Dutroux's trial on the pedophile/child pornography and trafficking charges would begin in September 2002. Dutroux, a previously convicted child sex offender, remained in prison at the year's end serving a 5-year sentence for theft and assault. Lengthy delays in bringing the pedophile and trafficking case against Dutroux to trial have led to widespread public cynicism and suspicion about the investigation of the case in particular and the judicial system in general.

An interdepartmental committee provides coordination and communication between the various agencies and ministries involved in combating trafficking. This committee meets several times a year under the auspices of the Center for Equal Opportunity and the Fight Against Racism. A magistrate is designated in each judicial district to supervise cases involving trafficking in persons. A national magistrate is in charge of coordinating the various antitrafficking initiatives. In June Parliament passed legislation that created a federal prosecutor's office, which will be responsible for prosecuting major crimes including trafficking (see Section 1.e.). Antitrafficking units also have been established in the federal and local police forces. In the 20 months ending in August 1999, the authorities arrested 429 persons under the human trafficking law. Approximately 100 cases resulted in convictions, with sentences averaging from 2 to 6 years' imprisonment and fines of \$2,200 to \$10,000 (100,000 to 450,000 Belgian francs). However, at least some of the convictions were related only indirectly to trafficking. In March 2000, French and Belgian police dismantled an international trafficking ring organized in Paris and run from Brussels that trafficked primarily Bulgarian women. There have been isolated reports that individual government employees have accepted bribes to assist trafficking groups. Relevant police agencies and magistrates investigate these cases, and legal action has been taken against such officials who abuse their authority to help traffickers.

Under the law, victims of trafficking who provide evidence against the trafficker are granted temporary residence and work permits and are eligible to receive significant financial assistance from government-funded reception centers managed by nongovernmental organizations (NGO's). In each of the three regions in the country (Wallonia, Flanders, and Brussels), the Government has designated, and subsidizes, a nonprofit organization to provide such assistance. At the conclusion of legal proceedings against their traffickers, victims generally are granted permanent residence status and unrestricted work permits. The rights of victims are respected in practice, and they are not treated as criminals. The Center for Equal Opportunity

and the Fight Against Racism reported that shelters assisted 230 persons in 2000, primarily victims of sexual exploitation.

The Ministries of Interior and Foreign Affairs have worked closely together to assign antitrafficking liaison officers to Belgian embassies in countries of origin, including Albania, Cote d'Ivoire, the Democratic Republic of Congo, Guinea, Kazakhstan, and Ukraine. These officers gather information about local conditions and trafficking trends and assist in establishing antitrafficking information campaigns tailored for the local population. In May Belgian authorities temporarily suspended visa processing for Russian citizens, stating that the denials were a result of the Russian authorities' reluctance to cooperate in fighting human trafficking.

The Government has worked closely with the IOM to develop programs to combat human trafficking and to assist its victims. For example, the Government provided funding for information campaigns in countries of origin to warn women of the dangers of trafficking. It also provided funding to the IOM to assist the voluntary return of victims to their home countries and to assist them in readjusting once they have returned home. The Government works closely with and supports NGO's that combat trafficking.

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## BOSNIA AND HERZEGOVINA

The 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (the Dayton Accords) ended the 1991–95 war and created the independent state of Bosnia and Herzegovina (BiH), previously one of the constituent republics of Yugoslavia. The agreement also created two multiethnic constituent entities within the state: the Federation of Bosnia and Herzegovina (the Federation) and the Republika Srpska (RS). The Federation has a postwar Bosnian Muslim (Bosniak) and Croat majority while the RS has a postwar Bosnian Serb majority. The Constitution (Annex 4 of the Dayton Accords) established a central government with a bicameral legislature, a three-member presidency (consisting of a Bosniak, a Serb, and a Croat), a council of ministers, a constitutional court, and a central bank. The Accords assigned many governmental functions to the two entities, which have their own governments, parliaments, and police forces. The Accords also provided for the Office of the High Representative (OHR) to oversee implementation of civilian provisions. The High Representative also has the power to impose legislation and remove officials who obstruct the implementation of the Dayton Accords. In the Federation, the President appoints the Prime Minister subject to parliamentary approval. The Federation Parliament is bicameral. Federation structures continued to be implemented only gradually. Serious ethnic and political rivalries continued to divide Croats and Bosniaks. Parallel Bosniak and Croat government structures continued to exist in practice in some areas of the Federation. In the RS, the President and Vice-President are directly elected, while a Prime Minister selected by Parliament heads the Government. The unicameral Parliament, called the RS National Assembly, is elected on a proportional basis. In the city of Brcko, which is a "self-governing neutral district," an internationally appointed supervisor with executive authority is empowered to address such issues as taxation, law enforcement, district management, and composition of the district assembly. The judiciary remained subject to influence by nationalist elements, political parties, and the executive branch and was unable to prosecute all but the simplest crimes fairly and effectively.

Following elections held in November 2000, a new central government took power on February 22, consisting of a post-election coalition that excluded the nationalist, ethnically-based wartime parties from power. This coalition—the Alliance for Change—is centered around multiethnic parties, with the Social Democratic Party (SDP) and the Party for Bosnia and Herzegovina (SBiH) being the largest two. The Alliance also came to power in the Federation. However, the Bosniak Party for Democratic Action (SDA), which continues to be identified as a nationalist party, and the Croat-nationalist Croatian Democratic Union (HDZ) remained powerful, particularly in areas with nationalistic tendencies. The nationalist Serb Democratic Party (SDS), founded by wartime Serb leader Radovan Karadzic, won a significant plurality in the RS in the November 2000 elections. While its coalition partner in the RS Government, the Party for Democratic Progress (PDP) of RS Prime Minister Milen Ivanic, is relatively moderate, it is dependent on the SDS in order to remain in office.

The Constitution gives the Government of each entity responsibility for law enforcement in accordance with internationally recognized standards. The Stabilization Force (SFOR), led by NATO, continued to implement the military aspects of the Dayton Accords and to provide a secure environment for implementation of the non-

military aspects of the settlement, such as: Civilian reconstruction, the return of refugees and displaced persons, and freedom of movement of the civilian population. The International Police Task Force (IPTF), which was established by the U.N. under Annex 11 of the Dayton Accords, monitors, advises, and trains the local police. The IPTF also may investigate human rights abuses. In addition to locally recruited police forces, the entities maintain separate armies, but, under the Constitution, these are under the ultimate control of the presidency of Bosnia and Herzegovina. During the year, police in both the Federation and the RS used internal affairs units to investigate and dismiss officers for committing abuses. Police continued to suffer from the legacy of a Communist system, with "special" or secret police operating in all areas. These forces operated outside the normal police chain of command, exceeding ethnic quotas and reporting directly to the senior political leadership. Security forces, particularly members of the police in both entities, committed numerous human rights abuses in many parts of the country.

The economy remained weak and heavily dependent on international assistance. The entity Governments made progress on reforms mainly in the banking and finance sector, but privatization of state-owned strategic enterprises and improvements in the investment climate remained slow. Gross domestic product (GDP) is estimated at \$5 billion. However, per capita GDP stood at only \$1,000 (2,245 KM), which was approximately half the prewar level. Official unemployment estimates ranged from 30 to 50 percent, and many individuals were forced into the informal economy for work. Workers in the unofficial market typically receive no benefits, but those with formal employment often were paid only partial salaries and months late. Pensions and other benefits also were paid only in part and often were delayed due to a lack of government revenues.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. The degree of respect for human rights continued to vary among areas with Bosniak, Bosnian Croat, and Bosnian Serb majorities. Police continued to abuse and physically mistreat detainees and other citizens. In the RS, police detained suspects for long periods of time before filing charges; lengthy prearrest detention was also a problem in the Federation. However, there were fewer cases of arbitrary arrest and detention than in the previous year. Police commonly failed to act on complaints of police brutality and rarely were held accountable for their actions. Prison conditions met prisoners' basic minimum needs for hygiene and access to medical care; however, overcrowding and antiquated facilities continued to be problems. Although the RS Parliament passed a law on cooperation with the Hague-based International Criminal Tribunal for the Former Yugoslavia (ICTY) in September, the RS continued its de facto refusal to take action against any Serbs indicted by the ICTY. In the Federation, the Government cooperated with the ICTY and facilitated the transfer of three Bosniak generals in August and of a Federation Government minister in September. The judiciary in both entities remained subject to influence by dominant political parties and by the executive branch. Overlapping and poorly defined layers of judicial responsibility and outdated procedures made the administration of justice sporadic and vulnerable to manipulation. Even when independent decisions were rendered, local authorities often refused to carry them out. Authorities in all areas infringed on citizens' privacy rights. The destruction of minority-owned houses continued in some areas of the RS and in Croat-controlled areas of the Federation.

Authorities and dominant political parties exerted influence over the media, and freedom of speech and of the press was restricted to varying degrees in the different entities. Government pressures against journalists remained high during the year, although threats of physical violence decreased. Academic freedom was restricted. Authorities continued to impose some limits on freedom of assembly and association. Both Governments and private groups continued to restrict religious practice by minorities in majority areas. Although freedom of movement continued to improve, some restrictions remained in practice. Police failed to ensure security for refugees returning to areas in which they were an ethnic minority.

Violence against women, in particular domestic violence, was a persistent yet underreported problem and discrimination against women persisted. Religious discrimination remained a problem. Severe discrimination against ethnic minorities continued in areas dominated by Serb and Croat ethnic groups, with some discrimination in Bosniak-majority areas, particularly regarding the treatment of refugees and displaced persons. Isolated instances of political, ethnic, or religious killings continued. The political leadership at all levels, in varying degrees but more so in the RS than in the Federation, continues to obstruct minority returns in certain localities. Members of society, organized by local authorities, harassed minorities and violently resisted their return in some areas. Enactment of property legislation to facilitate minority returns proceeded in both entities under pressure from the inter-

national community, but implementation was sporadic and slow. Trafficking in women and girls 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 political killings committed by the Government or its agents this year.

An estimated 1 million landmines were planted in the country during the 1992–1995 wars. Since 1995 landmines have killed 318 persons; 34 during the year.

In March six persons were indicted and charged with organizing and carrying out the assassination of Jozo Leutar, the former Federation Deputy Minister of the Interior, in 1999. Their trial was ongoing at year's end. Federation authorities were also investigating further indictments in the case. There were no new developments in the IPTF investigation of the death in police custody of a Bosniak returnee who had killed the leader of an Orthodox religious association in 1999.

In October police discovered the bodies of Father Matanovic, who disappeared from Prijedor in 1995 (see Section 1.b.) and his parents in the well of their family residence in Rizvanovici. Autopsies revealed that their hands had been bound with RS police-issued handcuffs and that each had been shot in the head with police weapons. Following the discovery, RS police investigators determined that police officials illegally arrested and executed Father Matanovic and his parents and recommended that the prosecutor pursue war crimes charges. Several former RS police officials were under investigation at year's end, but no arrests were made. On May 28, based on the independent evidence accumulated by the U.N. Mission in Bosnia and Herzegovina (UNMIBH), the IPTF commissioner had deauthorized (see Section 1.c.) three Prijedor police officers for their involvement in the illegal detention and disappearance of Father Matanovic.

Many, if not most, of the perpetrators of killings and other brutal acts committed in previous years remained unpunished, including war criminals indicted by the ICTY, individuals responsible for the up to 8,000 killed by the Bosnian Serb Army after the fall of Srebrenica, and those responsible for up to 13,000 others still missing and presumed killed as a result of "ethnic cleansing" in Bosnia (see Section 1.b.). The local prosecution of war crimes cases has proceeded slowly due to political interference, however Bosnian authorities made some progress during the year with the arrest and trial of several suspects in the Bosnian courts (see Section 4).

There was an increasing number of voluntary surrenders of Serb, Croat, and Bosniak war crimes suspects. On January 10, Biljana Plavsic, former Republika Srpska President, surrendered voluntarily and was transferred to ICTY custody. She was charged with genocide and other crimes against Bosnian Muslims and Bosnian Croats. On March 12, Blagoje Simic, formerly the senior civilian official in Bosanski Samac in the RS, surrendered voluntarily and was transferred to ICTY custody. He was charged with crimes against humanity stemming from the persecution and killing of Bosnian Muslims and Bosnians Croats during the war. On August 15, Dragan Jokic, a lieutenant colonel on active service with the Bosnian Serb Army, surrendered voluntarily. He was arrested on a sealed indictment in connection with the 1995 Srebrenica massacre. On September 25, Sefer Halilovic, former commander of the Bosnian (Muslim) Army, surrendered voluntarily; he was indicted due to his command responsibility for crimes including killings allegedly committed against Bosnian Croats in 1993.

SFOR and local authorities arrested numerous war crimes suspects. For example, on August 2, Bosnian Federation police arrested Enver Hadzihanovic, Mehmed Alagic, and Amir Kubura and transferred them to ICTY custody on August 4. The three are former senior Bosnian (Muslim) army officers, charged with failing to exercise their command authority to halt alleged crimes, including killings, against Bosnian Croats in 1993. On August 10, the SFOR detained Vidoje Blagojevic, a colonel on active service with the Bosnian Serb Army, and transferred him to ICTY custody. He was arrested on a sealed indictment in connection with the 1995 Srebrenica massacre.

On June 28, the Travnik Cantonal Court convicted Hanefija "Paraga" Prijic for war crimes in the 1993 killing of three Italian humanitarian workers. Prijic received a 15-year sentence; this was the first serious conviction before a BiH Court of a high-ranking BiH Army officer for war crimes charges.

On April 1, in the Federal Republic of Yugoslavia (Yugoslavia), Yugoslav police arrested Slobodan Milosevic, the former President of Serbia and Montenegro (Yugoslavia), and transferred him to ICTY custody on June 29. He was charged with genocide in Kosovo and Bosnia. Yugoslav authorities also arrested and transferred several other indictees for war crimes committed in Bosnia.

Violent incidents continued throughout the year, many between members of different ethnic groups or political parties. In January unknown assailants killed a Bosniak woman in her apartment in Banja Luka. In May a rioting crowd protesting the laying of a cornerstone for the reconstruction of the Ferhadija Central Mosque killed a Muslim man (see Section 2.c.). On July 11, on the sixth anniversary of the massacre in Srebrenica, unknown assailants fired shots at a Bosniak returnee's house near Vlasenica and killed a 16-year old Bosniak girl standing near the window. Gunfire had struck the same house 2 months earlier, wounding a Bosniak man in the neck. Police detained a Serb suspect for several days, but later released him; no other suspects were arrested by year's end. On November 3, unknown assailants killed a Bosniak returnee in a knife attack near Prijedor. On November 16 in Pale, unknown assailants killed an elderly Bosniak with an axe; police had not arrested any suspects by year's end.

There were no developments in the 2000 killing of Ljubisa Savic, known as Mauer, the former RS Minister of Interior Chief of Uniformed Police. His death was seen by many as the result of conflicts between Serb political factions and criminal elements. A series of attacks on Croat policemen in Travnik in 1999 remains unsolved.

*b. Disappearance.*—There were no reports of politically motivated disappearances during the year. There remained an estimated 20,000 to 30,000 persons missing from the wars in 1991–95.

Under an OHR-mediated agreement reached in 1996, exhumations are carried out by the Bosniak, Bosnian Croat, and Bosnian Serb commissions for missing persons. The commissions are free to carry out exhumations and collect unburied mortal remains in territory under the authority of another majority ethnic group using an established notification system. The International Commission for Missing Persons (ICMP), which operates in all countries of the former Yugoslavia, reported that the remains of an estimated 2,500 persons had been recovered during the year, including a mass grave found in Jakarina Kosa near Prijedor containing the remains of 372 Muslims, the largest mass grave discovered in the country. This number was significantly higher than in the previous year because the Federation Government increased the budget for courts involved in the exhumation process. The ICMP established an in-country DNA identification system, which began operations in October, in three DNA laboratories in Sarajevo, Banja Luka, and Tuzla. The ICMP collected 18,230 blood samples in the country of relatives of missing persons to aid in the DNA identification of approximately 4,000 unidentified recovered remains, exhumed primarily from around Srebrenica. During the year, the ICMP identified 117 recovered remains using DNA techniques. The Missing Persons Institute (MPI), a state institution opened in August 2000, continued to prepare to eventually take over responsibility from the ICMP for recovering and identifying human remains and supporting families of the missing.

The International Committee of the Red Cross (ICRC) reported that since 1995 it has received requests from family members to trace 20,741 persons missing from the war years, including 17,191 Muslims, 723 Croats, 2,577 Serbs, and 250 others. A total of 2,498 of these persons have been accounted for (300 of whom were found alive). The ICRC noted that in 1999 it suspended further meetings of the Working Group for Tracing Missing Persons—created by the Dayton Peace Agreement to serve as a channel for passing tracing requests to local authorities—due to lack of cooperation from local authorities. At year's end, the ICRC was attempting to reconstitute the group with new representatives.

Authorities in the RS have failed to conduct full investigations into several wartime disappearance cases, as ordered by the Human Rights Chamber of Bosnia and Herzegovina. For example, by year's end, RS authorities had failed to comply with the BiH Human Rights Chamber's 1997 order to conduct a full investigation into the disappearance of Father Tomislav Matanovic from Prijedor in 1995, whose body was discovered in October (see Section 1.a.).

In January the Human Rights Chamber ordered the RS to immediately conduct a full investigation to determine the fate of Colonel Avdo Palic, a military commander of the Army of BiH in the Zepa enclave who disappeared in 1995. In July of that year, during fighting with Bosnian Serb forces in the area, Bosnian Serb forces forcibly took Palic away in the presence of U.N. soldiers while negotiating on U.N. premises under a U.N. safety guarantee over the evacuation of civilians. The Chamber found there was strong circumstantial evidence that Palic remained in detention after December 14, 1995. The Chamber ordered the RS to release Palic if he was still alive or make available his mortal remains and all information on his fate. By year's end, the RS had not conducted an investigation or paid the monetary compensation to Palic's family awarded by the Chamber.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution provides for the right to freedom from torture and cruel or inhuman treatment or punishment; however, in all areas of the country, police abused and physically mistreated persons at the time of arrest and during detention.

Police continued to abuse their authority and beat suspects during arrest or in detention, although instances of police brutality declined compared to previous years. While the number of complaints against police officers remained relatively constant compared to the previous year, the severity of the violations reduced significantly. Of the 193 incidents of police misconduct reported to the IPTF during the period from April 1 to June 30, 113 involved officers from the Federation, 78 from the RS, and 2 from the Brcko District. Categories of misconduct include assault, beatings in custody, excessive use of force, ill treatment, harassment, police inaction, illegal detention, restriction of movement, improper seizures, abductions, sexual assaults, negligence, corruption, and abuse of power.

Police commonly failed to act on complaints of police brutality, and punishments that were handed down were usually mild and often done only under pressure from the IPTF or other international monitors. Police rarely were criminally charged in brutality cases. Victims of police abuse were usually reluctant to report instances for fear of retribution. However, investigations by Professional Standards Units, which have become increasingly effective, resulted in fines, suspensions, and employment terminations, as well as several criminal convictions.

During the year, the IPTF deauthorized 69 police officers from exercising police powers, the largest number of any year to date. All deauthorizations were in response to serious acts of misconduct. While the IPTF may revoke officers' authority to exercise police powers, it is the responsibility of local police to fire the officers or to file criminal charges. Deauthorized police officers often were shifted to jobs not requiring them to exercise police powers and rarely were fired or criminally charged without pressure from the IPTF. Many officers were deauthorized for pledging allegiance to the HDZ's Croat self-government effort (see Section 3), while others were deauthorized for direct involvement in crime. On February 27, the Canton 8 Ministry of the Interior Disciplinary Board found two Posusje police officers guilty of severely beating two Bosnian Croat men. Despite the seriousness of the offense, the two officers only received punishments of 10 percent salary reductions for 3 months, and no criminal charges were brought against the officers. On May 28, the Sokolac Basic Court found six former RS police officers guilty of abuse of authority and torture in connection with their investigation into the 1998 killing of Srdan Knezevic, the former Pale Deputy PSC Chief, and sentenced them to prison terms ranging from 75 days to 11 months only. The Court found a seventh defendant, Slavko Kovacevic, innocent despite strong evidence against him, and an eighth defendant had been dropped from the case earlier due to lack of evidence. On June 7, the IPTF deauthorized two police officers from Bijelina; one of the officers had beaten a Bosniak visitor in the municipality while his supervisor had failed to intervene. The Bijelina police did not send a criminal report to the public prosecutor, and a Bijelina Police Disciplinary Commission failed to recognize criminal responsibility; instead the Commission found the two officers guilty of violation of duty for failing to notify their supervisor of using force, and fined them a portion of their salaries over 6 months.

In October the IPTF also began deauthorizing police officers involved in war crimes. For example, on November 27, the IPTF deauthorized three Foca police officers for being linked to war crimes. On December 4, the IPTF deauthorized two Muslim police officers who were interrogators of non-Muslims at the Silos "detention center" in Tarcin during the 1992–1995 war, where they allegedly ordered or participated in the physical abuse of civilian prisoners. There were approximately 200 police officers, many of who are believed to have served in paramilitary groups involved in war crimes or to have served as concentration camp guards or interrogators, under investigation at year's end. Of those under investigation for involvement in war crimes, many were in the RS. Of the officers deauthorized during the year, 15 were removed for involvement in war crimes. Three of these police officers were from the Federation and 12 were from the RS.

A pattern of poor police protection and of violence against minority communities continued in several areas, particularly in the eastern RS. Police in Janja, Zvornik, Bratunac, Vlasenica, Visegrad and Trebinje proved unwilling or unable to contain the numerous instances of attacks on returnees (see Section 2.d.). In June the RS Minister of the Interior removed the Bijeljina Police Chief and Deputy Chief, in part for their failure to ensure that the Bijeljina and Janja police responded appropriately to minority return related incidents. The area covered by the Bijeljina police department has seen the highest incidence of minority return related violence in the country.

Police were involved in trafficking in persons (see Section 6.f.).

Police failed to intervene to stop attacks in violent riots in May by Serb demonstrators protesting the rebuilding of mosques in Trebinje and Banja Luka (see Sections 2.c. and 5). Previous reports that police joined in the riots in Banja Luka have not been substantiated.

On December 26, Sulejman Tihic, the Bosniak Deputy Speaker of the RS National Assembly, claimed that a security guard threatened to kill him. By year's end, Tihic's complaint to the Assembly leadership had not resulted in an investigation or disciplinary action.

An RS Ministry of the Interior investigation into police failures to respond to riots in Bijelina and Janja in July 2000 concluded that police had responded properly, despite strong evidence to the contrary from international observers. Three individuals were acquitted of charges of inciting the riots when Janja police officers contradicted their official reports and refused to identify the perpetrators in court. The four police officers subsequently were fired under pressure from the IPTF and then in September were convicted of perjury. In March the IPTF deauthorized the Janja police officer who had been police chief at the time of the riots.

The IPTF continued to make significant progress in its efforts to restructure and increase professionalism in the police forces. After completing a preliminary process of authorizing all police officers, the IPTF continued to conduct a more thorough vetting process in which all officers must pass an in-depth background check and take IPTF training before receiving full police certification. During the year, the IPTF completed its program to provide human rights and basic skills training to all Federation and RS police officers.

An estimated one million landmines were planted by conflicting forces in the country during the 1992–1995 wars. Since 1995 landmine explosions have injured 945 persons; 34 persons were injured in 2000.

Individual and societal violence motivated by ethnic conflict continued to be a serious problem and numerous bombings, shootings, and assaults caused deaths, injuries, and significant material damage (see Sections 2.d. and 5); however, violence decreased compared with 2000. Such violence often was connected to the return of refugees and displaced persons to their prewar homes in areas where the returnees are a minority (see Section 2.d.). The number of incidents of violence against minorities was approximately twice as high in the RS as in the Federation. The severity of incidents in the RS remained far greater than in the Federation and Brcko District. While the majority of incidents in the Federation involved verbal harassment and occasional damage to property, the incidents in the RS involved the use of explosives, shootings, physical attacks, significant damage to property, and violent demonstrations. Police investigations into the serious incidents in the RS have been poor and few perpetrators were brought to justice.

There continued to be numerous violent incidents directed at returning refugees (see Sections 2.d. and 5). There was some violence against elected government officials, particularly by members of the HDZ (see Section 3). Sporadic violence against international community representatives continued throughout the year (see Section 4). Violence against journalists, including physical assaults, continued (see Section 2.a.).

Prison standards for hygiene and access to medical care met prisoners' basic needs; however, overcrowding and poor, antiquated facilities remained chronic problems. Corruption among prison officials caused food shortages and the degradation of other services in a few prisons. There were prisoner protests in Tuzla, Foca, and Zenica prisons during the year. In Foca prisoners conducted hunger strikes and refused to return to their cells, demanding that the RS legislature pass an amnesty law to pardon them. In Tuzla prisoners complained about inadequate food and the warden's use of prisoners to work in his private business. In October Federation officials dismissed the warden of Tuzla prison and his deputy. Conditions were worse in police detention facilities, where overcrowding and inadequate food and hygiene are chronic problems. Male and female prisoners are held separately, as are juveniles from adults, and pretrial detainees from convicted criminals.

International community representatives were given widespread and for the most part unhindered access to detention facilities and prisoners in both entities. The Government permits visits by independent human rights monitors.

*d. Arbitrary Arrest, Detention, or Exile.*—Arbitrary arrest and detention remained a problem, although there were fewer cases of arbitrary arrest and detention during the year in both the Federation and the RS than in the previous year. In prior years, police in both entities enjoyed great latitude based on Communist-era criminal procedure laws that permitted them to detain persons for up to 6 months without bringing formal charges against them. In 1998 the Federation revised these laws, removing this power from police and vesting it solely in the investigative

judge; however, the Communist-era detention laws remained in force in the RS. Federation law permits prearrest detention of up to 24 hours; in the RS prearrest detention may extend for 3 days. International monitors reported numerous instances in which these deadlines were violated. In both the Federation and the RS, the lack of standardized recordkeeping in custody cases led to violations of detention deadlines.

Some accused persons in the RS and the Federation have remained in detention for several years while awaiting a final action by the appellate court. The absence of habeas corpus provisions means that some detainees are effectively penalized without a sentence. Laws in both entities require detentions for persons accused of serious crimes regardless of their risk of flight. The absence of psychiatric facilities in the Federation and the RS has led to persons being detained rather than properly treated.

Human rights NGO's claimed that there were cases in which persons who ostensibly were detained on criminal charges actually were detained for political reasons. For example, in August the Sarajevo Canton prosecutor appealed for the second time the acquittal of Ibrahim Djedovic on war crimes charges, keeping alive a case that was brought for political motives. Djedovic, a parliamentary deputy for the Democratic National Union (DNZ), which the Bosniak SDA views as a renegade party due to its activities during the war, was arrested and detained in May 1997 for war crimes after he arrived in Sarajevo to take up his parliamentary seat. The ICTY investigated Djedovic and decided not to arrest him for his alleged activities. Most local and international observers believe that Djedovic was arrested due to his political affiliation and not because of alleged war crimes. In March 2000, after almost 3 years in prison, he was released after winning an appeal; he returned to his seat in the Parliament 2 months later.

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

*e. Denial of Fair Public Trial.*—Both the Federation and RS Constitutions provide for an independent judiciary; however, the executive and some political parties continued to influence the judicial system. The legal system is unable to adequately protect the rights of either victims or criminal defendants because of its inefficient criminal procedure codes and ineffective trial procedures. The judiciary remains subject to influence by political parties. Judges and prosecutors who show independence are subject to intimidation, and local authorities may refuse to carry out their decisions.

In August in the Federation, the law was amended to make rules of jurisdiction in Croat-dominated cantons the same as in other cantons; as a result, original court jurisdiction exists in both municipal and cantonal courts, with more serious offenses typically tried in the cantonal courts. Appeals are taken to the Federation Supreme Court. In August 1999, the OHR imposed a law allowing the Federation Supreme Court to claim immediate jurisdiction as the "court of first instance" in cases involving terrorism, organized crime, smuggling, and intercantonal crime, which would be difficult for lower courts to try because of pressure from political parties. However, no such cases had been tried in the Supreme Court by year's end. The Federation Constitution provides for the appointment of judges by the President, with the concurrence of the Vice President and the approval of the Assembly, to an initial term of 5 years. Judges may be reappointed following this initial term to serve until the age of 70.

The RS has both basic and district courts, with the district courts having appellate jurisdiction and first instance jurisdiction in cases carrying a possible sentence of more than 10 years. The RS judicial hierarchy includes a Supreme Court to provide for the unified enforcement of the law and a Constitutional Court to assure conformity of laws, regulations, and general enactments with the Constitution. Judges and prosecutors in the RS are appointed and recalled by the National Assembly and have life tenure.

There has been little or no cooperation between the separate structures of courts and prosecution agencies in the Federation and the RS. Cooperation between police and courts in the different entities is weak. Although there have been isolated instances in which the 1998 Memorandum on Inter-Entity Legal Cooperation has been used successfully, little sustainable progress has been made in creating viable and effective structures for such cooperation. For example, there is no mechanism between the Ministries of Interior to enable arrest warrants to be executed throughout the country.

Some political leaders and organized crime figures attempted to influence judicial institutions and prosecutorial offices in both entities. Government officials and nationalist elements in the past have exerted political pressure to obstruct investigations by law enforcement agencies. Some politicians and other powerful figures continued to exert influence on cases before the courts. Court files often contained let-

ters from politicians about particular cases and politicians often make public statements blaming judges or prosecutors for carrying out their duties. Organized crime elements also sought to pressure judges. The criminal justice system did not effectively investigate or prosecute serious crime or corruption cases. A lack of resources and a huge backlog of unresolved cases provided a convenient excuse for judicial inaction.

Even when the courts rendered a fair judgment, local officials and the court police often ignored or refused to implement their decisions. This was especially true for those who won decisions mandating the eviction of illegal occupants from their property, although this improved somewhat during the year under pressure from the international community (see Section 1.f.).

Enforcement of civil judgements remained weak due to the lack of cooperation between courts and police generally, the low priority given to enforcement cases by the courts, and the many legal loopholes that allow debtors to delay or avoid enforcement.

However, there is a growing recognition in the judiciary, media, and the public that the judiciary must be independent. New procedures implemented during the year for appointing judges and prosecutors through judicial commissions have increased moderately the independence of the legal system. In June 1999, judicial associations in both entities adopted identical codes of ethics for judges and prosecutors. Laws enacted in 2000 provide a merit-based, nonpolitical structure for the appointment and dismissal of judges and prosecutors and provide uniform standards for their professional conduct. The laws provide for a review period, during which all prosecutors and sitting judges who fall below the standard of professionalism set out in the laws will be removed. The process of vetting all of Bosnia's sitting judges and prosecutors continued during the year. By year's end, 1,384 complaints had been received from the public about sitting judges and prosecutors as part of the review process; however, only two judges had been removed. Local and international observers charged that the local commissions tasked with vetting the judges and prosecutors have been reluctant to remove unfit prosecutors and judges, have not adequately investigated many charges of misconduct, and have ignored evidence of serious misconduct in several cases. An internationally-appointed Independent Judicial Commission (IJC) became fully operational in May to oversee the review process. The IJC director reports to the High Representative, who has the power to remove unfit judges and prosecutors if the local commissions fail to act. During the year, the IJC monitored the review of sitting judges and prosecutors and set up fair and transparent procedures for the selection of new judges and prosecutors.

Both the Federation and RS Constitutions provide for open and public trials and give the accused the right to legal counsel. However, an inefficient criminal procedure code results in long delays in trials and few final verdicts. Appellate courts frequently send cases back to first instance courts to correct minor errors in order to avoid making final decisions on cases. First instance courts are overburdened with the responsibility for gathering evidence during the preliminary examination stage, a task that lies with the investigative judge rather than the prosecutor, resulting in a prolonged judicial process.

In March the OHR imposed amendments strengthening laws protecting the identity of witnesses in sensitive cases in the Federation. The law provides that only the Federation Supreme Court will carry out questioning of protected witnesses with defense counsel permitted to submit written questions; however, international observers note that it is often easy to deduce the identity of the protected witness. No similar witness protection legislation exists in the RS.

The Dayton Peace Accords also created the Human Rights Commission for Bosnia and Herzegovina, which consists of the Human Rights Chamber and the Human Rights Ombudsman (see Section 4). The Chamber may consider alleged violations of the European Convention on Human Rights if the matter is within the responsibility of one of the parties to the Dayton Agreement and occurred after its signing. Decisions of the Chamber are final and may not be appealed to the Constitutional Court.

Implementation of Human Rights Chamber decisions by local authorities improved in both the Federation and in the RS. The Federation has implemented almost all Chamber decisions, taking the remedial action ordered and paying all compensation awards. However, while the RS made some progress in implementing Chamber decisions compared to the previous year, it has ignored a large number of decisions, including several high profile cases and many involving compensation awards. The cases implemented in the RS have required only relatively simple actions by the Government, such as canceling eviction orders for residents who were still living in contested houses.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution provides for the right to “private and family life, home and correspondence,” and the right to protection of property; however, authorities in all areas infringed on citizens’ privacy rights.

In the RS, police routinely conducted searches of private homes without obtaining search warrants, citing emergency provisions in the law even in routine cases. For example, of 79 police searches conducted in the RS in January, only one search warrant was obtained. This problem has not been observed in the Federation.

Since the war, large numbers of citizens have been unable to reclaim their property, either privately or collectively owned, to which they had occupancy rights under the Communist system. Enactment of property legislation proceeded extremely slowly in both entities under pressure from the international community. In the Federation, as of the end of November, 78 percent of property claims had been adjudicated and 48 percent of the property returned; in the RS only 47 percent of property claims had been decided and only 29 percent of the property returned. By some estimates, resolving property claims in the RS will take another 8 or 9 years. The political leadership at all levels in both entities, but especially in the RS and in Croat areas of Herzegovina, continued to obstruct minority returns by delaying needed reforms and not implementing evictions and other property-related decisions. In Sarajevo delays persisted due to the large backlog of cases, but political manipulation and obstruction decreased. During the year, approximately 15,000 Serbs returned to Sarajevo Canton, usually following evictions of illegal occupants from their homes.

Housing authorities responsible for implementing property law were threatened or intimidated into resigning. In the spring, an enraged Serb facing eviction entered the office of the head of the housing department in Bosanski Samac, waving a Kalashnikov assault rifle. The housing department head resigned shortly afterwards.

During the year, the Human Rights Chamber and Human Rights Ombudsmen issued numerous decisions in cases where local authorities failed to return apartments or homes to legal owners seeking to return to their prewar homes (see Sections 1.e. and 4). Most applicants were in possession of certificates issued by the Commission for Real Property Claims (CRPC), which are final and binding, determining they held legal occupancy rights; however, local authorities had failed to evict illegal occupants as required by law. In February the Chamber ordered the Federation to immediately enable two applicants to regain possession of their apartments in Mostar after local officials failed to evict illegal occupants within the time limits prescribed by law. The Chamber issued similar decisions ordering local authorities to reinstate occupancy rights holders into homes in Novo Sarajevo, Srpska Ilidza, Sanski Most, and Sarajevo.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides a general statement supporting freedom of speech and of the press, although actual laws regarding freedom of the press are delegated to the cantons in the Federation, and to the central authorities in the RS; however, freedom of speech and of the press was respected partially in the Federation and in the western RS, but was restricted more severely in the Eastern RS and in Herzegovina. The primary restraints on press freedom are control of the principal media by governing political parties, intimidation and attacks on journalists, and politicized use of tax and financial inspections. While there were some improvements in the development of a free and independent press, most media continued to be biased noticeably. Threats to journalists remained high, although the severity of incidents of harassment declined. There has been a significant decrease in the selective application of the slander laws by authorities to punish opponents since the High Representative suspended criminal penalties for libel in July 1999. In July the RS National Assembly adopted the Law on Defamation, which provides for civil penalties for disseminating false and damaging information about another individual or business. In December 1999, the Federation presented a draft Law on Compensation for Damage Caused by Defamation and Libel, which was criticized severely for the excessive fines it sanctioned. The law had not yet been adopted at year’s end.

During the year, both the Federation and RS Governments adopted the Freedom of Access to Information Act, which establishes a general right of public access to government information. The national Parliament had adopted the legislation in October 2000.

Government officials in both entities pressured media outlets to change editorial policies. Media outlets also were harassed through the misuse of government agencies, by performing tax audits or cutting off power and telephone lines. In April the OSCE-sponsored media helpline registered a sharp increase in complaints from

radio and television stations in Croat-dominated areas about pressure, threats, and intimidation of editors and staff from the nationalist Croat HDZ party and other supporters of Croat self-government. The sharp increase followed the placement of Herzegovacka Banka under provisional administration on April 6 and continued in the following days (see Section 1.c.). The stations reported receiving direct instructions from HDZ officials on the content and timing of statements to be broadcast and threats of firings for failure to comply. Elsewhere in the Federation, the new Government exerted pressure on journalists to stifle critical press stories and journalists reported frequent calls and visits from government officials applying pressure to change editorial policies. In the RS, the Government that came to power after the November 2000 elections asserted its control over state-owned media outlets, including over their editorial policy. RS journalists complained that, in particular, the wartime nationalist SDS party, which returned to power as part of the new governing coalition, used its power to appoint steering board members to stifle opposition viewpoints in state-owned media outlets. Independent media outlets claimed the Government prevents state-owned companies from advertising in their outlets and journalists say that access to government information is more restricted than before.

Some opposition and independent newspapers operate in the Bosniak-majority areas of the Federation and in the RS, principally in Banja Luka. Dnevni Avaz, which owns the only independent printing house in Sarajevo, is the highest circulation daily in the country. Originally allied to the SDA party, the paper reportedly switched its allegiance to the SDP party and the Government. Dani and Slobodna Bosna are the most influential independent magazines in the Federation. One of the few independent magazines in the RS is Reporter, a weekly published by a former correspondent of the Belgrade-based independent magazine Vreme. Nezavisne Novine is an independent newspaper distributed throughout the country; however, its circulation is limited.

There are two printing facilities in the Federation; the government-controlled Oko company and the facility owned by the newspaper Dnevni Avaz. In the RS, the state-owned printing company, Glas Srpski, has a virtual monopoly.

Government officials, especially in the RS, exerted economic pressure by directing the advertising business of state-owned companies away from independent media outlets critical of the Government. Some independent media in the two entities, for example, Dani and Reporter, assist in the distribution of each other's publications in their respective entities.

The Independent Media Commission (IMC), established by the High Representative in 1998, is empowered to regulate broadcasting and other media in the country. In this capacity, the IMC licenses broadcasters, manages and assigns frequencies for broadcasting, sets licensing fees, and enforces adherence to the code of practice. The IMC has broad authority to punish violations to the code of practice. It may issue warnings, impose fines, suspend or terminate licenses, seize equipment, and shut down operations of any broadcaster or media outlet in violation of the code of practice. The IMC issued numerous fines for violations of broadcasting standards to stations in both entities during the year.

The largest television broadcasters are Radio Television Bosnia and Herzegovina (RTV BiH) in the Federation and Radio Television of Republika Srpska (RTRS) in the RS. The international community launched the Open Broadcast Network (OBN) in 1997 as a cross-entity broadcaster and source of objective news and public affairs programming; however, because of massive financial problems, it lost most of its affiliates and staff. Reduced to only a Sarajevo broadcaster, in September OBN announced the formation of an independent network with NTV, a station in Banja Luka. There are dozens of small independent television stations located throughout the country. Some of these broadcasters originally were municipal stations; they have not yet been fully privatized, and their legal ownership status remained unclear.

The High Representative's decision of July 1999 to restructure the broadcasting system of Bosnia and Herzegovina still has not been implemented fully. The restructuring was to liquidate the existing broadcaster, Radio Television Bosnia and Herzegovina, and create a statewide public broadcasting corporation, the Public Broadcasting System of Bosnia and Herzegovina (PBS BiH).

The July 1999 decision also established Radio Television of the Federation of Bosnia and Herzegovina (RTV FBiH) as the public broadcasting company of the Federation. Scheduled to launch in the first half of the year, RTV FBiH was to broadcast on two channels offering a blend of Bosniak and Croat programming, but had not begun broadcasting by year's end. The OHR reported that obstruction from political parties and from within the broadcaster were responsible for the delay; journalists and government officials argued that the problem was with OHR's leadership.

The August 1999 decision by the High Representative imposing amendments to the RS broadcasting law has not been implemented fully. In 2000 the High Representative dismissed the RTRS Board of Governors for obstructing international efforts to improve RTRS programs and management. The High Representative mandated that the new Board work with RS authorities and international experts to develop new legislation for the RTRS to bring it into conformance with international standards for public broadcasting; however, the legislation was not complete by year's end.

Nationalistic Croat television continued to be broadcast by HTV-Mostar, which is owned by the three Croat municipalities in Mostar and is financed by the HDZ.

Radio broadcasting in the Bosniak-majority areas of the Federation—particularly in Sarajevo, Zenica, and Tuzla—is diverse. Opposition viewpoints are reflected in the news programs of independent broadcasters. Independent or opposition radio stations broadcast in the RS, particularly in Banja Luka. Nez Radio and Radio Pegas report a wide variety of political opinions. Local radio stations broadcast in Croat-majority areas, but they usually are highly nationalistic. Local Croat authorities do not tolerate opposition viewpoints. One exception is Studio 88, in Mostar, which broadcasts reports from both sides of that ethnically-divided city and Radio N in Livno, which broadcasts balanced reports despite strong pressure from nationalists.

On March 15, the Yugoslav radio station Radio Soko, which reaches the eastern RS, broadcast a message on March 15 urging Bratunac citizens to demand the release of three suspects arrested by police for shooting at a Bosniak returnee (see Section 1.c.). The same radio station broadcast messages in May urging Bratunac citizens to protest violently against Bosniak displaced persons visiting their prewar homes (see Section 1.d.). On March 29, the BiH Communications Regulatory Agency complained to the Yugoslav Minister of Telecommunications that Radio Soko was broadcasting inflammatory rhetoric that incited violence against and opposition to Bosniak refugee returns.

The number of registered threats against journalists remained high during the year. The media helpline registered 100 cases of possible violations of the rights of journalists during the year. Intimidation of journalists and media outlets most commonly took the form of verbal or written threats to stop a particular line of inquiry. Twelve of the cases involved physical assaults.

There was an increase in reported threats to journalists in the RS following the April arrest of the former President of Serbia and Montenegro (Yugoslavia), Slobodan Milosevic by Serbian police and his transfer to ICTY custody. Journalists who reported the story reported receiving threatening letters and experiencing other forms of harassment and intimidation. Journalists in the RS reported a similar increase in threats and intimidation following the May riots surrounding the cornerstone-laying ceremonies of mosques in Trebinje and Banja Luka (see Section 2.c.).

In March a crowd surrounded Voice of America Bosnia Service correspondent Milo Julic as he filmed former Federation President Ejup Ganic entering the King Fahd mosque in Sarajevo; the crowd started yelling ethnic insults at him and confiscated his tape. A local policeman tried to intervene and explain that it was permitted to film outside the mosque, but a man (identified in press reports as the director of the mosque complex) said that the mosque was the territory of Saudi Arabia and could not be filmed without permission.

In April Federation TV and Dnevni Avaz journalist Mika Damjanovic was attacked by Marko Benkovic-Balkan, the former president of the local HDZ party in Orasje. Benkovic-Balkan accused Damjanovic of being a "Croat traitor."

In May in Trebinje, Serb extremists beat Kernan Cerimagic, a TV Hayat journalist, during the cornerstone-laying ceremony for the rebuilding of a mosque (see Section 2.c.). The mob turned on Cerimagic after he tried to defend an OHR official who the crowd had assaulted (see Section 1.c.).

In June in Pale, a masked gunman in a car stopped a Belgian TV crew and took their camera and tape; they had just completed a story about Bosnian Serb leader Radovan Karadzic and his family. In August unknown assailants attacked Oslobodenje newspaper journalist Elvir Beslic while he was taking photos of a building in downtown Zenica where the SDP party rented premises. The suspected motive for the attack was Beslic's investigation into irregularities in the contract signed between a local cafe owner and the SDP for the rental.

In November unknown assailants planted a bomb in the doorway of journalist Zoran Sovilj's apartment, causing property damage. The IPTF believed that Sovilj's coverage of trafficking in women had motivated the attack.

No progress was made in investigations into several past attacks including the October 2000 assault on the Deputy Manager of Glas Srpski Anton Kasipovic and

the 1999 car bombing attack on the Nezavisne Novine Editor in Chief, Zeljko Kopanja, who lost both legs in the explosion.

Academic freedom was constrained by ethnic favoritism and politicization of faculty appointments. In Sarajevo Serbs and Croats complained that members of the Bosniak SDA party received special treatment in appointments and promotions at the University of Sarajevo; however, SDA party members on faculty accused the Sarajevo Canton government, which controls university financing, of politicizing professorial appointments by favoring non-SDA Bosnian appointments. The University of Banja Luka continued to limit faculty appointments almost exclusively to Serbs. The University of Mostar remained divided into eastern and western branches, reflecting the continued ethnic divide in the city. East Mostar University maintained a degree of ethnic diversity in its student body and staff, but suffered from a serious lack of resources and staff. West Mostar University continued to be politicized and dominated by Croat nationalists. The previous rector of West Mostar, Marko Tadic, was forced out of office in 2000 following his efforts to reform and depoliticize instruction and faculty appointments. His successor, Frano Ljubic, has allowed activities in West Mostar University to revert to their previous Croat nationalist orientation.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of peaceful assembly; however, authorities imposed some limits on this right in practice.

Refugees returning to visit homes in the RS or commemorating war dead were harassed and subject to violence in several incidents (see Section 5). For example, in May police failed to intervene when rioters attacked attendees at separate ceremonies marking the start of the reconstruction of destroyed mosques in Trebinje and Banja Luka (see Sections 1.c. and 2.c.).

The Constitution provides for freedom of association, and a wide range of social, cultural, and political organizations functioned without interference; however, authorities imposed some limits on this right and indirect pressure constrained the activities of some groups. Although political party membership was not forced, many viewed membership in the leading party of any given area as the surest way for residents to obtain, regain, or keep housing and jobs in the state-owned sector of the economy (see Section 6.a.).

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, including private and public worship, and in general, individuals enjoyed this right in areas that are ethnically mixed or where they are adherents of the majority religion; however, the ability of individuals to worship in areas where theirs is a minority religion was restricted, sometimes by violently.

In July 2000, the Constitutional Court struck down a provision in the RS Constitution directing the State to “materially support the Orthodox Church and cooperate with it in all fields.”

The absence of a police force willing to protect religious minorities and a judicial system willing to prosecute crimes against them were major obstacles to safeguarding the rights of religious minorities. The RS Government, local governments, and police forces frequently allowed or encouraged an atmosphere in which abuses of religious freedom could take place. For example, during the violent riots in May by Serb demonstrators to prevent reconstruction of mosques in Trebinje and Banja Luka, local authorities failed to intervene to stop violent attacks on bystanders including elderly persons, high-ranking government officials, and representatives of the international community (See Section 5).

The task force established by the RS Ministry of the Interior to coordinate the investigation into the Banja Luka riots was disorganized and ineffective, and the police did not make a serious attempt to investigate those who organized the violence. Police officers also failed to support the prosecution of those accused. During judicial proceedings against Bosnian Serbs identified by the police as having engaged in violent criminal acts during the riots, eight RS police officers gave false statements to a Banja Luka Court Investigative Judge, contradicting their official duty reports. The IPTF issued noncompliance reports against the officers for obstructing the investigation. RS police disciplinary proceedings against the officers had not concluded by year's end.

Police failed to properly investigate the violent protests in Trebinje against the rebuilding of the Osman Pasha Mosque on May 5. Although police submitted criminal reports against individuals in the riot who attacked an OHR representatives and a television cameraman, the police refused to investigate those who organized protesters and incited the violence. On June 7, the IPTF deauthorized the Chief of the Trebinje Police Crime Department for his refusal to investigate the incident, and several other individuals have been placed in criminal proceedings.

RS Prime Minister Mladen Ivanic publicly accepted responsibility on behalf of the RS Government for failure to ensure security in Banja Luka and Trebinje (see Section 5). On May 9, the RS Interior Minister dismissed Trebinje police chief Jovo Cokorilo; however, he continued to work in a senior management position at the Trebinje Police Station. However, on May 30, the RS National Assembly adopted a report blaming the Islamic community for creating a situation, by seeking to rebuild the mosque, in which violent demonstrations became likely. RS leaders have suggested that the presence of international community leaders and the use of Islamic symbols and music were provocative. A successful cornerstone laying ceremony was held on June 18, attended by RS President Sarovic and Prime Minister Mladen Ivanic, during which RS police held back protesters. Several protesters were placed in criminal proceedings and local police officers gave testimony to a Banja Luka Investigative Judge. In contrast to the May 7 incident, the officers' statements appeared to provide a truthful and complete account of the events.

On December 2, local police in Stolac made no effort to disperse a crowd of Croats who attacked the reconstruction site of a mosque being rebuilt (see Section 1.c.). After local police failed to act, SFOR and special Federation police units dispersed the crowds and arrested two men and transferred them to local police custody, one for attacking a police officer and another for using a chain saw to destroy the fence protecting the mosque site; however, when a crowd of approximately 50 Croats surrounded the police station, demanding the release of the prisoners, local police released or permitted the escape of the two prisoners (contrary to orders from the Cantonal Police Minister). The IPTF criticized the local police response and cited Stolac's assistant police chief; he was scheduled to be transferred to other duties. On December 6, the two escaped prisoners surrendered to the Stolac Municipal Court.

Administrative and financial obstacles to rebuilding religious structures impeded the ability of minorities to worship and impeded their return in many areas. For example, on June 4, the Islamic community, in consultation with the international community, agreed to delay a plan to lay the cornerstone at the central mosque in Stolac; instead placing a fence around the site. During the year, the mayor of Croat-dominated Stolac refused to issue a building permit for the Islamic community to reconstruct the mosque, claiming that the Catholic Church had requested permission to reconstruct a church that was on the site before the mosque. The Federation Minister of Urban Planning signed the permit on October 15, stating there was no legal justification for further delay. RS authorities continued to obstruct attempts to rebuild many of the 83 mosques in the RS that were destroyed during the 1992-1995 war. Ivan Mandic, an HDZ hard-liner and the head of Mostar Municipality Southwest (MSW) continued to refuse to grant permission for reconstruction of the Baba Besir Mosque, one of three mosques in MSW that were destroyed during the war. Reconstruction of a small number of mosques in areas of the RS with large numbers of Bosniak returns have been completed or is underway. In Serb majority areas of the RS, however, authorities frequently delay or deny building permits for reconstruction of Catholic and Muslim religious edifices destroyed in the war. The Catholic Church reported that local authorities in Pecnik threatened to demolish a Catholic church that was being rebuilt because the work is being done without a building permit.

In October the Human Rights Chamber ruled that the destruction of three mosques in Zvornik in 1992 and the subsequent illegal use of the sites constituted a violation by the RS of the Islamic community's freedom of religion. The Chamber found that the RS had prevented the Islamic community from rebuilding the mosques and illegally had constructed a multistory building on one site and a Serb Orthodox Church on another. The Chamber did not order the illegal building destroyed, but rather that the Islamic community be given suitable alternative sites upon which to construct new mosques within 6 months. The Chamber also ordered monetary compensation. In December the Zvornik municipality offered the Islamic community several alternative sites for two of the three destroyed mosques. In October authorities in Bijelina issued building permits for the reconstruction of two mosques in Bijelina to partially comply with a 2000 Human Rights Chamber decision requiring that permits be granted for reconstruction of five mosques destroyed in 1993. Bijelina authorities also paid the \$4,500 (10,000 KM) compensation mandated by the Chamber.

All three major religious groups and the Jewish community have claims to property confiscated during World War II, the Communist period, or the 1992-95 war. While the Federation and the RS legislatures have passed laws on restitution of property, the High Representative has suspended action on both until an economically acceptable restitution plan is developed. Municipal and canton authorities have broad discretion regarding disposition of contested property that was nationalized

under the Communist government; many use this as a tool of political patronage, rendering religious leaders dependent on politicians to regain lost property.

Public schools offer religious education classes, which, in theory, are optional. However, schools generally do not hire teachers to offer religious education classes to students of minority religions. For example, in Sarajevo only Muslim religion classes were offered in public schools, which denied children of other faiths the opportunity to study their religious traditions in school. In some cases, children who choose not to attend the religion classes offered are subject to pressure and discrimination from peers and teachers. Schools in Sarajevo canton, except for non-Bosniak schools, offer only Islamic religion classes. In Croat-majority West Mostar, minority students theoretically have the right to take classes in non-Catholic religions; however, this option does not exist in practice. Orthodox symbols are present in public schools throughout the RS.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides these rights, and freedom of movement, including across the Inter-Entity Boundary Line, continued to improve; however, some limits remained in practice.

Accurate statistics on refugee returns remained difficult to obtain. While different refugee organizations provide different estimates on the numbers of minority returns, they all agree that the rate of minority returns during the year was nearly twice that of 2000. Pressure from evictions, combined with an increased sense of security in most areas of the country and awareness that international assistance was not inexhaustible, prompted the increase in returns. Thousands of returnees lived in tents or improvised shelters in their former villages and towns, hoping for assistance in rebuilding their homes. According to the U.N. High Commissioner for Refugees (UNHCR), between the end of the war in 1995 and October 31, 2001, 412,368 persons who left the country had returned. The UNHCR reported that through the end of November there were 80,993 registered minority returns country-wide, nearly double the number of minority returns for the same period in 2000. By ethnic group, the returns were as follows: 31,615 Serbs; 40,473 Bosniaks; 8,017 Croats; and 888 others. Although the return figures are much less exact for those returning from other places within the country, the UNHCR reported that 391,587 internally displaced persons (IDP's) returned to their prewar homes between the end of the war and August, or roughly 36,000 during the year.

There were some improvements during the year that facilitated returns. In the RS, more than 80 percent of the RS Refugee Ministry's budget was spent on resettling Serb IDP's to the RS. Much of the funding was spent on new housing for residents of collective centers, instead of on alternative accommodation to facilitate evictions. However, during the year, the RS allocated some funds to reconstruct Bosniak housing in Brcko, and allocated other funds for assistance to Serbs returning to the Federation. Although IDP's in the hard-line RS areas of Bratunac and Srebrenica, mostly from Sarajevo, were intimidated from attempting to return (see Section 1.c.), by year's end, more than 50 families from these two towns returned to their homes in the Federation. In early June, the High Representative removed the hard-line Serb mayor of Bratunac for obstructing the return of refugees and IDP's. The mayor had publicly opposed the return of Bosniaks and had threatened to dismantle several Bosniak houses reconstructed by NGO's over minor legal technicalities. The mayor promptly went into hiding in Serbia, fearing arrest for other criminal activity while he had worked as mayor. The increased number of ethnically integrated police forces also helped improve the climate for returns, although security remained inadequate in some areas (see Section 5).

However, many problems remained that prevented returns, including the obstruction by hard-liners of implementation of property legislation, political pressure for individuals to remain displaced in order to increase the ethnic homogeneity of the population in a specific area, societal violence, and the lack of an ethnically neutral curriculum in public schools (see Section 5). Municipal administration taxes on documents that are necessary for return, such as birth or land certificates are high. In addition, minority returnees often faced employment discrimination, lack of access to health care in the place of return, and denial of utility services such as electricity, gas, and telephones by publicly-owned utility companies.

The continued influence of ethnic separatists in positions of authority hindered minority returns. Government leaders in both the RS and the Federation often have used a variety of tactics, including public statements, to inhibit the return of IDP's. Most of those returning from Europe were unable to return to their prewar homes in the RS. Much of Croat-controlled Herzegovina and towns in eastern RS remained resistant to minority returns, although efforts by hard-line Croats to resettle returning refugees and consolidate the results of ethnic cleansings have ceased for the most part. IDP's living in those areas, even those who privately indicated interest

in returning to their prewar homes, frequently were pressured to remain displaced, while those who wished to return were discouraged, often through the use of violence (see Section 5).

In February it was discovered that a member of the SDS party was involved in arson attacks on the houses of Bosniak returnees. After pressure from the international community, the SDS presidency announced that it would expel the party member.

The European Roma Rights Center (ERRC) reported that Roma from the RS (most of whom are Muslim) who were forced out of their homes have had serious difficulties returning to their prewar homes (see Section 5). The ERRC reported that Roma have had to pay financial compensation, ranging from \$1,500 to \$5,000 (3,000 to 10,000 KM) to Serbs occupying their prewar homes in order to move back. The ERRC also reported that RS Government bodies occupy some Romani homes.

During 1998 the Federation army unlawfully took control of 4,000 former Yugoslav military (JNA) apartments that had been abandoned. Prewar residents continued to wait to return to these apartments, while authorities encouraged occupants to begin the purchasing process. After inadequate action by local authorities, several of these cases were brought before the Human Rights Chamber. The Human Rights Chamber decided that apartments owned by JNA officers should be returned; the Chamber also left open the possibility that those apartments to which officers had occupancy rights should also be returned. The return of apartments was scheduled to begin in 2002.

The continued depressed state of the economy throughout the country and the consequent lack of employment opportunities for returnees remained a serious obstacle to a significant number of returns. As a result, most minority returnees were elderly, which placed a burden on receiving municipalities. Younger minority group members, who depend on adequate wages to support their families, generally remained displaced, especially in cases in which they had managed to find work in their new place of residence.

The law provides for the granting of asylee and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government generally cooperates with the UNHCR and other humanitarian organizations in assisting refugees. During the year, approximately 1,000 refugees from the Kosovo conflict continued to reside in refugee camps in Bosnia. Some are planning to return to Kosovo, and some sought asylum abroad. Approximately 5,000–10,000 Serbs who fled Kosovo or Serbia during the Kosovo confrontation are believed to be in the RS in private accommodations. Less than 1,000 Sandzaks are believed to still reside in private homes.

The Government provides first asylum. There were no reports of the forced return of persons to a place where they feared persecution.

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

The Constitution provides citizens with the right to change their government peacefully; however, continued political influence over the media and the use of coercive tactics by some nationalist parties precluded full citizen participation without intimidation. On August 23, the BiH Parliament adopted the country's first permanent election law, allowing the Government to assume responsibility for conducting elections. The Dayton Peace Accords had given the OSCE primary responsibility for the organization and supervision of the country's post-war elections on a temporary basis. The OSCE conducted general elections in 1996, 1998, and 2000, municipal elections in 1997 and 2000, and special elections for the RS National Assembly in 1997. With an election law in place, responsibility for conducting elections shifts to Bosnian authorities. The election law contains provisions regulating almost all aspects of national, entity, cantonal, municipal, and local elections, including voter registration, certification of candidates, code of conduct for parties, campaign finance, media, and observers. The next elections are scheduled for October 2002.

Several sections of the election law were left blank to be filled in later once entity constitutions were amended to bring them into compliance with the BiH Constitutional Court's July 2000 "Constituent People's decision." In that decision, the Constitutional Court established the principle that BiH's three main ethnic groups or "constituent peoples," Serbs, Croats, and Bosniaks, have equal rights in both entities. In January the High Representative formed a commission in each entity to propose entity constitutional amendments altering government institutions or protections to reflect this principle. The election law also left blank passages relating to the election of the president and vice-president of both entities and the Federation House of Peoples, since these institutions were under review by the commissions.

The nationalist Croat Democratic Union (HDZ) party obstructed implementation of the November 2000 general election results in protest of what it considered unfair election rules. Specifically the HDZ objected to new election rules adopted by the OSCE in October 2000 that changed the method of selecting Federation House of Peoples' delegates. The HDZ claimed the new system allowed members of other ethnic groups to influence selection of their delegates to the Federation House of Peoples, which is charged with protecting the vital national interests of Bosniaks, Croats, and others, in the Federation. The OSCE said the rules change was intended to erase a previous disadvantage to multiethnic parties in the selection of House of Peoples delegates. To protest the new rules, the HDZ refused to participate in the selection of Federation House of Peoples delegates, leaving 21 seats in the 80-member body empty. The lack of a quorum caused by the vacancies also prevented the selection of Croat members of the national-level House of Peoples. To break the deadlock, the High Representative issued a legal finding stating that both the Cantonal Assemblies and the Federation House of Peoples could be constituted by those delegates who took their seats. Other than the vacancies in the Federation House of Peoples, all other results of the November 2000 general elections were eventually implemented.

HDZ obstructionism also delayed the formation of Cantonal governments in the Federation; Cantons 7, 8, and 10, where the HDZ won a plurality, were the last to form governments. Implementation of the results of the April 2000 municipal elections continued during the year because obstructionism caused delays in a few areas. Most municipal governments formed quickly in 2000, but the municipality of Caplina did not form its government until August.

The HDZ protest against the election rules and other developments that it claimed threatened the rights of the Croat people in the country escalated following the formation of the new central and Federation Governments in February and April, which excluded the HDZ from power. The Alliance for Change coalition, which formed those governments, did not include the HDZ, although it included other Croat and multiethnic parties. HDZ delegates walked out of State and Federation legislative bodies after the new governments were elected. On March 3, an HDZ-organized "Croatian National Assembly" held in Mostar organized parallel government structures designed to establish a separate Croat government in Croat majority areas and instructed Croats to reject the newly elected Federation Government. The HDZ engaged in a systematic campaign of threats and intimidation, most intensively in April and May, to try to force Croats to back its drive for Croat self-government. Croat soldiers and police officers reported that HDZ supporters demanded that they sign papers declaring loyalty to them and participate in an HDZ-ordered walk-out. Croat journalists also lodged complaints of threats (see Section 2.a.). Leaflets appeared in Mostar on April 21 calling elected Croat officials in the Federation and BiH Government "traitors" and threatening that "they will not stay unpunished." Brothers Mladen and Jerko Ivankovic, Croat politicians who spoke against the HDZ's campaign, received threats before and after a bomb destroyed a family car in front of their residence. The SDP party office in Vitez suffered extensive damage in a bomb explosion on May 1; police arrested a Croat man in the attack, which police believe was motivated by the HDZ's self-government drive. The SDP is the leading party in the Federation Government that opposed the HDZ's separatist movement. Croat businesspersons reported that HDZ supporters demanded that they pay a special tax to fund the self-government effort and threatened "accidents" if they did not.

On March 28, following a decree by HDZ officials ordering the temporary disbandment of the Croat contingent of the Federation Army, up to 8,000 Croat soldiers did not show up for work. The soldiers began returning to barracks in May, after Croat generals signed an agreement with the Federation Minister of Defense. In April the IPTF censured ten police officers and dismissed six senior Interior Ministry officials from Herzegovina-Neretva Canton for circulating the HDZ's "Oath of Allegiance" within the ministry. On March 7, the High Representative responded to the HDZ campaign by removing the Croat member of the BiH Joint Presidency and HDZ party president, Ante Jelavic, from office for engaging in unconstitutional activities. At the same time, the High Representative removed three other HDZ officials leading the self-government effort. On April 27, the High Representative removed Canton 7 Interior Minister Dragan Mandic for signing the oath of loyalty and rejecting the authority of legal Federation authorities. On June 6, HDZ delegates returned to the BiH House of Representatives, and on November 28, returned to the Federation House of Representatives, but continued their boycott of the Federation House of Peoples.

In March the OSCE's Election Appeals Subcommittee cited 13 parties for improperly filing financial disclosure reports from the November 2000 elections. The EASC

specifically censured SDA and HDZ officials for underreporting or failing to report some campaign expenses and contributions. In February the EASC removed seven municipal election commissioners and censured three others based on evidence of attempted voter fraud in polling stations that they supervised in the November 2000 elections. In February and March, the OSCE remove six municipal councilors for either failing to vacate property they illegally occupied or for holding two incompatible government positions.

Continued political influence over the media and the use of coercive tactics by some nationalist parties, particularly the SDS and HDZ, precluded full citizen participation without intimidation, especially in Bosnian Croat areas and parts of the RS.

A multiethnic local government administers the Brcko municipality as a district under the direct oversight of the Brcko supervisor. Until new laws are issued or existing laws adapted, the supervisor retains discretion as to which laws, Federation or RS, are to apply in Brcko. During the year, 40 new or harmonized laws were passed by the Brcko legislature including laws on executive authority, police, taxes, budget, judicial reform, social sector reform, property ownership, and economic legal reform.

The percentage of women in government or politics does not correspond to their percentage of the population, and in the three legislatures, women were underrepresented seriously. To increase female representation in government, election rules established by the OSCE for the 1998 and 2000 general elections required that at least 30 percent of political party candidates be women. These provisions increased the number of female representatives from 2 percent at the state and entity level and 5 percent on the municipal level in 1996 to 18 percent of all elected positions during the year. However, in the state-level House of Representatives (lower house), only 5 of 42 deputies are female, compared with 12 before the November elections. There are no women in the state-level House of Peoples (upper house), whose representatives are appointed by the entity legislatures. In the Federation legislature, 19 of 140 deputies in the House of Representatives are female. In the RS unicameral legislature, 16 of 83 deputies are female, compared with 19 before the latest elections.

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

A wide variety of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases. The OHR reports that foreign government and NGO human rights monitors were able to travel without restriction in all areas of the country. International community representatives were given widespread, and for the most part, unhindered access to detention facilities and prisoners in the RS as well as in the Federation.

In December the Parliament adopted the Law on Associations and Foundations. This law, for the first time, allows NGO's to register at the national level and therefore to operate throughout the country without further administrative requirements. The law follows the general principle of voluntary registration and allows associations and foundations to engage directly in related economic activities.

While monitors enjoyed relative freedom to investigate human rights abuses, they rarely were successful in persuading the authorities in all regions to respond to their recommendations. Monitors' interventions often met with delays or categorical refusal.

Sporadic violence against international community representatives continued throughout the year. On April 6, Croat rioters disrupted a joint operation of local and international authorities to seize documents and other evidence from several offices of Herzegovacka Banka as part of an investigation into allegations of corruption and other illegal activities associated with the HDZ's drive to establish a parallel Croat government (see Section 3). Several local officials, police, SFOR soldiers, and other international officials participating in the operation were injured, threatened, and taken hostage by rioters. On May 5, Serb nationalists obstructing the cornerstone laying ceremony on the grounds of a destroyed Mosque in Trebinje beat the local OHR representative. Several high-ranking members of the international community, along with other local dignitaries, were trapped inside the Islamic Community Center in Banja Luka for several hours while rioters stoned the building during May 7 riots which blocked the laying of the cornerstone for the destroyed Ferhadija Mosque (see Section 2.c.). International property and offices were targeted specifically for vandalism or destruction.

During the year, there was increased cooperation between the ICTY and the Federation Government. Arrests by Federation police and voluntary surrenders out-

numbered apprehensions by SFOR—SFOR apprehended one ICTY suspect during the year. At year's end, 27 arrest warrants remained outstanding out of 110 public indictments issued by the ICTY. The majority of these indictees reportedly live in the RS or Yugoslavia. Although the RS National Assembly passed a law on cooperation with the ICTY in September, the RS has made no effort to arrest indictees. The two most wanted Bosnian war crimes suspects, wartime commander of the RS Army Ratko Mladic and wartime RS President Radovan Karadzic, remained at large. The ICTY during the year issued 11 convictions and 1 acquittal. This brings the number of convictions to 23 since the ICTY's inception.

The Dayton Peace Accords also created the Human Rights Commission for Bosnia and Herzegovina, which consists of the Human Rights Chamber and the Human Rights Ombudsman (see Section 1.e.). The Ombudsman may investigate allegations of human rights abuses either on his or her own initiative or in response to any party, or may refer matters to the Chamber. The entities also have their own human rights ombudsmen. The RS Ombudsman's office began receiving cases in November 2000. The caseload of the Human Rights Chamber and the Office of Human Rights Ombudsperson remained high. Citizens continued to turn to these institutions to redress human rights violations after national institutions and domestic courts failed to provide an effective remedy. While the Federation has implemented almost all decisions issued by the Human Rights Chamber decisions, authorities in the RS have refused to implement a large number of decisions (see Section 1.e.).

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

In the Dayton Accords, the parties agreed to reject discrimination on such grounds as sex, race, color, language, religion, political or other opinion, national or social origin, or association with a national minority; nevertheless, there were many cases of discrimination.

*Women.*—Violence against women, including spousal abuse and rape, remained a widespread and underreported problem. A report by the International Helsinki Federation for Human Rights in 2000 estimated that approximately 30 percent of women in the country were victims of domestic violence; however, there is little data available regarding the extent of the problem. Throughout the country, rape and violent abuse are considered criminal offenses, and laws in both the Federation and the RS prohibit rape. Spousal rape and spousal abuse also are illegal in the Federation and the RS. However, domestic violence usually was not reported to the authorities; a sense of shame reportedly prevented some victims of rape from coming forward to complain to authorities.

Although police received specialized training to handle cases of domestic violence, there were reports of police inaction in cases of domestic violence and sexual assault. On May 15, a Pale court convicted a man of three counts of causing bodily harm to his ex-wife. Over a 6-month period, the man had hit and kicked his wife, hit her in the head and damaged her eyes, and pushed her into a stove causing burns to her hands and legs. The judge ordered only a \$407 (900 KM) fine. Local police failed to actively pursue an investigation while the abuse was ongoing despite repeated complaints by the woman. The Pale Assistant Police Commander initially told IPTF human rights officers that the incidents happened "behind closed doors" so the police could not intervene. Centers for abused women were created in the District of Brcko, Bihac and Sarajevo based on the successful a model in Zenica in the Federation.

Trafficking in women from Eastern Europe and the former Soviet Union for purposes of sexual exploitation was a serious and growing problem (see Section 6.f.).

There is little legal discrimination against women, and women serve as judges, doctors, and professors; however, a male-dominated society continued to prevail in both entities, particularly in rural areas, and few women are in positions of real economic power or political power. Women have been discriminated against in the workplace in favor of demobilized soldiers. A small but increasing number of gender-related discrimination cases have been documented. Anecdotal accounts indicate that women and men generally receive equal pay for equal work at socially owned enterprises but not always at private businesses. Women are entitled to 12 months' maternity leave and may not be required to work more than 4 hours per day until a child is 3 years old. A woman with underage children may not be required to perform shift work. However, women in all parts of the country encountered problems with regard to the nonpayment of maternity leave allowances and the unwarranted dismissal of pregnant women and new mothers.

The integration of women into the police force in uneven but has improved; there is substantial female representation in the Brcko district and in police academy classes in both the RS and the Federation.

*Children.*—The U.N. Convention on the Rights of the Child is incorporated by reference in the Dayton Accords and has the effect of law in both entities. During the war nearly 17,000 children were killed, 35,000 wounded, and over 1,800 permanently disabled. The end of the fighting brought a major improvement in the human rights of children. Nevertheless, social services for children are in extremely short supply. Children with disabilities lack sufficient medical care and educational opportunities.

Education is free and compulsory through the age of 15 in both the Federation and the RS. The most serious issue is the ethnic division of educational opportunities. Students in minority areas frequently face a hostile environment in schools that do not provide an ethnically neutral setting. At times minority children are barred from attending school. Local education officials excuse such abuses by claiming that minority children should have their own schools and curricula. Obstruction by politicians and government officials has slowed international efforts to remove discriminatory material from textbooks and enact other needed reforms. At the elementary and secondary school level, political pressures from Canton governments in the Federation, and from the central Ministry in the RS, has been brought to bear on school directors. Several schools are directed by hard-line political figures. The lack of financial resources has also led to teacher strikes in the RS and in individual cantons in the Federation.

Steps were taken during the year to integrate minority students into some schools. However, compromises in many areas, including Stolac, Donji Vakuf, and Vares, fell far short of actual integration. Students of different ethnic groups may share the school building, but they attend class on different floors or use the facility in shifts without ever actually interacting with other students or teachers of a different ethnic group. Segregation and discrimination are entrenched in many schools, particularly in the teaching of national history and religious education (see Section 2.c.). In the RS, non-Serb teaching staff at elementary and secondary school levels composed only 3 percent of all teaching staff. In the Federation, minority teachers comprised between 5 and 8 percent of all teachers depending on the Canton. Roma children may attend schools in all areas of the country, although attendance is low due to pressure from within their community. In a small number of cases, local communities attempted to discourage Romani children from attending their schools.

The full integration of elementary and high school classrooms in the Brcko District was successful. After anti-integration riots, often instigated by parents or outside political actors, disrupted the 2000–01 academic year, the District government insisted on starting the 2001–02 school year with integrated schools. A harmonized school curriculum was developed for use by all teachers. So-called national subjects (language, history and music) were still taught separately in afternoon classes, but materials that could be hateful or offensive to others were eliminated. Language questions were resolved by using both Latin and Cyrillic script, and by requirements that teachers not penalize students for lexicon or grammar usage identified more with one language variant than another. The first truly joint curriculum, using the same lessons and materials in all three-school systems, was introduced at the high school level in the fall. The course, “Democracy and Human Rights” was developed by donors and international organizations working closely with Bosnian educators, and has been officially accepted by the canton and entity-level education ministries and the Brcko District Department of Education. At the same time, old indoctrination courses on “civil defense” and teaching of the RS constitution or the Republic of Croatia constitution in place of the BiH constitution were removed from the course curriculum.

There was no societal pattern of abuse against children. Nonetheless, children continue to suffer disproportionately from the societal stress of the postwar era. According to a report issued in June by the BiH Ministry for Human Rights and Refugees, 130,000 of the 617,000 refugees from BiH are children, 108,000 of the 518,000 internally displaced persons are children and 268 of the 1,225 victims of mine incidents since 1996 were children. Trafficking in girls for the purpose of sexual exploitation was a problem (see Section 6.f.).

*Persons with Disabilities.*—The Federation Government is required by law to assist persons with disabilities to find employment and to protect them against discrimination. In the RS, the law also prohibits discrimination against persons with disabilities. However, there are few jobs available, and thousands of newly disabled persons entered the job market after the war; as a result the vast majority of persons with disabilities are unemployed.

Public institutions for persons with disabilities generally met minimum standards, although most are in precarious financial situation. The legal status of institutions for persons with disabilities was not resolved following the breakup of the former Yugoslavia. As a result, local and entity governments have no legal obliga-

tion to finance such institutions and they operate only with government and international donations. There are a number of international NGO's that assist persons with disabilities in the country.

There are no legal provisions mandating that buildings be made accessible to persons with physical disabilities; however, in practice buildings rarely are accessible to persons with disabilities.

*Religious Minorities.*—Religion and ethnicity are identified closely in the country. Despite the constitutional provisions for religious freedom, a degree of discrimination against minorities occurs in virtually all parts of the country. Discrimination is significantly worse in the RS, particularly in the eastern RS, and in Croat-dominated areas of the Federation. However, incidents of discrimination occurred in Bosniak-majority areas as well. In some communities, local religious figures contributed to intolerance and an increase in nationalist feeling through public statements and, on occasion, in sermons. At times minority religious believers, clerics, and properties associated with religious minorities sometimes became targets. Increasing refugee returns and the resulting growth in ethnic/religious minorities, combined with sustained pressure from the international community on nationalist political parties, led to severe tension and several violent incidents during the first half of the year. On May 5, approximately 1,500 Serbs, many of them from the hard-line nationalist Ravna Gora Chetnik movement, disrupted a cornerstone laying ceremony for the reconstruction of the destroyed Omar Pasha mosque in Trebinje, in the southern RS. Members of the crowd beat the local OHR representative and a television cameraman in a scuffle that resulted as the Serbs blocked Bosniak and international dignitaries from entering the site. On May 7, a riot broke out in Banja Luka on the occasion of a similar cornerstone laying ceremony for the reconstruction of the destroyed Ferhadija Central Mosque; approximately 200 of the estimated 2,000 to 5,000 protesters broke through police lines and violently attacked participants, including elderly persons, government officials, and representatives of the international community. The rioters trapped over 300 persons in a building on the site owned by the Islamic Community for approximately 8 hours until RS police evacuated them. Protesters stoned the building and removed Islamic symbols. Approximately 30 persons were injured in the riot, including a Muslim man, Murat Badic, who died from his wounds on May 26. Protestors also burned Bosniak-owned business, eight buses that brought Bosniaks to Banja Luka, and heavily damaged the car of Bosnia's Foreign Minister (who is a Bosniak).

Protests in Bosniak majority areas in response to the Trebinje and Banja Luka riots were largely peaceful. There were, however, some violent reprisals. On May 6, unknown assailants threw a grenade at the house of the leader of Trebinje's Muslim community. Local police detained two Bosniak men for throwing a hand grenade at the Serb Orthodox Church in the Bosniak-dominated town of Sanski Most on May 8. The windows of a nearby cafe owned by a Serb also were smashed in the incident. Also on May 8, a group of displaced Bosniaks originally from the RS refused to allow a group of displaced Serbs, originally from Sarajevo, to enter the Osjek cemetery in Ilidza, a suburb of Sarajevo that was predominantly Serb before the war. On May 9, 11 tombstones in an Orthodox cemetery in Tuzla were desecrated and the cemetery chapel vandalized. Three Bosniak juveniles were arrested and charged in the case and local government officials condemned the vandalism. Also on May 9, approximately 20 Bosniaks stoned a house inhabited by Serbs in Sarajevo. Local police responded immediately, but no arrests were made.

In Croat-dominated Glamoc, unknown persons shot at Serb returnees' houses and the Orthodox Monastery Veselinje with automatic weapons. Police had no suspects in the case at year's end. Also in May, leaflets were distributed in Doboje, in the RS, calling on Muslims to leave the city and urging Serbs to protest against the reconstruction of the city's mosque. On December 4, a crowd of Croats attacked the reconstruction site for the Stolac mosque, burning the fence surrounding the site. Local police did not intervene and later released two of the perpetrators who had been arrested for the incident (see Section 1.c.).

Attacks against Orthodox and Catholic clerics and religious edifices have occurred in Sarajevo. On May 28, a Muslim woman walking with her husband and children physically and verbally assaulted a Catholic nun in central Sarajevo. On June 3, a group of Muslim youths harassed Catholic seminary students in front of the Catholic cathedral in Sarajevo.

In Croat-dominated areas of Herzegovina, Muslims felt pressure not to practice their religion in public and have been the subject of violent attacks in the past.

*National/Racial/Ethnic Minorities.*—"Ethnic differences" were used to justify the war and remain a powerful political force in the country. Although some politicians still support the concepts of a "Greater Serbia" and a "Greater Croatia," mixed communities exist peacefully in a growing number of areas, including Sarajevo and

Tuzla. However, nationalist Bosnian Serb and Croat politicians sought to increase the ethnic homogeneity of the population in areas they control by discouraging IDP's of their own ethnicity from returning to their prewar homes if they would be in the minority there. Hard-line Bosnian Croats continued to discourage some Croat returns to central Bosnia and actively have recruited displaced Croats to resettle in Herzegovina; however this intimidation has decreased. Some hard-line local authorities in the eastern RS sought to keep information regarding the right to return and conditions in return sites from reaching displaced Serbs in their areas, so as to dissuade them from attempting to return to their former homes. Although the new RS Government officially supports the right to return, it continued to obstruct returns on many levels.

In some cases, opponents of refugee returns used violence, including sporadic house burnings, and orchestrated demonstrations in an effort to intimidate returnees. For example, on January 2 an explosive device was thrown at the house of Bosniak returnees in Modrica, causing material damage but no casualties. On January 6, two Bosnian Serb men threw an explosive device into the home of a Bosniak returnee in Bosanska Gradiska. On January 8, unknown perpetrators burned down a returnee family's house in Stolac. On March 8, land mine explosions destroyed a newly reconstructed Croat dwelling near Bosanski Brod. On March 12, a bomb destroyed a vehicle belonging to a Bosniak IDP who was visiting his brother in Prijedor. On March 20, a Bosniak returnee's van was burned near Zvornik. When he tried to extinguish the flames, unknown assailants fired shots at him. On May 9, approximately 20 Bosniaks stoned a house inhabited by Serbs in Sarajevo. Local police responded immediately to the attack, but no arrests were made. On May 25, a large group of Bosniaks stoned the houses of two Serb returnees in Bosniak-dominated Bocinja.

On January 16, in Srebrenica in eastern Bosnia, an explosion destroyed the car of a Bosniak returnee, damaging a nearby vehicle and shattering several windows. Staff of the Organization for Security and Cooperation in Europe (OSCE) in the area termed the attack the most serious incident in Srebrenica since Bosniak returns began in April 2000, and suspect that the attack was related to an earlier incident 9 miles away in Glogova, in December 2000, in which a booby-trap grenade killed a Bosniak returnee cleaning his property. On January 19, a Serb IDP broke into the home of a Bosniak returnee in Dobož and ransacked several rooms.

In May the Zvornik Basic Court issued a decision against Bosnian Serbs who violently protested the return of Bosniaks to the village of Divic; 14 persons were found guilty of obstructing officials in performing their duties, 2 persons were sentenced to 45 days of imprisonment, and fines were leveled against the remaining 12. While observers believe that the sentence was lenient given the severity of the crime, the case represents the first instance in the eastern RS in which Bosnian Serbs have been held criminally liable for inciting violence against minority returnees.

Minority officers are beginning to be deployed in areas where minority returns are occurring; however, the lack of housing for returning police officers has hindered this process. All Federation canton governments have agreed to an ethnically mixed police force in principle; however, many cantonal governments continue to resist integration in practice. In some cantons, Bosniak and Croat police operate under separate, parallel budget and command structures, divided along ethnic lines. Police in the RS generally do not meet target standards of ethnic representation, as mandated by various agreements. An interentity agreement negotiated under U.N. auspices allows the voluntary redeployment of officers across entity lines to redress ethnic imbalances. In October the Federation Police Academy graduated its seventh multiethnic class and in November the RS Police Academy graduated its fourth multiethnic class.

Despite improvements in some areas, harassment and discrimination against minorities continued throughout the country, often centering on property disputes. These problems include desecration of graves, arson, damage to houses of worship, throwing explosive devices into residential areas, harassment, dismissal from work, threats, assaults, and, in some cases, killings (see Sections 1.a. and 1.c.).

Incidents of violence against all ethnic groups have decreased due to improved security and freedom of movement, but other forms of discrimination have not. In particular discrimination in employment and education remained key obstacles to sustainable returns. Widespread firing of ethnic minorities during and after the war has not been reversed in most cases, and members of the ethnic majority in a region often are hired over former employees who are minorities. Favoritism is also shown to veterans and families of those killed during the war.

Most of the country's 40–60,000 Roma (a rough estimate—no reliable figures exist) live a precarious existence. Nearly all Roma in the RS were expelled from their property during the war; very few have been able to reclaim it (see Section

2.d.). These displaced Roma, as well as Roma in the Federation who have lost their property because of the ravages of war, live in makeshift dwellings in abandoned property. Conditions for some are extremely poor, and many rely on begging to exist. While Roma face problems that many others in the country face, the Roma have far fewer social and charitable organizations interested in helping them, and they face widespread discrimination. However, some international NGO's have begun reconstruction programs for Roma, and refugee officials in the Federation also have begun to provide some assistance. A lack of formal title to land, in some instances, has greatly delayed some assistance projects.

*Section 6. Worker Rights*

*a. The Right of Association.*—The Constitutions of the Federation and the RS provide for the right of workers to form and join unions, as do labor laws in both entities. There are no legal restrictions on who may join unions, and the right of minority workers to join unions is protected in both entities. However, in practice union membership in the RS is overwhelmingly Bosnian Serb and in the Federation overwhelmingly Bosniak. Bosnian Croats have informal labor organizations in areas where they are the dominant ethnic group, but generally they are represented by the Federation union. A joint-entity multiethnic union was established in the district of Brcko in 2000. Union membership is mandatory for officially-employed workers in the RS; in the Federation, approximately 70 percent of the official workforce is unionized.

Unions legally are independent of the Government and political parties; however, they are highly politicized. There are no legal restrictions on forming new unions; however, in practice one union confederation in each entity represents all workers. A new confederation of trade unions tried to register with in the Federation, but has been unsuccessful due to political interference by the established confederation. In the RS, the sector-based branches of the union confederation have become increasingly independent, and one branch successfully has broken off from the umbrella organization.

Unions have the right to strike, and increasingly have used that right to pressure for payment of overdue salaries or wages, protest or demand changes in management, and voice their opinion on economic reform and government policy. Protest is often the only way to compel the payment of salaries or wages. Most strikes are legal; however, the Government claimed that some were illegal (on the grounds that they were not announced far enough in advance, or 48 hours) in an attempt to avoid negotiations. A Law on Strikes governs strike activity in both entities, and retaliation against strikers is prohibited. There were several major strikes during the year, including those by factory workers, teachers, and health care workers, due to arrears in salaries of several months or more. Courts hear labor disputes.

In November 1999, the Government was found to be in violation of ILO Convention 111 (on employment discrimination) and 158 (on termination of employment) because of its failure to act in the case of workers at Aluminj Mostar who were dismissed during the war because of their non-Croat ethnicity. Aluminj Mostar has protested the ILO ruling, arguing that it did not have the opportunity to respond to the union complaint. In August a long-delayed legal audit requested by OHR was completed. The Federation Government and the company were debating the report's recommendations at year's end, but had not reached an agreement on a future course of action.

In 2000 both the Federation and RS passed comprehensive labor legislation as part of loan conditions established by the World Bank and the International Monetary Fund; however, implementing provisions were still not in place by year's end.

Unions are free to form or join federations or confederations and affiliate with international bodies; however, no unions do so in practice.

*b. The Right to Organize and Bargain Collectively.*—Collective bargaining is provided for in the Law on Working Relations in the RS and in a comprehensive collective agreement in the Federation; however, collective bargaining rarely is used. In addition the collective bargaining agreements appear to apply only to public sector and state-owned enterprises, leaving private businesses uncertain about their status under the general collective bargaining agreements. The substantial number of government employees, particularly in the RS, permits the Government to remain highly influential in determining the overall level of wages in each entity.

The Law on Labor in both entities prohibits discrimination by employers against union members and organizers, in accordance with ILO standards. However, discrimination continued.

There were no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor; however, women were trafficked for the purpose of sexual ex-

ploitation (see Section 6.f). Prisoners in Tuzla have reported that the warden uses prisoners to work in his private business (see Section 1.c.).

The Constitution prohibits forced or compulsory labor by children; however, girls were trafficked for the purpose of sexual exploitation (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for employment of children in the Federation and in the RS is 15 years. The law on labor prohibits children from performing hazardous work, such as night work. Child labor is not known to be a problem; however, children sometimes assist their families with farm work and odd jobs. Romani children are often seen begging on the streets in Sarajevo.

The country has not signed the ILO Convention 182 concerning the worst forms of child labor.

The Constitution prohibits forced or compulsory labor by children; however, girls were trafficked for the purpose of sexual exploitation (see Section 6.f.).

*e. Acceptable Conditions of Work.*—The minimum monthly wage in the Federation is \$100 (200 KM); in the RS it is \$32 (65 KM). Neither minimum wage provides a decent standard of living for a worker and family. Many workers have outstanding claims for payment of salaries and pensions. Employees are required by law in both entities to make mandatory contributions to social funds in the following percentages. In the Federation, contributions to the Pension, Health insurance, and Unemployment Insurance funds are 7, 5, and 1 percent respectively. In the RS, the percentages are 9, 7.5, and 0.5 percent for the previously listed funds and an additional 1 percent for the Protection of Children fund and 1.5 percent for the Water fund.

The legal workweek is 40 hours under both Federation and RS entity law; however, “seasonal” workers may work up to 60 hours per week. The laws of both entities require that overtime be paid to employees. Overtime is limited to 20 hours (10 mandatory and 10 voluntary) in the Federation. In the RS overtime is limited to 10 hours, although an employee may volunteer for an additional 10 hours in exceptional circumstances. Rules regarding rest and vacation vary, although typically no vacation is granted during the first 6 months of employment and 18 days per year are granted after that period. In practice employers at times grant additional vacation days to workers.

Occupational safety and health regulations generally are ignored because of the demands and constraints imposed by an economy devastated by war. Neither entity has completed passage of new laws to enforce international worker rights standards. Workers cannot remove themselves from hazardous working conditions without endangering their continued employment.

*f. Trafficking in Persons.*—There are no laws that specifically prohibit trafficking in persons, and trafficking in women for sexual exploitation was a serious and growing problem. The country is a major destination and transit point, and to a lesser extent a country of origin, for women and girls trafficked for sexual exploitation. The country is extremely vulnerable to trafficking in persons, because of weak laws, porous border controls, and corrupt police who are bribed easily and facilitate trafficking.

A significant number of women, perhaps as many as 5,000, were trafficked into the country to work in brothels in conditions close to slavery, and credible sources reported that the problem was growing. From March 1999 to August 2001, there were 500 confirmed cases of women trafficked into the country for sexual exploitation; 364 women were returned to their home countries, 125 in the first 7 months of the year. The IPTF reported that they have encountered approximately 4,000 women in their raids of bars and estimated that 10 percent of the women had been trafficked.

The majority of women trafficked into Bosnia come from Moldova, Romania, and Ukraine, but also from Bulgaria, other Eastern European countries, and countries of the former Soviet Union. Most of the trafficked women crossed through Yugoslavia or Hungary before entering the country. Many of them were sold in Belgrade, and from there were smuggled across the Drina River at Zvornik and Bijeljina into the country. The ages of the women trafficked into the country averaged 22 years, ranging between 13 and 36 years of age. More than 12 percent of the women were minors.

Many of these women were lured by the promise of well-paying jobs abroad, and came in the hope of improving their socioeconomic situation. Many women responded to advertisements that offered work in Italy or Germany as dancers, waitresses, or domestic servants; some women reported being kidnaped. Some traffickers brought the women and girls into the country specifically to work in brothels. Trafficked women often were sold several times between different bar owners after arriving in Bosnia. Prices varied between \$500 and \$1,500 (1,000 to 3,000 KM) per woman, and the women often were expected to repay their “owners” this amount

out of their allotted share of the earnings. It has been estimated that there were some 300–600 brothels in the country. Brothel operators reportedly earned \$50 (100 KM) per hour per woman. In some cases, women forced to work in brothels reportedly received as little as \$13 (25 KM) per month for personal expenses and were forced to find other money (often through begging) for essentials, including condoms. Other prostitutes reportedly earned \$100 (200 KM) per month.

Methods ranging from seizure of passports and kidnaping to the threat and use of physical violence are used to ensure the compliance of victims. There have been reports of trafficked women being physically and sexually assaulted, denied food, and threatened. Organized crime elements control the trafficking business into and out of the country. A significant proportion of the traffickers are female, and are part of organized crime.

The country is also a major transit point for illegal immigrants, and the IOM confirmed one case of a man being trafficked through the country for forced labor and held against his will.

Some of the women trafficked into Bosnia were trafficked on to Italy, Germany, and other Western European countries for prostitution. In addition, the International Organization for Migration (IOM) confirmed two cases of Bosnian women who were trafficked to other countries in 2000.

Some police and judicial authorities tacitly accept or actively facilitate trafficking. There were credible allegations of involvement of State Border Service (SBS) officials in facilitating the importation of women, although there were increased instances of some SBS officials finding and identifying trafficking victims. Police, who are responsible for registering foreign workers, were involved in registering trafficked women in several instances. In addition the Ministries of Labor in both entities enforced few controls on the issuing of work permits, many of which went to trafficked women. In some cases, police officers used the services of prostitutes for free in exchange for warnings of raids. For example, following a February raid on a nightclub in Bijelina, in which the local police identified six trafficking victims, the IPTF alleged that more than 20 Bijelina police officers received free sexual services in return for tipping off the bar owners when raids or inspections were scheduled. Authorities were conducting internal and criminal investigations at year's end, and suspended six Bijelina police officers pending the outcome of the investigations.

A May 2000 report by UNMBIH and the Office of the U.N. High Commissioner for Human Rights (OHCHR) documented evidence of complicity by local police, international police, and SFOR in 14 out of 40 cases that it investigated between March 1999 and March 2000. Police crime departments have not conducted proper investigations into trafficking allegations and in some cases, investigations have been prevented by high level political involvement.

Neither of the entities has a law that specifically prohibits trafficking, although prosecutors can prosecute traffickers on charges of assault, provision of false documents, procuring, and promoting prostitution. Although the sentence for rape may range up to 10 years' imprisonment, the more common charges of pandering and promoting prostitution are punishable by a maximum of 3 years' imprisonment. Traffickers rarely are sentenced to more than 6 to 8 months' imprisonment. Sarajevo authorities have successfully prosecuted two suspected traffickers on charges of promoting prostitution. However, the prosecution of traffickers is hindered both by the extent of public sector corruption and by the inefficiency of the legal system. Other law enforcement actions against trafficking have been infrequent. For example, it is illegal to run a brothel, but local police generally arrest women engaged in prostitution rather than procurers or those managing the brothels. While the number of bar owners charged increased this year, no traffickers were criminally prosecuted. In most cases, the police do not conduct thorough investigations against the bar owners and others involved in the recruitment, transportation, and movement of such women, including trafficking rings.

In March Bosnian police, working with IPTF officers, conducted simultaneous raids in many parts of Bosnia, resulting in the freeing of 24 trafficking victims. OHCHR reports that many women were seen being taken out of the brothels immediately before the raids, suggesting there were leaks to bar owners by police. During the year, the court found that the manager of the nightclub "Como" was guilty of trafficking and related charges and sentenced him to 1 year of imprisonment as a result of the raids. The manager's appeal was ongoing at year's end. In January a court found that the owner of the Kenta Nightclub in Ilidza was guilty of promoting prostitution and sentenced him to 2 years' imprisonment and a \$600 1,200 KM fine. In an October 2000 raid on his bar, police found 17 women working in the bar, 12 of who were identified as trafficking victims. In November a court in Doboj sentenced the former owner of the "Vila" nightclub to 3 years in prison for promoting

prostitution. This was the longest sentence to a nightclub owner on prostitution-related charges.

The Government supports limited prevention and protection measures. Law enforcement actions targeting the sex industry have been infrequent, but have on occasion resulted in the detention, incarceration, and deportation of trafficked women. The country's deportation laws permit local police to release trafficked individuals into neighboring jurisdictions or across the border in Croatia. In the fall of 1999, the OHR issued directives governing police raids on brothels to ensure that trafficked women were provided assistance. While these directives reportedly have been followed, raids were infrequent.

Although the U.N. maintains a program that provides some legal support to trafficked women, trafficking victims are not encouraged to pursue civil suits against their traffickers. In many cases women are afraid to testify against their traffickers and the judicial system offers them little protection. Witnesses often are threatened by traffickers to discourage them from testifying. Local officials have been slow to bring charges of intimidation. The judicial system, beset by fundamental procedural flaws and massive case backlogs, offers only minimal prospects of redress for plaintiffs in civil litigation.

The IOM and several NGO's, both local and foreign, addressed the problem of trafficking. The IOM has established a program to repatriate trafficked women who seek to return home. There are a number of shelters that house trafficked women while they await return to their countries of origin. Nevertheless public awareness of the problem is low, and trafficking is tolerated, if not accepted, at all levels of society and is regarded as a "victimless crime" or as a phenomenon that only affects foreign nationals.

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## BULGARIA

Bulgaria is a parliamentary republic ruled by a democratically elected government. A coalition government headed by former King Simeon Saxe-Coburg took office in July following the victory of his National Movement Simeon II (NMS) party in June parliamentary elections which observers agreed were generally free and fair despite some media irregularities. The governing coalition consists of the NMS and the mainly ethnic Turkish Movement for Rights and Freedoms (MRF). A predominantly ethnic Roma political formation, the "EuroRoma" party, was an electoral partner of the MRF and thus is technically a member of the governing coalition, although it has no representatives in the Cabinet or the Parliament. Incumbent President Petar Stoyanov of the Union of Democratic Forces (UDF), who had been elected to a 5-year term in 1996, was defeated in the November presidential elections by Georgi Parvanov of the Bulgarian Socialist Party (BSP), whose term begins in January 2002. The Constitution provides for an independent judiciary; however, the judiciary suffers from corruption and continued to struggle with structural and staffing problems.

Internal security services are the responsibility of the Ministry of the Interior and include the National Police, the National Service for Combating Organized Crime, the National Security Service (civilian domestic intelligence), the National Gendarmerie Service (paramilitary police), and the Border Police. Although government control over the police is improving, it still is not sufficient to ensure full accountability. The Special Investigative Service (SIS), which provides investigative support to prosecutors on serious criminal cases, is a judicial branch agency and therefore is not under direct executive branch control. The Bulgarian media reported that the "public order" services, such as the National Intelligence Service (NIS) and National Bodyguard Service (NBS) were not subject to adequate judicial, executive, or legislative oversight of their activities or budgets. Some members of the police committed serious human rights abuses.

The country, with a population of approximately 8.3 million, is in transition from an economy dominated by loss-making state enterprises, concentrated in heavy industry, to one dominated by the private sector. Approximately 80 percent of state assets destined for privatization—including enterprises in the chemicals, petroleum processing, and metallurgy sectors—already have been sold in a process that was not completely transparent. Principal exports are agricultural products, tobacco products, chemicals and metals, although light industry—including textiles and apparel—is growing in importance. The private sector accounts for approximately 61.3 percent of gross domestic product (GDP). In 2000 the inflation rate in was approximately 10 percent and GDP growth was 5.8 percent. The annual per capita GDP of \$1,600 provides a relatively low standard of living.

The Government generally respected the human rights of its citizens; however, while there were improvements in some areas, its human rights record was poor in other areas. Members of the security forces were responsible for some killings. Security forces commonly beat suspects and inmates and beat and mistreated minorities. Arbitrary arrest and detention were problems. Security forces harassed, physically abused, and arbitrarily arrested and detained Romani street children. Problems of accountability persisted and inhibited government attempts to address police abuses. Conditions in many prisons and detention facilities were harsh. There remained some instances of prolonged pretrial detention, although the Government has continued to improve its performance in preventing defendants' periods of pretrial detention from exceeding the statutory limit of 1 year. The judiciary is underpaid, understaffed, and has a heavy case backlog; corruption of the judiciary is a serious problem. The Government infringed on citizens' privacy rights. The Government exerted undue influence on the media. There were limits on freedom of association. The Government restricted freedom of religion for some non-Orthodox religious groups. Constitutional restrictions on political parties formed along ethnic, racial, or religious lines effectively limit participation in government for some groups. Violence and discrimination against women remained serious problems. Conditions for children in state institutions were poor, and because of a lack of funds, the social service system did not assist homeless and other vulnerable children adequately, notably Romani children. There was some discrimination against persons with disabilities. Societal discrimination and harassment of "nontraditional" religious minorities persisted, but were less frequent than in the past year. Discrimination and societal violence against Roma were serious problems. Child labor was a problem. Trafficking in women and girls 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 political killings; however, law enforcement or military personnel were responsible for some killings. Police shot and killed at least six persons, and two other individuals died while in police custody. Four of those killed were of Roma or Turkish ethnicity.

The Ministry of Interior Act permits law enforcement officials to use firearms to apprehend persons committing crimes or who have committed crimes, even if the crimes are minor. Law enforcement officers also may use firearms to stop the escape of a person who has been arrested for any crime. For example, on February 1, police shot and killed a criminal suspect named Slatin Slatinov near the town of Dolni Chiflik. There was an investigation of the case, but prosecutors determined that the shooting was legal and no charges were filed. On February 12, a police sergeant shot and killed Ivailo Gerdanov following a fight that took place in front of a nightclub in the town of Shipka. Gerdanov, a bodyguard at a nightclub, allegedly had started beating a client who had been involved in the brawl. It is unclear whether the officer was on duty or not, but he was detained and a police investigation was ongoing at year's end. On July 22, a military police officer shot and killed 21-year-old Sevgin Asan, an AWOL soldier. Asan had deserted from his army unit in Elhovo and was spotted by military police, who chased him; one of the officers reportedly shot Asan four or five times. An officer was charged in the case, but no hearing or trial was held during the year.

There were at least two deaths in police custody. On January 10, an ethnic Turk named Mehmet Myumyun, also known as Milotin Mironov, died in police custody. While police were raiding a restaurant in Sofia, Mironov tried to escape through a bathroom window. Police handcuffed Mironov, stating that he had put up "fierce resistance." Mironov later complained of dizziness, fainted, and died before emergency assistance could arrive. The cause of death is uncertain, although the Department of Forensics reportedly determined that Mironov had had a previous heart attack and that he had three broken ribs at the time of his death. There was no further information about the case at year's end. On April 6, a Roma man, Emil Velinov, died in the investigative detention facility in Dupnitsa. While his relatives claimed that officials had killed him, a police investigation found that Velinov committed suicide and the police closed the case.

On January 29, an off-duty police officer shot and killed Eleonora Dimitrova, a 16-year-old ethnic Bulgarian girl, in the center of Sofia. The police officer, who had been drinking, was arrested and charged with manslaughter. An initial hearing took place during the year, but the trial was postponed. The officer was released on bail pending trial.

On July 2, a police sergeant from the regional Directorate of Internal Affairs shot and killed Vasil Stoynev Mirchev in Kyustendil. Mirchev and the policeman report-

edly quarreled, and the policeman shot Mirchev in the head. An investigation found that Mirchev allegedly had caused the discharge of the gun when he pushed the policeman's hand, and no charges were brought in the case.

On August 5, 2000, Emil Arnudov of Asenovgrad was beaten severely by two on-duty policemen after he allegedly caused a disturbance in a bar; he died of his injuries on August 15, 2000. One policeman was charged with homicide by the military prosecutor as a result of the incident and was convicted and sentenced during the year; the second policeman was cleared of responsibility in 2000. The regional police chief received a reprimand.

In July 2000, in Sofia, police shot and killed Trycho Lyubomirov, a 19-year-old Roma man, reportedly while he was attempting to flee police custody. During the year, a police officer involved in the incident was charged and convicted by the military prosecutor of the negligent use of a firearm. In November 2000, Dimitur Dimitrov, a conscript soldier, died of asphyxiation while running laps wearing a gas mask. An investigation eventually resulted in a conviction during the year of a military officer; the officer appealed the conviction and his appeal was ongoing at year's end. There were no developments in the 1999 killing of Tancho Vasev, or in the 1999 death in police custody of Kostadin Sherbetov.

In November five men appeared before the Sofia City Court who were charged in connection with the 1996 killing of former Prime Minister Andrey Lukanov; the trial was ongoing at year's end. One man, a building contractor, is charged with commissioning the murder, but Lukanov's son, who is seeking \$25,000 (50,000 leva) in civil damages, has stated publicly his belief that others were behind the killing. At year's end three of the five accused men were out on bail and two remained in detention.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution expressly prohibits torture and cruel, inhuman, or degrading treatment; however, police commonly beat criminal suspects and members of minorities at times to extract false testimony. Security force personnel also physically abused street children, the majority of whom are Roma (see Section 5).

According to the Ministry of Interior, the National Police Service received 74 complaints about police violence between January 1 and September 30. Of these complaints, the Ministry stated that only eight complaints concerned crimes "related to the execution of official duties," and three officers and seven sergeants were disciplined for violations. Although some government officials have stated that, under the country's criminal law code, any complaints about beatings by police are required to be heard by judges; at times this law was not respected in practice. Human rights monitors reported that they receive many complaints from persons who are too intimidated to lodge an official complaint with the authorities. Most military prosecutors' offices refused to provide data on police brutality complaints. Only the Varna military prosecutor's office responded, stating that, during the year, they received 90 complaints about the use of physical force or firearms by police or military officers, and that the prosecutor's office has started 44 investigations against 62 individuals.

Government officials claimed that police officers in the police academy completed human rights awareness training during the year; however, this training has been criticized by some observers as insufficient. Unlike the previous year, the Bulgarian Helsinki Committee (BHC), a nongovernmental organization (NGO), reported that it did not conduct any human rights awareness training for police during the year.

Reports continued that criminal suspects in police custody run a significant risk of being mistreated, most often during the initial interrogation. The BHC conducted a survey in prisons of incarcerated persons arrested after January 2000, and found that 49 percent (compared with 51 percent in 1999) of interviewed prisoners reported that police officers used physical force against them during arrest; 44 percent (compared with 53 percent in 1999) reported one or more beatings at police stations. No new statistics were available. Romani prisoners reported being abused more frequently than other prisoners. Very seldom are allegations of police abuse properly investigated nor are the offending officers consistently punished. The Military Prosecutor's office in particular has not investigated incidents of alleged police abuse thoroughly or expeditiously.

On February 24, a police sergeant detained and beat a Romani man, Mitko Naidenov, allegedly because he was suspected in a theft case. According to NGO reports, Naidenov was hospitalized for 12 days for injuries sustained in the beating. Naidenov filed a complaint with the Regional Military Prosecutor's Office in March, and according to an NGO report, the perpetrator was sentenced to make compensation to the victim, but that decision had not been enforced at year's end.

On July 5, police shot and severely injured a 30-year-old Rom, Slavi Velev, during an incident in which Velev and a group of Roma allegedly were stealing from a gar-

den. According to NGO reports, Velev was admitted to a hospital in critical condition but did not die as a result of his injuries. An investigation continued at year's end.

On August 15, police beat Nikolay Alekov with truncheons and kicked him while he was being questioned in the Third District police station in Sofia.

An NGO reported that, on August 6, 2000, police officers severely beat Orhan Ahmedov and Marin Georgiev, two Romani men from Varbitsa. Ahmedov and Georgiev filed complaints with the Sliven Regional Police Department, and the Regional Military Prosecutor's Office of Sliven. In August 2000, the Military Prosecutor's Office opened a criminal investigation, but on April 17, the Sliven Regional Military Court terminated the criminal case, reportedly because an administrative punishment—not a criminal sanction—was imposed.

In May 2000, police shot and wounded Atanas Dzhambazov, a 14-year-old Roma who was trespassing on the grounds of a factory near Sliven. In August 2000, the Sliven Military Court found the policeman, Surchanov, guilty of negligence and imposed a fine of about \$250 (500 leva). A civil lawsuit was pending at year's end; according to an NGO following the case, the lawsuit had not moved forward because the court has demanded that Dzhambazov pay a fee, which is not legally required.

In April 2000, according to unconfirmed NGO reports, a 16-year-old Rom, Tsvetalin Petrov, suffered third-degree burns after allegedly being doused with an inflammable liquid and set on fire while in custody in the Vidin police station. Police claimed Petrov was set on fire by an unknown perpetrator; a preliminary investigation that was pending at the end of 2000 was terminated during the year by the Pleven Regional Military Prosecutor's Office. Petrov appealed this decision, and the Pleven Regional Military Court ordered the investigation reopened. The investigation was ongoing at year's end.

Police are allowed to shoot any fleeing criminal suspect. In January 2000, police shot and seriously injured Stefan Yordanov, a Romani man, in Burgas District (see Section 1.a.). An NGO filed a complaint with the Regional Military Prosecution of Sliven; however, the Sliven prosecutor refused to open an investigation.

Many observers alleged that some members of the police, particularly in remote areas, were complicit in trafficking in persons (see Section 6.f.).

Crime and corruption remained primary concerns of the Government during the year. Notwithstanding changes in the Criminal Procedure Code, which became effective on January 1, 2000, significant improvements have not taken place. Observers believe that further changes may be necessary and that improved coordination between the police and the judicial system is required to make the law enforcement system more effective and less corrupt. Changes to the Criminal Procedure Code reduced the size of the SIS while reserving to it the responsibility for handling the most serious crimes. At the same time, many investigative duties were devolved to the police and the Government made a significant effort to provide training in investigative techniques to police officers. However, questions about the effectiveness of the criminal justice system remained: It is unclear which specific duties the SIS has retained, and there is little evidence that devolution of powers to police has resulted in increased numbers of completed investigations.

Observers have noted modest improvement in the efficiency of moving cases through the criminal system, although many serious systemic flaws remained. The police continued to struggle with resolving a large backlog of outstanding investigation cases, some as much as 10 years old, which they inherited from the former investigative service.

There were several incidents of societal violence against and harassment of Roma, including children, during the year (see Section 5).

Conditions in some prisons are harsh and include severe overcrowding, inadequate lavatory facilities, and insufficient heating and ventilation. The SIS's parallel network of jails and prisons contains many of the harshest detention facilities. NGO prison monitors reported that brutality committed by prison guards against inmates continued to be a problem. Prison authorities sustained their efforts against tuberculosis (TB), instituting a new procedure for regular testing; the overall numbers of TB cases remained steady during the year. The process by which prisoners may complain of substandard conditions or of mistreatment does not function effectively. In August 24 prisoners protested poor conditions at the Sofia Central Prison by climbing onto the roof of the jail. Justice Minister Anton Stankov met with them and the Justice Ministry allocated more funding to improving the quality and quantity of food served to inmates during the year. "Labor correction hostels" are used to house criminals under age 18, and are less restrictive than prisons. Men and women may be housed in the same jail, but are held in separate cells. Pretrial detainees are held separately from convicted criminals.

The Government generally cooperated with requests by independent observers to monitor conditions in most prisons and detention facilities. Although access to SIS facilities reportedly was difficult for human rights observers in 2000, the BHC stated that its representatives were allowed access to them throughout the year. Unlike in regular prisons, observers still are prohibited from interviewing detainees in the SIS facilities. Human rights monitors continued to enjoy good access to regular prisons.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution provides for protection against arbitrary arrest and detention; however, there were some restrictions on this right. Police often arbitrarily arrest and detain street children, the majority of whom are Roma (see Section 5). Police also detained some members of minority religious groups (see Section 2.c.).

The Constitution provides for access to legal counsel from the time of detention; however, a 1999 survey of prisoners conducted by the Bulgarian Helsinki Committee (BHC) found that 54 percent of prisoners complained that they had no lawyer present during preliminary investigations. The BHC believes this figure generally remained valid during the year. Persons may be detained for no more than 24 hours at the request of an investigating magistrate or a police officer; however, detention may last for up to 72 hours if ordered by a prosecutor. Police normally obtain a warrant from a prosecutor prior to apprehending an individual; however, warrants are not always required for arrest. If the person is released without being charged before the 24-hour period elapses, there is no judicial involvement in the case. Human rights observers charge that police often handle minor offenses by arresting suspects, beating them, and releasing them within the 24-hour period (see Section 1.c.).

Defendants have the right to visits by family members, to examine evidence, and to know the charges against them. Charges may not be made public without the permission of the Prosecutor General. To enable a speedy trial, investigations are prescribed by law to last no more than 2 months under normal circumstances, although this period may be extended to 6 months by the head regional prosecutor, and up to 9 months by the Prosecutor General.

Human rights NGO's reported that the Government generally continued to observe the statutory limit of 1 year of pretrial detention (or 2 years in the case of the most serious crimes). While human rights lawyers noted some continuing violations of this policy, increasingly these situations have become exceptions rather than common practice. There also appears to be a legal consensus that the pretrial detention limits apply cumulatively to all of the separate periods of detention; for example, in cases where defendants' cases have been sent to the courts for review and returned to prosecutors for further investigation. This is a change from earlier practice, when such a situation restarted the clock on the defendant's pretrial detention. However, many cases still may be formally deemed to be in the "on-trial" phase for an extended period of time. This occurs when a case file has been presented to the court by prosecutors, but has not yet been acted upon by the judge. Cases may, not uncommonly, remain in this situation for months, while the defendant remains in custody. The Ministry of Justice reported that at year's end, there were approximately 1,000 accused persons in pretrial detention centers, 1,100 "indicted persons" in the country's 13 jails and 23 "labor correction hostels" (see Section 1.c.), and 8,971 convicted prisoners.

Human rights monitors reported that in many localities, children may be held for months in Educational Boarding Schools on the basis of police referral before a local commission convenes to make a decision on the case (see Sections 1.e. and 5).

Among the changes made to the Criminal Procedure Code in 2000 was increased oversight by judges of pretrial detention and conditions of bail. Under these rules, only judges may determine the necessity of holding suspects in custody and to set bail.

In the event of a conviction, the time spent in pretrial detention is credited toward the sentence. The Constitution provides for bail, and some detainees have been released under this provision, although bail is not used widely.

The Constitution prohibits forced exile, and the Government does not use it.

*e. Denial of Fair Public Trial.*—Under the Constitution, the judiciary is granted independent and coequal status with the legislative and executive branches; however, the judiciary continued to struggle with problems including a lack of transparent and neutral standards for assigning cases; poor coordination between prosecutors, investigators, and courts; corruption; low salaries; understaffing; antiquated procedures; and a heavy backlog of cases. The European Union Accession Report on Judicial Independence that was issued during the year stated that because the Constitution provides for independence of the "judicial power," which includes judges, public prosecutors, and investigating magistrates, the separation of these powers is blurred and the independence of judges is compromised. The report also found that

the Ministry of Justice continued to exercise extensive administrative powers, and that the Government influences the appointment and promotion of judges and prosecutors, and also influences the outcome of cases. Partly as a legacy of communism and partly because of the court system's structural and personnel problems, many citizens have little confidence in the judicial system. Long delays in trials were common. Human rights groups complained that local prosecutors and magistrates sometimes failed to pursue vigorously crimes committed against minorities. Many observers believe that reforms are essential to establish a fair and impartial, as well as efficient, judicial system. In 2000 the Government began an ambitious training program to upgrade the expertise of the judiciary with the help of international donor organizations, which produced limited results, according to observers.

The court system consists of regional courts, district courts, and Supreme Courts of Cassation (civil and criminal appeal) and Administration. A Constitutional Court, which is separate from the rest of the court system, is empowered to rescind legislation that it considers unconstitutional, settle disputes over the conduct of general elections, and resolve conflicts over the division of powers between the various branches of government. Military courts handle cases involving military personnel (including police personnel) and some cases involving national security matters. The Constitutional Court does not have specific jurisdiction in matters of military justice.

Judges are appointed by the 25-member Supreme Judicial Council (SJC) and, after serving for 3 years, may not be removed except under limited, specified circumstances. The difficulty and rarity of replacing judges, virtually regardless of performance, often has been cited as a hindrance to effective law enforcement. The 12 justices on the Constitutional Court are chosen for 9-year terms as follows: One-third are selected by the National Assembly, one-third appointed by the President, and one-third selected by judicial authorities. During the year, the question of whether investigating magistrates enjoyed overly broad immunity—and thus were generally free from disciplinary measures for incompetence or corruption—led to a proposal to limit magistrates' immunity that failed in Parliament, but may be reintroduced next year. The internal mechanisms that controlled against corruption in the judicial system were weak. Due to its composition and inadequate support staff the SJC, which is responsible for the proper administration of justice and drafting the judiciary's budget, was not able to effectively set the judiciary's budget, ensure the effectiveness of judges, or protect the judiciary's independence. The European Union Accession Report on Judicial Independence that was issued during the year reported that the SJC's mixed composition—including numerous appointees of Parliament, the Ministry of Justice, and representatives of other magistrates—and its mandate to represent the entire judicial system (judges, prosecutors, and investigators) make it an ineffective representative of judges and their independence.

Local observers contend that organized crime influences the prosecutor's office. Few organized crime figures have been prosecuted to date, but the Government continued to make the battle against organized crime a priority. According to the National Service for Combating Organized Crime, approximately 110 organized crime groups operate in the country. The Ministry of Interior has requested and received assistance from foreign governments in its efforts to close legal loopholes and strengthen enforcement capabilities against criminal groups engaged in racketeering and other illegal activities. Nonetheless the Saxe-Coburg Government came to power largely because the public believed that the previous administration tolerated widespread corruption (see Section 3).

The Constitution stipulates that all courts shall conduct hearings in public unless the proceedings involve state security or national secrets, and authorities generally respected this provision. Defendants have the right to know the charges against them and are given ample time to prepare a defense. The right of appeal is provided for and is used widely. Defendants in criminal proceedings have the right to confront witnesses and to have an attorney, provided by the state if necessary in serious cases.

The judiciary continued to suffer from a heavy backlog of cases, which resulted in long delays for trials. The practice of plea-bargaining, which was introduced in January 2000, had not yet effectively lightened the caseload for prosecutors. In addition plea-bargaining reportedly is perceived by many citizens as a way for the wealthy to buy their way out of charges. In the first 6 months of the year, there were 336,723 scheduled hearings, compared to 325,326 in all of 2000; completed trials rose from 312,995 in 2000 to 329,872 during the first 6 months of the year.

Human rights observers consider "Educational Boarding Schools" (formerly known as "Labor Education Schools") to which problem children can be sent as little different from penal institutions (see Section 5). However, since the schools are not considered prisons under the law, the procedures by which children are confined in

these schools are not subject to minimal due process; several human rights organizations have criticized this denial of due process. Children sometimes appeared alone despite the requirement that parents must attend hearings; the right to an attorney at the hearing is prohibited expressly by law. Decisions in these cases are not subject to judicial review, and children typically stay in the Educational Boarding Schools for 3 years or until they reach majority age, whichever occurs first. The law provides for court review of sentencing to such schools, sets a limit of a 3-year stay, and addresses some other problems in these institutions (see Section 5); however, human rights activists dismiss this court review provision as a formality, since the child is not present to speak on his or her own behalf (nor is the defense lawyer or the child's parents).

There were no reports of political prisoners.

*f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.*—The Constitution provides for the inviolability of the home, the right to choose one's place of work and residence, and the freedom and confidentiality of correspondence, and government authorities generally respect these provisions; however, there are regular, albeit not conclusive or systematic, reports of mail, especially foreign mail, being delayed or opened.

In January the Prosecutor's Office announced that approximately 10,000 wiretaps had been authorized during 2000, of which, according to the International Helsinki Federation, only 2 to 3 percent were ever used in criminal proceedings. Although the precise extent of the Ministry of Interior's discretionary power to authorize telephone wiretaps and electronic listening devices without judicial review is unknown, concerns remained that government security agencies acted without sufficient oversight. During the year, media reports and commentaries discussed the need for better legislation or oversight regarding the various "public order" agencies, such as the National Intelligence Service, the National Bodyguard Service, and the National Security Service. A parliamentary commission, charged with oversight of the activities of public order agencies, held hearings during the year.

The Bulgarian Helsinki Committee has alleged that at times the issuance of warrants to investigate suspects' private financial records are abused to give police broad and open-ended authority to engage in far-ranging investigations of a suspect's family and associates.

In July as many as 240 Roma families were displaced when their illegally constructed homes in Sofia's residential neighborhood of Lyulin were demolished to make way for the construction of a new supermarket. The residents' belongings reportedly were left in piles on the ground. The local authorities offered the Roma temporary accommodation in caravans, pending the construction of community apartments over the next 2 years.

Traffickers in persons use threats against women's families and family reputations to ensure obedience (see Section 6.f.).

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press; however, the Government exerted undue influence on the media. A variety of media outlets present a broad spectrum of opinion; however, libel is punishable under the criminal code, and journalists issued public statements of protest against government interference in state-owned radio during the year. The Government exerted undue influence on the media during the year via official channels such as the National Council for Radio and Television (NCRT), a quasi-governmental body that oversees national media and regulates private broadcasters, and through less direct means such as steering advertising revenue away from media outlets that are critical of government policies. In the past, surveys have shown that significant numbers of journalists feel constrained in their reporting because of government influence, but data on the situation under the Government elected during the year was not available. Previously, one-third of journalists surveyed claimed that they had received outside pressure of some sort, either from government officials or business interests, in response to material they had written or broadcast. Prosecutors also are regarded widely as wielding an intimidating influence over journalists who are critical of the judicial process.

Libel is punishable under the Criminal Code. In March 2000, the Parliament enacted modified amendments to the Penal Code, after President Petar Stoyanov had vetoed the original version in January 2000. Responding to the President's concerns, the Parliament reduced the fines for libel and defamation by half to approximately \$7,000 (15,000 leva), but this reduced fine remains a heavy penalty in the context of the country's economy. The new provisions eliminated imprisonment as a penalty for libel; however, according to an NGO report, in one case a person was imprisoned for libel, despite the amendment, because imprisonment was allowable at the time

he was charged. Journalists charged with libel or defamation also have reduced rights of appeal for libel sentences under the law. Under the law, libel remains a criminal offense, as opposed to a matter of civil law, and losing defendants are considered to be criminal convicts. However, press freedom monitors have reported that the courts generally continued to define libel and interpret the law in a manner that favored journalistic expression.

In 2000 Parliament enacted the Access to Public Information Act (APIA), with the ostensible purpose of establishing broader public access to government information; however, implementation of the law was uneven (see Section 4). The law has been criticized widely for being vague in its provisions and enabling arbitrary denials of information. A majority of journalists believe that the Act actually hampers rather than facilitates public access to information. Nevertheless a study on the law's impact stated that journalists increasingly took the law into account when seeking information from the Government, and the Access to Information Program (AIP) received 135 requests for help in using the APIA. The AIP reports that when it gets involved, government agencies often, but not always, respond to APIA requests.

In July the Government announced new rules regarding coverage of the activities of the Council of Ministers. Media representatives will be obliged to cover Cabinet activities from a specified location near the Council, only the first few minutes of Council sessions are to be filmed, and media will have to nominate a maximum of five reporters to report from the Council, rather than simply entering with their press cards. A July 31 session had no media coverage, because it was "informal," according to a BHC report, which added that the press was concerned by the fact that they no longer will be able to meet with Cabinet members on the floor of the Prime Minister's office and session hall.

A variety of newspapers are published freely by political parties and other organizations representing the full spectrum of public opinion. However, journalists frequently write reports to conform with the views of their owners.

The NCRT issued licenses to 10 television stations and 126 radio stations during the year. In April 2000, the Kostov Government awarded a license for the first privately owned television channel with nationwide coverage to the Balkan News Corporation. This station has spurred new programming initiatives from Bulgarian National Television (BNT). A second license for a nationwide private television channel, which was awarded in October 2000 to Nova Television (NTV), was revoked in July after the Supreme Administrative Court ruled that it had been awarded in violation of procedures.

On November 6, President Stoyanov signed a new media law, which created an Electronic Media Council (EMC). Five of the EMC members will be chosen by Parliament, and four by the President. The EMC will regulate programming, as did its predecessor the NCRT, and will issue licenses for electronic media, a power previously held by the State Telecommunications Commission. Staffing of the EMC had not begun by year's end. The Council of Europe has criticized the concentration of frequency allocation in a non-technical body, and concern exists that this measure will lessen state radio and television independence in covering government policies and programs. The process of revising procedures for licensing private radio stations was ongoing at year's end. By September the Ministry of Transport and Communications had prepared and submitted to the Council of Ministers amendments to the 1998 Telecommunications Act which would alter the procedure for licensing private radio stations. The amendments were passed in December. However, at a political level, the dismissal of former BNT Director General Liliyan Popova—who was considered to be loyal to former Prime Minister Kostov—and the appointment to the EMC of persons affiliated with the NMS party have created the perception that the new government, like the previous one, is attempting to exert control over state-owned media. In the past, some private radio stations have complained that government policies allocating transmission strength on the monopoly state-owned radio transmission network give the Bulgarian National Radio programming an unfair advantage; however, there were no such complaints during the year.

There are no formal restrictions on programming and both television and radio provide a variety of news and public interest programming. Television and radio news programs on the state-owned media presented opposition views, but under the previous government some opposition members claimed that their activities and views were given less broadcast time and exposure than those of the then-ruling party. In February and March, journalists protested the appointment of Ivan Borislavov as director of Bulgarian National Radio (BNR) by the NCRT. The journalists alleged that Borislavov's appointment was a politically motivated move by the UDF party to gain control of the state radio station before the June parliamentary elections. Two journalists who led the protest were fired, but were subsequently reinstated. The Supreme Administrative Court subsequently ruled that the decision

to hire Borislavov was illegitimate, and Borislavov was fired and replaced by Polya Stancheva. Towards the end of the year, there was increasing evidence of attempts by the NMS government to exercise influence over state-owned media. In addition to passing the controversial measures regarding the EMC and removing the Director General of BNT, the Government also removed a political television talk show host, Yavor Dachkov, whose program had become known for its criticism of the NMS.

In October 2000, the BNT launched Turkish-language newscasts for the first time for the benefit of the country's ethnic Turkish minority. Local affiliates of Bulgarian National Radio broadcast limited Turkish-language programming in regions with ethnic-Turkish populations. Foreign government radio programs such as the British Broadcasting Corporation, Deutsche Welle, Radio Free Europe, Radio France Internationale, and the Voice of America have good access to commercial radio frequencies.

There were several instances of violent attacks on journalists in 2000, including physical assaults and bombings of newspaper offices, although no individuals were injured seriously. Police identified three suspects in these cases, and were continuing investigations at year's end.

Access to the Internet is unrestricted, although many citizens cannot afford computers. Internet cafes, often frequented by young persons, are common.

The Government generally respects academic freedom.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for the right to peaceful assembly, and the Government generally respected this right in practice. The authorities require permits for rallies and assemblies held outdoors, but most legally registered organizations routinely were granted permission to assemble. Vigorous political rallies and demonstrations were a common occurrence and generally took place without government interference.

The Constitution provides for freedom of association but prohibits groups that endanger national unity or promote racial, national, ethnic or religious hatred, violate the rights of citizens, or seek to achieve their objectives through violent means. Government has undertaken to respect the rights of individuals and groups to establish freely their own political parties or other political organizations; however, there are constitutional and statutory regulations that restrict the right of association and limit meaningful participation in the political process. For example, the Constitution forbids the formation of political parties along religious, ethnic, or racial lines and prohibits "citizens' associations" from engaging in political activity. These provisions are designed to prevent the development of parties based on a single ethnic or other group that could prove divisive for national unity by stirring up ethnic tensions for political purposes. Nonetheless the mainly ethnic Turkish Movement for Rights and Freedoms (MRF) has long been represented in Parliament and during the year was represented in the Cabinet as well. The other major political parties generally accept the MRF's right to participate in the political process. In addition a number of predominantly ethnic Roma political parties achieved some success in local elections during the year.

The Constitution also prohibits organizations that threaten the country's territorial integrity or unity, or that incite racial, ethnic, or religious hatred. The Government has refused since 1990 to register a self-proclaimed Macedonian rights group, OMO-Ilinden, on the grounds that it is separatist. Aside from its symbolic importance, lack of registration denies the group the status of being a legal entity, which makes it impossible for the organization (in its own name) to make contracts, hire staff, rent or buy office space or meeting space, or other such administrative functions. There were no reports of any prosecutions for membership in this group.

In February 2000, the Constitutional Court, Bulgaria's final authority on the matter, ruled that the political party United Macedonian Organization (OMO-Ilinden-Pirin) (not the same organization as the similarly named rights group, OMO-Ilinden, although there are links between the groups) was unconstitutional on separatist grounds. The court ruled that leaders of OMO-Ilinden-Pirin have advocated the secession of the Pirin-Macedonia region of southwest Bulgaria and its annexation by the former Yugoslav Republic of Macedonia. Early in the year, with the support of the Bulgarian Helsinki Committee, OMO-Ilinden-Pirin leaders filed an appeal with the European Court of Human Rights (ECHR). Notwithstanding the Constitutional Court decision, the Government allowed OMO-Ilinden-Pirin to hold public celebrations on Macedonian holidays in April and August 2000; however, a similar event was prohibited in September 2000 by an order of the regional prosecutor's office. The dispute continued during the year.

During the year, the citizens' association OMO-Ilinden attempted to hold a ceremony on July 29, near the town of Petrich, to commemorate the anniversary of the Ilinden Uprising. The group reportedly notified the local mayor and did not receive

a refusal within the prescribed 5-day period; however, on the day of the ceremony, the police blocked access to the location the group wanted to reach, claiming that training activities were being conducted there. Members of the organization subsequently marked the anniversary in the town of Petrich itself. On October 2, the ECHR ruled that the Government had violated OMO-Iinden's right to peaceful assembly, as guaranteed by Article 11 of the European Convention on Human Rights and Fundamental Freedoms, and ordered the Government to pay more than \$5,000 to OMO-Iinden. However, officials noted that the court did not rule that the Government could not disband groups on the basis of threats to national unity or incitement to racial or religious hostility.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion; however, the Government restricts this right in practice for some “nontraditional” religious groups. The Constitution designates Eastern Orthodox Christianity as the “traditional” religion. The Government provides financial support for the Eastern Orthodox Church, as well as for several other religious communities perceived as holding historic places in society, such as the Muslim, Roman Catholic, and Jewish faiths, which also are considered “traditional.” These groups benefit from a relatively high degree of governmental and public tolerance.

The legal requirement that groups whose activities have a religious element register with the Council of Ministers restricted the activities of some religious groups prior to or in the absence of registration. Affected groups included the Unification Church and the Church of the Nazarene (which has tried repeatedly to register for more than 6 years). Furthermore several municipal governments, including those of Burgas, Plovdiv, Pleven, Gorna Oryahovitsa, and Štara Zagora, established local registration requirements or adopted other restrictive laws curtailing the free practice of religious activities, often in contravention of the country's law. For example, a regulation passed by the Sofia municipality in February 1999 forbids references to miracles and healing during religious services, a provision that many fear may be employed as a pretext to ban or interrupt services by charismatic evangelical groups. The City Council in Burgas maintained its refusal to register the local branch of Jehovah's Witnesses, despite the fact that they were registered by the central Government. The council asked the group to prove that they had not been banned in any European Union country in order to be registered. Plovdiv municipality passed an ordinance that forbade the distribution in public places of “religious materials or pornography.” Some municipal ordinances also imposed intrusive financial reporting requirements that specifically apply to church organizations. It is not clear if local authorities actively enforced all of these new provisions. The national Government has on some occasions, but not systematically, stopped local governments from enforcing restrictive municipal government decisions, which appear to fall into a gray area of the law. By year's end, the local registration requirements were suspended by the governors of the regions where they were passed, and legal proceedings were initiated to formally invalidate the requirements. For instance, several evangelical Christian groups filed a lawsuit during the year against municipal authorities in Pleven, alleging that the authorities have prevented religious activists from proselytizing to the public without a permit, but have refused to issue such permits.

In some cases, local authorities used the lack of registration as a pretext for interference with some groups and harassed others. Some church groups circumvented the administrative obstacles created by a lack of registration by registering as NGO's. Technically it remained illegal for a church to conduct any religious activities through its NGO-registered organization, although the Government sometimes tacitly allowed such groups to conduct worship so long as they kept a very low profile. There were periodic reports of police using lack of local or national registration as a pretext to confiscate signboards and materials, detain or expel religious workers, and deny visas or residence permits to foreign-national missionaries. During the year, although no attacks were reported, the ability of religious groups to conduct services freely or hold open events at times was obstructed by local government authorities and because of public intolerance. For example, in November the Kurdzhali municipality refused to issue the Christian Unity Biblical Association a permit for a planned public gathering. The Municipal Authority reportedly justified its decision by stating that the evangelical association preached ideas that were “alien to local people.”

On December 13, 2000, approximately 2,000 Orthodox clergy and Church members marched in Sofia to protest the Government's refusal to register the Holy Synod headed by Patriarch Maksim. The previous Government refused to register the synod, citing an administrative court ruling that there are two Orthodox Churches in the country. On December 14, the Evangelical Alliance—a group of several Protestant denominations—wrote a letter to the Government complaining about

the lack of a Protestant representative in the Directorate of Religious Affairs (which includes Orthodox, Muslim, Jewish, and Catholic representatives).

Parliament deliberated extensively during the year on a proposed law that would regulate religious organizations. The various proposals, including the final version adopted by the relevant committee, contained numerous provisions and ambiguous passages of serious potential concern, and would have given the Government a controlling role in overseeing the activities of religious groups. Final action on the draft bill was deferred pending a review and comment from the Council of Europe. The Council of Europe's commentary criticized numerous aspects of the draft law. A similar version of the draft law, containing many of the same flaws as its predecessor, was reintroduced in July, but it gained little support. Although religious groups are not satisfied with the continued use of the law on religion, which was promulgated under the communist government in 1949, Bulgarian lawmakers have been unable to reach an acceptable compromise.

The July 1999 detention and deportation of a stateless Palestinian was ruled a violation of the European Convention on Human Rights by the Council of Europe in January (see Section 2.d.).

On April 12, police in Sofia detained two members of Jehovah's Witnesses (including a 14-year-old girl) for proselytizing. According to the members of Jehovah's Witnesses, police warned the girl not to continue her religious activities.

In April an official of the Studentski Grad district of Sofia refused to allow the showing of a documentary-style film on the life of Jesus, after written application was made for the screening. Notwithstanding regulations that prescribe a written reply, the official advised organizers that he would not allow such a film to be shown in his district at Easter time. Also in April, Nova Zagora city officials refused permission for the showing of the same film, asserting that the film violated the tenets of the Bulgarian Orthodox Church.

In April 2000, police questioned several missionaries of the Church of Jesus Christ of Latter Day Saints (Mormons) in Plovdiv who were distributing literature; the police required them to go to the police station, where they were charged with distributing brochures without a license. Police action against Mormons continued sporadically during the year, although members of the Mormon Church continued display information about the church on the street and to distribute leaflets to passersby.

In October 2000, a government licensing commission denied without explanation approval for a new nondenominational Christian radio station "Glas Nadezhda" ("Voice of Hope"), despite the support of the Government's Directorate of Religious Affairs. Several sources reported that the unofficial position of commission members was that non-Orthodox Christian groups should not be allowed to have a radio station, at least until the Bulgarian Orthodox Church has one of its own. The Bulgarian Orthodox Church gave no indication of any interest or intent to establish a radio station. After the decision was upheld by the courts, the group seeking to establish the Christian radio station took the issue before the ECHR, where the case was pending at year's end.

A number of religious groups have complained that foreign-national missionaries and religious leaders experienced difficulties in obtaining and renewing residence visas in the country; the issuance of residence visas appeared to be subject to the whim of individual authorities. New amendments to the Law on Foreign Persons, which went into effect on May 1, have created problems for foreign national missionaries and religious workers in the country; for example, the revised law has no visa category which explicitly applies to missionaries or religious workers, and rules for other categories of temporary residence visa (such as self-employed or business-owner) have been tightened in ways that reportedly make it more difficult for religious workers to qualify. This problem has been exacerbated by the fact that by year's end key government institutions had not yet developed implementing regulations or procedures to handle their new responsibilities under the law, despite the fact that the new law was in force. Human rights groups also have protested the cancellation of residence status of several persons on undisclosed national security grounds, alleging that the action was a pretext for religious discrimination.

The Government has abolished the construction and transportation battalions, to which ethnic and religious minorities previously were assigned in order to segregate them from the regular military forces. The conscript troops of the military are integrated; however, the professional officer corps has few members of ethnic or religious minority groups.

At the Department of Theology of Sofia University, all students are required to present a certificate of baptism from the Orthodox Church, and married couples must present a marriage certificate from the Church in order to enroll in the De-

partment's classes. It remains impossible for non-Orthodox applicants to be admitted to the Department of Theology.

NGO's and certain denominations claimed that a number of their properties confiscated under the communist government were not returned. For example, the Muslim community has indicated that it once owned at least 17 properties around the country that the Government has not returned. The Government also reportedly retains six buildings in Sofia, three in Plovdiv, and several other buildings in other towns, as well as three monasteries that belonged to the Catholic Church. Methodists and Adventists also claim land or buildings in Sofia and other towns. A representative of the Jewish community said that former Jewish properties have mostly been recovered over the last 10 years, with two exceptions in downtown Sofia. The head of the Office on Restitution Issues said that the list of outstanding claims was shorter during the year, and that the law permits resolution of claims if a timely filing is made. However, a central problem facing all claimants is the need to demonstrate that the organization seeking restitution is the organization—or the legitimate successor of the organization—that owned the property prior to September 9, 1944. This is difficult because communist hostility to religion led some groups to hide assets or ownership, and because documents have been destroyed or lost over the years.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for freedom of movement within the country and the right to emigrate; however, there are two limitations on these rights in practice. Access to border zones is limited for nonresidents (the border zones extend 1.2 to 3 miles inward from each border). Every citizen has the right to return to the country, may not be forcibly expatriated, and may not be deprived of citizenship acquired by birth; there are no limits to these rights under the Constitution.

The Government grants asylum and refugee status in accordance with the standards of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Law on Refugees regulates the procedure for granting refugee status as well as the rights and obligations of refugees. The Agency for Refugees, formerly the National Bureau for Territorial Asylum and Refugees, is charged with following this procedure. The Government cooperates with the U.N. High Commission for Refugees (UNHCR), and other humanitarian organizations in assisting refugees.

The Government provides first asylum. In the past, domestic and international human rights organizations have expressed concern over the Government's handling of asylum claims and reported that there may have been cases in which bona fide refugees were turned away at the border. No such cases were reported during the year; however, because NGO's lack institutionalized access to the country's borders, it often is difficult for them to monitor the Government's handling of asylum cases. During the year there were 2,428 applicants for refugee status in the country. Of these, 385 received refugee status, 1,185 were granted "humanitarian protection" status, 633 were denied refugee status, and the remaining 225 cases remained in progress at year's end, according to the Ministry of Interior. Humanitarian protection status provides temporary protection for 1 year, and persons may reapply. Refugee applications through August came predominantly from citizens of Afghanistan (1,081), Iraq (720), and Armenia (160). At the end of the year, no refugees from Macedonia who had fled fighting there earlier in the year remained in Bulgaria with temporary residence permits.

The Agency for Refugees reports that it has received 5,938 applications for asylum since its inception in 1993. Of these, 902 persons were listed as holding approved asylum or other humanitarian residence status at year's end. Domestic and international human rights organizations complained that the adjudication process is slow, but the UNHCR noted that the Agency for Refugees began a major restructuring project to reduce the adjudication time to a period of 3 months; the project is expected to take 4 years. The UNHCR, in cooperation with an NGO, operates three transit centers near the Greek, Turkish, and Romanian borders and assists the Government with a small reception center in Banya. Plans to open a reception center at the Sofia airport continued to be delayed due to a lack of funding. The UNHCR continued to work on plans to open a transit center in Kapitan Andreevo, on the border with Turkey.

On January 25, the ECHR ruled that the detention and deportation of Daruish Al-Nashif, a stateless Palestinian, had violated the European Convention on Human Rights (ECHR). In July 1999, Al-Nashif had been expelled from Bulgaria for being a threat to national security and engaging in illegal religious activity. In August 2000, Ahmad Musa, a Palestinian married to a Bulgarian and who had been living in Bulgaria for 15 years, was expelled from the country for being a threat to national security. Because expulsion orders are not subject to judicial review in the

country, the exact grounds of his expulsion are not known; Musa took his case to the ECHR, where it remained pending at year's end.

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

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

Citizens have the right under the Constitution to change their government and head of state through periodic, free, and fair elections of the President and of the members of the National Assembly, although the constitutional prohibition of parties formed on ethnic, racial, or religious lines has the effect of circumscribing access to the political party process for some groups (see Section 2.b.). Suffrage is universal at the age of 18.

Parliamentary elections held in June were considered by international observers to be generally free and fair, and voting took place in a calm and orderly atmosphere; however, the Organization for Security and Cooperation in Europe (OSCE) reported that while a large number of media outlets gave the public broad access to information, provisions in the Election Law regulating campaign coverage in the public media were overly restrictive. Election contestants also had to pay for all appearances in the public broadcasting media, including debates, which effectively limited campaign coverage in the media. A coalition government headed by former King Simeon Saxe-Coburg of the National Movement Simeon II (NMS) party won the elections and took office in July.

Incumbent President Petar Stoyanov of the Union of Democratic Forces (UDF), who had been elected to a 5-year term in 1996, was defeated in the November presidential elections, which were generally free and fair, by Georgi Purvanov of the Bulgarian Socialist Party (BSP), whose term begins in January 2002.

No legal restrictions hinder the participation of women in government and politics; however, the percentage of women in government and politics does not correspond to their percentage of the population. As a result of the June parliamentary elections, the number of women in Parliament more than doubled to 63 out of 240 members (or 26 percent). A number of women hold elective and appointive office at high levels in the new Government, including one Deputy Prime Minister (who also is Minister of Labor and Social Policy), the Minister of Environment and Water Resources, and ten deputy ministers. Women also hold key positions in the Parliament, including one deputy Speaker and the chairs of three committees. The largest opposition party in Parliament, the Union of Democratic Forces, is led by a woman.

No legal restrictions hinder the participation of minorities in politics, apart from the prohibition of ethnically, racially, or religiously based parties (see Section 2.b.). Two MRF ministers are the first ethnic Turks ever to serve in the Cabinet. The Turkish community's popularly elected representation in the National Assembly roughly corresponds to its size. However, there are no Romani Members of Parliament. Both groups are underrepresented in appointed governmental positions, especially leadership positions. Roma groups are demanding that existing political parties adopt platforms pledging more representation and other improvements for Roma in return for Roma support.

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

A number of domestic and international human rights groups in general operate freely, investigating and publishing their findings on human rights cases. Human rights observers reported uneven levels of cooperation from various national and local government officials during the year. The APIA has opened new channels of information, which at times have proved quite helpful to human rights monitors; however, implementation of the act has been uneven. In particular, local administrations have been slow even to designate a place where APIA requests can be submitted. Human rights observers also have experienced some difficulty in obtaining information that previously had been easy to obtain, such as information from prosecutors.

The police demonstrated continued cooperation with human rights NGO's in providing human rights training to police officers; however, the Bulgarian Helsinki Committee (BHC) did not conduct any further human rights awareness training during the year. In general human rights monitors reported continued receptivity and dialog on the part of the Government and police officials toward human rights concerns. However, police practices at the working level had not changed noticeably by year's end.

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

The Constitution provides for individual rights, equality, and protection against discrimination; however, in practice discrimination still exists, particularly against women and Roma.

*Women.*—Violence against women is a serious and common problem, but there are no official statistics on its occurrence. The Animus Association Foundation (AAF), an NGO that offers assistance and support to female victims of violence, has estimated that one in five women suffers from spousal abuse. Spousal rape is a crime, but it rarely is prosecuted. According to a survey by a local polling agency, 80 percent of rapes involve a known assailant. The law exempts from state prosecution certain types of assault if committed by a family member, and the Government generally does not assist in prosecuting crimes of domestic assault unless the woman has been killed or injured permanently. Courts and prosecutors tend to view domestic abuse as a family matter rather than a criminal problem, and in most cases, victims of domestic violence take refuge with family or friends rather than approach the authorities. Police often are reluctant to intervene in cases of domestic abuse, even if a woman calls them seeking protection or assistance. No government agencies provide shelter or counseling for victims. In Sofia the NGO Nadya De Center provides shelter to battered women, and the AAF opened a crisis center that provides short-term emergency shelter for female victims of violence. There were 15 crisis centers around the country which provide assistance to female victims of violence at year's end. The AAF also operated a 24-hour hot line for women in crisis that was staffed by the Association's volunteer counselors, supported by 13 full-time professional therapists.

NGO observers report a generally improved public attitude toward issues of violence against women in the last few years. After several years of activism on the part of various NGO groups, the taboo against acknowledging and talking about domestic violence and violence against women has been broken. Observers also note some increased sensitivity on the part of police to the issue. The AAF reports that it periodically receives client referrals from police.

The courts prosecute rape, although it remained an underreported crime because of the stigma which society attaches to the victim. The maximum sentence for rape is 8 years; convicted offenders often receive a lesser sentence or early parole. According to the Ministry of Interior, 197 rapes and 35 attempted rapes were reported from January to August. In 2000 there were 254 rapes and 30 attempted rapes during the first half of the year.

Trafficking in women was a serious problem (see Section 6.f.).

During the year, AAF reported that it provided services to 1,427 clients, including 860 cases of domestic violence, 76 cases of sexual violence, and 228 cases or inquiries related to trafficking in women. However, observers believe that the actual incidents of each form of violence is much higher, as these represent only those cases in which the victims (or, in some trafficking cases, an overseas women's group) were willing and able to contact AAF.

There were no laws that prohibit sexual harassment, and sexual harassment was a problem. For example, labor unions report that sexual harassment occurs in the clothing assembly industry, particularly in the southern parts of the country.

The Constitution forbids privileges or restrictions of rights on the basis of sex, and women are not impeded from owning or managing businesses, land, or other real property and do not suffer from discrimination under inheritance laws; however, women face discrimination both in terms of job recruitment and the likelihood of layoffs. Official figures show the rate of unemployment for women to be higher than that for men. Women are much more likely than men to be employed in low-wage jobs requiring little education, and the National Statistical Institute reports that as of November, the average salary of a woman was 76.8 percent of the average salary of a man. Statistics show that women are equally likely to attend universities, but they have less opportunity to upgrade their qualifications and generally end up in lower-ranking and lower-paying positions than their male counterparts. Women generally continued to have primary responsibility for child rearing and housekeeping, even if they are employed outside the home. Since 80 percent of employed women work in the lowest-paying sectors of the labor force, they often must work two jobs in addition to their household duties in order to help provide for their families. Female-headed households frequently live below the poverty line. There are liberal provisions for paid maternity leave; however, these actually may work against employers' willingness to hire and retain female employees. This is noticeable especially in higher-paying positions in the private sector, where many women with engineering degrees are compelled to work as secretaries.

No special government programs seek to address economic discrimination or integrate women better into the mainstream of society and the economy, although much NGO activity is focused on these activities.

Many of the approximately 30 women's organizations are associated closely with political parties or have primarily professional agendas. Some observers believe that women's organizations tend to be associated with political parties or professional groups because feminism has negative societal connotations. Of those organizations that exist mainly to defend women's interests, the two largest are the Women's Democratic Union in Bulgaria and the Bulgarian Women's Association. The Party of Bulgarian Women is one of the founding parties in the National Movement Simeon II coalition, which won the June parliamentary elections (see Section 3).

*Children.*—The Government generally is committed to protecting children's welfare; however, government efforts in education and health have been constrained by serious budgetary limitations and by outmoded social care structures. The Constitution provides for mandatory school attendance until the age of 16. Public education is free, but children must pay for books, which is a problem for poor families. Fewer girls than boys attended school, especially among minority groups. Many Roma and other observers made credible allegations that the quality of education offered to Romani children is inferior to that afforded to most other students. Some Bulgarian parents are reluctant to have too many Romani children enrolled in school because they fear it will lower the school's academic standards. Romani children and ethnic Bulgarian children generally attend separate schools, although integration programs, including busing, were started in several localities during the year. The Government largely has been unsuccessful in attracting and keeping many Romani children in school. Schools in most Romani neighborhoods suffer from chronic absenteeism and very low graduation rates. Many Romani children arrive relatively unprepared for schooling; many of them are not proficient in the Bulgarian language. Poverty has led to widespread school truancy because many children in Romani ghettos cannot afford shoes or basic school supplies and instead turn to begging, prostitution, and petty crime on the streets. A social milieu that often does not highly value formal education also is a contributing factor. Lack of effective government infrastructure and programs and economic and social factors combine to deprive Romani youths of an education.

Early indications are that some initiatives undertaken by the Government and by Romani NGO's are achieving some small successes in mitigating these problems, for example by providing free lunches and subsidizing textbook and tuition costs. With the help of international donor funding, an ethnic reintegration effort began in schools in Vidin in September 2000 and continued throughout the year. In September 2000, approximately 300 Romani children from the Nov Put Romani neighborhood were bused to one of seven mixed regular schools in the town of Vidin. During the year, Romani children from the settlement continued to attend nonsegregated schools as a result of local and international nongovernmental initiatives, and this program was expanded to include the cities of Montana, Pleven, Stara Zagora, Sliven, and Khaskovo.

Conditions for children in state institutions are poor. According to the State Agency for Child Protection, at year's end, there were approximately 35 children confined to 360 state or municipal institutions, which are under the jurisdiction of 5 different government ministries. Of these children, only 2 percent are orphans, but many are disabled. Social attitudes towards the disabled have led families to institutionalize their children if they have disabilities. Another 2,900 children are considered "at risk," and have been forced to seek care in institutions because their families can or will not support them. Human rights monitors are sharply critical of the serious deficiencies in all government-run institutions for children, including orphanages, "educational boarding schools" (reform schools), facilities for the mentally handicapped, and shelters for homeless children. These facilities are plagued by inadequate budgets, poorly trained and unqualified staff, and inadequate oversight. For example, the Government maintains a sizable network of orphanages throughout the country. However, many of the orphanages are in disrepair and lack proper facilities. NGO monitors further allege that even food budgets are highly deficient, with many institutions dependent on the uneven flow of private donations to feed their charges. Access to medical care and proper hygiene is poor; in August 2000, three children died of dysentery in the home for handicapped children in Medven.

There are few provisions for due process of law for Romani and other juveniles when they are detained in Educational Boarding Schools (formerly Labor Education Schools) run by the Ministry of Education (see Section 1.e.). Living conditions at these reform schools are poor, offering few medical, educational, or social services. Generally, staff members at many such institutions lack the proper qualifications and training to care for the children adequately. Degrading and severe punishment,

such as the shaving of a child's head, reduction in diet, severe beatings, and long periods of solitary confinement, are common at the schools. Children in these institutions also do not have adequate access to medical care. Legislation provides for the court review of sentencing to such schools and addresses other problems in the reform school system (see Section 1.e.); however, these provisions do not function in practice. The decision to commit a child to an Educational Boarding School is made by a local Commission for Combating Juvenile Delinquency, which is generally not held accountable to any higher authority. Standards differ among these local commissions in how closely prescribed procedures are to be followed. Human rights monitors reported that in many localities, contrary to the law, a child may be held in such a facility for months on the basis of a police referral before the local commission convenes to make a decision on the case. The U.N.'s Common Country Assessment for Bulgaria reported that the children in these facilities "might be subject to physical abuse" and upon leaving these homes "may be emotionally scarred and ill-prepared to face the outside world."

The vast majority of children are free from societal abuse; however, some Romani children were targets of frequent skinhead violence and arbitrary police detention (see Section 1.d.); the homeless or abandoned particularly were vulnerable. For example, on August 21, a group of seven men severely kicked and beat a homeless 5-year-old girl in Sofia, breaking her right arm. There were reports that family or community members forced some minors into prostitution (see Sections 6.c. and 6.d.). Police made little effort to address these problems. Some observers believe that there continued to be a growing trend toward the use of children in prostitution, burglaries, and narcotics distribution. Trafficking in girls for the purpose of prostitution was a problem (see Sections 6.c. and 6.f.). Rough data from the police and public health officials placed the number of prostitutes working in the country under age 18 at several thousand.

*Persons with Disabilities.*—The law provides for a range of financial assistance for persons with disabilities, including free public transportation, reduced prices on modified automobiles, and free equipment such as wheelchairs; however, budgetary constraints mean that such assistance occasionally is not given. Societal discrimination against persons with disabilities persisted. Disabled individuals have access to university training (students with disabilities must pay the university's initial application fee but are exempt from semester fees if accepted), to housing, and to employment; however, architectural barriers are a great hindrance in most older buildings, including schools and universities.

Conditions in institutions for the mentally disabled are poor. In October Amnesty International and the Bulgarian Helsinki Committee published a report on their visit to the Sanadinovo Home for Mentally Disabled Women and cited overcrowding, lack of proper hygiene, clothing, and access to medical care as serious problems. For example, as punishment, women were held in a cage made of iron bars and wire; the NGO observers noted that the cage floor was dirty with human excrement.

Labor laws intended to protect the interests of persons with disabilities and create greater employment opportunity have had a mixed effect. On the one hand, the law provides incentives for small firms to hire persons with disabilities; for example, the Bureau of Labor pays the first year's salary of a disabled employee. On the other hand, workers with disabilities are entitled to shorter working hours, which often leads to discrimination against them in hiring practices. According to the law, any enterprise employing more than 50 persons must hire a certain number of disabled workers (between 3 and 10 percent, depending on the industry). Those who fail to do so must pay a fine, the proceeds of which go to a fund for persons with disabilities. Nevertheless due to low fines and delays in the judicial system, compliance rates are extremely low. Problems of general unemployment and a poor economy also undermined initiatives aimed at advancing equal opportunity for persons with disabilities; the great majority of persons with disabilities are unemployed.

Policies and public attitudes prevalent during the Communist era, which separated mentally and physically disabled persons, including very young children from the rest of society, have persisted. Some complained that the effective segregation of disabled children into special schools has lowered the quality of their education. Many children with disabilities are institutionalized.

The law requires improved structural access for the disabled, and public works have taken the needs of persons with disabilities into account, for example, Sofia's new subway system was designed with wheelchair access to stations. However, enforcement of this law has lagged in existing, unrenovated buildings.

*Religious Minorities.*—Discrimination, harassment, and general public intolerance of "nontraditional" religious minorities (i.e., the great majority of Protestant Christian denominations) remained a problem, although the number of reported incidents decreased during the year. Strongly held suspicion of evangelical denominations

among the Orthodox populace is widespread and pervasive across the political spectrum and has resulted in discrimination. Often cloaked in a veneer of "patriotism," intolerance of the religious beliefs of others was widespread. Such mainstream public pressure for containment of "foreign religious sects" inevitably influenced policymakers. Nevertheless there were fewer reported incidents of harassment of religious groups during the year.

Certain religions, including both groups denied registration and those officially registered, such as Jehovah's Witnesses, faced discriminatory practices, as did other groups, which despite full compliance with the law, were greeted with hostility by the press, segments of the public, and certain government officials (see Section 2.c.).

Non-Orthodox religious groups, including Jehovah's Witnesses, the Church of Jesus Christ of Latter Day Saints, and the Open Bible Fellowship, continued to be affected adversely by societal attitudes. Numerous articles in a broad range of newspapers as well as television documentaries, drew lurid and inaccurate pictures of the activities of non-Orthodox religious groups, attributing the breakup of families and drug abuse by youths to the practices of these groups and alleging that evangelicals were drugging young children. In the Pleven region, a local television station repeatedly broadcast an inflammatory statement purportedly representing the views of the local Bulgarian Orthodox bishop. The statement accused missionaries of the Evangelical Baptist Church of being "agents of foreign influence" and of distributing expired and second-rate goods through its charitable aid program. It further alleged that the Baptists' efforts to build a new medical facility in the region were effectively a bribe to local authorities to gain permission to build a Baptist church in the area.

In June in Ravnogor, near Plovdiv, the local priest ordered a group of Evangelical Christians to leave the village. Later the same night, a large group of Orthodox believers attacked the Evangelical's camp, vandalizing it and beating the Evangelicals. Although the local police arrived at the scene, they did not fill out an appropriate report, which would make it more difficult for the Evangelicals to seek damages in court.

*National/Racial/Ethnic Minorities.*—According to a census taken during the year, ethnic Bulgarians make up 86 percent of the population, ethnic Turks 9 percent, and ethnic Roma 4 percent; however, the real percentage of Roma is likely closer to 6 or 7 percent, since many persons of Romani descent tend to identify themselves to the authorities as ethnic Turks or Bulgarians. Ethnic Bulgarian Muslims or "Pomaks" are a distinct group of Slavic descent whose ancestors converted from Orthodox Christianity to Islam; they constitute 2 to 3 percent of the population. Most are Muslim, although a number have become atheists or converted to Christianity. Smaller groups, such as Jews and Armenians, are well integrated into Bulgarian life.

There were numerous accusations of police assaults on Roma, and police shot and killed Roma (see Sections 1.a. and 1.c.). Police harassed, physically abused, and arbitrarily arrested Romani street children (see Sections 1.c. and 1.d.). Little progress has been made in resolving cases of police violence against Roma in previous years, and these largely remain in the investigatory phase.

Attacks by private citizens on Roma continued, and Roma continued to suffer incidents of violent discrimination. For example, in February school-aged boys beat unconscious a Romani boy. In March a Roma NGO reported that an unknown group of men vandalized and burned down a Romani house in Sofia. In June, the owner of an orchard stabbed and killed Rom Encho Ivanov, who was stealing apricots from his orchard. Also in June, a night guard in a vegetable garden shot and killed two Romani men in Mogila, near Yambol. In July an unidentified assailant shot a Rom, Tudor Todorov, who was attempting to steal almonds from a private orchard; Todorov was taken to the hospital in critical condition. No one had been arrested for the incident at year's end.

On July 15, six Roma males allegedly raped a 17-year-old girl. On September 15, a group of approximately 20 Bulgarians, some of whom may have been skinheads, beat 2 Roma. These incidents, combined with severe unemployment and poverty, contributed to strained relations between Bulgarian and Romani residents in the town of Samokov, where an incident escalated to violence that illustrates problems in many Bulgarian cities. On September 20, a group of youths hit a Romani boy on the head with a rock on the grounds of his school. Some parents withdrew their children from school over the incident. Later a crowd of approximately 300 Romani protesters beat at least 3 persons, including a professor who was hospitalized, and vandalized 2 schools and a car.

In November 2000, in Botevgrad, a neighbor shot and injured Asen Sashev, a 14-year-old Roma youth during an altercation. The neighbor, Marko Markov, was a fireman and had shot Sashev with his government-issue handgun. The Sofia Mili-

tary Court ruled that Markov was blameless in the incident; an appeal to the Military Appellate Court was pending at year's end.

No action was taken against Tsvetan Tsvetanov, who, according to unconfirmed NGO reports, in August 2000 in Gradishte, shot and injured two Roma men, Paskal Paskalev and Ognyan Milenov.

In some cities, ethnic Bulgarian residents threatened and called for the expulsion of Roma from their cities. In September in an open letter sent to Prime Minister Saxe-Coburg, groups claiming to represent Roma complained of public statements made by ethnic Bulgarians in some towns, calling for measures that could lead to further segregation of the Roma. The problem intensified following the arrest of two Roma for the killing of an elderly Bulgarian man in the village of Strezherevo in July. Some village leaders called for the expulsion of Roma from the community. There were similar calls to expel Roma from the nearby town of Oryakhovitsa.

Beginning in 1999, a group of ethnic Bulgarian residents of a Burgas neighborhood have persisted in a petition drive and periodic calls for the expulsion of Roma and the demolition of Romani houses in the neighborhood.

As individuals and as an ethnic group, Roma continued to face high levels of discrimination. Roma encountered difficulties applying for social benefits, and rural Roma were discouraged by local officials from claiming land to which they are entitled under the law that disbands agricultural collectives. Many Roma and other observers made credible allegations that the quality of education offered to Romani children is inferior to that afforded to most other students. Workplace discrimination against minorities continued to be a problem, especially for Roma. Employers justify such discrimination on the basis that most Roma only have elementary training and little education.

Roma activists and NGO's continued to be disappointed with the Government's relative lack of progress in implementing its framework program for Roma integration—the Program for Social Integration of Roma—which was unveiled in 1999. Aside from the hiring of a number of individual Roma representatives in various institutions of local, regional, and national government (see Section 3), there has been little discernible progress in implementing the program.

In the past, it was common for ethnic Turkish and Romani conscripts to be shunted into military construction battalions during compulsory military service, which raised serious concerns both of discrimination and forced labor. However, in August 2000 the Government completed the transformation of these units into a state-owned company that no longer employs conscript labor, although it remains to be seen how future ethnic minority conscripts will be integrated into the mainstream of the military. There only were a few ethnic Turkish, Pomak, and Romani officers in the military, and an insignificant number of high-ranking officers of the Muslim faith.

To address the serious underrepresentation of ethnic Turks and Roma in the ranks of the police agencies, the new Interior Ministry has reserved 20 to 30 places in the police academy for minority candidates. However, ethnic Turks and Roma hold no senior law enforcement positions. In addition, ethnic Turks are represented on the boards of government-owned companies, such as Bulgartabak Holding, which is involved in the tobacco industry. A newly appointed school inspector provides the MRF with representation at the Ministry of Education. For the first time, the MRF has representation on boards that will distribute European Union accession funds for development. The Prime Minister and the MRF have discussed publicly the need for targeted assistance to promote the development of ethnically mixed areas. Only the courts continued to lack any notable ethnic Turk participation.

There are no restrictions on speaking Turkish in public. Voluntary Turkish-language classes in public schools, funded by the Government, continued in areas with significant Turkish-speaking populations, although some observers complained that the Government was discouraging optional language classes in areas with large concentrations of Muslims. The Ministry of Education has estimated that approximately 40,000 children study Turkish. Some ethnic Turkish leaders continued to call for compulsory Turkish-language classes in areas with significant ethnic Turkish populations, but support for these views was muted during the year since the MRF became part of the Government.

There are no restrictions on the use of non-Slavic names; however, both ethnic Turks and Bulgarian Muslims complained that the procedures for restoring their original names (after their having been forced to adopt Slavic names during the 1970's and 80's) is excessively burdensome and difficult to accomplish. Early in the year, Parliament passed amendments to the Civil Registration Act, simplifying the name-restoring procedure.

Several thousand persons, mainly in the southwest, identify themselves as ethnic Macedonians, most for historical and geographic reasons. Members of the two orga-

nizations that purport to defend their interests, OMO-Ilinden and TMO-Ilinden, are believed to number in the hundreds (see Section 2.b.). The Government does not recognize Macedonians as a distinct ethnic group, and the group is not enumerated in official government statistics.

*Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides for the right of all workers to form or join trade unions of their choice, and this right generally was exercised freely. Estimates of the unionized share of the work force range from 30 to 50 percent, but this share continued to decrease as large firms laid off workers, and most new positions appeared in small, nonunionized businesses. The two largest trade union confederations are the Confederation of Independent Trade Unions of Bulgaria (CITUB) and Podkrepa, which together represent the overwhelming majority of organized workers. Trade unions are required to demonstrate their membership strength through a periodic census of their members; however, employer representative organizations are not similarly required to demonstrate whom they represent in the trilateral process.

Doctors and dentists have expressed dissatisfaction with their Government-imposed union structure. The trade unions alleged that this organization is not truly a labor representative organization, but simply a government-mandated fee collection agency. They also believe it impedes the opportunity for a genuine trade union to represent medical professionals. The 1992 Labor Code recognizes the right to strike when other means of conflict resolution have been exhausted; however, “political strikes” are forbidden, and workers in essential services (primarily the military and the police) are subject to a blanket prohibition against striking. Such workers on occasion held an “effective strike” in which they stopped or slowed their activities for 1 or 2 hours. The CITUB confederation argued that the number of workers classified as essential and ineligible to strike is excessive and unfairly restricts the right of many ordinary civil servants to exercise their worker rights. The Government generally does not interfere with legal labor strikes, and a number of work stoppages took place during the year.

The Podkrepa labor union has complained that a 1998 amendment to a labor law has made it easier for the Government to declare a strike illegal. Under this amendment, workers no longer have the right to appeal when a strike is declared illegal. Podkrepa maintains that this provision is unconstitutional and violates an International Labor Organization (ILO) convention. The union has raised these concerns repeatedly with the Government in the context of negotiations over proposed changes to the Labor Code, and made a complaint to the ILO Committee of Experts.

The labor movement also remained concerned about the widespread use of temporary contracts to evade provisions for worker protections of permanent staff. Many workers, who effectively are permanent staff, are hired under short-term contracts that are renewed at the end of each month or each quarter. When an employer decides to fire someone, they may do so under the law by simply not renewing their contract, rather than initiating a severance action that would entail payment of benefits.

No restrictions limit affiliation or contact with international labor organizations, and unions actively exercise this right.

*b. The Right to Organize and Bargain Collectively.*—The Labor Code provides for collective bargaining, which was practiced nationally, regionally, and on the local level; however, labor unions have complained that while the legal structure for collective bargaining was adequate, many employers failed to bargain in good faith or to adhere to agreements that were concluded. Labor observers also viewed the Government’s enforcement of labor contracts as inadequate. The legal prohibition against striking for key public sector employees weakens their bargaining position; however, these groups were able to influence negotiations by staging protests, work slow downs, and engaging in other pressure tactics without going on strike (see Section 6.a.).

The Labor Code’s prohibitions against antiunion discrimination include a 6-month period for redress against dismissal as a form of retribution. However, there is no mechanism other than the courts for resolving complaints, and the burden of proof in such a case rests entirely on the employee. In several instances in the past, an employer was found guilty of antiunion discrimination, but the employers appealed the decisions. The backlog of cases in the legal system delayed further action, effectively delaying, perhaps indefinitely, redress of workers’ grievances.

The same obligation of collective bargaining and adherence to labor standards applies to the country’s six export processing zones, and unions may organize workers in these areas.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor; however, trafficking in women for the purpose of prostitution was a problem (see Section 6.f.).

The Constitution prohibits forced or compulsory labor by children; however, trafficking in girls for prostitution 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 16 years; the minimum age for dangerous work is 18. Employers and the Ministry of Labor and Social Policy (MLSP) are responsible for enforcing these provisions. Child labor laws generally are enforced well in the formal sector, but NGO's believe that children increasingly were exploited in certain industries (especially small family-owned shops, textile factories, restaurants, family farms, construction, and periodical sales) and by organized crime (notably for prostitution and distribution of narcotics), where they often face illegal conditions.

An ILO-commissioned report on "Problems of Child Labor in the Conditions of Transition in Bulgaria" published the results of a study conducted during 2000, which found that 6.4 percent of children between the ages of 5 and 17, or approximately 80,000 children, were involved in paid employment in the informal sector. Of these children, 55 percent were between the ages of 15 and 17, while 45 percent were younger than 15 years-of-age. These figures exclude children performing unpaid work within the household or on a family farm. Children's workdays often exceed the 7-hour maximum set by the Labor Code, and sometimes children did not receive overtime pay for hours worked. Underage employment in the informal and agricultural sectors is believed to be increasing because of the breakup of collective farms and the growing private sector. In addition children (particularly ethnic Turkish children) were known to perform heavy physical labor and are exposed to health hazards on family-owned tobacco farms, and local NGO's reported that children worked on non-family-owned farms for meager monetary or in-kind wages (e.g., food). NGO observers also report that institutionalized children often hired themselves out for agricultural labor for a modest income, during periods when they were allowed out of the residential facility.

The country ratified ILO Convention 182 on the worst forms of child labor in June 2000.

The law prohibits forced and bonded labor by children; however, trafficking in young girls for the purpose of prostitution was a problem (see Sections 5 and 6.f.).

*e. Acceptable Conditions of Work.*—In October the Government increased the monthly minimum wage from \$40 (85 leva) to \$47 (100 leva). The average industrial wage is approximately \$107 (246 leva). Nonpayment of wages and wage payments in arrears has been a growing problem with certain employers, including state enterprises. The CITUB labor confederation estimated that there was an overall backlog of \$50 million in unpaid wage arrears owed to public sector workers and workers in enterprises which are wholly or partly state-owned. The Constitution stipulates the right to social security and welfare aid assistance for the temporarily unemployed, although in practice such assistance often was late.

The Labor Code provides for a standard workweek of 40 hours with at least one 24-hour rest period per week. The MLSP is responsible for enforcing both the minimum wage and the standard workweek. Enforcement generally is effective in the state sector (aside from wage arrears), but is weaker in the private sector.

A national labor safety program exists, with standards established by the Labor Code. The Constitution states that employees are entitled to healthy and nonhazardous working conditions, and the MLSP is responsible for enforcing these provisions. However, conditions in many cases continued to worsen due to budget constraints and the growth of a private sector that labor inspectors do not supervise effectively. Protective clothing often was absent from hazardous areas (for example, goggles for welders and helmets for construction workers). The pervasive economic crisis and imminent, long-overdue privatizations continued to engender a heightened fear of unemployment, leading to reluctance on the part of workers to pursue wage and safety demands. Legislation passed in 1999 required joint employer and labor health and safety committees to monitor workplace conditions; however, implementation was slow and these committees remained in developmental stages at year's end.

Under the Labor Code, employees have the right to remove themselves from work situations that present a serious or immediate danger to life or health without jeopardy to their continued employment. However, in practice refusal to work in situations with relatively high accident rates or associated chronic health problems results in the loss of employment for many workers.

*f. Trafficking in Persons.*—There is no law that specifically criminalizes trafficking in persons, although there are a variety of laws that can be used to arrest and pros-

ecute traffickers; trafficking in women and girls remained a serious problem. The country is both a country of origin and a transit country for human trafficking, and to a lesser degree, a destination country. Victims overwhelmingly are women and girls trafficked for the purposes of prostitution. It is widely believed that a certain percentage of law enforcement offices or other government authorities are complicit in human trafficking.

Relevant authorities and NGO observers reported that thousands of Bulgarian women, as well as women from Romania, Moldova, Russia, Ukraine, Armenia, Azerbaijan, and Georgia are trafficked for sexual exploitation to Macedonia, Greece, Turkey, Yugoslavia (including Kosovo), Bosnia, Italy, Poland, and Western Europe. La Strada, a Netherlands-based NGO, reports that Bulgarian women constitute one of the largest groups of victims of forced prostitution in Western and Central Europe. Approximately 10,000 Bulgarian women, many under the age of 18, may be involved in international trafficking operations, but no official statistics are available. Village girls as young as 14 years of age have been kidnaped and smuggled over the border. A factor contributing to the high number of trafficking victims from the country is the high unemployment rate among young women. While the problem crosscuts ethnic groups in the country, women and girls of the Romani minority are disproportionately represented among Bulgarian-origin victims. The AAF reported handling 228 cases of returned victims of trafficking in women from January to August, out of a total of 1,427 clients. The bulk of all clients were assisted by a help line (see Section 5).

Girls and young women often are approached by persons who can gain their trust, often other young women and not infrequently acquaintances or persons introduced by mutual friends, who describe glamorous work opportunities abroad. Some are sold into bondage to traffickers by relatives. Victims of trafficking range from those who were deceived into believing that they would have good and respectable employment, to those who expected to work as prostitutes but were unprepared for the degree of violence and exploitation to which they would be subjected. Unaccompanied young women trying to cross the border into Macedonia, Romania, or Turkey may reportedly be at some risk of being abducted into trafficking. There are reports that women or girls who were denied access into Turkey for lack of an appropriate visa or means to pay for one may be "befriended" by traffickers at the border or abducted by taxi drivers at the border and sold to traffickers. Organized crime groups were responsible for human trafficking, although they may use various front companies posing as employment agencies or tour operators.

The process of transforming girls into prostitutes generally takes place before they even leave the country. The women typically are taken to a large town, isolated, beaten, and subjected to severe physical and psychological torture. Some trafficking victims from countries to the east are kept in Bulgaria for several weeks where they are subjected to psychological and physical abuse to make them more submissive before they are shipped to their destination points. Once the women leave the country, their identity documents are taken away, and they find themselves forced to work as prostitutes in cities across Europe. Victims routinely reported that traffickers took away their passports and visas, and forced them to stay illegally in countries. The women may be required to pay back heavy financial debts to the agency that helped them depart the country, leaving them in virtual indentured servitude. Traffickers punish women severely for acts of disobedience. Traffickers also use threats against the women's families and family reputations to ensure obedience.

It is widely believed that a certain percentage of law enforcement offices or other government authorities are complicit in human trafficking. The bulk of involvement seems to be accepting bribes to "look the other way," although some officers may be more involved. Those involved in facilitating trafficking overwhelmingly are low-level, low-paid officials in the provinces and border regions. While in principle the Government takes the problem of trafficking seriously, in practice the Government uses ineffective methods and has a weak record in investigating and prosecuting corruption or misconduct in the police ranks (see Section 1.c.).

The law does not specifically address trafficking in persons, although other laws may be used to prosecute traffickers. An amendment to the Penal Code introduced longer prison sentences (to existing kidnaping penalties already in force) in those cases where the victim is under 18 years of age, is offered to another person for sexual abuse, or is trafficked abroad for sexual abuse. Inducement to prostitution is punishable by up to 3 years' imprisonment, and the penalty rises to 10 to 20 years if the any of the following factors are involved: If performed by or through an organized crime group, if the victim is a minor under age 18 or legally incompetent, if two or more persons are induced into prostitution, or if the offense is repeated. A proposed amendment to the Penal Code that would have criminalized trafficking for

the purposes of forced labor or sexual exploitation was introduced in Parliament in April; however, the proposed legislation was not taken up for a second reading and no further action was taken by year's end. The Government investigates cases of trafficking; however, no suspected traffickers have been brought to trial, possibly because victims are afraid to confront their former criminal controllers in the absence of government-sponsored programs to assist or protect victims of trafficking. Some judges and prosecutors also report that they feared reprisals from organized crime figures.

There are two police units that specifically address the problem of trafficking in persons. One is part of the border police and the other is in the Ministry of Interior's organized crime fighting agency. The Government introduced reforms into its Customs Service that address trafficking. The Government also has increased its international cooperation in this area through the Southeast Europe Cooperation Initiative (SECI) Anti-Crime Center in Bucharest and in bilateral efforts.

The Government does not have a witness protection program, and witnesses often fear retaliation if they testify. The Government has a provision for victims to provide an anonymous sworn deposition to be used in court, but an anonymous deposition must be corroborated to obtain a conviction. Victims generally are not jailed, although they may be detained for brief periods for questions until referred to an NGO for assistance and repatriation. Victims who are not in legal immigration status and who do not accept voluntary NGO-assisted repatriation are deported. The Government does not have any formal assistance programs targeted at returned victims of trafficking, and there are few social benefits for such victims. Many victims of trafficking and forced prostitution are too young to have worked previously, which disqualifies them from receiving social security assistance. If victims are runaways with no registered address, they are ineligible for humanitarian assistance. Many victims also largely are ineligible for government assistance programs, most of which are in some way tied to previous employment status.

Prevailing public attitudes often stigmatize victims, although there are some signs that this may be changing slowly. There is one NGO-sponsored 24-hour hot line for women in crisis, including victims of trafficking, with trained volunteers as well as professional therapists to counsel victims. The hot line also provides volunteers to assist victims in obtaining other necessary services including medical exams and treatment, reissued identity documents, and housing and employment opportunities. The NGO also operates a shelter.

In April 2000, the International Organization for Migration (IOM) launched a trafficking awareness campaign in the country which included posting informational posters, distributing wallet cards and brochures, and broadcasting informational advertisements on radio and television. The Government cooperated to display posters and distribute cards and brochures at border checkpoints, police stations, schools, and other government facilities. During the year, the IOM developed educational curricula on the dangers of trafficking to be used in schools.

## CROATIA

The Republic of Croatia is a constitutional parliamentary democracy with an independent presidency. President Stjepan Mesic (formerly of the Croatian People's Party, but now independent) was elected in February 2000 to a 5-year term. International observers characterized the elections as "calm and orderly," noting that in general, "voters were able to express their political will freely," although there were some problems. The President serves as Head of State and commander of the armed forces and nominates the Prime Minister who leads the Government. Ivica Racan of the social democratic party is Prime Minister. In January 2000 parliamentary elections, a democratic coalition defeated the then-ruling Croatian Democratic Union (HDZ) party. The Organization for Security and Cooperation in Europe (OSCE) observers stated that the parliamentary elections represented "marked progress" toward meeting OSCE standards. The combination of a new President, a democratic coalition in Parliament, and constitutional reforms in 2000 helped to increase the transparency of the role of the President and Government. In March a constitutional amendment abolished the upper house of Parliament (the House of Counties). The judiciary began reform and modernization efforts during the year; however, it continued to suffer from inefficiency and funding problems, as well as some political influence at the local level.

The Ministry of Interior oversees the civilian national police, and the Ministry of Defense oversees the military and military police. The national police have primary responsibility for internal security but, in times of disorder, the Government and

President may call upon the army to provide security. Civilian authorities generally maintained effective control of the security forces. Security forces committed a few abuses.

The Government has pursued economic reforms including privatization, public sector reductions, anticorruption legislation, and reforms of banking and commercial laws. In June the Government adopted a development strategy to transform socialist-era structures into a functioning market economy. An interim association agreement with the European Union was signed in October and was scheduled to enter into effect in January 2002. During the year, the economy overcame the effects of the 1998–1999 recession and banking sector crisis. The population of the country is 4,677,000 and per capita GDP in 2000 was approximately \$4,600 (39,500 kuna). During the year, real GDP rose an estimated 4.2 percent over the previous year. The exchange rate and prices remained stable. Income from tourism increased an estimated 20 percent over 2000, reaching prewar levels. While retail price inflation was 7.4 percent in 2000, by the end of the third quarter of the year, inflation had fallen to 3.8 percent. Croatia's unemployment rate was 15.3 percent during the first half of the year, measured by International Labor Organization (ILO) methodology. (Due to improved methodology, this figure is not directly comparable to 2000's reported unemployment rate of 22.4 percent. Year-end data suggests that the unemployment level remained constant or fell slightly during the year.)

The Government generally respected the human rights of its citizens and there were some improvements during the year; however, serious problems remained. Despite some irregularities, the Government's conduct of elections in 2000 improved citizens' ability to change their government peacefully. There were instances of arbitrary arrest and detention. The Government continued to arrest and charge persons for war crimes committed during the 1991–95 conflicts in Bosnia and Croatia, and the problem of arrests of ethnic Serbs for war crimes despite extremely weak evidence continued. Lengthy pretrial detention continued to be a problem, particularly for ethnic Serbs indicted for war crimes. Domestic courts continued to adjudicate war crimes cases, taking steps to depoliticize cases against ethnic Serbs and opening or reopening investigations of members of Croatian military forces. However, ethnic Serbs remained incarcerated after being convicted in nontransparent politicized trials in past years. Reforms in the courts and prosecutor's offices resulted in some improvements in the impartiality of the judiciary; however, courts convicted persons in mass trials and in trials with weak supporting evidence, particularly in Eastern Slavonia. The courts continued to be subject to some political influence on the local level and suffered from bureaucratic inefficiency, insufficient funding, and a severe backlog of cases. At times the Government infringed on privacy rights; restitution of occupied property to (mostly ethnic Serb) refugees returning to the country remained slow and problematic. The Government generally respected freedom of speech and press; however, a few problems remained. Unlike the previous regime, the Government did not interfere politically in the editorial decisions of the media; however, at the local level, political pressure on the media continued, and an estimated 1,200 libel lawsuits against journalists remained pending due to backlogs in the judicial system. A new Law on Associations reduced governmental interference in the formation and operation of associations and NGO's and created tax incentives for donors supporting them. The Government generally respected freedom of religion; however, restitution of nationalized property remained an unresolved problem for the religious communities. Lack of progress on private property restitution and resolution of the right to previously socially-owned property, along with severe economic difficulties in the war-affected areas, continued to impede returns of refugees. The Government's record of cooperation with international human rights and monitoring organizations and with the International Criminal Tribunal for the former Yugoslavia (ICTY) continued to improve.

Violence and discrimination against women persisted. There were some incidents of violence and harassment of religious minorities. Ethnic minorities, particularly Serbs and Roma, faced serious discrimination, including occasional violence. While some progress was made, ethnic tensions in the war-affected areas remained high, and abuses, including ethnically motivated harassment and assaults, continued to occur. The Government did not respect some labor rights in practice. Trafficking in women 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 during the year by the Government or its agents. During the year, eight persons were killed in landmine incidents, most caused by landmines laid by Cro-

atian and Serb forces during the 1991–95 war. The Croatian Center for Demining reported that from 1991 through the end of the year, 1,350 land mine incidents were recorded in which 418 persons were killed (see Section 1.c.).

There were no arrests in the August 2000 killing of Milan Levar, a former police officer who had provided information to the ICTY tribunal about the 1991 massacre of civilians in the town of Gospic.

Throughout the country, the bodies of 3,299 victims missing from the 1991–95 war have been exhumed from mass and individual graves (see Section 1.b.).

Domestic courts continued to adjudicate war crimes cases arising from the 1991–95 conflicts in Bosnia and Croatia; courts opened or reopened several outstanding allegations involving Croatian forces and took steps to depoliticize cases against ethnic Serbs (see Section 1.e.). In March the Constitutional Court ordered a retrial in the case of former Croatian policeman Antun Gudelj, who was convicted but improperly amnestied in 1997 for the 1991 murder of Osijek police chief Josip Reihl-Kir, who, at the time of his death, had been negotiating actively between ethnic Croats and Serbs and attempting to ease tensions in the region (see Section 1.e.). In December the Government sought Gudelj's arrest and extradition from Australia, where he has resided since 1997. In March the Supreme Court ordered the release of two Bosnian Croat suspects who had been detained as part of the investigation of the 1993 Ahmici massacre in central Bosnia after they had been detained for the legal maximum of 6 months without charges (see Section 1.d.). In June in Karlovac County Court, the war crimes trial began of Bosnian Muslim warlord Fikret Abdic, who was allied with Croatia's former regime. The trial is based on evidence provided by Bosnian authorities which implicates Abdic in the deaths of 121 civilian detainees and 3 military prisoners, which occurred between 1993 and 1995 in concentration camps set up by Abdic in northwestern Bosnia. In August authorities arrested four former Croatian police officers on war crimes charges for allegedly killing six prisoners in Bjelovar in October 1991; the police officers were acquitted in December when a key prosecution witness changed his testimony at trial. There was widespread speculation that the witness was pressured into changing his testimony. The prosecutor has appealed the verdict to the Supreme Court.

An investigation by Sibenik authorities continued at year's end into alleged war crimes committed by members of the 113th Sibenik Brigade against ethnic Serb civilians during the 1995 "Operation Storm." Four suspects remained in custody at year's end; a fifth was released in December due to a lack of evidence. In September county authorities in Split opened an investigation into alleged war crimes committed against Serb and Montenegrin prisoners of war at the Lora naval stockade in Split in 1992–1993. The Dalmatian Human Rights Committee, a local NGO, had long urged the Government to investigate the allegations and was assisting in locating witnesses, many of whom resided in Yugoslavia. Seven suspects were detained at year's end and an eighth suspect was a fugitive as the investigation continued. The case generated publicity because the right-wing Split county prefect visited the suspects in jail and several witnesses received death threats after giving closed-door testimony. The war crimes trial, which began in 2000, of five persons (including general Mirko Norac and Tihomir Oreskovic) for the 1991 massacre of ethnic Serb civilians in the town of Gospic was ongoing at year's end in the Rijeka county court. By December the trial had consisted of eight brief sessions, each ending with a recess to consider motions raised by the defendants. Norac is the highest-ranking member of the Croatian military to be tried domestically for war crimes and the case was being closely watched both domestically and by international monitors. The retrial of former Croatian soldier Mihajlo Hrastov, which began in 2000, was ongoing at year's end. Hrastov was acquitted in a politicized 1992 trial of the massacre of 13 Serb prisoners in Karlovac in September 1991. The 2000 retrial of 6 former Croatian soldiers charged with the 1995 massacre of 16 elderly Serbs in the villages of Varivode and Goscici was ongoing in the Sibenik county court at year's end.

During the year, the Government took some positive steps to depoliticize cases against ethnic Serbs and several war crimes trials of ethnic Serbs continued. However, in some cases courts convicted persons in mass trials and in trials with weak supporting evidence. For example, in March mass trials in the "Babska group" and "Tompojevci group" cases resulted in absentia convictions on war crimes charges for 11 and 10 ethnic Serbs respectively (see Section 1.e.).

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

Government figures at year's end showed that 1,401 persons (mostly ethnic Croats) remained missing in cases unresolved from the 1991–95 military conflict. In addition the government Office for Missing and Detained Persons began to accept the validity of information regarding approximately 900 missing Croatian Serbs who

originally were reported missing to the Government of the Federal Republic of Yugoslavia (Yugoslavia) or to international organizations. Throughout the country, the bodies of 3,299 victims have been exhumed from mass and individual graves since the war, including 102 during the year, of which 2,684 have been positively identified (including 140 during the year). During the year, there was significant progress on the exhumation and identification of the remains of ethnic Serbs as well as ethnic Croats; however, some political and bureaucratic obstacles remained. The government office actively cooperated with the International Criminal Tribunal for the former Yugoslavia (ICTY) in several investigations, including the exhumation of 380 bodies from the cemetery in Knin during the spring. In October the Office for Missing and Detained Persons inaugurated a long-awaited branch office in Vukovar to facilitate the search for missing persons in the Danubian region (Eastern Slavonia).

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits torture, mistreatment, or cruel or degrading punishment, and the authorities generally observed these prohibitions in practice; however, police apathy regarding societal crimes against Roma was a problem (see Section 5). Unlike the previous year, there were no reports that police occasionally abused prisoners.

Societal intimidation and violence against Serbs continued in war-affected areas during the year. In the Danubian region (Eastern Slavonia), senior Interior Ministry authorities removed several police commanders who were responsible for fomenting tensions between ethnic Serb and ethnic Croat police officers as well as for discouraging ethnic Serbs from reporting incidents to police. There were periodic reports of ethnic tensions between ethnic Serb and Croat police officers in the Danubian region.

The Government undertook a major reform of the police during the year, cutting nearly 15 percent of the police workforce. In undertaking this sensitive downsizing, the Government committed itself to honoring its obligations under the 1995 Erdut Agreement to maintain “proportionality” in the numbers of ethnic Serb and Croat police officers in Eastern Slavonia; however, full compliance with these obligations was not yet achieved by year’s end (see Section 5). Continuing problems in the police included poor police investigative techniques, acute social sensitivity to ethnic issues, indecisive middle management in the police, and pressure from hard-line local politicians. These factors continued to impede development of local police capability.

In the first 10 months of the year, 21 persons were injured in landmine incidents, most caused by landmines laid by Croatian and Serb forces during the 1991–95 war. The Croatian Center for Demining reported that from 1991 through the end of the year, 1,350 mine incidents were recorded (see Section 1.a.).

Prison conditions generally meet international standards. Jails are crowded, but not excessively so, and family visits and access to counsel generally are available to prisoners. Men and women are housed separately, juveniles are held separately from adults, and pretrial detainees are held separately from convicted prisoners.

The Government permits visits by independent human rights monitors, and such visits occurred during the year by both international organizations and domestic NGO’s.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest and detention; however, the Government did not always respect this right in practice. Police normally obtain arrest warrants by presenting evidence of probable cause to an investigative magistrate. Police may make arrests without a warrant if they believe a suspect might flee, destroy evidence, or commit other crimes; such cases of warrantless arrest are not uncommon. The police then have 24 hours to justify the arrest to a magistrate.

Detainees must be given access to an attorney of their choice within 24 hours of their arrest; if they have none and are charged with a crime for which the sentence is over 10 years’ imprisonment, the magistrate appoints counsel. The magistrate must, within 48 hours of the arrest, decide whether to extend the detention for further investigation. Investigative detention generally lasts up to 30 days, but the Supreme Court may extend the period in exceptional cases (for a total of not more than 6 months, or 12 months in serious corruption/organized crime cases). Once the investigation is complete, detainees may be released on their own recognition pending trial unless the crime is a serious offense or the accused is considered a public danger, may influence witnesses, or is a flight risk. However, lengthy pretrial detention remained a serious problem, particularly for ethnic Serbs accused of war crimes. Suspects generally are held in custody pending trial, and there have been several cases of suspects held in pretrial detention for several months on weak evidence. In March the Supreme Court ordered two Bosnian Croat suspects freed in the investigation of the 1993 Ahmici massacre in central Bosnia. The two were ar-

rested in Zadar in September 2000, and the court freed them after they had been detained for the legal maximum of 6 months without charges being brought. The option of posting bail after an indictment is available but not commonly exercised.

The Government improved its record of applying the 1996 Amnesty Law (which amnestied acts of rebellion by ethnic Serbs), and appropriately granted amnesty to several individuals during the year, particularly returning ethnic Serb refugees. However, in October 2000, the state prosecutor directed local prosecutors to reopen old war crimes cases and execute dormant arrest warrants, although there appeared to be no new evidence to justify the arrests. Arrests of ethnic Serbs for war crimes continued but decreased in frequency throughout the year. From October 2000 to May 2001, over 50 persons were arrested, 28 of whom were refugees. In some of these cases, the subject was released in a few days after the Amnesty Law was applied or charges were dropped; however, in other cases, persons were detained for long periods. In January authorities in Pozeza arrested Natasa Jankovic on war crimes charges; she remained in detention until June, when a judge threw out the case because Jankovic was not the person named in the indictment (see Section 1.e.). Several ethnic Serb defendants convicted in absentia or at nontransparent, politicized trials conducted by the previous regime continued to be held in detention for extended periods as their cases progressed slowly through the overburdened judicial system.

In April a domestic court convicted a Serb police officer from the Danubian region of war crimes; the police officer had been arrested in 1999 and was sentenced to 13 years in prison. There was no further information regarding the case of four ethnic Serb members of the Croatian police who were arrested and detained in 2000 despite being cleared by the Ministry of Interior of involvement in war crimes. In October 2000, 13 Serbs were arrested and detained in Baranja on war crimes charges based on 1996 indictments from the Osijek county court, despite the fact that these indictments had little or no supporting evidence; 7 of the Serbs eventually were released but 6 remained in detention at year's end. Evidentiary hearings began in September and continued at year's end.

NGO and international observers in the Danubian region noted that police occasionally called ethnic Serbs to police stations for "voluntary informative talks," which amounted to brief warrantless detentions intended to harass Serb citizens.

The Constitution prohibits forced exile of citizens and the Government does not employ it.

*e. Denial of Fair Public Trial.*—The Constitution provides for an autonomous and independent judiciary; however, the judiciary continued to suffer from some political influence, a backlog of over 1.1 million cases, and funding and training shortfalls.

The judicial system consists of municipal and county courts, an administrative court, and the Supreme Court. In May Ivica Crnic—a former non-party Justice Minister and labor law expert known for his independence—became the new president of the Supreme Court. The independent Constitutional Court determines the constitutionality of laws, governmental acts, and elections, and serves as the court of final appeal for individual cases. In March pursuant to constitutional amendments, the Constitutional Court was expanded from 11 to 13 justices. The three new justices are respected professionals and were chosen in a transparent process; the rest of the Court judges were appointed under the former Tudjman regime. Justices of the Constitutional Court are elected for 8-year terms by Parliament, while all other judges are appointed for life. A parallel commercial court system adjudicates commercial and contractual disputes. The State Judicial Council (consisting of 11 members serving 8-year terms) is a body independent of both the judiciary and the Ministry of Justice. It is charged with the appointment and discipline, including removal, of judges. In the past, the State Judicial Council was criticized for the politicization of its decisions. In July the State Judicial Council was reconstituted pursuant to legislative amendments modifying the Council's authority with the goal of depoliticizing the Council and judicial appointments and, by extension, improving the quality of sitting judges. In July Parliament passed a new law designed to contribute to transparency and reduce politicization of the Prosecutor's offices, which creates a similar council for public prosecutors. This legislation enabled Chief State Prosecutor Radovan Ortynski to begin to renominate or replace the chiefs of municipal and county prosecutors' offices. Similarly a new Law on the Courts, passed in December 2000 and implemented during the year, introduced reforms in the appointment of court presidents of the various municipal, county, commercial, and misdemeanor courts. The law was designed to depoliticize the positions while streamlining administrative oversight; however, it has been criticized by some observers as giving too much control over judicial appointments to the Justice Ministry. By year's end, some of the county court presidents were being either renominated or replaced; the municipal court judges are to be addressed next.

Judges are prohibited constitutionally from being members of any political party. Over the past 2 years, the judiciary has been subject to far less political influence than under the Tadjman regime, although there continued to be reports of political influence at the local level. The politicization of hard-line judges appointed by the previous Government, who at times made decisions in a nontransparent manner seemingly at odds with the evidence or the law, also continued to be a problem. The greatest problems facing the judiciary are outmoded procedural codes and court rules, inexperienced judges and staff, bureaucratic inefficiencies, and funding shortfalls, which have created a massive backlog of over 1 million cases, some dating back 30 years or more. The inexperience of young and newly appointed judges continued to be a problem, and there continued to be areas of the country without a permanent judge.

Although the Constitution provides for the right to a fair trial and a variety of due process rights in the courts, at times citizens were denied these rights. Excessive delays in trials remained a problem. Courts tried and convicted in absentia persons for war crimes. Courts convicted persons in mass trials and in trials with weak supporting evidence, particularly in Eastern Slavonia. In January authorities in Pozega arrested Natasa Jankovic on war crimes charges while she was entering the country from Bosnia; she had been convicted in absentia in 1996 for inhumane treatment of prisoners while she purportedly worked as a guard in a prison camp. Jankovic was unaware of the charges and had entered the country seven times previously before being arrested (see Section 1.d.). At two hearings in April, dozens of witnesses stated that Jankovic had been in Bosnia the entire time she was alleged to have been a camp guard. No prosecution witnesses identified her as being at the camp, and at least one confirmed that her case was one of mistaken identity. However, the prosecutor refused to drop the charges and Jankovic remained in detention until June, when a judge threw out the case for lack of evidence. In March mass trials in the "Babska group" and "Tompojevci group" cases resulted in in absentia convictions for 11 and 10 ethnic Serbs respectively (see Sections 1.a. and 1.d.). In a long-standing pattern, armed activities that should have qualified for amnesty under the 1996 Law on General Amnesty were classified mistakenly and prosecuted as common crimes or war crimes. Particularly for those who previously exhausted their appeal procedures, there is no mechanism to review these cases.

Nevertheless, domestic courts continued to adjudicate war crimes cases arising from the 1991-95 conflicts in Bosnia and Croatia; courts opened and reopened several outstanding allegations involving Croatian forces and took steps to depoliticize cases against ethnic Serbs. For example, by midyear the chief State Prosecutor had initiated a case-by-case review of war crimes cases and sought to limit sharply the use of in absentia proceedings. Instructions were issued to county prosecutors not to initiate criminal proceedings or in absentia proceedings without consultation with the state prosecutor.

In the past, in cases where courts have made decisions on property claims, courts have overwhelmingly favored ethnic Croats over ethnic Serbs, particularly in the Danubian region (see Section 1.f.).

At year's end, approximately 69 individuals remained incarcerated on war crimes or related charges based on politicized or nontransparent trials held under the previous regime. There were no other reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits these actions; however, at times the Government infringed on these rights with respect to the restitution of property.

Only a court may issue a search warrant, which must justify the search. Police may enter a home without a warrant or the owner's consent only to enforce an arrest warrant or prevent serious danger to life or property. The Constitution provides for the secrecy and safety of personal data, and this provision was respected in practice.

The restitution of occupied private property to (mostly ethnic Serb) refugees returning to the country remained a problem. The Government continued to give preference to the rights of temporary occupiers (mostly ethnic Croats) over those of the legal owners. Very few affected property owners were able to recover their prewar dwellings and the issue of former-tenancy rights holders of socially-owned property remained unaddressed, preventing these persons (mostly ethnic Serbs) from returning to their prewar apartments.

Despite a 1998 Constitutional Court ruling that declared several elements of the Law on the Temporary Takeover of Specified Property unconstitutional, the vast majority of the thousands of ethnic Serb property owners, who fled homes that were later occupied by ethnic Croats, remained unable to access their property. In July the Government completed a case-by-case review of housing units that were distributed for temporary occupancy by the previous regime (often homes of ethnic Serbs

who fled the conflict that were allocated to Bosnian Croat settlers). This survey provided important data to facilitate eventual returns and property restitution, indicating that, of approximately 18,700 housing units, some 10,000 of these units remained occupied at year's end. Approximately 1,400 occupants of these units are subject to immediate eviction, either because they have received reconstruction assistance for their own houses or because they are multiple or illegal occupants; however, a 1998 program for the return of refugees and displaced persons, which included mechanisms for property restitution and reconstruction, did not have the full force of law and very few properties were actually restituted under this program because both national and local authorities declined to take steps to evict temporary occupants. Backlogs in the judicial system were a further impediment to timely resolution of housing disputes. Local housing commissions, to which the vast majority of cases were referred, often were purposefully dysfunctional and failed to resolve housing disputes, or when functional were powerless legally to implement their own decisions under an existing legal framework that remained unaddressed by the Government.

Governmental promises made in previous years to reform and streamline the housing commissions were unfulfilled at year's end. Despite orders from the national Government, local authorities (including local housing commissions) often did not take steps to regulate occupancy rights or to initiate lawsuits against individuals who refused to vacate occupied premises. In some cases, the Government failed to furnish reconstructed houses with basic utilities, discouraging returns. In other instances, returnees who gained access to their property were held responsible for water and power bills accumulated by temporary occupants, and authorities refused to reconnect the services until the bills were paid. Many ethnic Serb returnees also were unable to move into looted and devastated homes that the Government defined as habitable.

Only a handful of claims by ethnic Serbs for reconstruction assistance have been fulfilled; however, during the year the Government took several positive administrative steps. Preliminary work was initiated to rebuild several hundred minority homes, the procedure to apply for reconstruction assistance was reopened, mechanisms were instituted to allow applications from refugees still outside of the country, and the Government mounted an effective information campaign to apprise refugees in Bosnia and Yugoslavia of these developments. The Government issued 1,400 letters threatening evictions, which resulted in the resolution of several hundred cases. In addition, some temporary occupiers left properties of their own accord.

An ongoing problem was the existence of "priority category" citizens, i.e., active or former members of the military and widows and orphans, whom courts and housing commissions were unwilling to evict. By contrast ethnic Croat homeowners wishing to return to their property in the Danubian region generally were able to recover their homes by evicting the ethnic Serbs occupying them.

The Government has taken no steps to address the issue of former tenancy rights holders. These persons typically resided in socially-owned apartment units under the pre-1991 communist system and paid contributions into the social property fund, often for many years. Thousands of persons who fled during the conflict lost their claims to their apartments due to their temporary absence. Ethnic Serbs were affected disproportionately because no mechanism existed by which they could return to the country in order to reclaim their tenancy rights or because they had lived in parts of the country occupied by the rebel Serb para-state and missed the chance to purchase their prewar apartments.

Occasional incidents of grenade attacks against property and arson related to housing disputes were reported during the year (see Section 5).

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and the press, and the Government generally respected this right in practice, although a few problems remained. The constitutional provisions specifically include freedom of the press and other media, speech and public expression, as well as the free establishment of institutions of public communication. Unlike the previous regime, the Government does not interfere politically in the editorial decisions of the media; however, at the local level, political pressure on the media continued, ranging from verbal threats to editors and reporters to attempts to financially compromise the existence of a newspaper or radio station because of its critical reporting. The previous government's campaign of harassment of independent media through the use of libel suits stopped, and the law was changed in May so that libel is no longer a criminal offense; however, an estimated 1,200 libel cases from previous years (including 70 lawsuits filed against the satirical weekly *Feral Tribune*)

have not concluded due to a slow and inefficient judicial system. Those cases that reached a verdict during the year were decided fairly and were not unduly prejudicial to journalists or publishers. The Government failed to amend the Penal Code sections authorizing prosecution of journalists who publish "state secrets," sections that were abused in the past; however, there were no reports of these laws being used abusively during the year.

Tisak, a once-profitable monopoly with 1,700 news kiosks, continued to control nearly all distribution of print media. Due to mismanagement, Tisak faced bankruptcy proceedings and was administered by the Government's Privatization Fund during the year. In December the proceedings were completed and the Privatization Fund ceased to administer Tisak; Tisak's creditors received equity in the company corresponding to the debts they were owed. As a result, three firms—Europa Press Holding, Tvornica Duhana Rovinj, and Austria's Styria corporation—became primary shareholders with approximately 25 percent ownership each. The case against former Tisak chief Miroslav Kutle for forgery and abuse of power in the firm's collapse was ongoing at year's end. In May Kutle was released from jail after 15 months of detention. In October a Zagreb judge ordered a new trial before a different judge. Foreign newspapers and journals were available in urban areas throughout the country; however, due their high cost they remained largely inaccessible to many persons.

In February the Government passed legislation reforming government-owned Croatian radio and television (HRT). The law modified the subscription fee structure and reformed the HRT council, so that members are nominated by various professional associations based on merit rather than political affiliation. In line with this legislation, the new HRT council was selected in May. The HRT council may recommend candidates for HRT director, approves radio and television programming, and selects editors-in-chief for radio and television. The council must report annually to the Parliament, and Parliament retains considerable influence over key management decisions at HRT. The February reforms also created an HRT supervisory board, selected by Parliament, which is separate from the HRT council. The supervisory board appoints the HRT director and is responsible for the financial management of the corporation. However, the new supervisory board did not replace the HRT director, prompting the HRT council president to resign in protest in October. Internal management reforms continued to be slow, primarily due to difficulties in reducing the bloated workforce. The telecommunications council (the radio and television licensing body) was reformed similarly, although it has decided not to review decisions made under the previous regime. The HRT continued to use transmitters free of charge. The Government continued to retain control over licensing and the regulatory framework.

In the autumn, Parliament debated legislation on a third HRT channel; the legislation was designed to resolve the issue of selling or leasing the third channel. In October Parliament passed legislation transforming HINA, the government-owned news agency, into a public institution. The law enables HINA to operate independently and mandates that it be funded through user contracts rather than from the national budget. The media law, also passed in October, obliges all media to make public their ownership structures by January 2002. In spite of these reforms, a truly independent nationwide television station did not exist by year's end.

Over 80 percent of the population continued to rely on government-run HRT's evening *Dnevnik* program for news. While privately owned TV Nova reached an estimated 75 percent of the population during the year, it was primarily an entertainment station and carried little news programming. A network of independent local television stations produced *Vijesti*, a competing nightly news program that reached 65 percent of the country's territory. The HRT continued to enjoy an overwhelming advantage as the recipient of the bulk of advertising revenues and increased subsidies from government taxes on television users. These subsidies created an unfair advantage over independent television stations whose financial resources and ability to purchase programming was limited. Similar problems existed in radio broadcasting. The Catholic Church operates one of the few private national radio stations.

Access to the Internet was available and unrestricted.

Academic freedom was respected.

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

The law permits assembly for registered demonstrations at approved locations, and, while the law does not make transparent the process for approving or denying the registration of an assembly, there were no reports that it was used discriminatorily. During the year, there were several peaceful demonstrations and

marches throughout the country organized by labor groups, farmers, and war veterans' groups opposed to government policies.

The Constitution provides for the right of association, and the Government generally respected this right in practice. In October Parliament passed new legislation regulating associations and NGO's, in accordance with a Constitutional Court ruling in 2000 striking down restrictive provisions of the 1997 Law on Associations. Observers report that the new legislation has eased the registration process, minimized governmental interference, and eliminated unequal treatment of international and domestic associations. The new law also encourages private funding of NGO's by granting tax exemptions to donors. The Ministry of Justice was developing an NGO registry at year's end, and the new procedures are scheduled to enter into force fully in January 2002.

*c. Freedom of Religion.*—The Constitution provides for freedom of conscience and religion and free public profession of religious conviction, and the Government generally respects these rights in practice. No formal restrictions are imposed on religious groups, and all religious communities are free to conduct public services and to open and run social and charitable institutions.

There is no official state religion; however, the Roman Catholic Church enjoys a historic relationship with the State not shared by other denominations, and receives some state support. The Catholic Church receives direct subsidies, as well as state financing for some salaries and pensions for priests and nuns through the government-managed pension and health fund. Other religious communities do not have such an agreement with the State, nor is there a law that regulates these issues. (Orthodox priests and imams have been paying their contributions to the health and pension funds from their own resources, in order to be covered by a pension plan).

Catholic marriages are recognized by the State, eliminating the need to register them in the civil registry office. The Muslim and Jewish communities, seeking similar status, have raised this issue repeatedly with the Government, but there was no resolution by year's end.

The Ministry of Defense employed 17 full-time and 6 part-time Catholic priests to tend to Catholics in the military; however, no clerics of other denominations, including Orthodox nor Muslim clerics, were employed as chaplains.

Restitution of nationalized property remained a problem. Restitution to the Catholic Church is regulated by a 1998 concordat with the Vatican. Some progress has been made with some returnable properties being restituted to the Catholic Church, but there has been no compensation to date for nonreturnable properties. No such agreements exist between the Government and other religious communities. The Orthodox Church has filed several requests for the return of seized properties, and some cases have been resolved successfully, but several buildings in Zagreb have not been returned, nor have properties that belonged to monasteries, such as arable land and forests. Similarly the Jewish community has had only partial success in recovering its properties. The Government failed to meet a court-mandated July 15 deadline to amend discriminatory clauses of the Law on Compensation for Property Taken During Yugoslav Communist Rule that were struck down by the Constitutional Court in 1999. The amendments were in the parliamentary process at year's end. The new amendments are expected to extend compensation to Jews whose property was confiscated between 1941 and 1945 as well as to foreigners.

The Government requires that religious training be provided in schools with optional attendance; however, in general, the lack of resources and qualified teachers impeded instruction in minority faiths. The Catholic catechism was the one predominantly offered, particularly in classes not meeting the minimum of seven minority students that would qualify for separate instruction.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for these rights, and the Government generally respected these rights in practice. Under exceptional circumstances, the Government legally may restrict the right to enter or leave the country if necessary to protect the "legal order, health, rights, or freedoms of others." All persons must register their residence with the local authorities; however, no problems were reported with registration.

There were no reports that the Government revoked citizenship for political reasons. The Government's procedures to verify and document the citizenship of hundreds of thousands of ethnic Serbs who fled the country after the military operations in 1995 improved during the year; however, there were periodic reports of obstruction by some local officials. During the year, over 11,800 persons who were refugees in Yugoslavia and Bosnia-Herzegovina returned to Croatia in returns organized by the U.N. High Commissioner for Refugees (UNHCR) or the Government. According to the UNHCR, approximately 104,000 refugees (mostly ethnic Serbs) have returned to Croatia (mostly from Bosnia-Herzegovina and Yugoslavia) since 1995, and as

many as 80,000 more may eventually wish to return. Ethnic Serbs requiring personal documentation to return or regularize their status continued to experience delays and contradictory requests from local officials.

Improvements in the refugee clearance process instituted in 2000 successfully eliminated arrests of those returnees who were advised beforehand by the Interior Ministry that they had no outstanding legal processes. However, the UNHCR remained concerned that arrests of ethnic Serbs for war crimes, often based on weak evidence (see Section 1.d.), particularly of those who have newly returned, dissuaded some refugees considering the possibility of return.

A significant number of internally displaced persons remained in the country, although not all are under the Government's direct care. In October the Government reported that there were 23,000 internally displaced persons in the country (75 percent from the Danubian region) and 20,000 refugees (93 percent from Bosnia-Herzegovina). These numbers do not reflect fully an additional 140,000 former refugees (nearly all ethnic Croats from Bosnia-Herzegovina) who have become citizens and residents of Croatia.

Despite an ongoing government program to repair thousands of damaged homes in the Danubian region, government officials, NGO's, and international observers assessed that the returns process is nearing its completion in that region without most communities reaching their prewar population levels. While ethnic tensions continued in the Danubian region, the overall security situation was stable (see Section 5). The largest disincentive to returns was the poor state of the regional economy.

President Mesic and Prime Minister Racan continued to make frequent public statements encouraging the return and reintegration of all Croatian citizens to their prewar homes. These commitments were supported by several initiatives. In March, the Government approved a set of policies (the "Knin Conclusions") to address social and economic problems in the war-affected areas; however, few of the policies had been implemented by year's end. In May the Government's "Coordination Body," established the previous year to address issues in the war-affected areas, convened and formed joint working groups with representatives of the international community to address legislative and economic issues to facilitate returns. The working groups met frequently during the year, but their substantive progress was slow. There has been little significant administrative or legislative progress on restitution of property (see Section 1.f.). The greatest outstanding obstacle to the return of all Croatian citizens is their inability to regain access to their prewar homes and properties. Existing mechanisms for the return of private property have worked best in the Danubian region where returnees tend to be ethnic Croats seeking to regain their homes from ethnic Serbs who are occupying them. Nearly every other instance of restituted property occurred pursuant to a private agreement between the owner and occupier.

In May 2000, the Constitutional Court struck down provisions of the Law on the Status of Displaced Persons and Refugees that prohibited evictions unless alternative accommodation was provided for the evictee. Despite this decision, courts and local housing commissions continued to rely on the quasi-legal 1998 Program on Return for guidance on eviction decisions. As a result, this had the effect of reinforcing the legal precedence of temporary occupants over that of property owners, and it provided an easy means for hard-line officials to obstruct the process of minority returns. The law continued to contain other discriminatory provisions, notably the failure of positive amendments enacted in November 1999 to be applied retroactively, and that therefore allowed existing discriminatory definitions of "displaced person" and "refugee" to remain in effect.

There were persistent reports that humanitarian and reconstruction assistance was not distributed fairly by government agencies. The Government allowed free access to all displaced persons by domestic and international humanitarian organizations and permitted them to provide assistance.

The Government has implemented some, but not all, provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. At year's end, a new Law on Asylum that would implement fully the U.N. standards, drafted with the support of the UNHCR, was moving slowly through the legislative process, but had not been adopted. The Government cooperated with the UNHCR and other humanitarian and international organizations in assisting refugees. The Interior Ministry processes asylum seekers separately under the Law on Movement and Stay of Aliens, and persons seeking refuge are given "temporary protection" rather than refugee status. This status does not include all of the protections afforded to a refugee. For example, a person with temporary protection status does not have the right to work, although many are provided with emergency health care and temporary accommodation. During the year, the Government did not grant asylum status to any

of approximately 80 asylum seekers, despite several recommendations from the UNHCR in individual cases. These individuals were permitted to remain in the country only until their asylum claims were rejected, at which time they were ordered to depart the country, although none were deported or forcibly returned to a country where they feared persecution. Approximately 125 ethnic-Albanian Macedonian citizens were granted "temporary protection" status during the year; however, according to UNHCR officials, the Interior Ministry failed to advise border officials that such persons were to be received.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections; however, there were a few irregularities in the 2000 presidential and parliamentary elections. Citizens over 18 years of age have the right to vote by secret ballot. The Constitution limits the president to two 5-year terms. President Stjepan Mesic was elected in February 2000 to a 5-year term to replace Franjo Tudjman, who died in office in December 1999. The elections were well-conducted, and irregularities during the first round were addressed during the second round. OSCE monitors characterized the elections as "calm and orderly," noting that "voters were able to express their political will freely;" however, there were problems. The Citizenship Law and electoral legislation grant citizenship, and thereby the right to vote, on purely ethnic grounds to ethnic Croats abroad with no genuine link to the country. However, in 2000 the Government failed to ensure that many Croatian Serbs, who fled in 1995 and who wished to assume the responsibilities of Croatian citizenship, could document their Croatian citizenship in order to vote and ultimately to return.

In March constitutional amendments abolished the upper house of Parliament (the House of Counties), although there was little practical effect since the upper house had few real responsibilities. This left the Parliament comprising only the House of Representatives with 151 members. In January 2000 parliamentary elections, an opposition coalition led by the Social Democratic Party (SDP) won a parliamentary majority, ending 9 years of HDZ party rule. OSCE monitors characterized the voting as having made "marked progress" toward meeting OSCE standards. However, some concerns about the electoral process remained, including the underrepresentation of ethnic minorities.

In May nationwide elections were held for local offices (town, municipal, and county level). OSCE monitors assessed that the elections "were conducted generally in accordance with OSCE commitments," noting that "this assessment confirms the improvements noted during the 2000 elections. However, shortcomings remain." Observers reported participation by a broad spectrum of parties, the generally balanced media coverage, and the calm atmosphere on election day. Outstanding concerns included the hurried last-minute drafting of the election law, provisions on minority representation that do not clearly spell out procedures for achieving minority balance in local bodies (and that still await data from the April 2001 census), the lack of a permanent state electoral commission, the lack of transparency in parties' campaign expenditures, and the lack of regulations for campaign financing. In addition the 1991 Citizenship Law, which is disadvantageous to non-ethnic Croats, still has not been amended to create equal citizenship conditions regardless of ethnicity. In Vojnic ethnic Croat nationalist demonstrators tried to keep elected Croatian Serbs from taking office; police intervention was required (see Section 5).

The percentage of women in government or politics does not correspond to their percentage of the population. Although there were no legal restrictions on participation in government or politics by women, women held 34 of 151 parliamentary seats. Women held 3 of 23 cabinet positions (a fourth, the Minister of Health, resigned her position in October). In the judiciary, 3 of 13 Constitutional Court and 15 of 31 Supreme Court justices were female.

The percentage of ethnic minorities in government or politics does not correspond to their percentage of the population. Although there are no legal restrictions on participation in government or politics by minorities, minorities held 11 out of 151 parliamentary seats. The 1999 electoral law reduced the number of seats reserved for ethnic minorities from seven to five (although minorities make up approximately 15 percent of the population). Previous legislation more closely matched the minority representation to the size of the minority population, and the reduction in minority seats was especially disadvantageous to ethnic Serbs. On the local level, in the May elections, several ethnic Serbs were elected mayors of towns in the war-affected areas, particularly in those towns experiencing the greatest number of refugee returns and consequent demographic shifts. Overall ethnic Serb candidates from var-

ious parties (including the ethnically-based Independent Serb Democratic Party (SDSS) and Serbian People's Party (SNS) parties, as well as the SDP) won 264 seats at the town, municipal, and county levels in the May elections, and ethnic Serbs joined the governing coalitions in at least 13 towns.

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

A variety of domestic and international human rights NGO's in general operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views. For example, the Croatian Helsinki Committee (HHO) published a series of reports documenting war crimes and abuses committed during the 1995 military operations "Flash" and "Storm." HHO also supported a controversial television program screened in October, "Storm Over Krajina," documenting war crimes allegedly committed by Croatian forces during and after Operation Storm. The Dalmatian Committee for Human Rights, an NGO in Split, was instrumental in encouraging the reopening of the investigation of war crimes committed at the Lora naval stockade in Split. Seven of eight suspects were detained in the Lora case at year's end.

A new Law on Associations, passed in October, greatly enhanced the ability of NGO's to register and operate without undue government interference (see Section 2.b.). NGO representatives reported that the new law was drafted with significant input from the NGO community. There were no reports of government harassment of NGO's, and the Government's office for cooperation with NGO's, while operating with limited resources, was active in coordinating and promoting NGO and governmental efforts on human rights and civil society. In many municipalities, there was excellent cooperation between NGO's and local government officials; however, a lack of follow-through on central government commitments by local authorities continued to be a problem in some municipalities.

International organizations, including the European Union Monitoring Mission, OSCE, UNHCR, and the U.N. High Commission for Human Rights, operated freely.

The Government's record of cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) improved during the year; however, some problems remained. In January ICTY chief prosecutor Carla Del Ponte's visit to Zagreb set a positive tone for cooperation that continued throughout the year. In February Del Ponte decided not to pursue an indictment of former Croatian general Mirko Norac after a Croatian court indicted him for war crimes in the 1991 Gaspic massacre. This decision by Del Ponte was seen by observers as a vote of confidence in the Government's ability to conduct an impartial trial in difficult war crimes cases; the trial began in June in the Rijeka county court, and had proceeded through several brief sessions by year's end, with each session ending in a recess to consider defense motions. During the year, the Government cooperated in producing many documents requested by the tribunal and in facilitating access to some witnesses, including chief of the defense staff General Petar Stipetic; however, in her November report to the U.N. Security Council, Del Ponte noted, "in some areas we managed to make advances together with the Croatian Government, but there are still areas where progress is very slow (especially with productions of documents)".

In the spring, ICTY investigators exhumed 380 bodies from a cemetery in Knin. Government forensic, judicial, and police officials provided excellent cooperation to the ICTY investigators. In July after deciding to accept ICTY indictments and execute arrest warrants of two generals (Ademi and Gotovina), the Government successfully resisted right-wing opposition and won a no-confidence vote in Parliament. Ademi voluntarily surrendered to the ICTY in July; however, Gotovina remained a fugitive at year's end.

The parliamentary Ombudsman for human rights received and acted on individual citizens' complaints. Because it is a parliamentary rather than governmental office, the Ombudsman's authority to order compliance from government ministries is limited.

Aside from the Ombudsman's office, Parliament maintained an independent human rights committee tasked specifically with human and minority rights as well as an independent gender equality committee that met periodically throughout the year to discuss topics and legislation within their purview (see Section 5).

In September the Government established a human rights office, responsible to Deputy Prime Minister Zeljka Antunovic, to develop, coordinate, and implement the Government's human rights activities; the office was inaugurated officially in December. The Government's Coordinating Body to address refugee returns and housing reconstruction in war-affected areas formed working groups with representatives

of the international community that met several times during the year; however, substantive progress was slow.

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

The Constitution specifies that individuals shall enjoy all rights and freedoms, regardless of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, education, social status, or other attributes. Additionally members of all national groups and minorities shall have equal rights. While most of these rights were observed in practice, discrimination against women, and against Serbs and Roma continued.

*Women.*—Although the Government collected only limited statistics on the problem, credible NGO observers have reported that violence against women, including spousal abuse, remained a widespread and underreported problem. Alcohol abuse and poor economic circumstances were cited as contributing factors. Rape and spousal rape are illegal under the Penal Code; however, NGO's report that many women do not report rape or spousal rape. There is only one women's shelter, in Zagreb.

In 2000 the Government revoked 1997 Penal Code amendments that removed domestic violence from the categories of crimes to be prosecuted automatically by the state attorney. As a result, a domestic violence case can be initiated by persons other than the victim; for example, cases can be initiated on the basis of suspicions of health care workers or police rather than requiring the victim to press charges. Legislation passed in autumn 2000 created a specific Penal Code provision for family violence to replace inadequate existing provisions, and to direct that perpetrators of family violence, in addition to being punished, be placed under supervision and receive psychiatric treatment. Amendments to the Law on Misdemeanors passed in 2000 are designed to protect victims by extending detention (for up to 30 days) of perpetrators of family violence, even during the defendant's appeal.

The country is a transit route as well as a lesser country of origin and destination country for trafficking in women for the purposes of sexual exploitation (see Sections 6.c. and 6.f.).

Workplace sexual harassment is a violation of the Penal Code's section on abuse of power but is not specifically included in the employment law. NGO's reported that in practice, women who were sexually harassed often did not resort to the Penal Code for relief for fear of losing their jobs.

The labor law prohibits gender discrimination; however, in practice women generally held lower paying positions in the work force. Government statistics from previous years showed that, while women constituted an estimated 48 percent of the work force, they occupied few jobs at senior levels, even in areas such as education and administration where they were a clear majority of the workers. Considerable anecdotal evidence gathered by NGO's suggested that women hold the preponderance of low-level clerical, labor, and shopkeeping positions. Women in these positions often are among the first to be laid off in times of corporate restructuring. NGO's and labor organizations continued to report a practice in which women received short-term work contracts renewable every 3 to 6 months, creating a climate of job insecurity for them. While men occasionally suffered from this practice, it was used disproportionately against women to dissuade them from taking maternity leave. This practice has become less common since 1999 legislation limited the use of short-term work contracts to a maximum of 3 years. The Labor Code authorizes 1 full year of maternity leave, although changes enacted in October reduced the 3-years' leave for multiple births to 1 year.

Government efforts on gender equality improved during the year. In March the Parliament created a Committee for Gender Equality, chaired by Gordana Sobol (SDP). The committee met several times during the year to review pending legislation for compliance with gender equality criteria, and to offer amendments and modifications. In September the Government established a new human rights office (see Section 4); an existing office on gender equality within the Labor Ministry was upgraded and attached to this human rights office. Among its ongoing tasks were the implementation of the 2001–05 National Action Plan on gender equality and the coordination of tasks among ministries, parliamentary offices, unions, and the NGO community to promote gender equality.

The Government ratified the U.N. "Convention on the Elimination of All Forms of Discrimination Against Women" (CEDAW) in 1991, and in March the Government ratified the "Optional Protocol" to the convention. This ratification represents implementation of the final element of the previous year's "Beijing Plus Five" platform on international legal instruments on women.

While there is no national organization devoted solely to the protection of women's rights, many small, independent groups were active in the capital and larger cities.

*Children.*—The Government is generally committed to the welfare of children. Education is free and mandatory through grade 8 (generally age 14). Schools provide free meals for children. The majority of students continue their education to the age of 18, with Roma being the only notable exception. Romani children face serious obstacles in continuing their schooling, including discrimination in schools and a lack of family support. An estimated 10 percent of Croatian Romani children begin primary school, and of these only 10 percent go on to secondary school. There were only an estimated 50 Romani students in secondary school throughout the country during the year. Nearly all Roma children drop out of school by grade 8. In Medjumorje County, local officials operate segregated classrooms for Romani children, reportedly with less-qualified staff and fewer resources. Subsidized daycare facilities are available in most communities even for infants. Medical care for children is free.

While there is no societal pattern of abuse of children, NGO's operating hotlines for sexual abuse victims reported numerous cases of abuse of children.

*Persons with Disabilities.*—The Constitution ensures "special care for the protection of disabled persons and their inclusion in social life." While persons with disabilities face no openly discriminatory measures, job opportunities generally are limited. Special education also is limited and poorly funded.

The Law on Social Welfare and the Law on Construction specify access to public services and buildings for persons with disabilities; however, the construction rules are not always enforced and they do not mandate that facilities be retro-filled. As a result, access to public facilities often is difficult.

*Religious Minorities.*—Religion and ethnicity are closely linked in society, and religion often was used to identify and single out non-Croats for discriminatory practices; however, most such incidents appeared to be motivated by ethnicity and not religion or religious doctrine. Nevertheless, the close identification of religion with ethnicity periodically caused religious institutions to be targets of violence (see section 2.c.), and there continued to be occasional reports of vandalism to Serb Orthodox cemeteries and structures. These incidents were most common in the Danubian region.

OSCE monitors recorded 21 incidents of harassment or violence towards religious persons or sites during the year; 17 of these were directed against the Serb Orthodox community, including several incidents of disruption of religious services, harassment of Orthodox clergy, and damage to cemeteries. In February the Orthodox church in Darda, in the Danubian region, was vandalized for the fifth time in 18 months when windows and a door were damaged. In addition, the Orthodox church reported that the bishop of Sibenik was unable to appear in public in his clerical garments due to constant harassment. In March 16 tombstones at an Orthodox cemetery in Bogdanovci were damaged for the second time in 2 years. In June 13 tombstones were damaged at an ethnic Serb military cemetery in Vukovar; and in September, 11 tombstones at the same cemetery were damaged—marking the seventh such incident at that cemetery. In August fascist Ustasha symbols were painted on the Serb Orthodox church in the Dalmatian city of Split. Local observers believed the incident was related to the reopening of a nearby Orthodox chapel, reconstructed after 65 years. There were no arrests made for any of these incidents.

In September six Muslim tombstones in the old cemetery in Osijek were damaged. Two juveniles were arrested.

Unlike the previous year, Jewish leaders reported no serious discriminatory incidents during the year. However, anti-Semitic letters were mailed to the Jewish Center in Zagreb in April and May and were turned over to the police; no arrests were made. A series of harsh anonymous telephone calls to the Center ceased after police began an investigation.

*National/Racial/Ethnic Minorities.*—Ethnic minorities enjoy the same constitutional protections as other self-identified ethnic and religious groups; however, in practice a pattern of open and sometimes severe discrimination continued against ethnic Serbs in several areas, including in the administration of justice, employment, housing, and freedom of movement. A pattern of persistent harassment and intimidation, including occasional violence, against ethnic Serbs in the war-affected regions continued to be a serious problem.

Intimidation and violence against Serbs continued in war-affected areas during the year. An ongoing problem was the availability of weapons left over from the war, including firearms and explosives, which were used in incidents of harassment during the year. In February a hand grenade was thrown into the yard of an ethnic Serb family near Drnis in the Dalmatia region; no arrests were made. In May an unknown assailant fired a machine gun at the home of an ethnic Serb returnee near

Zadar; there were no injuries and no arrests. In August and October, near the town of Vojnic, there were three incidents of landmines being planted on the property of ethnic Serb returnees, in areas not mined during the war. A total of seven persons were injured in these incidents, including two police officers responding to the third incident. OSCE monitors assessed the local police response as appropriate, although there were no arrests by year's end. Property destruction and other forms of harassment often arose from disputes between home occupiers of one ethnicity and returning homeowners of another. Verbal and legal harassment, forcible evictions, and assaults continued to occur regularly (see Section 2.d.). Unlike in the previous year, there were no reports of ethnically-motivated killings during the year.

In the Danubian region (Eastern Slavonia), senior Interior Ministry authorities removed several police commanders who were responsible for fomenting tensions between ethnic Serb and ethnic Croat police officers as well as for discouraging ethnic Serbs from reporting incidents to police. In the wake of the autumn 2000 termination of the OSCE police monitoring group in the Danubian region (and its replacement with a smaller civilian unit), the police continued to respond appropriately to law and order issues, although some NGO's continued to express concern that ethnic Serbs were reluctant to report ethnically-motivated incidents to authorities.

In July the town council in Vojnic (in the Banovina region south of Zagreb) was constituted after the May local elections. On two previous occasions, the assembly was blocked by a crowd of right-wing ethnic Croats who opposed the election of an ethnic Serb as mayor. International observers assessed that the police responded appropriately, maintaining peace and ultimately allowing access to the municipal building. After being constituted, the Vojnic government was observed to be operating normally. In August the deputy mayor of the town of Petrinja, a member of the far-right Croatian Party of Rights (HSP), who had made virulent anti-Serb comments during the local election campaign in May, was ordered to leave a meeting of the town council by Minister of Reconstruction Radimir Cacic. Prime Minister Racan also condemned her comments.

There were periodic reports of tensions between ethnic Serb and Croat officers. In addition, the Government has not addressed the issues of recruitment, training, and retention of adequate minority representation in police forces throughout the country. For example, outside of Eastern Slavonia, many majority Serb communities continued to be policed by forces that are 100 percent ethnic Croat.

A serious and ongoing impediment to the return and reintegration of ethnic Serb refugees is the failure of the Government to recognize or "convalidate" their legal and administrative documents from the period of the 1991-1995 conflict. Despite the 1997 adoption of a convalidation law to allow the recognition of documents issued by the rebel Serb para-state, this legislation was not put into practice fully because several ministries failed to adopt implementing instructions. While the law itself did not include a deadline for filing applications, a decree issued by the previous regime did fix an April 1999 filing deadline (impossible to meet for many ethnic Serbs who still were refugees outside the country). Even persons who filed before this deadline experienced arbitrary delays and obstructions. Without the recognition conferred by the law, citizens (almost exclusively ethnic Serbs) remained unable to resolve a wide range of problems including pensions, disability insurance, unemployment benefits, the recognition of births, deaths, and marriages, and even confirmation of time served in prison. The majority of requests are from elderly persons and relate to pension and employment histories from occupied territories during the conflict. This made resumption of a normal life almost impossible for this group. Also, contrary to the law, the state pension fund unilaterally and improperly denied some pension applications from ethnic Serbs.

Ethnic Serb property owners remained largely unable to access their property or to obtain reconstruction assistance for damaged or destroyed housing (see Sections 1.f. and 2.d.).

Discrimination and violence against Roma continued. The 1991 Yugoslav census counted only 6,700 Roma in Croatia, but government officials and NGO's agreed that this was a serious undercount and that the true number may be between 30,000 and 40,000. At year's end, data were not yet available from the census conducted in April. Protective of their culture and reluctant to assimilate, Roma faced a host of obstacles, including language (many, especially women, have only limited Croatian language skills), lack of education, lack of citizenship and identity documents, high unemployment, societal discrimination, and lack of government will to address such issues. Romani NGO's estimate that 25 percent of Roma do not have citizenship documents, and thus cannot obtain papers necessary to acquire social benefits, employment, voting rights, and property resolution. Public servants sometimes used anti-Romani hate speech.

In February a Romani newborn died during childbirth after the Cakovec outpatient clinic (in Medjumorje county, where 7 percent of the population is Roma) failed to send an ambulance in response to the mother's calls. The mother later was transported to the county hospital, where the newborn was pronounced dead. Two clinic staff members were disciplined. In May the parliamentary Ombudsman for human rights reported on these and other instances of discrimination against Roma in Medjumorje County. In March two incidents of skinhead violence against Roma were reported: in Split, four skinheads assaulted a 9-year-old boy; in Zagreb, a group of approximately 20 skinheads beat three teenage Romani boys outside a discotheque. In April a gang of skinheads beat a teenage Romani boy at Zagreb's main railway station. In late April, a group of approximately 30 non-Romani villagers reportedly harassed and beat five Roma with bludgeons in a town in Eastern Slavonia. Police in Osijek pressed charges against nine of the assailants, but also charged the five Roma with disturbing the peace. No further information was available on the case. In May skinheads in Zagreb attacked a teenage Romani girl with knives and slightly wounded her. In July a skinhead assaulted two Romani boys (aged 4 and 7) in a Zagreb mall; the skinhead was arrested immediately. Shortly afterward another skinhead punched a girl he believed to be Roma; he also was arrested immediately.

The OSCE reported concerns regarding the practice of holding separate classes (of allegedly lower quality) for Roma students in northern Croatia.

In July twenty Roma associations came together to form the "Board of Romani Unions of Croatia" (VRUH), the first Roma umbrella group in the country. VRUH stated that it seeks to protect the Roma ethnic and cultural heritage and promote Roma human rights.

In May 2000, the Government passed a package of laws on minority rights, including a Constitutional law, that added nine new recognized minorities to the existing list of seven in the Constitution, including Muslims, Albanians, and Slovenes. Some observers, including ethnic Serb leaders, criticized the apparent haste and secrecy with which the constitutional law was passed. Government officials indicated that further amendments on minorities and local self-government would complement the Constitutional law; however, these amendments were not passed by year's end.

There was some discrimination against minorities in schools. For example, textbooks have used derogatory adjectives in reference to minorities. Government pledges to provide more balanced textbooks went unfulfilled.

The Citizenship Law distinguishes between those who have a claim to Croatian ethnicity and those who do not. Ethnic Croats are eligible to become citizens, even if they were not citizens of the former Socialist Republic of Croatia, as long as they submit a written statement that they consider themselves Croatian citizens. Non-Croats must satisfy more stringent requirements through naturalization to obtain citizenship. Even those who previously were lawful residents of Croatia in the former Yugoslavia (see Section 1.d.) were compelled to provide proof of previous residence and citizenship not demanded of ethnic Croats. NGO's assisting ethnic Serbs with documentation issues continued to report that local officials applied this legal double standard. These obstacles to ethnic Serbs' documenting their citizenship led to discrimination in other areas, including the right to vote (see Section 3). While a citizenship application is pending, the applicant is denied social benefits including medical care, pensions, free education, and employment in the civil service. Denials frequently were based on Article 26 of the Citizenship Law (which stipulates that citizenship can be denied to persons otherwise qualified for reasons of national interest) and Article 8 (which requires that a person's actions demonstrate that they are "attached to the legal system and customs of Croatia" and that they have maintained a permanent residence on the territory of Croatia for the 5 years preceding the application for citizenship). The Interior Ministry recognizes the period that mostly ethnic Serbs spent outside the country as refugees as applicable to the 5-year residency requirement.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—Workers are entitled by law to form or join unions of their own choosing without prior authorization, and workers exercise this right in practice. There is an active labor movement with one major and four minor national labor federations and an independent association of both blue- and white-collar members. Approximately 64 percent of workers are members of unions. In general unions are independent of the Government and political parties.

During the year, labor unions protested the Government's drafting of a new labor law without input from labor organizations; a new drafting process was underway at year's end to include union participation.

The Constitution provides for the right to strike with some limitations. Members of the armed forces, police, government administration, and public services are not permitted to strike. Workers only may strike at the end of a contract or in specific circumstances mentioned in the contract. The Supreme Court has ruled in the past that workers may not strike for nonpayment of wages; however, amendments to the labor law, adopted in March, specifically addressed this ruling and entitle workers to strike for nonpayment of wages.

When negotiating a new contract, workers are required to go through mediation before they can strike. Mediation is not required if the strike is not over a new contract. However, postal employees successfully held a strike in December over their new contract without resorting to mediation and obtained commitments from the Government to continue working on their collective bargaining agreement. Labor and management choose the mediator together. If they cannot agree, the Labor Law calls for the "Economic and Social Council" (GSV) represented by the Government, labor, and private sectors, and headed by a labor professional, to appoint one. The GSV met 4 times during the year regarding labor disputes, and its independent mediators successfully mediated in 20 labor disputes. In October the Government established an "Office for Social Partnership" to support the work of the GSV, which also fosters dialog on issues of interest to the three participating parties. Only after submitting to mediation and formally declaring that negotiations are at an impasse is a strike legal. If a strike is found to be illegal, any participant may be dismissed and the union held liable for damages. No strikes were found to be illegal during the year. The law prohibits retaliation against strikers participating in legal strikes.

During the year, authorities permitted labor demonstrations both in Zagreb's main square and in front of the Parliament. Farmers in Eastern Slavonia staged several demonstrations over nonpayment for their produce. In June nearly 10,000 public sector workers in Zagreb protested new wage scales implemented by the Government without consulting the union. In July steelworkers in Sisak held a 6-week strike to protest nonpayment of wages. In August the Government announced a series of layoffs in the national police force that prompted scattered protests across the country, especially in areas of high unemployment such as Karlovac and Bjelovar.

Unions may affiliate freely internationally. For example, the Union of Autonomous Trade Unions of Croatia is a member of the International Confederation of Free Trade Unions.

*b. The Right to Organize and Bargain Collectively.*—Collective bargaining is protected by law. The Labor Code governs collective bargaining contracts, protection for striking workers, and legal limitations on the ability of employers to conduct "lockouts" during labor disputes. However, during the year, the Government acted to block the signing of already-negotiated collective agreements for state-owned companies and to halt negotiations on such agreements where they were in progress. Negotiations were in progress between management of the Croatian Electrical Company (HEP) and the Croatian Post Office (HP) when the Government issued instructions to management to suspend talks, allegedly in order to wait for the conclusion of agreements with all public employees, and with the expectation of a substantial reduction of their salaries. After the public sector negotiations were completed, the Government instructed HEP and HP managements to resume negotiations. In the HP case, employees went on strike in December and won the right to sign the agreement that was under discussion when the Government ordered talks suspended. The HEP negotiations had not resumed by year's end.

The nonpayment of wages continued to be a serious problem; over 80,000 workers (6 percent of the work force) failed to receive their salaries on time. When salaries were not paid, associated contributions into the social welfare system also lagged, and unpaid workers were denied health coverage. In June the Constitutional Court ruled that workers and their families could not be refused medical benefits, even if employers failed to pay their contributions into the health system.

Under a 1999 agreement, the Agreement for a More Just Croatia, the Government is obliged to consult with labor unions before announcing economic reforms that would result in changes in worker benefits and layoffs; however, unions complained that the Government did not follow this agreement in practice.

The Labor Code prohibits anti-union discrimination, and it expressly allows unions to challenge firings in court. Unlike in previous years, there were no reports of systematic firings on grounds of ethnicity during the year. Unions reached an out-of-court settlement on severance pay and back wages on the 2000 Magma case, in which workers continued to protest the firing of the union president, executive board, and three union organizers from the company by its co-owners, a U.K based investment company and the Minister of Economy and his wife. Generally citizens' attempts to seek redress through the legal system were hampered seriously by the

inefficiency of the court system, where cases often languished for months or years before reaching a final resolution (see Section 1.e.). Vladimir Harjac, who was fired in 2000 for union activities, was reinstated during the year; however, Dragutin Varga's case remained unresolved at year's end.

There were no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor; however trafficking in women for prostitution was a problem (see Section 6.f.). The Ministry of Labor and Social Welfare is responsible for enforcing the ban on coerced or forced labor.

The Constitution does not specifically prohibit forced or compulsory labor by children; however, there were no reports that such practices occurred.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—In July the Croatian Parliament ratified ILO convention 182 prohibiting the worst forms of child labor. The minimum age for employment of children is 15 years, and it is enforced by the Ministry of Labor and Social Welfare. Children may not be employed before reaching the legal age and are not allowed to perform work that is harmful to their health or morality. Workers under the age of 18 are entitled to special protection at work and are prohibited from heavy manual labor and night shifts. There is no reported pattern of the abuse of child labor laws.

The Constitution does not specifically prohibit forced or compulsory labor by children; however, there were no reports that such practices occurred.

*e. Acceptable Conditions of Work.*—In 1999 the Government signed a collective bargaining agreement establishing a minimum wage of approximately \$210 (1,700 kuna) per month; the minimum wage is not sufficient to provide a decent standard of living for a worker and family. In May the government Bureau of Statistics estimated that the average monthly net wage was approximately \$418 (3,500 kuna). In April the Government unilaterally implemented new wage scales for public sector workers without consulting unions.

In June the Labor Law was amended to shorten the workweek to 40 hours from 42 hours. Workers are entitled to a 30-minute daily break, a 24-hour rest period during the week, and a minimum of 18 days of paid vacation leave annually. Workers are entitled to receive time-and-a-half pay for any hours worked beyond 40 per week.

Health and safety standards are set by the Government and are enforced by the Ministry of Health. The law allows unions to appoint health and safety stewards in companies, but their activities are not regulated by collective agreements. In practice industries are not diligent in meeting standards for worker protection. For example, it is common to find workers without hardhats on construction sites and for workers to remove safety devices from dangerous equipment. Under the law, workers may remove themselves from hazardous conditions at work and have recourse through the courts if they believe that they have been dismissed wrongfully for doing so. There were no reports of wrongful dismissal complaints over workplace safety during the year.

*f. Trafficking in Persons.*—The law does not specifically prohibit trafficking in persons, although other existing laws may be used to prosecute traffickers; trafficking in women was a problem. Little statistical information on trafficking exists, although U.N. officials tracking the issue regionally and local research indicate that Croatia is primarily a transit country for women trafficked to other parts of Europe for prostitution, as well as a lesser country of origin and destination country for trafficked women (see Sections 5 and 6.c.).

Police failure to identify trafficked women among illegal aliens smuggled into the country and shortcomings in the readmission agreement with Bosnia, which puts police under pressure to process and repatriate illegal migrants within 72 hours after their initial arrest, resulted in a significant underestimation of the trafficking problem in the country. Women from Hungary, Ukraine, Romania, Bulgaria, Slovakia, and other countries reportedly were trafficked through Bosnia-Herzegovina and Yugoslavia to Croatia, where some remained to work as prostitutes or were trafficked to other destinations. Women are transported through the country by truck or boat. In addition women from Albania, Bosnia, Bulgaria, Hungary, Macedonia, Moldova, Romania, Slovenia, and Yugoslavia were detained in incidents of illegal entry into the country; some of these women were believed to be victims of trafficking. Anecdotal information indicates that international organized crime groups are responsible for trafficking.

Although there is no law specifically prohibiting trafficking in persons, trafficking can be prosecuted under laws prohibiting slavery, the illegal transfer of persons across state borders, international prostitution, or procurement or pimping. However, police awareness of the problem is low, and the police are not trained or encouraged to identify and document possible cases of trafficking. Police are reluctant

to acknowledge that trafficking in persons might occur in the country. Victims are not encouraged to take legal action against their traffickers. According to the Ministry of the Interior, from 1998–2000 the Government prosecuted 5 persons under the law prohibiting slavery and 21 persons under the law prohibiting international prostitution. However, no data is available regarding the final disposition of the cases.

Public awareness of trafficking is low, and there were no government or NGO programs to deal with the prevention of trafficking during the year. There have been no trafficking awareness campaigns in the country. While government officials, international missions, and NGO's are working to develop an antitrafficking strategy, progress has been slow. The Government appointed an official from the Interior Ministry as the national coordinator for trafficking issues, who was engaged in the issue by year's end. In November the Government hosted a ministerial-level conference for Stability Pact participants to coordinate regional antitrafficking approaches; however, there was little publicity for the event and no broad substantive discussion of the problem occurred during the brief conference.

There were no support services available for trafficking victims. Trafficking victims typically are detained for illegal entry and voluntarily deported. Victims generally are detained at a Zagreb detention facility on immigration violations. Detention may last several days or several weeks. Foreign embassies usually do not organize repatriation for its citizens, and victims typically are returned to their countries of origin by train organized by the Croatian Government. There is one women's shelter that occasionally helps trafficked women.

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## CYPRUS

Prior to 1974, Cyprus experienced a long period of intercommunal strife between its Greek Cypriot and Turkish Cypriot communities. In response the U.N. Peacekeeping Force in Cyprus (UNFICYP) began operations in March 1964. The island has been divided since the Turkish military intervention of 1974, following a coup d'etat directed from Greece. Since 1974 the southern part of the island has been under the control of the Government of the Republic of Cyprus. The northern part is ruled by a Turkish Cypriot administration. In 1983 that administration proclaimed itself the "Turkish Republic of Northern Cyprus" ("TRNC"). The "TRNC" is not recognized by the United States or any other country except Turkey. The two parts are separated by a buffer zone patrolled by the UNFICYP. A substantial number of Turkish troops remain on the island. In both the government-controlled areas and in the Turkish Cypriot community, democratic principles generally are respected. Glafcos Clerides was reelected President of the Republic of Cyprus in 1998; in April 2000, Rauf Denktash was declared "President" after "Prime Minister" Derwish Eroglu withdrew following the first round of Turkish Cypriot elections. The judiciary generally is independent in both communities.

Police in the government-controlled area and in the Turkish Cypriot community are responsible for law enforcement. Police forces in the government-controlled area are under civilian control, while military authorities direct Turkish Cypriot police forces. Some police on both sides committed abuses.

Approximately 758,000 persons live on the island of Cyprus. Both Cypriot economies operate on the basis of free market principles, although in each community there are significant administrative controls. The government-controlled part of the island has a robust, service-oriented economy, with a declining manufacturing base and a small agricultural sector. Tourism and trade generated 23 percent of gross domestic product (GDP) and employed 29 percent of the labor force. During the year, per capita income was \$12,957, inflation was 2.0 percent, and unemployment was 3.4 percent. Growth was 4.0 percent, compared with 4.8 percent in 2000. The Turkish Cypriot economy is handicapped by restrictions imposed by the Government of Cyprus and other international institutions. In addition it relies heavily on subsidies from Turkey and is burdened by an overly large public sector. It, too, is basically service oriented but has a smaller tourism and trade base—accounting for 16.4 percent of GDP and employing 10.7 percent of the workforce—and a larger agricultural sector. During the year, per capita income in the north was approximately \$4,978; inflation was 53 percent in 2000 compared with 60 percent in 1999. Inflation was projected to be 70 percent for the year. Growth in the north was -0.6 percent during the year, compared with 5.3 percent in 2000.

The Government of the Republic of Cyprus generally respected the human rights of its citizens; however, there were problems in some areas. Instances of police brutality against detainees continued to be a problem. Police reportedly subjected Turk-

ish Cypriots to surveillance. The Government placed some restrictions on persons traveling to the north. Violence against women persisted. Trafficking in women for prostitution remained a problem.

The Turkish Cypriot authorities generally respected human rights; however, there were a number of problems. Police continued to abuse suspects and detainees. Civilians continued to be tried in military courts. The authorities subjected members of the Greek Cypriot community living in the north to surveillance. The authorities also continued to restrict freedom of movement. Since 1997 the Turkish Cypriot authorities have banned most bicomunal contacts between Turkish Cypriots and Greek Cypriots, including previously frequent meetings in Nicosia's buffer zone. At times they attempted to prevent Turkish Cypriots from traveling to bicomunal meetings off the island as well. Cooperation between the authorities and the U.N. High Commissioner for Refugees was uneven. The Turkish Cypriot authorities have taken some steps to improve the conditions of Greek Cypriots and Maronites living in the territory under their control, but the treatment of these groups still falls short of Turkish Cypriot obligations under the Vienna III Agreement of 1975. Violence against women and trafficking in women for prostitution were problems.

In May the European Court of Human Rights (ECHR) ruled that Turkey was responsible for violations of human rights in Cyprus stemming from the 1974 Turkish military intervention. The result of a complaint by the Government of Cyprus, the decision rejected the Turkish argument that the "TRNC" is an independent state and instead ruled that it is "a subordinate local administration of Turkey operating in northern Cyprus."

#### 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.

Turkish Cypriot authorities still have not conducted a credible investigation of the 1996 murder of a prominent leftist Turkish Cypriot journalist, Kutlu Adali, who wrote articles critical of Turkey's role in the north.

Also in 1996, Turkish Cypriot civilian police killed a Greek Cypriot demonstrator, who had entered the U.N. buffer zone, and participated in the beating death of another. There was no significant investigation by Turkish Cypriot authorities of the killings. The families of both of the deceased filed cases against Turkey in the ECHR; the cases remained pending at year's end.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Both the Constitution of the Republic of Cyprus and the basic law governing the Turkish Cypriot community specifically prohibit torture, the law in both communities prohibits such practices, and the authorities generally respected these provisions in practice; however, instances of Cypriot police brutality against detainees continued, mostly involving non-Cypriots. In February the Attorney General began an investigation into alleged police brutality against Roma. However, the investigation was closed in October on the grounds that there was no credible evidence that the police were involved.

There were credible reports of pervasive police abuse of power and routine harsh treatment of detainees in the Turkish Cypriot community (see Section 1.d.). For example, in December Teachers' Trade Union members alleged that they were beaten by police with batons while protesting the firing of a history teacher who published an article criticizing Turkey and its military in an opposition newspaper.

In 1998 the former European Commission on Human Rights agreed to investigate complaints by nine Turkish Cypriots that Greek Cypriot police mistreated them in 1994 and expelled them to the north. The complainants allege that they were threatened with death if they returned to the south and that Greek Cypriot police were responsible for the death of one complainant's son, after he returned to the south later in 1994. In May the ECHR found the Government of Cyprus responsible for inhuman treatment of the nine Turkish Cypriots and violation of their rights to liberty, security, and free movement. The Court awarded each complainant \$30,776 (20,000 Cyprus pounds) in compensation, plus legal expenses amounting to \$38,470 (25,000 Cyprus pounds). In July and August, the Government of Cyprus compensated the complainants.

Prison conditions generally meet international standards, although there were a few problems. According to a report issued in 2000 by the government Ombudsman, prisoners with psychiatric problems in the south do not receive proper medical care. In the south, women prisoners are held separately from men, and children are held

separately from adults. However, persons incarcerated on minor charges are mixed with more violent criminals. Pretrial detainees are held separately from convicted criminals. In the north, women are held separately from men; however, there are no separate cells for juveniles in prison. They are held with adults. Pretrial detainees are held separately from convicted criminals also in the north.

The Cypriot Government and the Turkish Cypriot authorities permit prison visits by independent human rights monitors, although no such visits occurred during the year.

*d. Arbitrary Arrest, Detention, or Exile.*—Laws throughout Cyprus prohibit arbitrary arrest and detention; however, Turkish Cypriot police at times did not observe legal protections. Throughout Cyprus, judicially issued arrest warrants are required. No person may be detained for more than a day without referral of the case to the courts for extension of the period of detention. Most periods of investigative detention do not exceed 8 to 10 days before formal charges are filed. Attorneys generally have access to detainees; bail is permitted. The Government of Cyprus claims the right to deport foreign nationals for reasons of public interest whether or not they have been charged with or convicted of a crime.

Turkish Cypriot police at times did not observe legal protections, generally at the time of arrest. In some instances, suspects are not permitted to have their lawyers present when testimony is taken, in contravention of the Turkish Cypriot basic law. Suspects who demand the presence of a lawyer may be threatened with stiffer charges or even physically intimidated. A high percentage of convictions in the Turkish Cypriot community are obtained with confessions made during initial police interrogation under these conditions. According to credible reports, police are known to abuse their right to hold persons for up to 24 hours before having to go before a judge; suspects then are released within 24 hours without charges having been filed. Police officers use this tactic against persons suspected of serious crimes or believed to have behaved in a manner deemed insulting to the officer.

On December 1, 2000, Greek Cypriot police arrested Omer Gazi Tekogul for possession of 2 kilograms of heroin near the village of Pyla, located in the U.N. buffer zone. Shortly after Tekogul's arrest, a Turkish Cypriot official told the UNFICYP that Greek Cypriots would "disappear" in retaliation for Tekogul's arrest (this statement was later repudiated by Rauf Denktash). On December 13, Turkish Cypriot authorities arrested Greek Cypriot Panicos Tziakourmas for possession of marijuana. A British Sovereign Base Area (SBA) police investigation suggests that Tziakourmas was seized by Turkish Cypriots on SBA territory and that there was no evidence that he possessed marijuana. Turkish Cypriot authorities claim that Tziakourmas was arrested in the north. On March 20, Tekogul was found guilty and sentenced to 10 years in prison. He subsequently was pardoned by President Clerides and released on September 28. Tziakourmas was found guilty of drug possession, sentenced to the 3 months of time already served, and released on April 26, 2001. Tziakourmas filed a case with the ECHR that alleged the abuse of many of his rights, including false arrest and detention; his case was pending at year's end.

The Constitution and the basic law governing the Turkish Cypriot community prohibit forced exile, and it is not used.

*e. Denial of Fair Public Trial.*—The Constitution and the basic law governing the Turkish Cypriot community provide for an independent judiciary, provisions which generally are respected in practice.

On both sides, most criminal and civil cases begin in district courts, from which appeals are made to Supreme Courts. No special courts exist for security or political offenses, although civilians in the Turkish Cypriot community may be tried in military courts.

Cyprus inherited many elements of its legal system from the United Kingdom, including the presumption of innocence, the right to due process, and the right of appeal. Throughout Cyprus the right to a fair public trial is provided for in law and generally accorded in practice. Defendants have the right to be present at their trials, to be represented by counsel (at public expense for those who cannot afford one), to confront witnesses, and to present evidence in their own defense.

In the Turkish Cypriot community, civilians charged with violating military zones or military regulations are subject to trial in a military court. These courts consist of one military and two civilian judges and a civilian prosecutor. Members of the Turkish Cypriot bar have complained that civilian judges tend to defer to their military colleagues in such hearings. In May the ECHR found that the Government of Turkey violated the right of Turkish Cypriots to a fair trial by authorizing civilians to be tried in military courts. In April the Turkish Cypriot "Constitutional Court" ruled that it is unconstitutional to try a civilian before a court with a military judge. Legislation to enforce the ruling had not been passed by year's end.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—Both the Cyprus Constitution and the basic law governing the Turkish Cypriot community include provisions to protect the individual against arbitrary interference by the authorities, and a judicial warrant is required for a police official to enter a private residence; however, police on both sides have subjected members of the other community resident in their area to surveillance (see Section 5). The Turkish Cypriot authorities restrict the ability of Greek Cypriots and Maronites living in the north to change their place of residence (see Section 5).

In May 2000, Turkish Cypriot authorities announced that Greek Cypriots and Maronites resident in the north may bring their spouses to reside with them in the north, and that Greek Cypriot marriage certificates will be recognized as proof of marriage. Previously this required special permission, which was difficult to obtain. One such marriage took place in 2000, and the couple moved to the north. Another took place in September; that couple was awaiting permission to move back north at year's end.

In May the ECHR ruled that the Government of Turkey was responsible for violations concerning the homes and properties of Greek Cypriots displaced during the 1974 Turkish military intervention, as well as violations of the rights of Greek Cypriots still living in north Cyprus.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—Laws provide for freedom of speech and of the press, and these rights generally are respected in practice throughout the island; however, there was at least one reported instance of harassment of a newspaper in the Turkish Cypriot community.

Independent newspapers and periodicals have proliferated in both communities. Opposition papers frequently criticized the authorities. In the north, for a population of approximately 150,000 persons, there are 11 newspapers. In the government-controlled area there are seven major daily newspapers, one weekly, and six major magazines. Several private television and radio stations in the Greek Cypriot community compete effectively with the government-controlled stations. In addition to two smaller, university-run radio stations, eight private radio stations operate in the Turkish Cypriot community, along with three radio stations run by the authorities. There are two television channels run by the authorities and three private television channels. International broadcasts are available without interference throughout the island, including telecasts from Turkey and Greece.

The Turkish Cypriot opposition newspaper *Avrupa* was reportedly subject to harassment. In May a bomb damaged the newspaper's offices. The authorities made no arrests in the case. In December Turkish Cypriot authorities confiscated *Avrupa*'s furniture and computers for nonpayment of \$200,000 (280 billion Turkish lira) in fines. (The fines arose from a 1998 lawsuit by Turkish Cypriot officials against *Avrupa*'s editor/owner.) The owner immediately closed *Avrupa*, renamed it *Afrika*, and kept the same editorial staff. *Afrika* continued daily publication at year's end.

Restrictions at times were imposed on the ability of journalists to cross the buffer zone to cover news events. The Cypriot Government denied entry to the south for visiting Turkish journalists who arrived in Cyprus through ports of entry in the north. In retaliation Turkish Cypriot authorities at times required Greek Cypriot journalists to purchase a "visa" to enter the north, which the journalists refused to do. Turkish Cypriot policy, while applied inconsistently, has been to permit Greek Cypriot journalists traveling as a group to cover events in the north without paying a "visa" fee, but not to allow individual Greek journalists entry unless they pay the fee.

Academic freedom is respected throughout the island.

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

Although Turkish Cypriot authorities also generally respected these rights, which are provided for in the basic law, they imposed restrictions on bicomunal meetings (see Section 2.d.).

*c. Freedom of Religion.*—The Constitution of the Republic of Cyprus provides for freedom of religion, and the Government generally respects this right in practice. The basic law governing the Turkish Cypriot community also provides for freedom of religion, and the authorities generally respect this right in practice. Turkish Cypriots residing in the southern part of the island and non-Muslims living in the north are allowed to practice their religions.

The 1960 Constitution of the Republic of Cyprus specifies that the Greek Orthodox Church (which is autocephalous and not under the authority of the mainland

Greek Orthodox Church) has the exclusive right to regulate and administer its internal affairs and property in accordance with its holy canons and charter. The Constitution also states that the Turkish Cypriot religious trust, the Vakf (the Muslim institution that regulates religious activity for Turkish Cypriots), has the exclusive right to regulate and administer its internal affairs and property in accordance with Vakf laws and principles. No legislative, executive, or other act may contravene or interfere with the Orthodox Church or the Vakf. Both the Greek Orthodox Church and the Vakf are tax exempt with regard to religious activity. According to law, they are required to pay taxes only on strictly commercial activity.

Three other religious groups are recognized in the Constitution: Armenian Orthodox, Maronite Christians, and Latins (Roman Catholics). These groups also are exempt from taxes and are eligible, along with the Orthodox Church and the Vakf, for government subsidies. No other religious group is recognized in the Constitution.

Both the Government of Cyprus and the Turkish Cypriot administration have constitutional or legal bars against religious discrimination. The basic agreement covering treatment of Greek Cypriots and Maronites living in the north and Turkish Cypriots living in the south remains the 1975 Vienna III Agreement. Among other things, this agreement provides for facilities for religious worship.

Religions other than the five recognized religions are not required to register with government authorities; however, if they desire to engage in financial transactions, such as maintaining a bank account, they must register as a nonprofit company, and most do so. Registration generally is granted promptly, and many religious groups are recognized. No religious groups were denied registration during the year.

In the northern part of the island, the Turkish Cypriot basic law refers specifically to a "secular republic," and provides for religious freedom; no specific religion is recognized in the basic law. However, based on the 1960 Constitution, the Vakf, which pays the costs of Muslim religious activities and the salaries of Muslim religious leaders, is tax exempt in regard to its religious activities (the Vakf pays taxes on its commercial and real estate operations) and receives official subsidies. No other religious organization is tax exempt or receives subsidies.

Certain restrictions on the right of Greek Cypriots resident in the north to visit Apostolos Andreas monastery were eased in 1998. Greek Cypriot residents of Rizokarpasso may visit the monastery without restriction, but others must apply to the local authorities for permission. Maronites may not visit certain religious sites in the north located in military zones. Armenians may not visit any religious sites in the north.

In May 2000, the Turkish Cypriot authorities eliminated the system of fees imposed in 1998 for crossing the buffer zone, although a \$1.55 (1 Cyprus pound) processing fee remained in effect. Reciprocal visits to religious sites were suspended in July 2000 (see Section 2.d.). Such visits took place under a 1997 agreement that allowed Greek Cypriots to visit the Apostolos Andreas monastery in the north on designated Christian religious holidays, and Turkish Cypriots to visit the Hala Sultan mosque in the south on certain Muslim religious holidays.

In May the ECHR ruled that the Government of Turkey was responsible for restrictions imposed on Greek Cypriots resident in the north in regard to their access to places of worship and participation in other areas of religious life.

In April Turkish Cypriot authorities and the Government of Cyprus came to an agreement, after 4 years, on the assignment of a second Orthodox priest to work in the north. However, the Government of Cyprus had not identified a candidate for the position by year's end.

Although missionaries have the legal right to proselytize in both communities, missionary activities are monitored closely by both Greek Cypriot and Turkish Cypriot authorities. The police may initiate investigations of religious activity based on a citizen's complaint under laws that make it illegal for a missionary to use "physical or moral compulsion" in an attempt to make religious conversions. They may also investigate when missionaries may be involved in illegal activities that threaten the security of the republic, constitutional or public order, or public health and morals. There are occasional apprehensions under these laws that result in publicity but no arrests.

Instruction in the Greek Orthodox religion is mandatory for all Greek Orthodox children and is taught in all public primary and secondary schools in classes held twice per week in the government-controlled area. Members of Jehovah's Witnesses and Maronite parents can request that their children be excused from such instruction. Such requests routinely are granted. There are no reports of practitioners of other religions requesting such an exemption.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—Both the Cyprus Constitution and the basic law governing the Turkish Cypriot community provide for these rights, and they are generally respected in

practice. Both authorities respect the right to travel abroad and to emigrate. Turkish Cypriots have difficulty traveling to most countries because travel documents issued by the "Turkish Republic of Northern Cyprus" are recognized only by Turkey. Most Turkish Cypriots use Turkish travel documents instead.

In June a group of Turkish Cypriot students and their teachers were denied permission by the Turkish Cypriot authorities to leave Cyprus in order to attend an international youth Olympics held in Athens. The stated reason was that civil servants (including teachers) are obliged to obtain permission from the relevant authorities for travel abroad.

Republic of Cyprus authorities discourage travel to the northern part of the island. They permit only day travel by tourists to the north, sometimes arbitrarily refuse permission to non-Cypriots to cross to the north, and pressure foreigners working in Cyprus not to cross to the north. They have declared that it is illegal to enter Cyprus except at authorized entry points in the south, effectively barring entry into the government-controlled area by foreigners who have entered Cyprus from the north.

Turkish Cypriots traveling to the south must seek prior permission from the Turkish Cypriot authorities and must provide the Turkish Cypriot authorities with an itinerary and the purpose of their travel. To pass the Greek Cypriot checkpoint, Turkish Cypriots must provide their planned itinerary, including their projected time of return, to the checkpoint police. They do not need to notify the checkpoint police in advance but do need to prove they are Turkish Cypriots. There is no limit on how long they may remain in the south. Some Turkish Cypriots have reported being followed by Greek Cypriot police during visits to the south.

Turkish Cypriot authorities generally allow visits to the north by persons who initially enter Cyprus in the south, but they have denied entry to foreigners of Turkish Cypriot origin who enter Cyprus in the south. In 1995 the Turkish Cypriot authorities instituted a policy under which foreign nationals of Greek Cypriot origin would be permitted to visit the Turkish Cypriot-controlled areas; however, implementation of the procedures has remained inconsistent, and visitors of Greek Cypriot or Armenian origin, or even persons having Greek or Armenian names, may face considerable difficulties entering the north. In August Turkish Cypriot authorities refused entry to a foreign governmental delegation wishing to travel to the Karpass, which included a Greek-surnamed foreign national, on the grounds that the delegation had not provided enough notice.

All visitors must obtain a formal "TRNC visa" to enter the north. In May 2000, Turkish Cypriot authorities lowered visa fees at the main Nicosia checkpoint to \$1.55 (1 Cyprus pound). Maronites are charged the same fee each time they cross. Requests to cross into the north must be submitted 48 hours in advance.

In July 2000, Turkish forces established a checkpoint in a location adjacent to the Greek Cypriot village of Strovilia and the British eastern SBA. Although access to Strovilia had been largely unimpeded, the checkpoint provides Turkish forces the ability to control the approach to the village. Despite protests from the UNFICYP and others, Turkish forces remained at the contested checkpoint at year's end in violation of the status quo. Turkish forces restricted UNFICYP movement, including refusing to allow the UNFICYP to man a checkpoint in Kokkina. On July 31, 2000, Greek Cypriot officials responded to those moves and denied Turkish Cypriots land passage to Kokkina. Visits to this pocket of land (which contains a memorial and is surrounded by the government-controlled area) are included in the 1997 reciprocal visit agreement. In August and November 2000, Turkish Cypriot officials denied access to southern Greek Cypriots to visit the Apostolos Andreas monastery. No reciprocal visits took place during the year under the agreement.

In 1996 the ECHR ruled 11 to 6 that Turkey committed a continuing violation of the rights of a Greek Cypriot woman by preventing her from going to her property located in north Cyprus. The ruling reaffirmed the validity of property deeds issued prior to 1974. In July 1998, the ECHR ordered the Turkish Government to pay the woman approximately \$915,000 (1.3 billion Turkish lira) in damages and costs. The Turkish Government stated that it could not implement the ECHR's decision, arguing that the land in question is not Turkish but is part of the "Turkish Republic of Northern Cyprus." During the year, the Council of Europe continued to call on the Turkish Government to comply with the Court's decision. Approximately 150 similar cases filed by Greek Cypriots against Turkey were declared admissible by the ECHR, but no judgements had been issued in any of the other cases by year's end.

Turkish Cypriot authorities in the past had approved most applications for Turkish Cypriots to participate in bicomunal meetings in the U.N.-controlled buffer zone, but on December 27, 1997, they suspended Turkish Cypriot participation in these meetings pending a reevaluation of bicomunal activities. The "suspension"

soon became an effective Turkish Cypriot ban on bicomunal contacts on Cyprus. Whereas in 1997 thousands of Greek Cypriots and Turkish Cypriots participated in bicomunal events, in which mixed groups met to discuss such topics as the environment, family violence, management techniques, business operations, and legal questions, the Turkish Cypriot ban halted almost all of those contacts. However, since June 2000, Turkish Cypriot authorities have eased the ban. On a case-by-case basis, the Turkish Cypriot authorities allowed some Turkish Cypriots to participate in bicomunal events in and across the buffer zone. Greek Cypriots still must obtain a Turkish Cypriot "visa" to visit the north. Turkish Cypriot authorities also attempted to interfere with some bicomunal events taking place outside Cyprus by requiring civil servants to seek permission from their respective employer and the Turkish Cypriot "Ministry of Foreign Affairs" before confirming their participation. Enforcement of the policy has been inconsistent, with some public officials permitted to attend off-island bicomunal events. Private citizens have been allowed to travel to off-island bicomunal events.

Turkish Cypriot authorities have announced the easing of restrictions on the 428 Greek Cypriots and 167 Maronites living in the north. Turkish Cypriot authorities usually grant the applications of Greek Cypriot residents in the north to visit the government-controlled area. Visits to the south are limited to a total of 6 months per year. The applicants must return within the designated period or risk losing their right to return and to keep their property, although this rule rarely is enforced in practice. Overnight stays also are limited to a "reasonable period" (said period to be determined by Turkish Cypriot authorities), with extensions possible. However, there were reports during the year that Turkish Cypriot authorities prevented family relatives from extending their stays in the north. There were also reports that Turkish Cypriot authorities prevented unlimited travel to the north by family relatives. Greek Cypriots visiting from the south may not travel in the north in their personal vehicles but must use taxis or buses and pay the crossing fee.

Similar restrictions exist for visits by Maronite residents of the north to the government-controlled areas, but they are applied much more loosely than restrictions on Greek Cypriots, and Maronite travel is relatively unrestricted. However, Maronite residents also must pay the required crossing fees.

While in the past the Turkish Cypriot authorities permitted school holiday and weekend visits to the north only by children under the ages of 16 (male) and 18 (female), the age limits for Maronite students and female Greek Cypriot students were lifted entirely in 1998. In May 2000, Turkish Cypriot officials announced that male Greek Cypriot students of military draft age who can show documentation proving that they are full-time students, and therefore not yet performing military duties, may continue to visit the north.

The Turkish Cypriot authorities no longer require Greek Cypriots or Maronites resident in the north to obtain police permits for internal travel in the north. They may use private vehicles registered and insured in the north. Implementation of the new policy has been inconsistent.

The Government generally cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR). Cyprus continued to attract a growing number of asylum seekers (1,620 by year's end), most of whom arrived by small boat. These cases are referred to the local UNHCR office for evaluation. If recognized as a refugee, the applicant is granted a 3-year residence permit renewable for 3 additional years. If applicants meet the criteria for refugee status, they are permitted to stay and are given temporary work permits. However, refugees generally are not granted permanent resettlement rights, although they are permitted to remain until resettlement in another country can be arranged.

In 2000, in accordance with the 1951 U.N. Convention on the Status of Refugees and its 1967 Protocol, the Cyprus legislature passed an asylum law designed to grant temporary residence to asylum applicants until their applications are reviewed by the competent government authority. The law is designed to transfer responsibility for asylum application processing from the UNHCR to the Government. However, due to the lack of rules and regulations to implement the asylum law, the UNHCR continued to review refugee applications. In July 2000, the Government established a 130-bed detention facility for housing arriving immigrants until their cases are evaluated.

In the north, cooperation between the Turkish Cypriot authorities and the UNHCR has been uneven. Working with the assistance of a local nongovernmental organization (NGO), the UNHCR recognized 2 persons as refugees in 1999 and 15 persons as refugees in the north in 2000. As of August, no person was recognized as a refugee during the year. Beginning in April, 221 asylum seekers who arrived in the north in groups were arrested, sentenced to between 10 days and 1 month of detention, and then deported. Several asylum seekers who entered the north in

accordance with official procedures were allowed to present their cases to the UNHCR through a Turkish Cypriot NGO.

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*

Multiparty political systems exist throughout Cyprus. The Republic's Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Political parties compete for popular support actively and without restriction. Elections for the office of President are held every 5 years; in February 1998, President Clerides won reelection to another 5-year term. Elections for members of the House of Representatives are held every 5 years or less.

The basic law provides Turkish Cypriots living in northern Cyprus with the right to change the elected authorities peacefully, and they exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. A leader and a representative body are elected every 5 years or less; in December 1998, they chose a new "National Assembly." In April 2000, Rauf Denktaş was named Turkish Cypriot leader after his opponent, "Prime Minister" Dervish Eroglu, withdrew between the first and second round of voting.

Under the 1960 Constitution, voting takes place on a communal basis. Therefore since the breakdown in 1963 of bicomunal governing arrangements, and since the 1974 de facto partition of the island, Turkish Cypriots living in the government-controlled area are barred from voting there, although they may travel to the north to vote in elections. Similarly Greek Cypriots and Maronites living in the north are barred by law from participating in Turkish Cypriot elections; they are eligible to vote in Greek Cypriot elections but must travel to the south to exercise that right. Officials in the north representing Greek Cypriots and Maronites are appointed by the Government of Cyprus and are not recognized by Turkish Cypriot authorities.

In both communities, the percentage of women in government and politics does not correspond to their percentage of the population, although they face no legal obstacles to participating in the political process. Women hold some cabinet-level, judicial, and other senior positions. In the House of Representatives, women hold 6 of 56 seats; in the "National Assembly" in the north, women hold 4 of 50 seats.

In addition to their normal voting rights, the small Maronite, Armenian, and Latin (Roman Catholic) communities also elect special nonvoting representatives from their respective communities who sit in the respective legislative bodies.

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

No restrictions prevent the formation of human rights groups. A number of organizations in both areas of the island consider themselves human rights groups; however, they generally are concerned with alleged violations of the rights of their community's members by the other community. Groups with a broader human rights-related mission include organizations promoting awareness of domestic violence and others concerned with alleged police brutality. Representatives of international human rights organizations have access throughout the island. All of these groups in general operate without restriction by the authorities, and officials are cooperative and responsive to their views.

The United Nations, through the autonomous tripartite (U.N., Greek Cypriot, Turkish Cypriot) Committee on Missing Persons in Cyprus (CMP), is attempting to resolve the problem of missing persons who remain unaccounted for since the intercommunal violence beginning in 1963-64 and the events of July 1974 and afterwards. The CMP has made little progress, due to Turkish Cypriot reluctance to proceed without first fully accounting for those who may have been killed in internal Greek Cypriot fighting in July 1974 prior to the landing of Turkish forces on Cyprus. In December the leaders of both communities met to discuss the missing and agreed to redouble efforts to resolve the issue in cooperation with the CMP.

Since June 1999 the Government of Cyprus has been conducting exhumations of gravesites in the south that may contain the remains of persons missing since 1974. By year's end, 115 Greek Cypriots had been identified through DNA testing. Of those, 30 were listed among the missing since 1974; the remaining 85 were known to be dead, but the locations of their graves were unknown. The Turkish Cypriot authorities have not cooperated in this DNA identification effort. In July 2000, the Government of Cyprus released a list of 1,493 Greek Cypriot missing persons whose cases have been submitted to the CMP for investigation.

In May the ECHR ruled that the Government of Turkey was responsible for continuing human rights violations against Greek Cypriots missing since the 1974 Turkish military intervention and their surviving relatives.

The ECHR declined jurisdiction to examine some of the Government's complaints regarding the violation of rights of Turkish Cypriots, ruling that such persons could and should first exhaust domestic remedies provided by Turkey through judicial bodies established in the north.

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

Laws in both communities provide for protection against discrimination based on sex, religion, or national, racial, or ethnic origin. While each community generally respects such laws, significant problems remained concerning the treatment of the Greek Cypriots and Maronites living in the north and, to a lesser extent, with the treatment of Turkish Cypriots living in the government-controlled area.

*Women.*—Spousal abuse in the Greek Cypriot community is a problem; and it continued to receive increased attention. An NGO formed to address domestic abuse reported 591 cases during 2000, compared with 747 cases in 1999. Women constituted 83.2 percent of the reported victims, children 14.3 percent, and men 2.3 percent. The NGO noted that the decrease in cases in 2000 should not be interpreted as an actual decrease in the incidence of domestic violence; a shortage in volunteer staff in 2000 decreased the number of the organization's domestic abuse hot line operating hours. The NGO operates a shelter for battered women in Nicosia.

In 2000 the House of Representatives passed a new law entitled the Violence in the Family (Prevention and Protection of Victims) Law designed to make family violence easier to report and prosecute. The testimony of child witnesses and experts, such as psychologists, may be used as evidence to prosecute abuses. The law increased prison terms for the abuse of family members. Many suspected cases of domestic violence do not reach the courts, largely because of family pressure and the wife's economic dependence on her husband. Very few cases tried in the courts have resulted in convictions.

Domestic violence in the Turkish Cypriot community is reportedly a problem, but little public discussion of such violence has occurred. Domestic violence cases are rare in the Turkish Cypriot legal system, since they often are considered a "family matter."

"Honor" crimes, in which women are victimized and even killed by relatives for alleged acts that dishonor the family, occur in the government-controlled area and in the north and are prosecuted in both areas. However, no honor-crime related deaths or injuries were reported on the island during the year.

Republic of Cyprus law does not prohibit voluntary prostitution; however, sexual exploitation and the trafficking of adults and children is a felony. Credible reports continued that women were trafficked and forced into prostitution in both communities (see Section 6.f.).

The Greek Cypriot press frequently reported on the mistreatment of some maids and other foreign workers (see Sections 6.c. and 6.e.).

There is no law against sexual harassment in the government-controlled area. Although prohibited by law in the north, sexual harassment is not discussed widely, and any such incidents largely are unreported. Throughout Cyprus, women generally have the same legal status as men. Greek and Turkish Cypriot women married to foreign husbands have the right to transmit citizenship to their children automatically. A 1998 Turkish Cypriot law on marriage and divorce provides for more equal treatment of husbands and wives. Under the law, the man no longer is considered legally the head of the family and does not have the exclusive right to decide the family's place of residence. The wife may retain her surname but must add the husband's surname. Turkish Cypriot women may marry non-Muslim men. In cases of divorce, the court decides on a fair distribution of the family's assets, with each partner assured a minimum of 30 percent. In dividing assets, the judge must take into account which partner is receiving custody of the children and provide sufficient means to support them.

Legal provisions in both communities that require equal pay for men and women performing the same job are enforced effectively at the white collar level, but Turkish Cypriot women employed in the agricultural and textile sectors routinely are paid less than their male counterparts.

*Children.*—Both the Government and the Turkish Cypriot authorities are strongly committed to children's rights and welfare; they fund systems of public education and health care. There is no difference in the health care and educational opportunities available to boys and girls. In the government-controlled areas, free education is available at all levels through the age of 18. Education is compulsory up to the

age of 15 or completion of secondary school. In the Turkish Cypriot community, free education through the age of 15 is compulsory.

Despite improvements in living conditions for Greek Cypriots and Maronites, no Greek-language educational facilities for Greek Cypriot or Maronite children in the north exist beyond the elementary level. Parents thus are forced in many instances to choose between keeping their children with them or sending them to the south for further education (in which case Turkish Cypriot authorities no longer allow them to return permanently to the north).

Turkish Cypriot authorities screen all textbooks sent from the south to the Greek Cypriot schools, causing lengthy delays in their distribution and shortages of up-to-date texts. For example, in September 2000, Turkish Cypriot authorities did not approve approximately 30 percent of the books sent to the north, and the books were returned. In August a request by the Government of Cyprus to send a fourth teacher to the Greek Cypriot school in the north was rejected by Turkish Cypriot authorities.

There is no societal pattern of abuse of children.

*Persons with Disabilities.*—In Cyprus generally, persons with disabilities do not appear to face discrimination in education or the provision of state services. In the Greek Cypriot community, persons with disabilities who apply for a public sector position are entitled to preference if they are deemed able to perform the required duties and their qualifications equal those of other applicants. In October 2000, the Government passed a law based on a 1993 U.N. General Assembly resolution on equal opportunities for persons with disabilities, which includes regulations promoting equal opportunities for them in the areas of employment, transportation, and recreation. In the Turkish Cypriot community, regulations require businesses to employ 1 person with disabilities for every 25 positions they fill, although enforcement is inconsistent.

The law in the Greek Cypriot community mandates that new public buildings and tourist facilities be accessible, although little has been done to enforce the law, despite the enactment in 2000 of relevant regulations. While there is increasing awareness of the issue, the Turkish Cypriot community has not enacted legislation to mandate access for persons with disabilities to public buildings and other facilities.

*Religious Minorities.*—Greek Cypriots living in the north report that unused Orthodox churches continued to be vandalized. Although Turkish Cypriots reported that unused mosques in the south also have been vandalized, the Government routinely carried out maintenance and repair of mosques in the south. A previously unknown Greek Cypriot nationalist organization claimed responsibility for an arson attack on a mosque in the south in August 1999. Damage was light. The authorities repaired and built a fence around the mosque and pledged to increase protection of Muslim sites. Two persons were arrested for the attack, charged, and released; the case was pending at year's end.

*National/Racial/Ethnic Minorities.*—Constitutional or other legal mechanisms prohibit discrimination in both communities. The 1975 Vienna III Agreement remains the basic agreement covering the treatment of Greek Cypriots and Maronites living in the north and Turkish Cypriots living in the south. The agreement provides for the voluntary transfer of populations, free and unhindered access by the UNFICYP to Greek Cypriots and Maronites living in the north and Turkish Cypriots living in the south, and facilities for education, medical care, and religious worship. Turkish Cypriot noncompliance with some of the provisions of the Vienna III Agreement made daily life difficult for Greek Cypriots and Maronites living in the north. At year's end, there were 428 Greek Cypriots and 167 Maronites resident in the north.

Some of the approximately 300 Turkish Cypriots living in the government-controlled area faced difficulties in obtaining identification cards and other government documents, especially if they were born after 1974. Turkish Cypriots also appeared to be subjected to surveillance by the Greek Cypriot police (see Section 1.f.). However, they made few formal complaints to the UNFICYP.

UNFICYP access to Greek Cypriots and Maronites living in the north remained limited. Despite improvements in living conditions for Greek Cypriots and Maronites, no Greek-language educational facilities for Greek Cypriot or Maronite children in the north exist beyond the elementary level (see Section 5/Children). Both Greek Cypriots and Maronites living in the north are unable to change their place of residence at will. Although the Vienna III Agreement provides for medical care by a doctor from the Greek Cypriot community, only care by a Turkish Cypriot doctor registered with Turkish Cypriot authorities is permitted. Additional telephones have been installed for Greek Cypriots living in the north, although they,

like Turkish Cypriots, must pay higher, "international" fees to make telephone calls to the south.

In May 1999, a Maronite house in the village of Asomatos was demolished by the Turkish military. Military officials indicated that the action was an error and promised to rebuild the house; however, it had not yet been rebuilt by year's end. Maronites still lack some public services available in most other Turkish Cypriot areas.

In 1998 the Turkish Cypriot authorities announced that they were reviewing legislation that bans Greek Cypriots and Maronites in the north from leaving property to heirs residing in the south. Such property would no longer be seized by the Turkish Cypriot authorities but would be taken into temporary custody pending probate of the will. However, it is not clear whether Turkish Cypriot legal provisions exist to facilitate the transfer of Greek Cypriot- and Maronite-owned property in the north to heirs in the south, and the practical effect of the 1998 announcement remained unrealized.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—All workers, except for members of the police and military forces, have the legal right to form and join trade unions of their own choosing without prior authorization; however, in the government-controlled area, police officers are permitted only to join associations that have the right to bargain collectively but not to strike. More than 70 percent of the Greek Cypriot workforce belongs to independent trade unions. Approximately 50 to 60 percent of Turkish Cypriot private sector workers, and all public sector workers, belong to labor unions.

In the Turkish Cypriot community, union officials alleged that various firms have been successful in establishing "company" organizations and then pressing workers to join these unions. Officials of independent labor unions also have accused the Turkish Cypriot authorities of creating rival public sector unions to weaken the independent unions.

In both communities, trade unions freely and regularly take stands on public policy issues affecting workers and maintain their independence from the authorities. Two of the major trade unions, one in each community, are affiliated closely with political parties. Both of the other major unions are independent.

All workers have the right to strike; however, in the northern part of the island, employers have an unrestricted right to hire replacement workers in the event of a strike, thereby limiting the effectiveness of the right to strike. In addition authorities in both the Greek Cypriot and Turkish Cypriot communities have the power to curtail strikes in "essential services," although this power is used rarely. There were no major strikes during the year.

Unions in both parts of Cyprus may and do affiliate with international trade union organizations, although Greek Cypriot unions sometimes object to recognition of Turkish Cypriot unions formed after 1963.

*b. The Right to Organize and Bargain Collectively.*—By law trade unions and confederations are free to organize and bargain collectively throughout Cyprus. This right is observed in practice in the government-controlled areas, and most wages and benefits are set by freely negotiated collective agreements; however, Greek Cypriot collective bargaining agreements are not enforceable. In the rare instances in which persons claim that such agreements were infringed, the Ministry of Labor is requested to investigate. If the Ministry is unable to resolve the dispute, the union may call a strike to support its demands.

In the Turkish Cypriot community, wage levels are reviewed several times a year for both private sector and public sector workers, and a corresponding cost-of-living raise is established. A special commission composed of five representatives each from organized labor, employers, and the authorities conduct the review.

Antiunion discrimination is not illegal in the Turkish Cypriot community. Union leaders contend that private sector employers are able to discourage union activity because the enforcement of labor regulations is sporadic, and penalties for antiunion practices are minimal. As in the Greek Cypriot community, parties to a dispute may request mediation by the authorities. Antiunion discrimination is illegal in the government-controlled area.

Small export processing zones (EPZ's) exist in the port of Larnaca and in Famagusta; the laws governing working conditions and actual practice in the EPZ's are the same as those outside the zones.

*c. Prohibition of Forced or Compulsory Labor.*—Laws prohibit forced or compulsory labor throughout Cyprus; however, there were credible reports that women were trafficked into Cyprus for prostitution (see Section 6.f.). Foreign maids and illegal foreign workers allegedly are subject to the nonpayment of wages and the threat of deportation (see Section 6.e.).

Laws prohibit forced and bonded labor by children in both communities, and there were no reports that such practices occurred.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—In both the government-controlled area and Turkish Cypriot community, the minimum age for the employment of children in an “industrial undertaking” is 16 years of age. Turkish Cypriots may be employed in apprentice positions at the age of 15. There are labor inspectors in both communities who enforce the law effectively. However, in family-run shops it is common for younger children to work after school, and according to press reports, children as young as 11 or 12 years of age work in orchards during their school holidays in the Turkish Cypriot community.

Laws prohibit forced and bonded labor by children, and such practices are not known to occur (see Section 6.c.).

During the year, a law enacted in the Greek Cypriot community updated provisions of previous legislation in line with the European Union acquis. The new legislation significantly increased fines for child labor abuses and added regulations that deal with culture, sports, and advertising.

*e. Acceptable Conditions of Work.*—The legislated minimum wage in the government-controlled area, which is reviewed every year, is approximately \$420 (280 Cyprus pounds) per month for shop assistants, practical nurses, clerks, hairdressers, and nursery assistants. The wage rises to \$450 (300 Cyprus pounds) after 6 months’ employment. Neither amount is sufficient to provide a decent standard of living for a worker and family. All other occupations are covered under collective bargaining agreements between trade unions and employers within the same economic sector, and the wages set in these agreements are significantly higher than the legislated minimum wage (see Section 6.b.). The legislated minimum wage in the Turkish Cypriot community, while subject to frequent review because of high inflation, was approximately \$170 (238 million Turkish lira) per month at year’s end. This amount is insufficient to provide a decent standard of living for a worker and family. Unskilled workers typically earn about \$416 (260 Cyprus pounds) per month, which barely is adequate to support a family.

In the government-controlled area, the legal maximum workweek in the private sector is an average of 39 hours for white-collar workers and 38 hours for blue-collar workers. In the public sector, it is 38 hours during the winter and 35 hours in the summer. In the Turkish Cypriot community, the legal maximum workweek is 38 hours in the winter and 36 hours in the summer. Labor inspectors effectively enforce these laws.

Steps have been taken to improve health and safety standards in the workplace in the government-controlled area. A 1997 law harmonized health and safety standards with those in the EU. The law incorporates EU principles and standards for health and safety in the workplace and complies fully with the 1981 International Labor Organization convention on occupational health and safety. A second 1997 law requires employers to provide insurance liability coverage for work-related injuries. According to labor union officials, these laws are enforced effectively.

Occupational safety and health regulations are enforced sporadically in the Turkish Cypriot community. In both the government-controlled area and the Turkish Cypriot community, factory inspectors process complaints and inspect businesses in order to ensure that occupational safety laws are observed. Workers in the government-controlled area may remove themselves from dangerous work conditions without risking loss of employment. Turkish Cypriot workers who file complaints do not receive satisfactory legal protection and may face dismissal.

There were frequent reports on the mistreatment of maids and other foreign workers in the Greek Cypriot press. Such reports usually involved allegations that maids, often from East or South Asia, were mistreated by their employers or fired without cause in violation of their contracts. Many women do not complain to authorities, fearing retribution from their employers. A new law passed during the year protects domestic workers who file a complaint with the Labor Department from being deported until their case has been adjudicated.

A significant percentage of the labor force in the north consists of illegal workers, mostly from Turkey. According to some estimates, illegal workers constitute as much as 15 percent of the total work force there. There are frequent allegations that such workers were subject to mistreatment, including the nonpayment of wages and threats of deportation.

*f. Trafficking in Persons.*—The law in the government-controlled area criminalizes trafficking, but the law in the north does not prohibit trafficking; during the year, there continued to be credible reports that women were trafficked into both communities for the purpose of prostitution.

Agents in Eastern Europe recruited young women for prostitution in the government-controlled area. The women came principally from Ukraine, Romania,

Moldova, Russia, and Bulgaria and entered either illegally after authorities were bribed or on temporary 3-month work permits. In some instances, they then were forced to surrender their passports or forced to stay beyond the period of their work permits and in some cases were not paid their full salaries. A similar pattern existed in the recruitment and hiring of Eastern European women to work in the Turkish Cypriot community, and reports persisted regarding the coercion of nightclub workers, such as the confiscation of victims' passports. Estimates on the extent of the problem are difficult to obtain.

In 2000 the Cypriot legislature passed a law making it a felony to engage in the sexual exploitation and trafficking of adults (with or without their consent) and children. The law provides for punishment of up to 20 years' imprisonment for trafficking. There were no reported convictions by year's end; however, three individuals were charged with trafficking under the new law, and their cases were pending at year's end. In January 2000, the Turkish Cypriot "National Assembly" passed a law designed to regulate the hiring of women in nightclubs, including penalties for women and employers that engage in prostitution; the law does not prohibit trafficking. A holdover from British preindependence law makes it illegal in both communities to procure a woman for prostitution, although the crime is only a misdemeanor. Turkish Cypriot authorities deny the existence of trafficking, and no resources specifically are earmarked to combat it. The Greek Cypriot authorities arrested nightclub operators for profiting from prostitution. Corruption among law enforcement and immigration personnel is an obstacle to the effective policing or prevention of trafficking in both communities. In September 1999, the Chief of Migration Department in the government-controlled area was arrested for illegally issuing visas to female nightclub workers and pub owners; he was convicted during the year and sentenced to 18 months' imprisonment.

The law obligates the State to provide protection and support for victims, and the Government made some effort to protect women who brought complaints against employers by allowing them to remain to press charges or facilitating their return home. Under the law, the Government must also provide shelter and medical and psychiatric care until the victims have recovered from any traumatic experience. Persons convicted of trafficking may be required by the court to pay such costs in addition to any repatriation costs. The Government may appoint a guardian for victims to advise and give counsel and to represent the victim with the appropriate government agency. Victims may sue traffickers for damages. There are no similar legal provisions in the Turkish Cypriot community. However, many of the women are reluctant to press charges, fearing retaliation by employers or deportation.

NGO's that protect the rights of women and immigrant workers are available to assist victims of trafficking; however, they state that they very rarely receive any requests for assistance.

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## CZECH REPUBLIC

The Czech Republic is a constitutional parliamentary democracy with a bicameral Parliament. Following elections in June 1998, Prime Minister Milos Zeman formed a minority government comprised almost exclusively of members of his left-of-center Social Democratic Party. The Parliament elects the President for a 5-year term; in January 1998, President Vaclav Havel was reelected by a narrow margin. Although the country essentially has completed the reform of political structures initiated after the 1989 "Velvet Revolution," some institutions remained in a state of transformation. The Constitution provides for an independent judiciary, but the judiciary is hampered by structural and procedural deficiencies and a lack of resources.

The Ministry of the Interior oversees the police. The civilian internal security service, known as the Security and Information Service (BIS), reports to the Parliament and the Prime Minister's office through the Foreign Minister, who is a Deputy Prime Minister. Police and BIS authorities generally observe constitutional and legal protection of individual rights in carrying out their responsibilities. However, some members of the police committed some human rights abuses.

The country's population is approximately 10.3 million. The economy is market-based, with over 80 percent of the gross domestic product (GDP) produced by the private sector. The economy grew by 4 percent during the first half of the year. Inflation increased slightly to 5.5 percent, while unemployment remained nearly constant at 8.5 percent. The work force is employed primarily in industry, retail trade, and construction. Leading exports are machinery and transport equipment, and intermediate manufactured products. The total GDP in 2000 was \$50.78 billion (1.879 trillion Czech crowns).

The Government generally respects the human rights of its citizens; however, problems remained in some areas. Occasional police violence and use of excessive force remained a problem. Lengthy pretrial detention and long delays in trials were problems, due to structural and procedural deficiencies as well as a lack of resources for the judicial system. The Government pursued libel and slander cases against a number of journalists. There are some limits on freedom of association for groups that promote racial hatred and intolerance. During the year, some Roma were prevented from emigrating. There is some violence and discrimination against women. Discrimination and occasional skinhead violence against the Romani community remained problems. There were reports that employers attempted to prevent the formation of collective bargaining agreements. Trafficking in women and children 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 committed by the Government or its agents.

Investigations continued in unresolved cases from previous years including Communist officials' responsibility for and attempts to cover up a 1981 mining accident in which 65 miners were killed; and the 1967 killing of Charles Jordan, in which involvement of the Czechoslovak state security service was suspected.

*b. Disappearances.*—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 occasionally used excessive force and abused their authority.

On April 20, a police officer in Ostrava was charged with assaulting a suspect during questioning; the officer was not suspended, and remained on the force pending the outcome of the case. The case was ongoing at year's end.

In May five policemen from Karlovy Vary attacked and beat a Rom after checking his identification papers at a gas station. Although his documents were in order, the policemen insulted him, slapped him, took him to a forest and severely beat him, and threatened to kill him if he reported the incident. The policemen were charged with racially motivated behavior; the case remained pending at year's end.

In July a police investigator in Chodov was charged with "abuse of power" after calling a Romani man to the police station for questioning, where he allegedly gave the Rom alcohol, and then raped him when he lost consciousness. The investigator claimed that the Rom was called in for questioning in a stolen car case. Authorities found insufficient evidence to file charges over the alleged assault, but in October the investigator was dismissed from the force as a result of his improper questioning of the Rom.

At times police failed to take sufficient action in cases of threats or attacks against Roma; however, there was evidence by year's end that the police were treating cases of violence against Roma more seriously than in the past (see Section 5).

In May the Government concluded its investigation into alleged acts of police violence during the September 2000 protests against the meetings of the International Monetary Fund and the World Bank. The Interior Ministry concluded that police at two precinct stations most likely had committed criminal offenses, but that there was insufficient evidence to identify and take action against individual police officers. No action was taken against the police officer who was photographed standing over a fallen protestor with a raised club. A nongovernmental organization (NGO) who monitors the police filed two lawsuits alleging police misconduct towards the protestors, which remained pending at year's end. One protestor filed a lawsuit against the police alleging that during the course of his 24-hour detention, uniformed police beat him repeatedly, chained him to his cell, denied him access to an attorney, and refused to allow him access to toilet facilities; his case was pending at year's end.

In September 2000, three policemen in Brno allegedly stopped Rom Martin Tomko arbitrarily on the street, asked for his identity documents, then, after an argument, beat Tomko and left him unconscious in a park. Two of the policemen were charged with abuse of public office and inflicting bodily harm. The third, who was off duty at the time of the attack, was charged with disturbing the peace and inflicting bodily harm. In June investigators dropped the case, citing a lack of evidence to support criminal charges against the accused police officers.

The case of a Brno city police officer charged with using excessive force to break up a late night party outside a theater in 1995 was awaiting a formal court decision at year's end. The officer continued to serve on the police force.

The Office for the Documentation and Investigation of the Crimes of Communism (UDV) continued to investigate cases of torture and misconduct from the Communist era (see Section 1.e.). The case of two former secret police officers accused of torturing dissident Vladimir Hucin remained under investigation at year's end.

Skinhead violence against Roma and other minorities remained a problem (see Section 5).

Prison conditions generally meet international standards; however, there is overcrowding in many prisons, although overcrowding declined during the course of the year. By mid-year the prison system was at 110 percent of capacity. Six large prisons designed to hold 500 inmates each were operating at twice that capacity, with 1000 inmates each. The ratio of prisoners to prison guards was approximately 2 to 1. Women and men are held separately, juveniles are held separately from adults, and pretrial detainees are held separately from convicted prisoners. Attorney and family visits are permitted. The authorities follow these guidelines in practice.

The Government permits visits by independent human rights organizations.

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

Lengthy pretrial detention and long delays in trials were problems. Police may hold persons without charge for up to 48 hours, during which time they have the right to counsel. The law does not allow bail for certain serious crimes. Under the law, pretrial detention may last no longer than 4 years, and then only for cases considered "exceptionally grave" under the Criminal Code. Pretrial detention for most crimes may last as long as 2 or 3 years, with mandatory judicial review intervals beginning at the end of the first 6 months of detention. If the court does not approve continued detention during a judicial review, the suspect must be released. In practice few pretrial detainees are held for longer than 2 years. In 2000 the average length of pretrial detention was 107 days. By year's end, there were 4,363 pretrial detainees. A suspect may petition the appropriate investigating authorities at any time for release from detention.

The law prohibits forced exile, and the Government does not employ it.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice; however, structural and procedural deficiencies as well as a lack of training and resources hamper the effectiveness of the judiciary.

In December the Parliament passed a judicial reform package proposed by the Ministry of Justice that is scheduled to become effective on April 1, 2002. The new law includes term limits of 7 years for Constitutional Court judges, a continuing education program, and a mandatory retirement age of 70 for all judges, as well as measures to streamline the judicial process. On December 19, the President signed the bill into law.

The court system consists of district, regional, and high courts. The Supreme Court is the highest court of appeal. The separate Constitutional Court has final authority for cases concerning the constitutionality of legislation. Under the terms of the new law, the President is the appointing authority for all judges, and judges who have at least 10 years' experience as lawyers will be eligible for appointment to the Supreme Court.

The law provides for the right to a fair trial, and an independent judiciary generally enforces this right. Defendants have the right to be informed of their legal rights and of the charges against them, to consult with counsel, and to present a defense. The State provides lawyers for indigent defendants in criminal and some civil cases through the bar association. All defendants enjoy a presumption of innocence and have the right to refuse to testify against themselves. They may appeal any judgments decided against them. However, the lack of experienced police investigators and qualified judges, combined with a still evolving legal environment, have contributed to a backlog of court cases. At year's end, the Ministry of Justice reported that there were 388 judges and 282 prosecutors needed to fill vacant positions; 375 judges and 96 prosecutors were chosen to fill these empty positions and were undergoing training at year's end.

The UDV continued to investigate as criminal acts some actions taken by state authorities and the Communist Party during the 1948 to 1989 Communist regime. The UDV, an independent part of the Czech Police Office of Investigations, is empowered to launch and conduct prosecutions and propose filing suits to state attorney's offices. As of October 2000, the UDV had investigated 3,083 cases under its jurisdiction, and recommended action against 244 individuals. Charges have been filed in court against 103 persons. Nine of those have been sentenced; five were placed on probation, and four received unconditional sentences, the longest of which was 5 years' imprisonment. Nearly 2,000 cases have been dropped due to the death of suspects or witnesses, various presidential amnesties, or statutes of limitation.

The UDV continued to work with Charles University to prepare “moral trials” to discuss crimes whose perpetrators cannot be punished due to their death or because of a statute of limitation. It targets primarily cases of: torture (see Section 1.c.); border shootings; treason connected with the 1968 Warsaw Pact invasion of Czechoslovakia; state repression of opponents of the Communist regime; and investigation of Czech authorities who negligently allowed exposure of citizens to hazardous waste after the nuclear accident in Chernobyl. Although the statute of limitations for many of the Communist-era crimes under investigation by the UDV was set to expire in 2000, Parliament voted in December 1999 to suspend the statute of limitations for serious crimes committed during the Communist regime, which enabled the UDV to continue investigating these cases. The Interior Ministry has extended the UDV’s mandate indefinitely and broadened the period of years it should investigate to include 1945 through 1948.

On December 19, charges of treason and subversion were filed against Communist-era judge Pavel Vitek and former Communist officials Milos Jakes and Jozek Lenart for their respective roles in Communist show trials and complicity with the Soviet Union following the 1968 invasion of Czechoslovakia. Their trials were pending at year’s end.

On October 10, a court acquitted two former Communist officials accused of concealing and protecting Nazi war criminal Werner Tutter in the 1960’s. The judge in the case ruled that the statute of limitations had expired. In 2000 a court halted the prosecution of Lubomir Strougal, former Czechoslovak Premier and Interior Minister, in connection with the arming of the People’s Militia—a paramilitary force of the former Communist Party. The prosecution was halted in order to determine whether the crime of which he is accused fell within the scope of a 1990 presidential amnesty. On October 7, the Justice Ministry found that the amnesty does not apply in Strougal’s case; his trial recommenced on December 17.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions, and the Government generally respects these prohibitions in practice. Electronic surveillance, the tapping of telephones, and the interception of mail require a court order, and violations are subject to effective legal sanction. During the year, security forces monitored the activities of the Patriotic Republican Party (see Section 3).

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press, and the Government generally respects these rights in practice; however, on at least one occasion a government official brought a lawsuit against a journalist for slander. Individuals can and do speak out on political topics and freely criticize the Government and public figures.

On November 22, the Government filed a criminal complaint against Petr Holub, the publisher of the magazine Respekt, over an article that was published in October accusing the cabinet and the Prime Minister of corruption. On November 28, Trade and Industry Minister Miroslaw Gregr filed an individual lawsuit.

In July an online journalist was questioned repeatedly by police and fined approximately \$275 (10,000 Czech crowns) for refusing to cooperate. While not formally charged, the journalist was questioned under suspicion of slandering the police after he published a series of articles in which he alleged police misconduct in a November 2000 raid on a squatter encampment. Many observers criticized the police for attempting to intimidate the journalist.

Citizens also have access to foreign broadcasts via satellite, cable, and the Internet. The Government does not restrict or monitor access to the Internet.

In March a court dropped charges of slander, assault on a public official, and inciting racial discord filed against prominent national Romani leader Ondrej Gina in November 1999. The mayor and city council of Rokycany formally had pressed charges against Gina for remarks that he had published about the mayor and the city on an Internet site about discrimination against Roma. Local police concluded that these remarks constituted a criminal act and turned the case over to the state prosecutor for action. The mayor and city council argued that Gina’s remarks were malicious enough to constitute “defamation of the Czech nation” and “harm to the reputation of the city of Rokycany at home and abroad” (see Sections 1.f. and 5.).

On March 14, the prosecutor’s office determined that no criminal offense had occurred and dropped the case against two journalists who refused to reveal their sources in a case involving an alleged slander campaign against a member of the Government. In 2000 President Havel had pardoned the two, but had insisted that investigators and prosecutors continue their work in an attempt to establish a legal

precedent. The prosecutor's office determined that no criminal offense had occurred and dropped the case.

The closely watched case of journalist Zdenek Zukal continued. Zukal continued to face three charges of criminal libel for reporting that police had provided false information in their investigation of high-level corruption in Olomouc. Originally Zukal had been charged in December 1999 with slander for publishing documents he knew—or should have known—to be forgeries. Local authorities later changed the charge to false accusation 1 day before a planned presidential pardon. Zukal's trial was delayed on numerous occasions and remained ongoing at year's end.

On June 15, former television reporter Tomas Smrcek was acquitted of charges that he deliberately endangered classified information in a 1999 report on possible Czech intelligence service cover-up of one of its official's drunk driving offense.

The Penal Code imposes prison terms of between 6 months and 3 years on persons who deny the Nazi Holocaust and the Communist genocide. The law also outlaws the incitement of hatred based on race, religion, class, nationality, or other group. In August authorities brought charges of propagating a movement leading to the suppression of citizens' rights and freedoms, and inciting panic and criminal slander against an outspoken communist activist. The accused repeatedly called for imposition of a dictatorship of the proletariat, nationalization of industry and capital, and a return to communist rule. He also labeled several prominent politicians "criminals and traitors." On September 24, a man was charged with causing a breach of the peace and supporting movements leading to the suppression of citizens' rights and freedoms after he allegedly chanted the name of Osama bin Ladin and anti-U.S. slogans at a football match on September 15; his case was pending at year's end.

During the year, the far-right Republican Party (SPR-RSC) continued its strategy of filing criminal complaints against government entities and NGO's that have challenged its racist and anti-Semitic policies. In October 2000, the party filed a criminal complaint alleging that the Human Rights Commission and the Interior Ministry were guilty of incitement to racial and ethnic hatred for conducting a study of the party's racist and anti-Semitic policies. During the year, prosecutors decided that the complaint had no merit and closed the file. In September the Republican Party filed a similar criminal complaint against the League of Ethnic Minorities over a series of public service announcements using humor to discredit far-right and neo-Nazi supporters.

A Freedom of Information law provides for freedom of access to information under the control of state and local authorities as well as other institutions; and citizens exercise this right in practice.

The print media are varied and independent and publish without interference by the Government; however, there are restrictions on certain types of propaganda materials. In addition editorial staffs of many newspapers are viewed widely by the public and politicians as favoring certain political parties. There are four national newspapers and two national tabloids, along with numerous regional and local newspapers. Many magazines and journals also are published and cover a wide spectrum of topics. A wide variety of Czech and foreign investors own the print media.

The electronic media are independent. There are 3 national television stations—1 public (with 2 separate channels) and 2 private—and more than 61 private radio stations in addition to Czech Public Radio. A third private television station, TV3, can be viewed only in certain regions or through cable and satellite. The leading television channel, Nova, is privately owned. Citizens also have access to foreign broadcasts via satellite, cable and the Internet. The State funds television and radio programs for Roma on public stations and also supports Romani press publications. There is one full-time anchorman of Ghanaian background on TV Nova, but no Roma occupy such positions.

A 13-member Council for Radio and Television Broadcasts has limited regulatory responsibility for policymaking and answers to the parliamentary media committee, which exercises broad oversight of the Council and must approve its members. The Council can issue and revoke radio and television licenses and monitors programming. The Council continued to be the target of criticism during the year for its lack of initiative and ineffectiveness in addressing a high profile ownership dispute at the country's largest private television channel.

International arbitration on a dispute over the ownership of the television channel NOVA and alleged fraud and commercial misconduct by the station's license holder culminated in two decisions against the Government for not fulfilling its obligations under separate bilateral investment treaties. The first, issued on September 5, found that the Government had breached the terms of a bilateral investment treaty, but did not award damages. The second, issued on September 15, found that the

Government had violated several aspects of the bilateral investment treaty. This second arbitration panel had not reached a decision on damages by year's end. The Government announced plans to appeal the decision.

On December 2, the private channel TV-3 discontinued broadcasts after the Council commenced a debate in November on allegations that TV-3 was involved in illegal broadcasts. The Council warned TV-3 that fines of millions of crowns might be imposed on the television station. The interruption in the broadcasting was a result of a dispute between TV-3 and the holder of the station's broadcasting license over the Council's denial to transfer the broadcasting license.

Twice during the year, programming of Radio Svobodna Evropa came under scrutiny of the Council following charges of bias in its reporting; in both cases, the Council retroactively examined RSE programs and found no evidence to indicate bias. Some observers criticized the reviews as political interference in media affairs. Others noted that the Council acted in response to complaints from citizens and followed prescribed rules in undertaking its review of programming.

There is also a nine-member Czech Television (CTV) Council charged with oversight of the public Czech Television. There was a controversy about political influence on CTV in December 2000, when the Council dismissed the CTV general manager. The Council hired a new manager 8 days later who was alleged to be subject to political influence. In protest, news staff began producing their own version of the principal CTV and public affairs programs. The newly appointed manager was prevented from entering CTV studios and began simultaneous broadcast of its own news and public affairs programs. On January 11, the controversial general manager resigned amid widespread protests supporting the journalists. On February 9, the CTV appointed Jiri Balvin interim general manager, and on October 31, the CTV elected him permanent general manager.

The law provides for academic freedom but forbids activities by established political parties at universities. In April a controversy arose at Charles University after far-right extremists participated in a lecture series on political extremism. The Dean of the university cancelled the series and threatened the professor who organized it with disciplinary measures. Many observers welcomed the university's tough stance against allowing extremists a platform to express their views, while others criticized the university's actions as a restriction of academic freedom.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for the freedom of assembly, and the Government generally respects this right in practice; however, it may legally restrict assemblies that promote hatred and intolerance, advocate suppression of individual or political rights, or otherwise jeopardize the safety of the participants. Permits normally are required for demonstrations, but police generally do not interfere with spontaneous, peaceful demonstrations.

Several times during the year, skinhead groups organized concerts which drew participants and audience members from neighboring countries. The police closely monitored these concerts. In April Interior Minister Gross expressed his displeasure with the concerts and urged police to make use of existing laws against incitement to racial hatred and suppression of civil rights to prosecute organizers and participants. On May 22, eight persons were charged in connection with a skinhead concert that took place in April. Four were accused of "supporting and promoting movements designed to suppress civil rights and freedoms." The other four were accused of "publicly expressing sympathies for fascism" (see Section 5). Their cases were pending at year's end.

The law forbids political party activity of any kind at universities (see Section 2.a.).

The Constitution provides for the freedom of association, and the Government generally respects this right in practice. Organizations, associations, foundations, and political parties are required to register with local officials or at the Interior Ministry, but there is no evidence that this registration is either coercive or arbitrarily withheld. Prime Minister Zeman has called periodically for the Interior Ministry to reexamine or cancel the official registration of skinhead organizations and others propagating racial hatred or fascism. In March 2000, the Ministry of the Interior cancelled the registration of a neo-Nazi organization that had propagated anti-Semitic sentiment (see Section 5). In October 2000, the Ministry refused to register the National Party, an extreme right-wing organization, as a civic association (see Section 3). In 2000 the Interior Minister also started an investigation into the charter and program of the far-right Patriotic Republican Party.

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

The State subsidizes all religions that are registered officially with the Ministry of Culture. There are 21 state-recognized religions. To register a religious group must have at least 10,000 adult members permanently residing in the country. For

any churches already recognized by the World Council of Churches, only 500 adult members permanently residing in the country are necessary. Churches registered prior to 1991, such as the small Jewish community, are not required to meet these conditions. Unregistered religious groups, such as the small Muslim minority, may not own community property legally, although they are otherwise free to assemble and worship in the manner of their choice. Their members can and do issue publications without interference. The Unification Church (UC), was denied registration in January 1999 when the Department of Churches determined that it had obtained the required proof of membership by fraud; the UC contested the decision in court, and the case remained pending at year's end. During the year, the Jehovah's Witnesses provided clarification of their position on blood transfusions to the satisfaction of the Ministry of Culture, and as a result, they remained registered officially.

On December 18, Parliament voted to override President Havel's veto and enacted the Law on the Freedom of Religious Belief and on the Status of Churches and Religious Societies. This law was modeled after the religious registration law in effect in Austria. It will impose a two-tiered registration system, lowering the membership requirement for the first tier (non-profit religious association with limited tax benefits) to 300, but raising the membership requirement for the second tier (full religious association with benefit of state funding and property rights) to approximately 20,000. The new law will also impose a 10-year observation period on all first-tier organizations wishing to obtain second-tier status. Under the old law, registered churches would automatically receive second-tier status. The new law has been criticized by some unregistered religious groups (including the Muslims and the Church of Scientology) and nongovernmental observers as prejudicial against minority religions. Some critics have argued that complete registration at the second tier will be more difficult to attain given the 10-year observation period and the doubling in the number of adherents required to achieve second tier registration. The Catholic Church also has criticized the legislation for a provision that would bar the church from using profits from church-owned enterprises for religious activity; which the Church argues could interfere with its ability to administer many church-owned hospitals and charities.

A new more restrictive law entered into effect in 2000 on visas for resident foreigners, which requires that aliens apply for work visas before entering the country and provide financial information when doing so. The law is aimed at stopping illegal workers and does not specifically prohibit religious workers.

Police were criticized on several occasions during the year for failing to intervene against neo-Nazis shouting anti-Semitic slogans at concerts and rallies (see Section 5).

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The law provides for these rights, and the Government generally respects them in practice; however, some Roma were prevented from emigrating. Since 1997 when over 1,200 Roma submitted applications for refugee status in Canada and the United Kingdom, Romani families have continued to emigrate. Roma activists said that the motive for the increased emigration is fear of racism, violence, and discrimination (see Section 3); however, others believe the Roma are emigrating for economic reasons. An increase in the number of Czech Roma seeking asylum in the United Kingdom during the year (647 cases by the end of June) led to imposition of pre-inspection controls at Prague's international airport in July and again in August; UK Roma activists roundly criticized the controls as "racist" because they appeared to target Roma travelers.

In July the Romany Civic Initiative and the Democratic Union of Roma filed a lawsuit with the Czech Constitutional Court against the Government charging the Government with inciting racial and ethnic hatred. The groups alleged that the selective screenings by British officials at Prague's Ruzyně airport restrict the Roma's right to travel. They also alleged that more than 50 Roma travelers have been denied permission to fly to the United Kingdom based on their ethnicity since the checks began in July.

Czechs who emigrated during the period of Communist rule frequently returned to visit or live. The law permits such persons to regain citizenship without having to relinquish the foreign citizenship that they acquired during their absence. In September 1999, Parliament passed a law to allow former Czechoslovak citizens who have lived in the country since 1993 to reclaim citizenship by simple declaration. This bill was created to remedy the de facto stateless situation of some Czech Roma, who were estimated to number between 10,000 and 20,000 persons. The law also regularizes the status of children in foster care who lacked citizenship or permanent residency status. However, the law only provides for citizenship for those who have resided continuously in the country since 1993. Roma activists claimed that some local officials refused to process Czech citizenship applications for "Slovak" or state-

less Roma families in violation of the law. In one case a Slovak applicant was denied Czech citizenship illegally then required to leave the Czech Republic, thus losing his continuous resident status and voiding his citizenship claim. The law does not provide benefits to those who were denied citizenship and benefits and expelled between 1993 and 1999. Many local authorities and Roma also apparently were unaware that any changes to the citizenship law had been made. Citizenship is not revoked for political reasons.

As of the end of 1999, the Government granted citizenship to 3,200 former citizens of Slovakia and 564 former citizens of other countries. The new citizenship law passed in September 1999 enabled thousands more Slovaks to become citizens (see Section 5). The law includes provisions for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. A legal and institutional framework is in place for the processing of refugees and asylees. A law on asylum that entered into effect in January 2000 improves refugee processing; it establishes a list of "safe countries of origin" from which applicants are unlikely to receive asylum, provides financial support for towns with refugee camps, and increases access to legal advice for asylum seekers. On September 24, the Parliament approved changes to the asylum law aimed at reducing the number of economic asylum seekers, and further speeding up the process for asylum decisions. These changes took effect in November. No independent body has been established to handle the appeals of those denied refugee status. The Government provides first asylum and cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

As of September, 12,318 asylum requests had been processed during the year. Persons from Ukraine, Moldova, Romania, Vietnam, India, and Georgia submitted the most asylum requests during the first three quarters of the year. In 2000 133 asylum claims were granted.

The Government fully funds an integration program to assist those granted refugee status in locating housing and receiving other social assistance. Two reception centers, six camps, and six integration centers are provided for recognized refugees.

The Czech Republic is both a transit and destination country for migrants. Migrants from economically disadvantaged countries in Central and Eastern Europe often enter the country to take up illegal residency or in transit to other countries. In 2000 border police prevented 32,720 illegal entry attempts, up slightly from 1999. A growing concern is the smuggling of large groups of refugees and economic migrants into and across the country, which lacks specific laws criminalizing alien smuggling. The number of illegal migrants detained by Czech authorities through September is roughly the same as over the same period in 2000. Illegal migrant groups were composed primarily of persons from Romania, Moldova, Ukraine, Afghanistan, India, Bulgaria, and Vietnam. A 1999 law on residence and visas tightened considerably previous rules for change of status and extension of stay and requires visas in advance for everyone but tourists.

Since 1993 local courts and foreign police have expelled to Slovakia Slovaks without proper citizenship or residency papers. Some of these expulsions involve Slovak Roma who have never been in Slovakia. By the first half of 1997 (latest available statistics), a total of 851 Slovaks had been expelled administratively or judicially by the authorities. A February 1998 presidential amnesty granted amnesty to those receiving expulsion sentences for crimes in which the punishment was less than 5 years' imprisonment; however, according to one NGO that follows this issue, some courts have not implemented this amnesty. Courts have not imposed expulsion sentences since the implementation of a new citizenship law in 1999, which allows Slovaks and others to legalize their status. However, there have been complaints from Roma activists that local officials in some areas are refusing to process Czech citizenship applications for Slovak or stateless Roma families (see Section 5).

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Citizens above the age of 18 are eligible to vote by secret ballot in national, regional, and local elections.

The Government of Prime Minister Milos Zeman took office in July 1998. The Government consists almost exclusively of members of the Prime Minister's left-of-center Social Democratic party, the first nonrightist government since 1989. In addition to the largest opposition party—former Prime Minister Vaclav Klaus' Civil Democratic Party, which formally has agreed to support the minority Social Demo-

cratic Government under certain conditions—the opposition consists of the Communist Party and a coalition of four small centrist and center-right parties. The Constitution mandates elections to Parliament at least every 4 years, based on proportional representation. To enter Parliament, a single party must obtain 5 percent of the votes cast in the election; however, coalitions must obtain 5 percent of the votes per party (i.e. a three-party coalition would have to receive 15 percent of the votes cast to enter Parliament). The President and a group of opposition senators challenged the law's constitutionality, complaining that the law discriminates against small parties and prevents political competition, however, the challenge was unsuccessful. The President is elected by Parliament and serves a 5-year term. The President has limited constitutional powers but may use a suspense veto to return legislation to Parliament, which then can override that veto by a simple majority of all members.

The law provides for the formation of political parties. Opposition groups, including political parties, function openly and participate without hindrance in the political process. Citizens may join political organizations or vote for the political party of their choice without government interference. Political parties must register with the Ministry of the Interior. In September two new political parties, Cesta Zmena (Way of Change) and Novy Smer (New Direction), were registered.

Either the Government or the President may submit a proposal to the Supreme Court calling for a political party to be disbanded. In December 2000, the Interior Ministry publicly announced that it was conducting an investigation into the constitution of the far right Patriotic Republican Party to determine if the party should be deregistered, and the police and security services monitored the party's activities. During the year, the Interior Ministry rejected a request by the Patriotic Republican Party to change its name to "National Social Bloc".

A citizenship law passed in September 1999 remedied the situation for some persons, predominantly Roma, who lacked voting and other rights due to restrictions under the previous citizenship laws. These persons were enfranchised under the former Czechoslovakia, but were unable to obtain Czech citizenship at the time of the split with Slovakia, despite birth or long residency in the Czech Republic (see Section 5). They lacked voting and other rights due to restrictions under the previous citizenship laws (see Section 5). Nonresident Czechs may vote in national elections.

The 1991 Lustration (vetting) Law, continued to bar many former Communist Party officials, members of the People's Militia and suspected secret police collaborators from holding a wide range of elective and appointive offices, including senior appointive positions in the Government state-owned companies, academia, and the media. In 1995 Parliament extended this legal constraint to December 31, 2000, overriding a veto of President Havel, and in November 2000, the Chamber of Deputies again extended the validity of the law over the veto of President Havel until a new civil service law and security law were passed and implemented. These laws have not been implemented yet. The extended law exempts from the lustration process persons born after December 1, 1971, an exemption not included in the earlier version. Some private employers also have required applicants to produce lustration certificates proving noncollaboration. By October 1, the special section of the Interior Ministry handling lustration requests had processed 6,770 lustration certificates, bringing the total since 1991 to 402,270. During the year, 2.5 percent of the applications did not receive confirmation of a clear record. Those who did not receive confirmation of a clear record may file a civil suit against the Interior Ministry for a charge similar to slander; however, no such suits were filed during the year. During the year, the European Commission again noted the need to eliminate the law.

The percentage of women in government and politics does not correspond to their percentage of the population. The 200-member Chamber of Deputies has only 31 female deputies, including 1 deputy speaker. There are 10 female senators in the 81-member Senate. There are no women in the Government's Cabinet. In March a "shadow" cabinet—which has no power but follows special topics of interest and prepares coordinated responses for policy papers—was formed and is comprised of prominent women politicians and activists. In June Hana Marvanova became the first female head of a parliamentary party when she was elected to lead the Unie Svobody (Freedom Union) party.

The percentage of minorities in government and politics does not correspond to their percentage of the population. No seats are reserved in either house for ethnic minorities. Slovaks, of whom there are an estimated 300,000, are almost all "Czechoslovaks" who elected to live in the Czech Republic after the split. For the most part, these Slovaks define their interests in the context of national politics, not along ethnic lines; there is no Slovak party in Parliament. Most of the estimated 200,000 to 250,000 Roma have not been fully integrated into political life (see Sec-

tion 5). Roma themselves have been unable to unite behind a program or set of goals to advance their interests within the democratic structures of the country. Few Roma serve in local government structures, although some have been appointed to advisory positions in government ministries. There is one representative of Romani background in the Parliament.

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

A number of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are cooperative and responsive to their views. The best-known human rights groups are the Czech Helsinki Committee and the Tolerance Foundation (an umbrella organization). There are also many single-issue groups.

In 1999 the Government created a \$14 million (500 million Czech crowns) endowment that is used by 39 NGO's to work on issues of social welfare, health, culture, education, human rights protection, and the environment. In June 2000, the Government's Council for Nongovernmental Organizations announced it would be dedicating an additional \$37.5 million (1.5 billion Czech crowns) for organizations focusing on human rights and the environment.

On March 7, Jan Jarab replaced Petr Uhl as the Government's Commissioner for Human Rights. The Human Rights Commissioner serves as head of the government Committee for Nationalities and of the Interministerial Commission for Romani Community Affairs, established in 1997 (see Section 5). A Council for Human Rights, which has 10 representatives of government ministries and 10 human rights activists, advises the Government on human rights problems and proposes legislation to improve the observation of human rights in the country. On November 26, the Council gave a government grant of \$54,000 (2 million Czech crowns) to the NGO People in Need to support an ongoing media campaign against extremism.

Former Justice Minister Otakar Motejl serves as "Public Rights Protector" or Ombudsman. Appointed by the Chamber of Deputies, Motejl, a political independent, addresses citizens' complaints of violations of civil and human rights and freedoms by government entities. During the first half of the year, the Ombudsman's office received more than 2,100 requests for assistance. The Ombudsman has no legal power to sanction offending individuals or offices.

In each house of Parliament there is a petition committee for human rights and nationalities, which includes a subcommittee for nationalities. A government-sponsored Council for Nationalities, which advises the Cabinet on minority affairs, is composed of three representatives of each of Slovaks and Roma; two representatives of Poles and Germans; one Hungarian representative; and one Ukrainian representative. In November 2000, the Government signed the European Charter on Minority and Regional Languages. On July 16, a law on the rights of ethnic minorities was signed into law, which provides for the right for ethnic minorities that have "traditionally and over a long period of time lived in the country" to use their native language in interactions with the Government, in the provision of voting materials, and in their education. There also is a government commission, staffed by members of an NGO and journalist communities, that monitors interethnic violence.

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

The Constitution provides for the equality of citizens and prohibits discrimination. Health care, education, retirement, and other social services generally are provided without regard to race, sex, religion, disability, or social status. In practice Roma face discrimination in such areas as education, employment, and housing, and women face discrimination in employment.

*Women.*—The actual extent of violence against women is unknown; however, some studies by experts indicate that it is more common than publicly acknowledged. ROSA, an NGO that helps women in trouble, estimated that 1 in 10 women in domestic situations suffer from emotional or physical abuse, and that 30 percent of the abusers were university educated. A 1998 research study conducted by Prague's Sexological Institute indicated that 13 percent of women were raped. Spouses or partners were responsible for 51 percent of rapes, with an additional 37 percent of the attacks committed by men known to the victims. Only 12 percent of rape victims were attacked by strangers. According to police statistics, there were 500 rapes reported countrywide in 2000, although researchers at the Institute estimated that only 3.3 percent of rape victims reported the crime to the police; however, it is believed that rape and domestic violence cases are widely underreported. According to the Ministry of Justice, during the year there were 140 convictions for rape through-

out the country. Researchers and NGO's estimated that between 3.3 and 7 percent of rape victims filed reports with the police, and it is believed widely that rape and domestic violence cases were greatly underreported.

Legislation does not address spousal abuse specifically; however, the Criminal Code covers other forms of domestic violence. An attack is considered criminal if the victim's condition warrants medical treatment (incapacity to work) for 7 or more days. If medical treatment lasts less than 7 days, the attack is classified as a misdemeanor and punished by a fine not to exceed approximately \$80 (3,000 Czech crowns—approximately one fourth of the average monthly wage). Repeated misdemeanor attacks do not result in stricter sanctions on the abuser.

Gender studies experts reported that women were ashamed to report rape or speak about it, and that the police were not equipped to help, either by attitude or training. However, to improve police responsiveness and prosecution efforts, the Ministry of the Interior runs a training program in protocols for investigating family violence and sexual crime cases. The police continued to train specialized personnel to handle domestic violence; however, the police do not yet engage in regular contact with welfare and medical services. The Police Academy and secondary police schools have introduced, into both the introductory and continuing education curriculums, instructional material to improve the identification and investigation of domestic violence and sexual abuse cases and to sensitize police to the treatment of victims. The Government maintains a comprehensive awareness and prevention program designed to address problems of trafficking, abuse, and violence against women.

According to Elektra, a help center for abused women, rape victims can seek psychological help through any help line or crisis center. Crisis centers that help rape victims include White Circle of Safety, an association for crime victims that provides free psychiatric and legal help, and Riaps, a help line that counsels persons who experience any kind of trauma. According to NGO's, there were 107 state-supported shelters located in most major cities and towns and accept women who have been raped or abused; local NGO's provide medical and social assistance to women. According to NGO's, the situation has improved, but there still were not enough shelter spaces to meet the demand.

Public debate about violence against women is rare, despite the efforts of women's groups to focus public attention on the problem. During the year White Circle of Safety undertook a nationwide media campaign to increase awareness of domestic violence. A series of public service announcements on radio and television received nationwide attention. Representatives of the White Circle of Safety also promoted public discussion of the issue by appearing on national events talk shows. The press occasionally reported on the problem of violence against women and trafficking in prostitutes.

Pimping is illegal; prostitution is not, although local communities have the right to regulate it and enforce restrictions. The Interior Ministry estimates that up to 25,000 persons worked in the sex industry during the year. Prostitution and sex shops were prevalent particularly in the border regions with Germany and Austria, where international vehicular traffic is heaviest. The law prohibits trafficking persons into prostitution; however, trafficking in women was a problem (see Section 6.f.).

Sexual harassment is a recognized problem, and the labor law contains a definition of, and prohibition against, sexual harassment. The law defines sexual harassment as unwanted, inappropriate or offensive sexual behavior, acceptance or rejection of which could be interpreted by another employee as affecting her status in the workplace. Although the law prohibits sexual harassment, studies concluded that approximately one-half of all women have experienced sexual harassment in the workplace. The concerns of women's groups over workplace sexual harassment previously were ignored or dismissed; however, in 1999 a university student became the first woman to win a civil sexual harassment lawsuit.

Women are equal under the law and in principle women enjoy equal property, inheritance, and other rights with men. Under the law, women receive the same pay for the same job; however, although women constituted roughly half of the labor force, they are employed disproportionately in professions with a lower median salary. Women's median wages lag behind those of men by roughly 20 percent, although the gap is narrowing.

The law prohibits discrimination in hiring and employment based on sex. However, the unemployment rate for women exceeds that for men by about one-third (10 percent to 7.8 percent) and a disproportionately small number of women hold senior positions.

A 1991 employment law bans discrimination on the basis of sex; however, in practice employers remained free to consider sex, age, or attractiveness when making hiring decisions. Amendments to the law in 1999 and 2000 explicitly prohibit em-

ployment discrimination based on a variety of factors, including sex, race, skin color, sexual orientation, language, faith, health and family status, and repeated offenses are punishable by fines of up to 1 million Czech crowns. However, employers often openly used such factors as age, sex, and lifestyle in their employment solicitations and advertising.

*Children.*—The Government is committed to children’s welfare; it funds programs for health care, basic nutrition, and provides free and compulsory education through age 15 (through age 14 in special schools). Girls and boys enjoy equal access to health care and education at all levels. Language and cultural barriers frequently impeded the integration of Romani children into mainstream schools. Official estimates indicated that less than 20 percent of the Romani population completed the ninth grade, and less than 5 percent completed high school. A significant number of Romani children are transferred at an early age, after a psychological exam, to “special schools” for the mentally disabled and socially maladjusted. According to unofficial government estimates, Romani children made up 60 percent or more of pupils placed in these special schools, although Roma constitute less than 3 percent of the population. Graduates of the “special schools” are not restricted from attending secondary schools (see Section 5). Some Romani parents do not send their children to school regularly due to a fear of violence, and the expense of books and supplies.

In 1999 12 Romani families filed suit in the Constitutional Court to protest the “de facto segregation” of Romani children into special schools; however, the Constitutional Court rejected the complaint in November 1999 and stated that it did not have the power to order the Ministry of Education to create programs to end racial discrimination. In April 2000, the families took the case to the European Court of Human Rights in Strasbourg; a decision was pending at year’s end. The Ministry of Education later took steps independently to implement some of the recommended changes; for example, the Ministry of Education is working on changes to the psychological exam given to Czech children that many claim is culturally biased against Romani children. Children are assigned to “special schools” based on poor results on the exam.

Many districts with high concentrations of Roma participate in year-long programs (so-called zero grades) to prepare for their first year in school; these programs are funded solely by local authorities. More than 100 zero grades operated throughout the country. Some districts tracking local Romani students report that up to 70 percent of the children who attend zero-grade training successfully entered and remained in mainstream schools. In addition Romani “assistant teachers” are placed into primary and special schools to help teachers communicate with Romani pupils and encourage cooperation between schools and Romani parents. According to the Ministry of Education, there were 200 Romani assistant teachers in the school system during the year, an increase from 144 in 2000. Joint Romani-Czech language textbooks are used in 60 elementary schools to help overcome the barrier in the early school years between Romani children and non-Romani speaking teachers. The Ministry of Education ordered a textbook for use in schools on the cultural and historical roots of the Romani minority and on successful members of the Romani community. Local NGO’s support additional studies and private initiatives to prepare Romani children for mainstream schools.

In 2000 the Ministry of Justice reported a 6 percent decrease in the number of neglect and welfare cases: 5,894 in 2000, compared to 6,207 in 1999. Laws criminalize family violence, physical restraint, sexual activity, and other abuse of a minor. A Children’s Crisis Center was established in 1995 and is 70 percent state supported. The Fund for Endangered Children estimated that the total number of children suffering from physical, psychological, and sexual abuse is 20,000 to 40,000, but only about one-tenth of such cases are registered by the police. Between 50 and 100 children die each year as a result of abuse and violence within the family.

Child abuse continued to receive press attention during the year. Press and government reports throughout the year indicated that Central Europe, including the Czech Republic, remained a popular destination for pedophiles due to its convenient location and low risk of sexually transmitted disease (see Section 6.f.). Some experts estimated that the number of visits to the country, primarily by other Europeans, for the purpose of abusing children has increased 20 percent since 1997. During the year, police personnel took measures to prevent this type of “sex tourism” more effectively: police maintained patrols in high-risk areas, enforced curfew-type policies more actively, and worked to raise public awareness of the issue through the media. Despite increased police efforts, press reports still indicated that in many border regions sexual tourism with adolescents continues. Dissemination of child pornography, whether by print, video, CD-ROM, or the Internet is a criminal act; laws against child pornography are generally enforced (see Section 2.a.). Court convic-

tions against persons guilty of sexual abuse of children are reported routinely in the media.

According to NGO's, there were approximately 10,000 children living in institutional settings and 4,000 foster families supported by the Government and various NGO's.

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

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, or in the provision of other state services, and no there were no reports of such discrimination; however, persons with disabilities suffer disproportionately from unemployment. Businesses in which 60 percent or more of the employees are disabled qualify for special tax breaks and the Government provides transportation subsidies to disabled citizens. Numerous NGO's support social assistance programs to diminish the disadvantages faced by persons with disabilities. These NGO's reported that, although problems persist, the situation for persons with disabilities has received more attention and had improved greatly from that of only a few years ago.

Regulations and the Construction Code require architects to ensure adequate access for the disabled in all new building projects, as well as in older buildings undergoing restoration; these regulations are applied in practice. However, many buildings and means of public transportation remained inaccessible to those in wheelchairs, although access is improving. In Prague 24 of 50 metro stations are wheelchair accessible; however, most of these stations are in the outskirts of the city, and the majority of stations in the city center remained inaccessible. There are a growing number of bus lines that are accessible to persons with disabilities; tram lines in Plzen are wheelchair accessible. Due to the lack of barrier-free access to public schools, access to education can be a problem, although there is at least one barrier-free school in each district.

*Religious Minorities.*—A small but persistent and fairly well-organized extreme rightwing movement with anti-Semitic views exists in the country. For example, neo-Nazi's shouted anti-Semitic slogans at concerts and rallies during the year. In May the Ministry of Interior announced a forceful effort to counter the neo-Nazis, which included increased monitoring of their activities, closer cooperation with police units in neighboring countries, and concentrated efforts to shut down unauthorized concerts and gatherings of neo-Nazi groups.

During the year, Vit Varak was convicted on charges of disseminating hate speech and propagation of a movement aimed at suppressing rights and freedoms for selling "Mein Kampf" on the Internet. The court imposed a fine of approximately \$3,700 (100,000 Czech crowns); in August the District Court in Prague lowered the fine to approximately \$2,220 (60,000 Czech crowns) following an appeal.

In December 2000, police in Zlin uncovered another group distributing neo-Nazi recordings, publications, and badges. A 21-year-old woman was charged with suppressing rights and freedoms. Her case was pending at year's end.

Legal actions against the 12 persons arrested in February 1999 for distributing racist, Fascist, and anti-Semitic materials concluded during the year: 8 of the 12 defendants were prosecuted; 4 were convicted; and 4 were acquitted. In March the court sentenced three of the defendants to 18 months' imprisonment and 2 years' probation. One received 24 months' imprisonment and 3 years' probation, because of the additional charge of possession of an illegal firearm.

*National/Racial/Ethnic Minorities.*—After ethnic Slovaks, the largest minority is the Romani population, officially estimated to number between 200,000 and 250,000. However, in the census published during the year, only 11,716 persons officially claimed Romani identity; the census used "self-identification," and it is believed that many persons chose not to identify themselves as Roma for fear of negative consequences. Roma live throughout the country but are concentrated in the industrial towns along the northern border, where many eastern Slovak Roma were encouraged to settle in the homes of Sudeten Germans transferred to the West more than 40 years ago. Roma suffer disproportionately from poverty, unemployment, interethnic violence, discrimination, illiteracy, and disease.

Members of skinhead organizations and their sympathizers most often perpetrated interethnic violence, particularly against Roma although other "dark-skinned" individuals also were attacked. An estimated 5,000 skinheads were active in the country. During the first half of the year, police recorded 167 "racially motivated or extremist crimes," a decrease from 316 recorded in the first half of 2000. However, police and courts at times were reluctant to classify crimes against Roma as racially motivated. Observers believed that the actual figures were higher; nonetheless, developments during the year indicated a positive trend toward recognizing the racial motivation of such crimes. There were 470 prosecutions of racially moti-

vated crimes during the year, which was a 4 percent increase from the 451 prosecutions in 2000.

In May police arrested two men associated with neo-Nazi groups who beat two Algerians and a Taiwanese man in Prague; the men were charged with breach of peace, violence against a group of persons, violence against an individual, and causing severe bodily harm. Both men face 10 years' imprisonment if convicted; the case was pending at year's end.

In April two skinheads attacked an Indian medical student in Olomouc, and kicked him in the head until he was unconscious. The attackers escaped and police were investigating the incident as a misdemeanor pending some evidence of racist motive. Also in April, a 14 year-old boy of Franco-African descent was attacked in Sternberk; his attacker allegedly shouted racist insults at the boy while kicking him. Police arrested the assailant and charged him with "defamation of a nation, race, or conviction" as well as disturbing the peace. The case was pending at year's end.

On April 20, a group of skinheads and Roma clashed in the town of Novy Bor. Approximately 45 skinheads had gathered earlier in the day in a nearby town to celebrate Adolf Hitler's birthday, and upon arriving at a restaurant in Novy Bor, began taunting Roma who were there. Reportedly the taunts turned to physical assaults, and many of the Roma fought back. Police arrested and detained several skinheads and Roma for hooliganism.

On June 30, four skinheads assaulted a group of Roma in Ostrava, injuring two of them seriously. The skinheads stabbed one of the injured four times, while the other was struck in the head by a projectile fired from an air pistol. Police charged the assailants with "causing bodily harm with racial intent;" the case was ongoing at year's end.

On July 21, a skinhead stabbed to death Rom Ota Absolon in the eastern Bohemia town of Svitavy, after addressing numerous racial epithets at him. Police charged the skinhead, Vlastimil Pechanec, with "murder with racist intent." He faces 12 to 15 years in prison if convicted. Absolon's killing was criticized widely throughout the country and his funeral attracted several hundred mourners, including government representatives. In response to this incident, Roma groups in several cities and towns organized "self-defense patrols," which consisted mainly of small groups of Roma patrolling the streets of predominantly Roma neighborhoods armed with mobile phones.

On December 7, a settlement was reached in the case of three teenagers, who were charged and convicted of racial violence after throwing Molotov cocktails at a Roma family's home and car in Rokycany in June 2000. The settlement allowed the teenagers' record to be expunged in exchange for words of contrition and a \$1,150 (42,500 Czech crowns) payment to the Roma family.

In October a Regional Court upheld a District Court's verdict—issued for a second time—that a 1999 attack by a group of skinheads on a Rom in a bar was not organized. As a result of the original verdict issued in January 2000, the District Court then found four of the attackers not guilty and placed two of them on probation.

On March 14, 23 skinheads were convicted of racially motivated violence, organized rioting, and damage of property with racist motive in a 1999 attack on 60 to 70 Roma in a restaurant in Ceske Budejovice, in which 6 persons were injured. Six of the 21 were sentenced to a minimum of 18 months in prison, while the remaining 15 were given suspended sentences of 10 to 24 months; the defendants appealed the convictions and the case remained pending at year's end.

A number of cases from previous years were ongoing, including the cases of a man charged with defamation of a nation or race and with rioting for attacking two Roma men at a disco while shouting racial slurs; three 17-year-old members of a previously unknown group, Czech Lion (Cesky Lev) charged with a racially motivated attack for a series of attacks on Roma and Romani homes in Rokycany in July 2000; and the leader of a large, well-organized skinhead movement with ties to the United Kingdom, Sweden, Hungary, and Slovenia charged with dissemination of fascist propaganda.

On April 30, three men charged with rioting and defamation of race for a July 2000 attack of six Roma on a road near the village Osek were convicted of rioting and racially-motivated violence; one of the convicted received a 10-month suspended sentence, the second received an 8-month suspended sentence, and the third was sentenced to 300 hours of community service. Criminal charges were dropped against a skinhead charged with rioting for an attack he perpetrated with approximately 14 other skinheads on 5 Roma in a bar in Nachod in February 2000; his case was transferred to the local court for disposition as a misdemeanor offense.

In August 1999, approximately 30 skinheads attacked several Romani homes in a village near Jaromerice nad Rokytnou, which resulted in several injuries to 2

Roma and damage to several cars and houses. Twelve persons were convicted in November 2000 and given suspended sentences ranging from 4 months to 2 years; the judge indicated in his verdict that the defendant's youth and voluntary payment of partial compensation were factors in his decision to impose reduced sentences. On March 5, an appeal by the victims was rejected and the trial court's verdict upheld.

Prime Minister Zeman consistently called for the cancellation of the official registration of groups sympathetic to the skinhead movement (see Section 2). During the year, after Interior Minister Stanislav Gross repeatedly stated his displeasure with extremist activity and his desire for stronger police action against it, police began monitoring such groups and more actively investigated and arrested those accused of committing such crimes.

The site of a former Romani concentration camp at Lety continued to be a source of controversy. In 1974 a pig farm was built on the site of the camp; both Roma and the Human Rights Commission have called for its removal. In October 2000, commemorative plaques were unveiled at the site, and the Government has completed the transfer of archives related to the camp to the U.S. Holocaust Memorial Museum.

Roma who wish to integrate face practical difficulties in the areas of employment and education. Estimated unemployment among Roma is 70 percent, with many unemployed Roma subsisting on government support or earnings from illegal activities. Some employers refuse to hire Roma and ask local labor offices not to send Romani applicants for advertised positions. An amendment to the Labor Code prohibits hiring and employment discrimination based on ethnic origin, but no enforcement statistics were available. Under the law, individual Roma do not have the right to file discrimination complaints; action must come from governmental authorities. Many Roma are qualified only for low-paying jobs as manual laborers since very few complete secondary education.

Roma also face discrimination in housing and other areas of everyday life. Despite constitutional prohibitions on discrimination, a civil law framework to implement these provisions has not been incorporated to address specific offenses under the Criminal Code. Some restaurants, pubs, and other venues refuse service to Roma and post signs prohibiting their entry.

A higher-than-average percentage of the Romani population applies for partial or full disability pensions due to the occurrence of malignant diseases resulting from the neglect of preventive health practices or the lack of available medical care in areas with above-average Romani populations. Some Roma refuse to cooperate with compulsory vaccinations for children or are refused treatment by general practitioners who have full quotas of subsidized patients. NGO's and individuals in the health and education fields that aim to improve living conditions for the Roma have had only minimal impact, sometimes due to the attitudes or intransigence of local authorities. Romani leaders themselves have had limited success in organizing their local communities, which often are disunited and where many are reluctant to foster contacts with the majority.

Roma also were subject to popular prejudice, as is confirmed repeatedly by public opinion polls. For example, in an opinion poll released in May, respondents indicated that, of all minorities, they would least prefer to have a Roma for a neighbor.

In June 2000, the Government approved a Plan for Roma Integration aimed at combating discrimination against the Romani community; the plan tasked the Human Rights Commissioner with proposing legislation during the year designed to give advantage to Romani firms in securing government contracts. However, at year's end, the Human Rights Commission continued to work toward specific proposals aimed at providing the broadest benefit, not just to Roma-owned firms, but to Roma employees as well.

The Interministerial Commission for Romani Community Affairs, which includes 12 government representatives and 12 Romani representatives, as well as the Commissioner for Human Rights and his deputy continued to take an active role in resolving disputes between Romani communities and their non-Romani neighbors in towns such as Usti nad Labem and Rokycany. The Commission also promoted positive initiatives in housing, education, and discrimination. During the year, the Commission budgeted \$625,000 (25 million Czech crowns) for projects to assist in integration of Roma.

The Government also took steps to improve its cooperation with representatives of the Roma community. On April 4, the Foreign Ministry and the International Romany Union signed a memorandum of cooperation on the formulating of a comprehensive plan for addressing the problems facing Roma. On June 15, Olga Cechurova was named Roma Affairs Coordinator at the Foreign Ministry. She functions as the Ministry's liaison with Roma groups, NGO's, and the diplomatic community.

There are “Roma advisors” or “Roma assistants”—created by the Interior Ministry to advise local authorities on Romani problems—in all 73 of the country’s district offices and at the Prague, Brno, Ostrava, and Plzen town halls; over 60 percent of the advisors are Roma. These positions, originally slated for elimination at the time of a scheduled federal restructuring, are to continue but under the title of “regional advisors for ethnic minorities” beginning in 2003. Many advisors have made a significant contribution to their communities, but some Romani communities have complained of advisors’ ineffectiveness and called for their removal. The advisors themselves have in some cases felt hindered by the lack of a clear legal mandate and procedural instructions for carrying out their duties.

During the year, the Government continued an active effort to identify, train, and recruit qualified Roma to serve in law enforcement. In August the first group of police trainees completed the national police academy’s course in Romani language and culture, designed to improve police officers’ communications with and response to the Romani communities in their precincts. One government initiative—the three “Romani-inspector” positions authorized to penalize shop and restaurant owners who refuse service to Roma—has been criticized for ineffectiveness and lack of resources.

During the year, more and better information on Romani issues became available in the mainstream press and other sources. There is a Romani journalism course at the College of Publicity, here has been a Department of Romani Language Studies at Charles University in Prague since 1991, and additional university-level Romani language study program exist in Usti nad Labem and Brno.

The Human Rights Commission’s “Project Tolerance,” ceased during the year because several of the companies that had bid on providing services for the project were found to have failed to meet prescribed standards and were disqualified.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides workers with the right to form and join unions of their own choice without prior authorization, and workers exercised this right in practice. Union membership continued to decline during the year. Most workers are members of unions affiliated with the Czech-Moravian Chamber of Trade Unions (CMKOS). The CMKOS is a democratically oriented, republic-wide umbrella organization for branch unions. It is not affiliated with any political party and carefully maintains its independence.

Workers have the legal right to strike, with the exception of those in critical sectors, such as health care, nuclear energy, oil and gas pipelines, air traffic control, fire fighting, and telecommunications industries. The law requires that labor disputes be subject first to mediation and that strikes take place only after mediation efforts fail. There were no major strikes during the year. Protests against the appointed general manager of the State-run television station, which began in December 2000, continued into January. In September owners of driving schools and used car dealerships blocked several Prague streets in front of the Transportation Ministry. They were protesting against changes in the law on vehicle registration, which they claimed would hurt their businesses.

There are no restrictions on trade union contacts with international organizations, and unions have developed a wide range of ties with international trade union bodies.

*b. The Right to Organize and Bargain Collectively.*—The law provides for collective bargaining, which generally is carried out by unions and employers on a company basis; however, the 2001 ICFTU Annual Survey of Trade Union Rights alleged that some employers prevented communication between trade unionists to prevent collective agreements from being formed, and used other tactics designed to harass and intimidate workers. Those tactics reportedly included preventing union members from gaining access to company property, offering money in exchange for dissolving union organization within a company, firing union leaders, and refusing to withhold union dues from salaries. The scope for collective bargaining is more limited in the government sector for civil servants, where wages are regulated by law. The law prohibits antiunion discrimination.

There are 11 free trade zones. Their workers possess and practice the same right to organize and bargain collectively as other workers in the country.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor; however, trafficking in women was a problem (see Section 6.f.).

The law prohibits forced or bonded labor by children; however, trafficking in children was a problem (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The Labor Code stipulates a minimum working age of 15 years, although children who

completed courses at special schools (schools for the mentally disabled and socially maladjusted) may work at the age of 14. Employment conditions for children aged 15 to 18 are subject to strict safety standards. These regulations are enforced in practice.

On June 6, the Government ratified International Labor Organization Convention 182 on the Worst Forms of Child Labor.

The law prohibits forced or bonded labor by children; however, trafficking in children was a problem (see Section 6.f.).

*e. Acceptable Conditions of Work.*—The Government sets minimum wage standards. The national minimum wage was approximately \$154 (5,700 Czech crowns) per month; compared to approximately \$113 (3,600 Czech crowns) per month in the previous year. The national minimum wage provides a decent standard of living for a worker and family. The monthly average wage is approximately \$364 (13,473 Czech crowns) per month. Average net wages are 2.8 times higher than official subsistence costs. Government subsidies are available to families with children. Retraining efforts, carried out by district labor offices, seek to provide labor mobility for those at the lower end of the wage scale.

On January 1, a new law took effect establishing a 40-hour workweek, a decrease from the 42-hour workweek in the previous year. The law requires a paid rest period of at least 30 minutes during the standard 8-hour workday, as well as annual leave of 4 to 8 weeks, depending on the profession. Overtime ordered by the employer may not exceed 150 hours per year or 8 hours per week as a standard practice, although the local employment office may permit overtime above this limit. The Labor Ministry enforces standards for working hours, rest periods, and annual leave.

Government, unions, and employers promote worker safety and health standards, but conditions in some sectors of heavy industry do not meet these standards, particularly those awaiting privatization. The situation had improved at year's end, and the Government worked to harmonize its standards with those of the EU. In 2000 the number of industrial accidents declined 3.2 percent to 92,906 from 95,971 in 1999; year-end statistics reflected that the number of industrial accidents remained constant during the year. The Office of Labor Safety is responsible for enforcement of health and safety standards. Workers have the right to refuse work endangering their life or health without risk of loss of employment.

*f. Trafficking in Persons.*—The law prohibits trafficking in persons; however trafficking in women and girls for the purpose of sexual exploitation was a problem.

The Czech Republic is a country of origin, transit, and destination country for trafficking in persons. A small number of Czech men are trafficked to the United States for coerced illegal work. Czech women and girls were trafficked to other European countries, such as Germany. Women and girls were trafficked to the Czech Republic from the former Soviet Union, Africa, Asia, and the Middle East. Women from Moldova, Romania, Bulgaria, Ukraine, and the Balkan countries were trafficked to and through the country—to other European countries and the United States—to work as prostitutes. There is some evidence that a small amount of trafficking of Czech women and children for prostitution takes place within Czech borders, from areas of low employment to border areas with Germany and Austria. The full extent of trafficking in children is unknown; however, convictions of child sex offenders were reported routinely in the media (see Section 5).

Trafficked women were offered jobs as models, maids, waitresses, and dancers and then forced into prostitution. Once in a destination country, traffickers withhold the victims' travel documents and use isolation, violence, threats of violence, and the threat of arrest and deportation to ensure compliance. Traffickers are most often members of organized criminal groups from Russia, Bulgaria, the former Yugoslavia, and the Far East who work in cooperation with individual Czechs, Slovaks and, less often, Austrians and Germans.

There also are other relevant statutes that can be used to prosecute traffickers. The penalties for trafficking are roughly commensurate with those for rape and sexual assault. The Government investigates and prosecutes cases of trafficking in persons, although the conviction rates are low. During the year, 25 persons were prosecuted for trafficking crimes, compared to 13 in 2000. In several cases, they received additional sentences for charges under other sections of the Criminal Code.

Organizing prostitution and pimping are illegal and punishable by a prison term of up to 8 years, with a term of up to 12 years if the victim is under the age of 15. (Adults can be prosecuted for engaging in sexual activity with a minor under the age of 15.) The Czechs cooperate extensively with other Central and Eastern European countries, European Union members and the United States during investigation and prosecution of trafficking cases. On October 10, Czech, German, and Austrian border police acted together to break up a criminal enterprise which had alleg-

edly smuggled as many as 100 Afghans per week to Western Europe since 1999. Czech authorities arrested seven Czechs and five Afghans for their roles in the operation; the case was pending at year's end. According to the police, most of those smuggled were headed for the United Kingdom to seek asylum there.

The Czech Police Organized Crime Division includes a Unit on Trafficking in Persons, established in 1995, which cooperates with other nations to enforce these laws. During the year, a school curriculum package was introduced in schools across the country to educate minors about trafficking. In November the IOM and the Interior Ministry organized a 3-day workshop for officials dealing with trafficking problems. The event brought together experts from several countries to discuss methods to combat trafficking.

Police maintain close contact with the IOM and other NGO's in order to provide services to women after trafficking arrests. Foreign victims of trafficking are treated as illegal immigrants and either are detained or asked to leave the country within 30 days; however, foreign victims also may be offered temporary residence if they agree to testify against a trafficker. Those detained are sometimes deported, but more often are eventually released and ordered to depart the country within 30 days.

The Government does not provide direct assistance to victims, but does refer them to NGO's that provide assistance. The Government provides funding to some of these NGO's. La Strada is the primary indigenous NGO providing services and awareness campaigns to young girls and women who may become/have been victims of trafficking. Czech citizens who are trafficked to other countries often cannot receive government assistance upon their return because their identity documents were stolen or taken by the traffickers. Returnees also frequently are loath to go to their families or public social service providers for help because of the stigma attached to having been trafficked.

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## DENMARK

Denmark is a constitutional monarchy with parliamentary democratic rule. Queen Margrethe II is Head of State. The Cabinet, which is accountable to the unicameral Parliament (Folketing), leads the Government. A minority center-right coalition government led by the Liberal Party was formed after elections in November. The Government respects the constitutional provisions for an independent judiciary in practice.

The national police have sole responsibility for internal security. The civilian authorities generally maintain effective control of the security forces.

The population is approximately 5.3 million. Denmark has an advanced, market-based industrial economy. One-half of the work force is employed in the public sector. The key industries are food processing and metalworking, and a broad range of industrial goods is exported. The economy provides residents with a high standard of living. Per capita GNP was approximately \$30,000.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with instances of individual abuse. Violence against women is a problem, but the Government took steps to deal with it. Trafficking in women for prostitution is a problem.

### RESPECT FOR HUMAN RIGHTS

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

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

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

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

Prison conditions generally meet international standards. In July 2000, the U.N. Committee Against Torture criticized the Government for the number of prisoners held in solitary confinement and the length of time spent in isolation. For example, all prisoners who refused to participate in work programs were placed in solitary confinement. In response the Government revised prison rules on the length of solitary confinement permitted and the reasons for assigning solitary confinement. Under the new rules, the percentage of prisoners in solitary confinement dropped from 11.2 percent in 1999 to 7.6 percent in 2000.

Men and women are held separately. The vast majority of juvenile offenders are not incarcerated, except for very violent juvenile offenders. Violent juvenile offenders between the ages of 15 and 17 may be sent to adult correctional facilities, but they are segregated from violent adult inmates. Pretrial detainees are held in remand centers, which also hold nonviolent convicted criminals serving sentences of 30 months or less.

The Government permits visits by independent human rights monitors, and such visits occurred during the year.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest, detention, or exile, and the Government generally observes these prohibitions. The Constitution mandates that individuals who are arrested have the right to a hearing before a judge within 24 hours of arrest. If a judge decides to hold persons in detention, then he must issue an order stating why. The Constitution allows for the immediate appeal of a judge's detention order.

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

The judicial system consists of a series of local and regional courts, with the Supreme Court at the apex.

The Constitution provides for the right to a fair trial, and an independent judiciary vigorously enforces this right. The law provides for defendants' right to timely consultation with an attorney, at public expense if needed. Defendants have the right to question witnesses against them and to present witnesses for their defense. Defendants and their attorneys have access to government evidence relevant to their case. Under court procedures, defendants enjoy a presumption of innocence and have the right to appeal their sentences and procedural issues involved in their case.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such practices, the Government generally respects these prohibitions in practice, and violations are subject to effective legal sanction.

*Section 2. Respect for Civil Liberties, Including:*

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

There are 10 nationally distributed newspapers, which are independent and privately owned. The Government owns two of the three national television networks and a share in the third national television network; however, there are several private satellite and cable television channels. Over 200 private and public radio stations broadcast. The Government does not exercise editorial control over its radio and television outlets.

Access to the Internet is unrestricted.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for the freedoms of assembly and association, and the Government generally respects these rights in practice. A permit is required for public demonstrations, but the Government uses objective criteria in evaluating requests and does not discriminate in issuing permits.

*c. Freedom of Religion.*—The Constitution provides for religious freedom, and the Government generally respects this right in practice. The Constitution provides for an official state religion, the Evangelical Lutheran Church, which is subsidized by the Government. The Evangelical Lutheran faith is taught in public schools, but students may withdraw from religious classes with parental consent.

The Government does not require that religious groups be licensed, but the State's permission is required for religious ceremonies, for example, weddings, if they are to have civil validity.

An independent, government-appointed Council published guidelines for the approval of religious organizations that are linked to the 1969 Marriage Act. The guidelines established clear requirements that religious organizations must fulfill, which include providing a written text of the religion's central traditions; descriptions of its most important rituals; an organizational structure accessible for public control and approval; and constitutionally elected representatives who can be held responsible by authorities. In addition the organization must "not teach or perform actions inconsistent with public morality or order."

Scientologists continued to seek official approval as a religious organization. Their first application for approval was made in the early 1980's and rejected; the second application was made in mid-1997 and withdrawn in early 1998. The second appli-

cation was resubmitted in 1999 and withdrawn again in early 2000, shortly before a decision by the Government was expected. In withdrawing the application, the Church of Scientology asked the Ministry of Ecclesiastical Affairs for additional time to respond to reports about Scientology that had appeared in the media. The Scientologists had not resubmitted an application by year's end.

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

The law provides for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government provides first asylum and granted it to 4,776 persons in the first 9 months of the year. A total of 6,184 asylum applications were filed in the first 9 months of the year, a 22 percent reduction compared with the same period in 2000.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The territories of Greenland (whose population is primarily Inuit) and the Faroe Islands (whose inhabitants have their own Norse language) have democratically elected home rule governments whose powers encompass all matters except foreign affairs, monetary affairs, and national security. Greenlanders and Faroese are Danish citizens with the same rights as those in the rest of the Kingdom. Each territory elects two representatives to the Folketing.

The percentage of women in government or politics does not correspond to their percentage of the population, but women are well represented at all levels of government. In the Government, 5 of 18 ministers are female, as are 68 of Parliament's 179 members.

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

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

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

The Government's operations and extensive public services do not discriminate on the basis of any of these factors. The Constitution and the law prohibit discrimination on the basis of sex, creed, or ethnicity, and the Government enforces this prohibition effectively. The law also prohibits discrimination on the basis of race, national or ethnic origin, or faith. The Government protects the rights of the country's indigenous people carefully.

*Women.*—Violence against women is a problem, but the Government took steps to combat it. An umbrella nongovernmental organization (NGO) reports that in 2000, women's crisis shelters were contacted 8,825 times, compared with 8,439 times in 1999. A total of 2,083 women stayed at shelters during 2000, compared with 2,054 women in 1999. There were 477 reported rapes in 1999, 497 in 2000, and 243 during the first 6 months of the year. Rape, spousal abuse, and spousal rape are criminal offenses. Trafficking in women for the purpose of prostitution was a problem (see Sections 6.c. and 6.f.).

The law requires equal pay for equal work, but some wage inequality remains. The law prohibits job discrimination on the basis of sex and provides recourse, such as access to the Equal Status Council, for those affected. Women hold positions of authority throughout society, although they are underrepresented in senior business positions. Women's rights groups lobby the Government on matters of concern, such as wage disparities and parental leave.

*Children.*—The Government is strongly committed to children's rights and welfare; it amply funds systems of public education and medical care. Education is compulsory through the ninth grade and is free through the university level. School attendance is nearly universal. The Ministries of Social Affairs, Justice, and Education oversee implementation of programs for children.

There is no societal pattern of abuse against children. In 1997 the Parliament passed legislation that banned the physical punishment of children by adults, including their parents.

*Persons with Disabilities.*—There is no discrimination against persons with disabilities in employment, education, or in the provision of other state services. Building regulations require special facilities for the disabled in public buildings built or renovated after 1977 and in older buildings that come into public use. The Government generally enforces these provisions in practice.

*Indigenous People.*—The law protects the rights of the inhabitants of Greenland and the Faroe Islands. Greenland's legal system seeks to accommodate Inuit customs. Accordingly it provides for the use of lay persons as judges and sentences most prisoners to holding centers (rather than to prisons) where they are encouraged to work, hunt, or fish during the day. Education in Greenland is provided to the native population in both the Inuit and Danish languages.

In 1999 a court ruled that the Government unjustly resettled Greenland Inuits in 1953 in order to accommodate the expansion of a U.S. Air Force base in northwest Greenland. The court ordered the Government to pay compensation to the displaced Greenlanders and their descendants. The compensation is substantially less than the amount that the defendants sued for, and the case remained under appeal in the Supreme Court at year's end. A ruling was expected in the spring of 2002.

*National/Racial/Ethnic Minorities.*—The inflow of ethnically and racially diverse refugees and immigrants has caused some tension between Danes and immigrants (mostly Iranians, Palestinians, Pakistanis, Sri Lankans, Somalians, or the former Yugoslavs). In response to publicity concerning the involvement of foreigners in street crime and allegations of social welfare fraud committed by refugees, Parliament passed tighter immigration laws that took effect in 1999. Family reunification is now more difficult, and immigrants and refugees can no longer acquire permanent residence by living in the country for 18 months; rather they must now reside for 3 years and demonstrate, usually by so doing, that they have integrated into society.

There were 90 incidents of racial discrimination or racially motivated violence in the first 11 months of the year. Of these, 44 incidents occurred after the September 11 terrorist attacks in the United States. The Government effectively investigates and deals with cases of racially motivated violence.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law states that all workers, including military personnel and the police, may form or join unions of their choosing. Approximately 80 percent of wage earners belong to unions that are independent of the Government and political parties.

More than 50 percent of wage earners are in unions that are affiliated with the Confederation of Danish Labor (LO). The LO has traditionally had a close relationship with the Social Democrat Party. There are also 3 other umbrella labor organizations to which 41 unions are affiliated. There are also several independent unions, which are not affiliated with any labor federations or umbrella organizations.

All unions except those representing civil servants or the military have the right to strike. Workers often exercise their right to strike. In 2000, 124,000 workdays were lost due to strikes.

Unions may affiliate freely with international organizations, and they do so actively.

*b. The Right to Organize and Bargain Collectively.*—The right to organize is protected by law. Workers and employers acknowledge each other's right to organize. Collective bargaining is protected by law and is widespread in practice. In the private sector, salaries, benefits, and working conditions are agreed upon in biennial or triennial negotiations between the various employers' associations and their union counterparts. If the negotiations fail, a national conciliation board mediates, and management and labor vote on its proposal. If the proposal is rejected, the Government may impose a legislated solution on the parties (usually based upon the mediators' proposal). The agreements are used as guidelines throughout the public as well as the private sector. In the public sector, collective bargaining is conducted between the employees' unions and a government group led by the Finance Ministry.

The law prohibits antiunion discrimination by employers against union members and organizers, and there are mechanisms to resolve disputes. Employers found guilty of antiunion discrimination are required to reinstate workers fired for union activities.

Labor relations in Greenland are conducted in the same manner as in Denmark. Greenland's courts are the first recourse in disputes, but Danish mediation services or the Danish Labor Court also may be used.

There is no umbrella labor organization in the Faroes, but individual unions engage in periodic collective bargaining with employers. Disputes are settled by mediation.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor; however, women are trafficked for the purpose of forced prostitution (see Section 6.f.).

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

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for full-time employment is 15 years. The law sets a minimum of 13 years of age for any type of work. The law is enforced by the Danish Working Environment Service (DWES), an autonomous arm of the Ministry of Labor. Export industries do not use child labor. The Government ratified the International Labor Organization's Convention 182 on the worst forms of child labor in August 2000.

The law prohibits forced and bonded labor by children, and such practices are not known to occur (see Section 6.c.).

*e. Acceptable Conditions of Work.*—No national minimum wage is mandated legally, but national labor agreements effectively set a wage floor. The lowest wage paid is approximately \$10 (85 kroner) per hour, which is sufficient to provide a decent standard of living for a worker and family. The law provides for 5 weeks of paid vacation per year. Workers normally work a 37-hour workweek, which is established by contract, not by law. The law requires at least 11 hours between the end of one work period and the start of the next.

The law also prescribes conditions of work, including safety and health; the duties of employers, supervisors, and employees; work performance; rest periods and days off; and medical examinations. The DWES ensures compliance with labor legislation. Workers may remove themselves from hazardous situations or weapons production without jeopardizing their employment rights, and legal protections cover workers who file complaints about unsafe or unhealthy conditions.

Similar conditions of work are found in Greenland and the Faroes, except that the workweek is 40 hours. As in Denmark, the workweek is established by contract, not by law.

*f. Trafficking in Persons.*—The law does not specifically prohibit trafficking in persons, but other laws have been used to prosecute traffickers; however, trafficking in women to the country for the purpose of prostitution is a problem. Most women were trafficked from Eastern Europe, the Baltic States, other countries of the former Soviet Union, and Southeast Asia, particularly Thailand. Some victims were lured by the prospect of higher wages and a better life but were forced into prostitution. Some traffickers reportedly withheld victims' passports. The perpetrators usually were suspected of being part of organized crime.

Laws prohibiting kidnaping and pimping were used by the Government to prosecute traffickers in several high-profile cases during the year; however, sentences were light. In several cases, individuals were charged with violating laws on human smuggling and illegal sexual activity. Most of these cases involved women brought from Eastern Europe and Asia to work as prostitutes. In November 5 persons were convicted of smuggling 80 women from Baltic countries into Denmark to work as prostitutes. They received jail sentences of between 1 and 3 years. The authorities cooperate with international investigations.

The Commissioner of Police led a factfinding mission to the Baltic States in November 2000 and issued a report of the mission's findings in January, which recommended further study of the problem. In 2000 a regional conference on trafficking generated considerable public and parliamentary debate. In December 2000, the Government set up an interagency working group in the Ministry of Gender and Equality to address trafficking. An informal working group meets once per month and includes members from the Ministries of Justice, Social Affairs, Gender and Equality, Employment, and Education, as well as NGO's, to share information.

The Government does not provide medical or legal assistance directly to victims, and there is no governmental or nongovernmental entity specifically concerned with victims of trafficking. Several government-supported organizations provide services to victims on a case-by-case basis.

## ESTONIA

Estonia is a parliamentary democracy. The Constitution established a 101-member unicameral legislature (State Assembly), a prime minister as Head of Government, and a president as Head of State. The Government respects the constitutional provisions for an independent judiciary in practice.

Police leadership continued to work to develop, strengthen, and professionalize the police force. The police, who are ethnically mixed, are subordinate to the Ministry of Internal Affairs. Corrections personnel are subordinate to the Ministry of Justice. The security service—Security Police—is subordinate to the Interior Ministry but also reports to the Prime Minister. Police and corrections personnel continued to commit human rights abuses.

Estonia has a market economy and a population of approximately 1.4 million. Services, especially financial, transit, and tourism, grew in importance compared to the historically more prominent light industry and food production. The privatization of firms, including small, medium, and large-scale enterprises, is virtually complete. The Government continued to work on privatizing the remaining state-owned infrastructure enterprises. Economic growth increased after a slowdown due to the 1998 Russian financial collapse: experts predicted gross domestic product (GDP) growth of 5 percent during the year. Per capita GDP was \$3,571. Unemployment was 14 percent but was significantly higher in rural areas and in the northeast.

The Government generally respected the human rights of its citizens and the large ethnic Russian noncitizen community; however, problems remained in some areas. Police continued to mistreat prisoners and detainees and use excessive force. Prison conditions remained poor, although there were some improvements. Some officials in the United Nations, the Russian Government, and members of the local ethnic Russian community continued to criticize the Citizenship and Aliens' Law as discriminatory for its Estonian language requirements. Violence against women was a problem, and there were reports that women were trafficked for 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.

One prisoner was killed by another during the year (see Section 1.c.).

In March a journalist was shot and killed in a dispute over media shares (see Section 2.a.).

In 1998 President Lennart Meri created an international commission for research into crimes against humanity perpetrated in the country from 1940–91, and it began work in 1999. In May the Commission issued its first report covering the years of Nazi occupation, 1941–44. This report, which was praised for its objectivity, concluded that certain events that occurred during the German occupation are “at least prima facie evidence that genocide, crimes against humanity, and war crimes were committed by, or with the active assistance of, Estonians on or outside Estonian territory.”

*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, police continued to use excessive force and verbal abuse during the arrest and questioning of suspects. Two police officers were found guilty in October and two more in December of using excessive force. Their convictions were under appeal at year's end. Unlike in previous years, punishment cells (“karsters”) were no longer used.

Prison conditions remained poor, although there were some improvements. By midyear the prison population was 4,823 inmates, the highest it had ever been. Overcrowding was reported in every major prison except one. A lack of funds and trained staff continued to be serious problems. The percentage of prisoners suffering from tuberculosis was much higher than in the general population. The Government refurbished some prison buildings during the year. Modest gains were made in hiring new prison staff and retaining existing personnel. Work and study opportunities for prisoners increased slightly since the Government implemented new programs in 2000. During the year, 415 prisoners were released under the Government's early release program. One prisoner was killed by another during the year.

Men and women are housed separately, and conditions are the same for both. Juveniles also are housed in separate penal facilities. Pretrial detainees and convicted prisoners are held in the same prisons, but in different sections.

The Government continued to implement a multiyear plan to refurbish and restructure all of the country's prisons. In February authorities opened a new min-

imum-security institution in Rummu that can house 40 inmates. Construction of a new prison in Tartu with a capacity of 500 inmates continued.

The Government permits prison visits by independent human rights monitors; however, the last such visit occurred in 1999.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution and laws prohibit arbitrary arrest and detention, and the Government generally observes these prohibitions. Under the Constitution, warrants issued by a court are required to make arrests. Detainees must be informed promptly of the grounds for the arrest and given immediate access to legal counsel. A person may be held for 48 hours without formally being charged; further detention requires a court order. Police rarely violated these limits. A person may be held in pretrial detention for 2 months; this term may be extended for a total of 12 months by court order. Lengthy pretrial detention is not a problem: the average time of detention is 3½ months. By December 1, 1,298 of the 4,759 prisoners were awaiting trial. There is a functioning bail system.

The Constitution prohibits forced exile, and the Government does not employ it.

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

The judiciary operates through a three-tier court system: Rural and city courts; district courts; and the State Court (which functions as a supreme court). The district and State Courts are also courts for “constitutional supervision.” At the rural and city levels, court decisions are made by a majority vote with a judge and two lay members sitting in judgment. All judges and lay judges must be citizens. The President nominates and the State Assembly confirms the Chief Justice of the State Court. The Chief Justice nominates State Court judges who are subject to confirmation by the State Assembly. He also nominates the district, city, and rural court judges who then are appointed by the President. Judges are appointed for life.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforces this right. It also provides that court proceedings shall be public. Closed sessions may be held only for specific reasons, such as the protection of state or business secrets, and in cases concerning minors. The Constitution further provides that defendants may present witnesses and evidence as well as confront and cross-examine prosecution witnesses. Defendants have access to prosecution evidence and enjoy a presumption of innocence. If a person cannot afford counsel, the State will provide one.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such actions, and the Government generally respects these prohibitions in practice. The law requires a search warrant for the search and seizure of property. During the investigative stage, the prosecutor issues warrants upon a showing of probable cause. Once a case has gone to court, the court issues warrants. The Constitution provides for the privacy of the mail, telegrams, telephones, and other means of communication. Police must obtain a court order to intercept communications. Illegally obtained evidence is not admissible in court.

## *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice. The Law on Language prohibits the use of any foreign language on public signs, advertisements, and notices, including election posters.

Four major national Estonian-language and two Russian-language daily newspapers are published, in addition to important weeklies. These publications are independent and not subject to government influence. Foreign newspapers and magazines are available widely. All newsprint, printing, and distribution facilities are private companies.

In March a publisher of the leading Russian daily, Estonia, was shot to death in Tallinn. The police arrested two foreign contract killers for allegedly committing the crime, but they were released after questioning, and no one was charged by year’s end. Officials attributed the crime to a dispute over the deceased’s shares in the media outlet.

In February the European Court of Human Rights upheld the Estonian courts’ 1997 decision to convict and fine a prominent journalist for insulting the spouse of a prominent politician in a newspaper interview. A 2000 administrative court decision to fine a local television newscaster for using insulting words on the air against a local writer was under appeal at year’s end.

State (public) broadcast media, including one nationwide television channel (Estonian Television—ETV), continued to receive large government subsidies. ETV also broadcasts commercials. Although a decision was made in 2000 to combine ETV and Estonian (state/public) Radio into one entity, no real movement toward that end has

taken place. The director general of ETV came under fire for not being willing to cooperate with the station's labor union (see Section 6).

There are several major independent television and radio stations. Several Russian-language programs, mostly produced in Estonia, are broadcast over state and private or commercial television channels. The Government has played a large role in encouraging Russian-language programs on state television. However, the ability of ETV's Russian-language department to create self-produced, high-quality programs was reduced greatly due to the Government's large cuts in the department's budget. Russian state television and Russian commercial channels are available widely via cable.

Internet access is available and generally unrestricted.

Academic freedom is respected.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for the freedoms of assembly and association, and the Government generally respects these rights in practice. Permits for all public gatherings must be obtained 3 weeks in advance. The authorities have wide discretion to prohibit such gatherings on public safety grounds but seldom do so. There were no reports of government interference in mass gatherings or political rallies during the year. Noncitizens are prohibited from joining political parties, although they may form social groups.

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

The law requires all religious organizations to have at least 12 members and to be registered with the Interior Ministry and the Board of Religion. Leaders of religious organizations must be citizens with at least 5 years' residence in the country.

Since 1993 a group of ethnic Estonian and Russian parishes preferring to remain under the authority of the Russian Orthodox Church structure have attempted to register under names similar to the registered Estonian Apostolic Orthodox Church (EAOC), which is independent. For example, in January representatives of the Moscow Patriarchate submitted an official church registration application under the name of the "Estonian Orthodox Church of the Moscow Patriarchate" to the Ministry of Interior Affairs (MIA). In May the MIA declined to approve the application, explaining that it could not formally register this church under its desired name, since it would be confused too easily with the EAOC. The unregistered status of the church made negotiations on and the settlement of the issue of the ownership of the Aleksander Nevski Cathedral, a prominent and valuable Tallinn landmark, problematic. The Cathedral is owned by the city of Tallinn and rented out to its Russian Orthodox congregation on a several decades lease. The Moscow Patriarchate announced in July that it would take the issue to the courts, which precipitated an exchange of letters between Prime Minister Laar and Patriarch Alexei of the Moscow Church. The Patriarch, in his response, thanked the Prime Minister for his offer to register the church with the name suggested by the Moscow Patriarchate and also asked that the church be able to include canonical documents with its registration papers. The Russian Orthodox congregation meantime asked for two postponements of the court hearing in the hope that the issue could be settled out of court.

On June 13 Parliament adopted a revised law on churches and congregations that contained a provision barring the registry of any church or union of congregations whose permanent or temporary administrative or economic management is performed by a leader or institution situated outside the country. Both the Orthodox Church, Moscow Patriarchate, and the Estonian Council of Churches expressed concern that such wording could prevent the registry of churches and congregations that traditionally were active in the country. On June 29, President Lennaert Meri refused to promulgate the law, declaring, in part, that it constituted an intrusion into the sphere of autonomy of religious institutions.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The law provides for these rights, and the Government generally respects them in practice. Passports serve as identification but do not have to be carried at all times. There are no exit visas.

The Government does not restrict the right of noncitizen residents—persons who are citizens of another country or stateless persons—to foreign travel, emigration, or repatriation, although some noncitizens complain of delays in obtaining travel documents. The majority of noncitizens are ethnic Russians (see Section 5). In 1994 the Government began issuing alien passports, which are issued to resident aliens not in possession of other valid travel documents. Such aliens included: Persons who are designated as stateless; foreign citizens who cannot obtain travel documents from their country of origin or from another state; persons who file for Estonian citizenship and pass the language examination if required (pending receipt of citizenship); and aliens who are departing Estonia permanently. The Government has ap-

proved the issuance of alien passports to noncitizens intending to study abroad and has agreed to issue them to former military personnel who cannot or do not want to assume Russian citizenship.

The law provides for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. In 1999 the State Assembly passed amendments to domestic refugee law that delegated authority from the Government to the Citizenship and Migration Board, clarified the refusal of refugee status, introduced an accelerated procedure for those in the country in addition to the already existing procedure at the border, and established a state registry for asylum. In addition temporary residence permits may be granted to persons whose applications for a residence permit are based on an international agreement.

In the past, the Government granted first asylum, but it denied first asylum to all 9 applicants during the year. The accelerated program began as scheduled in 1999 and, as of December 1, 56 persons had applied for asylum, of whom 17 were still waiting for a reply. Of the applicants processed, 4 were granted asylum, 5 were granted temporary residence permits for humanitarian reasons, 17 left the country, and 1 died in 2000. The Citizenship and Migration Board turned down the remaining applications on the grounds that the applicants did not fulfill the criteria for refugee status as defined in the 1951 U.N. Convention.

The Government deported a relatively small number of illegal aliens during the year, usually those caught in criminal acts. A total of 11 illegal aliens were held as internees by December, pending deportation or a court order granting them residence. In June 2000, a new building to house illegal aliens and asylum seekers was opened in the village of Illuka in East Viru County.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right through periodic, free, and fair elections held on the basis of universal suffrage. Indirect presidential elections were held in August and September. When the State Assembly failed to muster the required two-thirds majority to elect the President, an electoral assembly consisting of members of the State Assembly and representatives of local governments convened and elected Arnold Ruutel President. In March 1999, free and fair elections to the State Assembly were held. The Government elected in 1999 is a coalition of the Pro Patria, Moderate, and Reform Parties.

Only citizens can vote in parliamentary elections and be members of political parties. However, according to law, resident noncitizens and those who have lived permanently in the area for at least 5 years preceding the election can vote but are not permitted to run for office in local elections. Approximately 1.1 million of the total population of 1.43 million are citizens, of whom approximately 116,000 received their citizenship through the naturalization process. Holders of permanent or temporary residence permits number approximately 300,000, 80 percent of whom are ethnic Russians (see Section 5). Illegal residents number approximately 30,000 and mostly are ethnic Russians; they are not included in the census figures.

The percentage of women in government or politics does not correspond to their percentage of the population, although there are no legal impediments to their participation in government or politics. Among the 101 Members of Parliament are 18 women. Two ministers are women.

The percentage of ethnic minorities in government or politics does not correspond to their percentage of the population. There were six ethnic Russian deputies in the State Assembly (6 percent of the deputies); ethnic Russians make up 31 percent of the population. The law was amended in 1999 to place language requirements on Members of Parliament; Russian speakers protested.

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

A number of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are usually cooperative and responsive to their views. The Legal Information Center for Human Rights, a local NGO, issued a report in November on the human rights situation in Estonia, which the Government criticized as lacking objectivity. A nongovernmental legal information center

in Tallinn provides free legal assistance to individuals—citizen and noncitizen alike—seeking advice on human rights-related issues.

The OSCE mission to Estonia, which was established in 1993, closed on December 31 following the OSCE Chairman-in-Office's announcement earlier in the month that Estonia was in full compliance with the recommendations the Chairman-in-Office had issued the previous year for closing the mission.

The Government's Human Rights Institute monitors human rights and provides information to the international community. It investigates reports of human rights violations, such as allegations of police abuse and the inhuman treatment of detainees. The Institute operates an information center in the heavily ethnic Russian town of Kohtla-Järve.

Because of tensions surrounding the adoption of the Elections Law and the Aliens Law in 1993, the President established a roundtable composed of representatives of the State Assembly, the Union of Estonian Nationalities, and the Russian-speaking population's Representative Assembly. An analogous but independent roundtable meets in the county of East Virumaa. These roundtables discuss and make recommendations on social integration issues.

The role of the Chancellor of Justice and the ombudsman were combined under legislation passed by the State Assembly in 1999. The State Assembly rejected a proposal for an independent ombudsman. The chancellor-ombudsman handles complaints by private citizens against state institutions; in June the chancellor opened a branch office in the heavily ethnic Russian northeastern town of Narva as recommended by the OSCE.

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

The Constitution prohibits discrimination for any reason; however, reports continued of discrimination against ethnic Russian residents.

*Women.*—Violence against women, including spousal abuse, reportedly is common and continued to be the subject of increasing discussion and media coverage. Neither domestic violence nor marital rape are criminalized, although they can be prosecuted under existing law. Rape and attempted rape occur relatively infrequently. In the first 11 months of the year, there were reports of 43 rapes and 10 attempted rapes, compared with 54 rapes and 19 attempted rapes for all of 2000. However, studies show that 40 percent of crime goes unreported, including domestic violence. Even when the police are called, the abused spouse often declines to press charges, due to societal pressure.

There were reports that women were trafficked for prostitution (see Section 6).

Sexual harassment exists but is not reported officially. Although women have the same legal rights as men under the law and are entitled in theory to equal pay for equal work, this was not the case in practice. While women's average educational level was higher than that of men, their average pay in general was lower, and there continued to be female- and male-dominated professions. Women constitute slightly more than half of the work force; they also carry most major household responsibilities.

Both the Center of Women Citizens and a roundtable of women's organizations were established in 1998.

*Children.*—The Government is strongly committed to education; it gives a high priority to building and refurbishing schools. The mandatory education period is 9 years. Education is free. School is attended by 97 percent of those eligible, and attendance is in proportion to the breakdown by gender in the population. The Government provides free medical care for children and subsidizes school meals.

There is no societal pattern of child abuse; however, studies, including one published by the local U.N. Development Program office during 2000, found that a significant proportion of children had experienced at least occasional violence at home, in schools, or in youth gangs. In the first 11 months of the year, police registered 26 cases of sexual abuse involving 22 female victims and 4 male victims, all below age 16. In the same period, there were 44 cases of procurement for prostitution of victims younger than 18 years. In 4 rape cases, the victim was younger than age 14.

There were reports that families forced their children into begging (see Section 6.d.).

*Persons with Disabilities.*—While the Constitution provides for the protection of persons with disabilities against discrimination, and both the Government and some private organizations provide them with financial assistance, little has been done to enable persons with disabilities to participate normally in public life. There is no public access law, but some effort has been made to accommodate persons with disabilities; for example, ramps were installed at curbs on new sidewalk construction,

and public transportation firms have acquired some vehicles that are accessible, as have some taxi companies. The law allows for persons with serious sight, hearing, or speech impediments to become naturalized citizens without having to pass an examination on the Estonian Constitution and language.

*Religious Minorities.*—The majority of citizens are nominally Lutheran, but relations between the various religious communities generally are amicable. Tension between the ethnic Estonian and ethnic Russian populations generally does not extend to religious matters; however, the hierarchical dispute and legal conflict over church property does result in some resentment on the part of Christian Orthodox believers belonging to the Moscow Patriarchate (see Section 2.c.).

*National/Racial/Ethnic Minorities.*—Ethnic Russians make up approximately 31 percent of the population, and nonethnic Estonians total approximately 37 percent. During the years of the country's forced annexation by the Soviet Union, large numbers of non-Estonians, predominantly ethnic Russians, were encouraged to migrate to Estonia to work as laborers and administrators. These immigrants and their descendants make up approximately one-third of the total population; about 40 percent of these persons were born in Estonia.

The Law on Cultural Autonomy provides for the protection of cultures of citizens belonging to minority groups. Some noncitizens have termed the law discriminatory, since it restricts cultural autonomy only to citizens. The Government has replied that noncitizens can participate fully in ethnic organizations and that the law includes subsidies for cultural organizations.

In districts where more than one-half of the population speak a language other than Estonian, the inhabitants are entitled by law to receive official information in that language.

All residents, whether or not they are citizens, can complain directly to the State Court about alleged violations of human or constitutional rights. The State Court justices review each case. All decisions are in Estonian, but if a complaint is received in a language other than Estonian (usually Russian), the court provides a translation.

Some noncitizen residents, especially ethnic Russians, continued to allege job, salary, and housing discrimination because of Estonian language requirements. The Citizenship Law provides that the residency requirement for naturalization is 5 years and requires knowledge of the Constitution and the Citizenship Law, as well as Estonian language capability. Persons who were legal residents in the country prior to July 1, 1990, are exempt from the 5-year legal residence and 1-year waiting period requirements. The law allows the Government to waive the language and civic knowledge requirements for applicants who have Estonian-language elementary or higher education, or who have performed valuable service to Estonia. In 1998 the Citizenship Law was amended to grant citizenship to stateless children born to legally resident stateless parents after February 26, 1992 (upon the parents' or guardians' application). As of December 1, parents had applied for citizenship for 1,276 such children; 1,153 of the applications were approved.

While the OSCE and some other international organizations such as the Finnish Helsinki Committee have found the citizenship law to be satisfactory, some officials in the U.N., the Russian Government, and members of the local ethnic Russian community continued to criticize the Citizenship Law as discriminatory, notably for its Estonian language requirements.

By law the following classes of persons are ineligible for naturalization: Those filing on the basis of false data or documents; those not abiding by the constitutional system or not fulfilling the laws; those who have acted against the State and its security; those convicted of felonies; those who work or have worked in the intelligence or security services of a foreign state; or those who served as career soldiers in the armed forces of a foreign state, including those discharged into the reserves or retired. The latter category includes spouses who came to Estonia in connection with the service member's assignment to a posting, the reserves, or retirement. A provision of the law allows for the granting of citizenship to a foreign military retiree who has been married to a native citizen for 5 years. During the year, 2,805 persons received citizenship by naturalization. A total of 215,903 persons held permanent residence permits; 53,928 held temporary residence permits. Bureaucratic delays also were cited as disincentives for securing citizenship.

Despite repeated Russian Government allegations of human rights violations against the noncitizen population, both the then-OSCE mission in Estonia and the OSCE High Commissioner on National Minorities have declared that they could not find a pattern of human rights violations or abuses. In 1998 the Government accepted a Russian Government proposal to establish a high-level commission to examine all aspects of bilateral relations, including a subgroup that would examine the humanitarian aspects of the Russian minority in Estonia and possibly of the Estonian

minority in Russia. However, by year's end, there had yet to be a formal session of the commission.

In 1999 the Government dropped the immigration quota on the issuance of residence permits to those noncitizens who settled in the country prior to July 1, 1990, and who did not depart the country subsequently. In April 2000, the State Assembly approved an amendment to the law on aliens, which provided that the annual immigration quota will not be applied to non-Estonian spouses of Estonian citizens if the spouses have a common child up to 15 years of age or if the female spouse is more than 12 weeks pregnant. In addition the amendment provides that the quota will not apply to children up to 15 years of age if the parents are applying for a residence permit.

Other than for land ownership, the law does not distinguish between citizens and noncitizens for purposes of business or property ownership, and land ownership by foreigners is restricted only in certain strategic areas. All legal residents of Estonia may participate equally in the privatization of state-owned housing.

The Law on Language requires that all public servants and public sector employees, service personnel, medical professionals, and sole proprietors be able to use the Estonian language. While the Government is to establish regulations pertaining to and describing the level of proficiency, the actual proficiency is to be determined through examination. Non-Estonian citizens who have obtained at least primary education proficiency in the language are exempted from the requirement to pass a language examination. In January 17 ethnic Russian prison officials were fired for noncompliance with the language requirement.

In 2000 the State Assembly approved amendments to the Language Law that brought it into conformity with European Union (EU) recommendations regarding language requirements for persons working in the private sector. After additional consultations with the European Union and the OSCE Commissioner for National Minorities, the Government issued the implementation decree for the amended law on May 15. For employees of private enterprises, nonprofit organizations, and foundations, as well as sole proprietors, the amended law established a requirement of proficiency in the Estonian language if it was in the public interest.

The language office liberally grants extensions to persons who can explain their failure to meet the requisite competence level. The Government established language-training centers, but they lack qualified teachers, financial resources, and training materials. Some allege that the examination process, which 75 to 90 percent of persons pass, is arbitrary.

Some ethnic Russian representatives have asked for free language training. The examination fee for either language test—for employment or citizenship—is 15 percent of the monthly minimum wage, although it is waived for the unemployed. An EU program reimburses language training costs for those who pass the examination.

The President's Roundtable continued to work toward finding practical solutions to the problems of noncitizens. The Government continued with the implementation of an integration program instituted in 2000 for the years 2000–07 aimed at fostering the integration of the non-Estonian-speaking population into Estonian society. In addition at least 10 NGO's develop and implement local programs to assist the integration of non-Estonians into society.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides for the right to form and join a union or employee association. The largest trade union is the Central Organization of Estonian Trade Unions (EAKL): it is wholly voluntary and has 58,000 members. Another trade union, the Organization of Employee Unions, split from the EAKL and has approximately 40,000 members. A third central union represents food processing and rural workers. Approximately one-third of the country's labor force belongs to one of the three labor federations. Unions are independent of the Government and political parties.

The ICFTU's 2000 "Annual Survey of Violations of Trade Union Rights" states that the registration requirements for trade unions, set out in the 1996 Non-Profit Associations Act, are "overly detailed" and "limited their right to decide upon the functioning of their decision-making bodies, stipulated procedures in respect to the establishment, merger, and separation of trade unions, federations and confederations, and gave the authorities the power to liquidate trade unions." A new trade union law, which was drafted in cooperation with EAKL and adopted in 2000, eliminated many of the problems.

The right to strike is legal, and the Constitution and statutes prohibit retribution against strikers. No strikes took place during the year.

Unions may join federations freely and affiliate internationally.

*b. The Right to Organize and Bargain Collectively.*—While workers have the legally acquired right to bargain collectively, collective bargaining has not developed fully. According to EAKL leaders, few collective bargaining agreements have been concluded between the management and workers of a specific enterprise. However, the EAKL has concluded framework agreements with producer associations, which provide the basis for specific labor agreements, including the setting of the minimum wage. The EAKL also was involved with developing the Labor Code, which covers employment contracts, vacation, and occupational safety. The director general of ETV came under fire for not being willing to cooperate with the station's labor union (see Section 2.a.). Employees threatened to strike if communication between management and staff did not improve.

The Labor Code prohibits antiunion discrimination, and employees may go to court to enforce their rights. The law provides for collective bargaining, collective dispute resolution, and shop stewards.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor; however, there were reports that women were trafficked for prostitution (see Section 6.f.).

The Constitution does not specifically prohibit forced and bonded labor by children, and there were reports that families forced children into begging (see Section 6.d.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The statutory minimum age for employment is 16 years. Minors 13 to 15 years of age may work provided that they have the written permission of a parent or guardian and the local labor inspector. The work may not endanger the minor's health or be considered immoral, cannot interfere with education, and must be included on a government-approved list. Government authorities effectively enforce minimum age laws through inspections.

In June the Government ratified ILO Convention 182 on the worst forms of child labor.

The Constitution does not specifically prohibit forced and bonded labor by children, and, while there were no reports of forced or bonded labor by children in enterprises, there were instances in which families forced their children to engage in peddling or begging.

*e. Acceptable Conditions of Work.*—The Government, after consultations with the EAKL and the Central Producers Union, sets the minimum wage. The monthly minimum wage is \$93 (EEK 1,600). The minimum wage is not sufficient to provide a decent standard of living for a worker and family. The minimum wage is received by 5 to 6 percent of the workforce. The average monthly wage in the second quarter was approximately \$296 (EEK 5,300).

The standard workweek is 40 hours, and there is a mandatory 24-hour rest period per week. According to EAKL sources, legal occupational health and safety standards are satisfactory in theory; however, they are extremely difficult to achieve in practice. The National Labor Inspection Board is responsible for enforcement of these standards, but it has not been very effective. The labor unions also have occupational health and safety experts who assist workers to bring employers into compliance with legal standards. Workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment.

*f. Trafficking in Persons.*—The law does not prohibit trafficking in persons; however, while there were no official reports during the year that persons were trafficked, to, from, or within the country, it is generally believed that Estonian women were trafficked to Central Europe for prostitution. Destination countries are thought to include Finland, Sweden, Poland, and Germany. Reportedly job advertisements placed from abroad that request women are in some cases associated with international prostitution rings.

Despite the absence of laws specifically criminalizing trafficking, existing laws regarding kidnaping, extortion, and involuntary prostitution are used to address the problem. There were no arrests or prosecutions of traffickers during the year.

In 2000 the Government concluded several interstate cooperation agreements concerning fighting crime including trafficking in persons. It also concluded several bilateral agreements on the extradition of Estonian citizens accused of trafficking in other countries.

## FINLAND

Finland is a constitutional republic with a directly elected head of state (President), a Parliament, a head of government (Prime Minister), and an independent judiciary.

The Government maintains effective control of the police, all security organizations, and the armed forces.

The total population is approximately 5,167,000. The economy is primarily market based, and it provides citizens with a high standard of living. Per capita gross national product in 2000 was \$23,408 (160,914 FIN).

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. The Government is taking steps to address the problem of violence against women. There were reports of trafficking in persons, particularly women and girls, for 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.

*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.

During the year there were a number of attacks on Muslims and Muslim-owned businesses perpetrated by skinheads (see Section 5).

Prison conditions generally meet international standards, and the Government permits visits by independent human rights monitors. Male and female prisoners are held separately. Juveniles are held separately from adults, and pretrial detainees are held separately from criminals.

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

Warrants are required for arrest. If an individual is arrested while committing a crime, a warrant must be obtained within 3 days. Once arrested the accused must be given a court hearing within 3 days. There is no system of bail except for very serious crimes. Preventative detention is only permitted during a declared state of war for narrowly defined offenses, such as treason, mutiny, and arms trafficking.

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

The judiciary consists of the Supreme Court, the Supreme Administrative Court, and the lower courts. The President appoints Supreme Court justices, who in turn appoint the lower court judges. Supreme Court justices may serve until their retirement, which usually is at age 63, although justices may serve until age 67.

The law provides for the right to a fair public trial, and an independent judiciary generally enforces this right with vigor. Local courts may conduct a closed trial in juvenile, matrimonial, and guardianship cases, or when publicity would offend morality or endanger the security of the state. In national security cases, the judge may withhold from the public any or all information pertaining to charges, verdicts, and sentences. The law provides for sanctions against violators of such restrictions.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such practices, the Government generally respects these prohibitions in practice, and violations are subject to effective legal sanction.

*Section 2. Respect for Civil Liberties, Including:*

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

There are 226 newspapers, but only 56 are printed daily. A majority of the newspapers are independent and the rest are produced by political parties. There are 5 national radio stations and approximately 60 local commercial stations; all are independent. There are four independent national television network stations: two are public service stations; and two are commercial stations.

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

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. There are two state churches: the Evangelical Lutheran Church; and the Orthodox Church. Nontraditional religious groups freely profess and propagate their beliefs.

All citizens belonging to one of the two state churches pay, as part of their income tax, a church tax. These church taxes are used to defray the costs of operating the state churches. Those who do not want to pay the tax must inform the applicable state church that they are leaving that church. Nontraditional religious groups are eligible for some tax relief, (for example, they may receive tax-free donations), provided they are registered with, and recognized by, the Government as religious communities.

The Ministry of Education has outlined requirements for recognition of religious communities. Religious groups should have at least 20 members. The purpose of the group should be the public practice of religion, and the activities of the group should be guided by a set of rules. The Government recognizes 45 religious communities as churches.

In 1998 the Ministry of Education turned down the application of the Finnish Association of Scientologists to be registered as a religious community on the grounds that the association had failed to supply additional requested information on its fundraising efforts. This was the first time that an applicant had been denied church status. The Education Ministry's decision can be appealed to the Supreme Administrative Court; however, the Scientologists have not yet done so.

Instruction in the tenets of the state religions is incorporated into the curriculum of all public schools; however, students who are not members of the state churches may substitute general classes on religion and philosophy.

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

The law provides for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 protocol. The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. Approved refugees and asylum seekers are processed directly for residence. A 1999 law promotes the integration of immigrants who have been granted asylum. The issue of the provision of first asylum has never arisen.

There was a significant decrease in the number of asylum-seekers during the year: There were 1,590 applicants for asylum compared to 3,170 in 2000. The largest groups of asylum seekers were Ukrainians and Iraqis. The Government granted asylum to 4 persons and residence permits to 821 others. The authorities refused 1,083 applications. In July 2000, a new law took effect permitting authorities to reject, on an expedited basis asylum applications considered to be groundless—typically applications from “safe” countries, such as European Union countries and Russia. Following an initial asylum examination by the police (which can take several months), applications must be heard within 7 days, and applicants have 8 days to appeal a decision. Under the previous system, processing of applications could take over a year, and if the applicant received a negative decision, the processing of the appeal could take several years.

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

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

The Constitution provides citizens with the right to change their Government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The percentage of women in government and politics does not correspond to their percentage of the population; however, women are well represented at all levels of government. There are 74 women in the 200-member Parliament, and 7 in the 18-member Cabinet. The President, the Speaker of Parliament, and one of the two Deputy Speakers of Parliament are women. The law requires a minimum of 40 percent membership from each sex on all state committees, commissions, and appointed municipal bodies.

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

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

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

The Constitution prohibits discrimination based on sex, age, origin, language, religion, conviction, opinion, or disability, and the Government effectively enforces these provisions.

*Women.*—Violence against women was a problem, and the Government took steps to combat it. Police statistics for 2000 recorded 2,876 cases of domestic violence, 51 more than during the previous year. Of the victims, 2,280 were women, and 596 were men. A total of 579 cases of rape were reported to the police in 2000, compared with 514 in 1999. Government experts say that as many as half, if not more, of all rape cases may go unreported. The law specifically criminalizes rape, spousal rape, and domestic abuse. The law provides for stringent penalties for violence against women; the police and the courts vigorously enforce this provision. There were reports of trafficking in women for prostitution (see Section 6.f.).

The number of calls to the police concerned with domestic violence is not compiled centrally, but it is estimated at 10,000 to 12,000 annually. Shelter officials state that the figure represents less than half of the number of actual incidents. The Union of Shelter Homes, as well as the municipalities, maintain homes all over the country for female, male, adult, and child victims of violence; the total number of shelters is approximately 20. Officials have established some shelter homes for minors as well, mainly 15 to 18 year olds. Most of the persons seeking shelter are women between 25 and 35 years of age, either married or in a common-law relationship, and nearly one-third are immigrants.

In 1997 the Government began a special program to promote women's equality during the period from 1997–99 and the program was renewed in 1999 to run through the year. This program consisted of 30 projects, 1 of which focused on violence against women and domestic violence, including the prevention of prostitution and the trafficking of women. The project against violence offered nationwide support for women in need and for men to combat their own tendencies to resort to violence; it has helped to break the taboo about the subject. The government-established Council for Equality coordinates and sponsors legislation to meet the needs of women as workers, mothers, widows, or retirees.

The Constitution calls for the promotion of equality of the sexes in social activities and working life—the latter particularly in the determination of remuneration—and the country has a comprehensive equal rights law; however, in practice comparable worth has not been implemented because of the difficulty of establishing criteria. Women's average earnings are 82 percent of those of men, and women still tend to be segregated into lower paying occupations. While women individually have attained leadership positions in the private and public sectors, there are disproportionately fewer women in top management jobs. Industry and finance, the labor movement, and some government ministries remained male dominated. Approximately 50 percent of physicians are women, although 65 percent of physicians who graduated during the year were women. Women serve in the armed forces. The Government's equality ombudsman monitors compliance with regulations against sexual discrimination. Of the 109 complaints processed by the Ombudsman between January 1 and June 30, 20 cases were judged to be violations of the law. In such cases, the law provides for correction of the situation as well as compensation for the complainant.

*Children.*—The Government is strongly committed to children's rights and welfare; it amply funds systems of public education and medical care. Education is free and compulsory for children between 7 and 16 years-of-age. More than 99 percent of children between these ages attend school, and girls and boys are treated equally in the education system.

There is no pattern of societal abuse of children, and the national consensus supporting children's rights is reflected in law. There were reports of trafficking in children for prostitution (see Section 6.f.).

*Persons with Disabilities.*—There is no discrimination against persons with disabilities in employment, education, or in the provision of other state services. The deaf and the mute are provided interpretation services ranging from 120 to 240 hours annually. The Government provides subsidized public housing to persons with severe disabilities.

Although the law requires that new public buildings be accessible to persons with physical disabilities, many older buildings remained inaccessible. No such law applies to public transportation, but each municipality subsidizes measures to improve accessibility to public vehicles. Local governments maintain a free transport service that provides a minimum of 18 free trips per month for each person with disabilities.

*Indigenous People.*—Sami (Lapps), who constitute less than 0.1 percent of the population, benefit from legal provisions that provide for the protection of minority rights and customs. The Constitution provides for the protection of Sami language and culture and the Government financially supports Sami culture. Sami receive subsidies to enable them to continue their traditional lifestyle, which revolves around reindeer herding. Sami have political and civil rights, and they are able to participate in decisions affecting their economic and cultural interests. The use of the Sami language, a minority language that is used regionally, is permitted in schools, the media, dealings with administrative and judicial authorities, economic and commercial life, and cultural activities.

*National/Racial/Ethnic Minorities.*—The number of immigrants rose from 91,074 in 2000 to 96,774 at the end of the year. Immigrants account for 1.86 percent of the population. Approximately 50 racially motivated crimes were reported during the year in the small town of Joensuu, where the unemployment rate among young persons is over 20 percent. Persons identifying themselves as skinheads perpetrated a number of these attacks. There were attacks against immigrant Muslims and businesses owned by Muslims. In September 1,500 persons took part in an antiracism demonstration in Joensuu. Government officials consistently have spoken out against such violence.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides for the rights of trade unions to organize, to assemble peacefully, and to strike, and the Government generally respects these provisions. Approximately 79 percent of the work force is organized. All unions are independent of the Government and political parties.

The law grants public sector employees the right to strike, with some exceptions for employees who provide essential services. During the year, there were a number of strikes. Most strikes were brief and occurred in the industrial sector. From March until mid-August, there was a public physicians' strike. It was the longest strike in a number of years.

Trade unions freely affiliate with international bodies.

*b. The Right to Organize and Bargain Collectively.*—The law provides for the right to organize and bargain collectively. Collective bargaining agreements usually are based on income policy agreements between employee and employer central organizations and the Government.

The law protects workers against antiunion discrimination. Complaint resolution is governed by collective bargaining agreements as well as labor law, both of which are enforced adequately.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor; however, there were reports of trafficking in persons (see Section 6.f.).

The law prohibits forced and bonded labor by children; however, there were reports of trafficking in children (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The law prohibits youths under 16 years of age from working more than 6 hours a day or at night. The Labor Ministry enforces child labor regulations; there were virtually no complaints of the exploitation of children in the work force. The Government adheres to the standards of ILO Convention 182 on the worst forms of child labor.

The law prohibits forced and bonded labor by children; however, there were reports of trafficking in children (see Section 6.c. and 6.f.).

*e. Acceptable Conditions of Work.*—There is no legislated minimum wage, but the law requires all employers—including nonunionized ones—to meet the minimum wages agreed to in collective bargaining agreements in each industrial sector. These minimum wages generally provide a decent standard of living for a worker and family.

The legal workweek consists of 5 days not exceeding 40 hours. Employees working shifts or during the weekend are entitled to a 24-hour rest period during the week. The law is enforced effectively as a minimum, and many workers enjoy stronger benefits through effectively enforced collective bargaining agreements.

The Government sets occupational health and safety standards, and the Labor Ministry effectively enforces them. Workers can refuse dangerous work situations without risk of penalty.

*f. Trafficking in Persons.*—The law does not explicitly prohibit trafficking in persons, although trafficking can be prosecuted under other statutes; there were reports that trafficking occurred. The country is a destination and transit country for trafficking in persons. According to the Government, most trafficking involves women and girls for prostitution from Russia and Estonia.

During the year, the Government and local NGO's made efforts to prevent trafficking. The Government has a leading role in promoting the EU's antitrafficking "STOP" project, which is an effort to create a multinational network to monitor, analyze, and combat trafficking in persons.

While the law does not specifically prohibit trafficking in persons, traffickers can be prosecuted under other laws that prohibit slavery, the exploitation of prostitution by means of coercion or fraud, pimping and other related activities, and arranging illegal entries. There have been few cases in which the authorities prosecuted traffickers; however, according to the Government, the trafficker is often abroad and therefore difficult to prosecute.

The law includes provisions for witness protection, although no specific program initiates and regulates such policies. Legal council is provided to victims as well as medical care and psychological counseling. The Government participates in the funding of shelters, which are generally municipally run.

## FRANCE

France is a constitutional democracy in which citizens directly elect the President and the National Assembly in periodic, free and fair elections. The judiciary is independent.

The law enforcement and internal security apparatus consists of the Gendarmerie, the national police, and municipal police forces. Civilian authorities maintain control of the security forces. Members of the police forces committed some human rights abuses.

The country's population is approximately 60 million. The highly developed, diversified, and primarily market-based economy has a per capita gross national product of \$21,900 that provides residents with a high standard of living.

The Government generally respected the human rights of its citizens, although there were a few problems in some areas; the law and judiciary provide an effective means of dealing with individual instances of abuse. There were instances of the abuse of detainees, particularly foreigners, and reports of the use of excessive force by law enforcement officers. Long delays in bringing cases to trial and lengthy pre-trial detention were problems. Violence and some discrimination against women, as well as child abuse, were problems, which the Government took steps to address. Anti-Semitic incidents decreased during the year. There were instances of violence and discrimination against immigrants and religious minorities. Trafficking in women and girls was a problem, which the Government took steps to address.

### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no reports of politically motivated killings committed by the Government or its agents. In past years, there were isolated incidents of law enforcement officers using excessive force that resulted in some deaths; however, there were no reports of official complaints or criminal reports being filed, and there is no evidence of a pattern of such abuses.

There were some deaths of persons in custody (see Section 1.c.).

In April 2000, a police officer shot and killed 25-year-old Ryad Hamlaoui while he was attempting to steal a car in Lille-Sud. The police officer believed that Hamlaoui was armed and fired in self-defense, but the authorities later determined that Hamlaoui was unarmed. The officer was suspended from duty and detained; State prosecutors have charged the officer with the killing. The police officer has appealed the charge, and the court is expected to decide if he should be charged with murder or involuntary manslaughter.

In September the Correctional Tribunal of Toulouse charged and convicted a police officer of involuntary homicide for the 1998 killing of 17-year-old Habib Mohamed in Toulouse; the Court sentenced the officer to a 3-year suspended prison sentence.

A judicial investigation into the 1998 death of Mohammed Ali Saoud, who died after police fired rubber bullets at him and physically restrained him, ended with an appeals court dropping the charges against the police officers. In September the Court of Cassation rejected an appeal by the Saoud family.

On March 20, the criminal chamber of the Court of Cassation overruled a December 2000 decision which referred to the Court of Assizes a police officer charged in the 1997 fatal shooting of 16-year-old Abdel Kader Bouziane. The Court of Cassation sent the case back to the investigating chamber of the Orleans Court of Appeals; the case was pending at year's end.

On December 5, the Versailles Court of Appeals overturned a March ruling that found two police officers guilty of assault for the 1991 beating death of 18-year-old Aissa Ihich. The judge attributed all fault to a doctor who is serving a sentence for involuntary manslaughter.

Police arrested eight Breton militants for their alleged involvement in the April 2000 bombing of a restaurant near Dinan that killed a female employee. They remained in custody while the investigation continued at year's end. The investigation into the 1998 killing of Corsican Prefet Claude Erignac continued at year's end.

In March the Court of Cassation ruled that Libyan leader Mu'ammar al-Qadhafi has sovereign immunity for terrorist acts alleged in the 1999 civil case brought by the SOS-Attentats organization, the nongovernmental organization (NGO) representing 170 persons killed in the 1989 bombing of UTA flight 772.

On March 2, the Court of Assizes convicted, in absentia, Nazi war criminal Alois Brunner of crimes against humanity and sentenced him to life in prison.

*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 allegations of isolated incidents in which law enforcement officers used excessive force, particularly against immigrants, although no official complaints or criminal reports were filed. There is no evidence of a pattern of abuse. The authorities punish officials who are responsible for abuse.

In July the Council of Europe's Committee for the Prevention of Torture (CPT) published a report following its May 2000 visit to the country as part of its regular program of periodic visits to member states. The CPT criticized the National Anti-Terrorist Division in Paris for conducting brutal and lengthy interrogations. The CPT recommended more selective recruitment of officers and better integration of human rights principles into police training. The CPT also noted efforts by the Government to improve the prison system, such as the adoption of the presumption of innocence law, which addresses prison conditions and judicial reforms (see Section 1.d.).

In February riot police were found guilty of "acts unbecoming a gendarme" in connection with a 1997 incident in which they beat a few dozen persons demonstrating against the National Front (FN) in Marseille.

In May the Montpellier District Court sent the case of Ely Ould Dah for trial in absentia to the Court of Assizes; two Mauritanian refugees accused Dah of inflicting torture on them in 1990 and 1991. Dah was detained for questioning in 1999 and released. He is presumed to have fled to Mauritania in 2000.

In July 2000, Prime Minister Lionel Jospin and Corsican officials signed the Matignon Agreement that gives Corsica greater autonomy; in December the law on Corsica was approved by Parliament. There were several bombings in Corsica during the year, including bomb attacks at two police stations. Three members of the Armata Corsa, the Corsican underground movement, were killed in separate incidents; police initiated an investigation into their killings to determine if they were politically or criminally motivated since the three reportedly were involved in organized crime. The investigation continued concerning the 2000 shooting deaths of former Corsican nationalist militant Jean-Michel Rossi and his bodyguard.

Prison conditions generally meet international standards; however, public debate continued on the adequacy of prison conditions. In July a CPT report called detention facilities unacceptable due to overpopulation and mistreatment by officers. According to a 2000 report prepared for the Council of Europe, 65 percent of French prisons were overcrowded. A May 2000 report published by the NGO International Observer of Prisons (IOP) concluded that prisons were overcrowded, had unacceptable hygienic conditions, and provided inadequate food to inmates.

According to the Ministry of Justice, there were 231 deaths of persons in custody in 2000, of which 121 were suicides; there was no evidence that any of the deaths were due to mistreatment.

Men and women are held separately, juveniles are held separately from adults, and convicted criminals are held separately from pretrial detainees and those serving sentences of less than 1 year.

On July 18, in response to reports and recommendations made by the National Assembly, the Senate, and other observers, including the Canivet Commission and the National Commission on Security Ethics, the Justice Minister publicly described a prison reform bill, which is scheduled to be submitted to the Council of Ministers in 2002. At the same time, the Minister announced plans to create 35 new prisons and the likely closure of 27 dilapidated establishments to improve detention conditions, provide each prisoner an independent cell, and create more secure prison plans for the most dangerous criminals. However, no construction or closures had begun by year's end.

The Government permits prison visits by independent human rights organizations.

*d. Arbitrary Arrest, Detention, or Exile.*—The law prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions; however, credible sources have criticized the judicial system for its inability to process suspects quickly. Some suspects spend many years in prison before a trial. According to the Prison Administration, as of January 2000, 16,107 of the 47,837 persons held in jails and prisons were awaiting trial.

Police are required by law to obtain warrants prior to taking persons into custody. Detainees have access to lawyers; in January the Presumption of Innocence Law took effect, which reduces the number of hours a suspect can be held without the presence of a lawyer, establishes a new appeals court process built around a jury trial, and limits the time a suspect may be held before formal charges are filed. Pre-trial detention is generally only allowed if there is a possibility that the suspect would be sentenced to more than 3 years in prison for crimes against persons and to more than 5 years in prison for crimes against property. A midyear inspection by the Ministry of Justice determined that the law's implementation led to an almost 10 percent decline in police custody and a 23 percent decline in provisional detention in the first 6 months of the year.

The law prohibits forced exile, and the Government does not employ it.

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

The court system includes local courts, 35 regional courts of appeal, and the highest criminal court, the Court of Cassation, which considers appeals on procedural grounds only. Magistrates compete for entry into the National School for Judges; upon completion of their course of study and rigorous exams, magistrates are placed according to their class ranking.

The judicial system has been criticized by credible sources for its inability to process suspects quickly (see Section 1.d.). In cases of serious crimes, investigating judges detain suspects for questioning and direct the criminal investigation that occurs before a case is tried. The *chambre d'accusation* reviews the investigating judge's investigation to determine whether the charge established by the investigating judge is appropriate. The Court of Assizes investigates and decides cases involving the most serious offenses.

On August 30, Abdelhamid Hakkar filed suit before the European Court of Human Rights (ECHR) charging that France violated Article 5 of the European Convention on Human Rights, which states that all who are arrested or detained shall be brought promptly before a judge and are entitled to a trial within a reasonable amount of time. Hakkar spent 5 years in provisional detention before a trial date was set. His attorneys requested multiple postponements that were all denied. As a result, he refused to attend his trial and eventually was tried and convicted in absentia for his part in a robbery in which a police officer was killed. The case continued at year's end.

On July 31, the ECHR ruled that the Government violated Articles 5 and 6 (entitlement to a fair and public hearing within a reasonable amount of time) of the European Convention on Human Rights in the case of Driss Zannouti, who was detained for 5 years while authorities investigated arson charges against him. In 1998 a court found him guilty of arson. Zannouti claimed the slow investigation in his case was due to the investigating authorities' incompetence.

As a result of the motion for retrial submitted in 1999, new evidence, including new DNA evidence, was discovered in the case of Omar Raddad, who was convicted of killing his employer in 1994. At year's end, the Court of Cassation was considering whether to hold a new trial or to revise the original verdict.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions, and the Government generally respects these prohibitions. Violations are subject to effective legal sanction.

Wiretapping is recognized as a legal right of the Government. The judge investigating the 1999 wiretapping cases deemed inappropriate by the National Commis-

sion for the Regulation of Wiretapping (NCRWT) presented his findings to the Paris public prosecutor's office in February 2000; that office was considering the matter at year's end. According to the annual report of the NCRWT, the number of requests for administrative wiretaps decreased in 2000.

Some religious minorities have experienced problems with the wearing of special religious clothing (see Section 2.c.).

*Section 2. Respect for Civil Liberties, Including:*

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

The independent media is active and competitive and expresses a wide variety of views without Government restriction. Internet access is widely available and unrestricted.

*b. Freedom of Peaceful Assembly and Association.*—The law provides for the freedoms of assembly and association, and the Government generally respects these rights. Regular demonstrations on various issues occur without incident.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respects this right; however, the Government took some actions during the year that affected religious minorities that it considers to be "cults". The 1905 law on separation of church and state—the foundation of existing legislation on religious freedom—makes it illegal to discriminate on the basis of faith.

Religious groups may register as "associations culturelles" (associations of worship) or as "associations culturelles" (cultural associations); religious groups normally register in both of these categories. Associations in these two categories are subject to certain management and financial disclosure requirements. An association of worship is exempt from taxes but can organize only religious activities; it may not operate a school, print publications, or employ a board president. A cultural association is a type of for-profit association whose goal is to promote the culture of a certain group; although not exempt from taxes, it may receive government subsidies for its cultural and educational operations (such as schools). Religious groups must apply with the local prefecture to be recognized as an association of worship and therefore receive tax-exempt status under the 1905 statute.

For historical reasons, the Jewish, Lutheran, Reformed (Protestant), and Roman Catholic religions in three departments of Alsace and Lorraine enjoy special legal status. Adherents of these four religions may choose to have a portion of their income tax allocated to their church in a system administered by the central Government.

The Government has encouraged public caution toward some minority religious groups that it may consider to be cults. In 1995 the National Assembly formed a parliamentary commission to study so-called cults, which issued a report in 1996 that identified 173 groups as cults, including Jehovah's Witnesses, the Theological Institute of Nimes (an evangelical Christian Bible college), and the Church of Scientology. The Government has not banned any of the groups on the list; however, members of some of the groups listed have alleged that there were instances of intolerance due to the ensuing publicity. The Government's "Interministerial Mission in the Fight Against Sects/Cults" (MILS) is responsible for coordinating periodic interministerial meetings at which government officials can exchange information on cults and coordinate their actions. Although the Government instructed the MILS to analyze "the phenomenon of cults," its decree did not define the term cult or distinguish cults from religions.

On June 14, a private bill (known as the About-Picard Bill) that tightens restrictions on organizations was enacted into law. The legislation provides for the dissolution by judicial decision of any legal entity (including a religious association) that had been the subject of "several" criminal judgments. The About-Picard law does not define cults. Articles of the legislation list criminal activities for which a religious association (or other legal entity) would be subject to dissolution, including: Endangering life or the physical/psychological well-being of a person; placing minors at mortal risk; violation of another person's freedom, dignity, or identity; the illegal practice of medicine or pharmacology; false advertising; and fraud or falsifications. Associations, which are recognized as public utilities that defend or aid an individual or a collective entity against a person or organization that is characterized as having the goal or the effect of creating or exploiting a psychological or physical dependence, have standing in such judicial proceedings.

The law also reinforces existing provisions of the Penal Code by adding language covering the exploitation of the "psychological or physical subjection" or "fraudulent abuse of a state of ignorance or weakness." Leaders of the four major religions, such

as the president of the French Protestant Federation and the president of the Conference of Bishops in France, raised concerns about the legislation. By year's end, this legislation had had no reported impact on religious freedom, nor had any cases been brought under the new law.

Some observers are concerned about the scrutiny with which tax authorities have examined the financial records of some religious groups. The Government does not recognize all branches of Jehovah's Witnesses or the Church of Scientology as qualifying religious associations for tax purposes and therefore subjects them to a 60 percent tax on all funds they receive. In June 2000, the Conseil d'Etat decided that 2 branches of the 11 branches of Jehovah's Witnesses could be recognized as religious associations under the law and thus be exonerated from certain tax obligations. In July 2000, a Nanterre court decided against the French Association of Jehovah's Witnesses, ruling that Jehovah's Witnesses would have to pay over \$42 million (300 million FF) in back taxes to the fiscal authorities. As a result of the ruling, tax authorities began proceedings to collect the taxes in the same month Jehovah's Witnesses appealed the Nanterre court's decision to the Versailles Court of Appeals. The appeal and related collection proceedings were pending at year's end.

Local authorities often determine the treatment of religious minorities. The Association of the Triumphant Vajra was involved in a dispute with local officials over a statue of the Association's guru that allegedly was erected without a permit. In June 2000, the Court of Cassation upheld a lower court order, and the statue was demolished on September 6.

In April the press reported that software produced by Panda International was authored by a Scientologist. Panda claimed that critical statements by government officials linking the product to Scientology caused a significant loss of business (see Section 5).

Some religious minorities have experienced problems with the wearing of special religious clothing. Various courts and government bodies have considered whether denying some Muslim girls the right to wear headscarves in public schools constituted a violation of the right to practice their religion; there has been no definitive national decision on the issue. In May 2000, the Administrative Court in Nantes ruled in favor of a Muslim woman who was refused naturalization because she wore a veil during her final interview (see Section 5).

The State subsidizes private schools, including those that are affiliated with churches. Central or local governments also own and provide upkeep for other religious buildings constructed before 1905, the date of the law separating church and state.

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

The law provides for the granting of refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government provides first asylum. In 2000 the Government received 38,777 requests for asylum and issued 5,185 refugee certificates (a document issued to successful asylum applicants). In March a group of Roma asylum seekers from Hungary were granted asylum in Strasbourg. The Government generally cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The percentage of women in government and politics does not correspond to their percentage of the population, although there are no legal restrictions on the participation of women in politics or government, and women were increasingly well represented in national and local government bodies. A total of 10 of 34 cabinet members, 35 of 310 senators, and 55 of 573 deputies in the National Assembly are female. The European Union Parliament includes a larger French female presence—40 percent of the country's elected representatives are female. In March during municipal elections, a constitutional amendment that required political parties to have equal numbers of women and men on their list of candidates was implemented. As a result, the number of women elected in municipal councils increased from 22 percent to 47.5 percent. The President and the Prime Minister continued discussions

on modernizing the country's political institutions, including measures to encourage a greater number of women in political, social, and public positions.

The citizens of the "collective territory" of Mayotte and the territories of French Polynesia, Wallis and Futuna, and New Caledonia determine their legal and political relationships to France by means of referendums, and they elect deputies and senators to the French Parliament, along with the overseas departments.

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

A wide variety of domestic and international human rights organizations in general operate without government restrictions, investigating and publishing their findings on human rights cases. Government officials are cooperative and responsive to their views. The National Consultative Commission on Human Rights (NCCHR)—an independent body in the Office of the Prime Minister, which has nongovernmental as well as government members—also monitors complaints and advises the Government on policies and legislation.

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

Statutes ban discrimination based on race, religion, sex, ethnic background, or political opinion, and in general the Government effectively enforces them.

*Women.*—The Penal Code prohibits rape and spousal abuse, and in general law enforcement authorities enforce these laws with vigor; however, violence against women remained a problem. The Ministry of Interior reported that in 2000 there were 8,458 rapes and 14,263 instances of other criminal sexual assault; in 2000 there were 1,772 prosecutions for rape. The penalties for domestic violence vary according to the type of crime and range from 3 years' imprisonment and a fine of approximately \$42,450 (300,000 FF) to 20 years in prison. The penalty for rape is 15 years in prison, which may be increased due to other circumstances (such as the age of the victim or the nature of the relationship of the rapist to the victim). The Government sponsors and funds programs for women who are victims of violence, including shelters, counseling, and hot lines. Numerous private associations also assist abused women.

Unlike the isolated past case of female genital mutilation (FGM) reported in 1999, there were no reports during the year of FGM, which is criticized widely by international health experts as damaging to both physical and psychological health. The Government and private associations have undertaken a campaign to inform immigrants, some of whom may be from countries where FGM is customary, that FGM is contrary to the law and would be prosecuted.

Trafficking in women for the purpose of sexual exploitation is a problem (see Section 6.f.). Prostitution is legal; acting as a pimp is not legal. A government agency, the Central Office on the Treatment of Human Beings (OCRTEH), addresses trafficking in women, prostitution, and pimping.

The law prohibits sex-based job discrimination and sexual harassment in the workplace; however, these laws have not been fully implemented. Women's rights groups have criticized the scope of the law as narrow and the fines and compensatory damages as often modest. For example, the law limits sexual harassment claims to circumstances where there is a supervisor-subordinate relationship but fails to address harassment by colleagues or a hostile work environment.

The law requires that women receive equal pay for equal work, but this requirement often is not implemented in practice. Reports by various governmental organizations and NGO's have indicated that men continued to earn more than women, and unemployment rates continued to be higher for women than for men. A study by the National Institute of Statistics and Economic Studies indicated that in July the unemployment rate for women was 10.9 percent, compared with 7.4 percent for men.

*Children.*—The Government is strongly committed to children's rights and welfare; it amply funds systems of public education and medical care. The Ministry for Family Affairs oversees implementation of the Government's programs for children.

There are strict laws against child abuse, particularly when committed by a parent or guardian, and the Government effectively prosecutes abusers. Child abuse was a problem, which the Government took steps to address. In 2000 there were approximately 18,300 reported cases of mistreatment (physical violence, sexual abuse, mental cruelty, or severe negligence) of children, compared with 18,500 in 1999. Approximately 5,000 of these cases involved reports of sexual abuse. Special sections of the national police and judiciary are charged with handling these cases. In 2000 almost 83 percent of cases of rape against minors were resolved through prosecution or other means (4,243 of 5,116 cases); and 79.4 percent of cases of vio-

lence, mistreatment, and abandonment of children were resolved (7,614 of 9,590 cases). The Government provides counseling, financial aid, foster homes, and orphanages for victims, depending on the extent of the problem. Various associations also help minors seek justice in cases of mistreatment by parents.

Trafficking in girls was a problem, which the Government took steps to address (see Section 6.f.).

*Persons with Disabilities.*—There is no discrimination against persons with disabilities in employment, education, or in the provision of other state services.

A 1991 law requires new public buildings to be accessible to persons with disabilities, and the Government generally enforces these provisions in practice; however, many older buildings and public transportation are not accessible.

*Religious Minorities.*—According to press reports, during the year the number of anti-Semitic incidents decreased after a large increase of such incidents in 2000 attributed to renewed violence in the Middle East. According to the annual NCCHR report on racism and xenophobia, released in March, there were more than 600 anti-Semitic threats and 116 acts of violence in 2000.

In April the ECHR rejected the appeal of Maurice Papon, who was found guilty in 1998 of complicity in committing crimes against humanity for his role in the deportation of hundreds of Jews to Nazi concentration camps during the World War II German occupation. Papon was sentenced to 10 years in prison.

A number of court cases have been initiated against the Church of Scientology, generally by former members who have sued the Church for fraud and sometimes for the practice of medicine without a license, and some cases have been brought under the Data Privacy Act. In April the Church of Scientology was taken to court for fraud and false advertising in a lawsuit brought by three former members; the case remained pending at year's end. Scientologists continued to report instances of societal discrimination. Church of Scientology representatives reported that a case filed by a parent whose child attended an "Applied Scholastics"-based school remained ongoing. In March warrants in this case were executed, and the police entered Scientology offices and removed files.

In April the press reported that software produced by Panda International was created by a Scientologist. According to representatives of Panda Software, the Interior Ministry and others subsequently indicated that they would not renew their contracts with the company. Panda claimed that critical statements by government officials in press articles that linked the product to Scientology have caused a significant loss of business.

*National/Racial/Ethnic Minorities.*—Anti-immigrant sentiments led to some incidents of violence and discrimination, including occasional attacks on members of the large Arab/Muslim and black African communities. The annual NCCHR report noted an increase in the number of reported incidents of racist threats—119 threats were reported in 2000, compared with 89 in 1999; there were 16 incidents of racist violence in 2000, compared with 13 in 1999. There were no deaths due to racist violence in 2000.

The Government has criticized strongly such actions and attacks and has strict antidefamation laws. Government programs attempt to combat racism and anti-Semitism by promoting public awareness and bringing together local officials, police, and citizen groups. There also are antiracist educational programs in some public school systems. The annual NCCHR report stated that the Government should continue to strengthen its laws against racist acts.

According to the 2000 public opinion poll reported in the annual NCCHR report, 12 percent of those polled admitted to being "rather racist," 31 percent admitted to being "a little racist," 26 percent stated they were "not very racist," 28 percent stated that they were "not at all racist," and 3 percent had no response.

In May 2000, the Administrative Court in Nantes ruled against immigration authorities in the case of Khaddouj Tahir, who wore a hejab (veil) during her naturalization interview.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides for freedom of association for all workers, and workers exercise this right. Trade unions exercise significant economic and political influence, although less than 10 percent of the work force is unionized. Unions have legally mandated roles (as do employers) in the administration of social institutions, including social security (health care and most retirement systems), the unemployment insurance system, labor courts, and the Economic and Social Council, a constitutionally mandated consultative body. Unions and labor federations are independent of the Government, and most are not aligned with any political party; however, many of the leaders of the General Confederation of Labor and its unions belong to the Communist Party.

Workers, including civil servants, have the right to strike except when a strike threatens public safety. One-fourth of all salaried employees worked for the Government. The number of workdays lost to strike action in the private sector decreased during the year, as did the number of strikes. In March thousands of public sector workers, including midwives, tax collectors, and police, staged a 1-day strike over wages in Paris. Teachers and health care workers mounted several strikes and protests over pay, better working conditions, and increased job recognition. Public transportation workers and armored car drivers in Paris and other cities struck repeatedly in support of demands for better security and increased compensation. Workers at Marks and Spencer, Danone, and AOM—Air Liberte struck to protest proposed massive airline layoffs. Judges and magistrates held public strikes demanding Ministry of Justice reforms and increased salaries. Police and gendarmes struck repeatedly and successfully for increased salary and benefits.

The law prohibits retaliation against strikers, strike leaders, and union members, and in general the Government effectively enforces this provision.

Unions are permitted to join federations and confederations, including international bodies, and many do so.

*b. The Right to Organize and Bargain Collectively.*—Workers, including those in the three small export processing zones, have the right to organize and bargain collectively, and workers exercise this right. The law requires at least annual bargaining in the public and private sector on wages, hours, and working conditions at both plant and industry levels but does not require that negotiations result in a signed contract. In case of an impasse, government mediators may impose solutions that are binding unless formally rejected by either side within a week. If no new agreement can be reached, the contract from the previous year remains valid. Over 90 percent of the private sector work force are covered by collective bargaining agreements negotiated at national or local levels. Trilateral consultations (unions, management, and Government) also take place on such subjects as the minimum wage, the duration of the legal workweek, temporary work, social security, and unemployment benefits. Labor tribunals, composed of worker and employer representatives, are available to resolve complaints.

The law requires businesses with more than 50 employees to establish a works council, through which workers are consulted on training, working conditions, profit sharing, and similar issues. Works councils, which are open to both union and non-union employees, are elected every 2 years.

The law strictly prohibits antiunion discrimination; employers found guilty of such activity are required to correct it, including the reinstatement of workers fired for union activities.

The Constitution's provisions for trade union rights extend to the country's overseas departments and territories.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor; however, trafficking in women was a problem, which the Government took steps to address (see Section 6.f.). In May Parliament passed and implemented a law making slavery a crime against humanity.

The law prohibits forced and bonded labor by children; however, trafficking in girls was a problem, which the Government took steps to address (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—With a few exceptions for those enrolled in certain apprenticeship programs or working in the entertainment industry, children under the age of 16 may not be employed. In general work considered arduous, or work between the hours of 10 p.m. and 5 a.m., may not be performed by minors under age 18. Laws prohibiting child employment are enforced effectively through periodic checks by labor inspectors, who have the authority to take employers to court for noncompliance with the law.

On April 5, International Labor Organization Convention 182 on the Worst Forms of Child Labor was ratified by the National Assembly; it was signed into law by the President on April 19.

The law prohibits forced and bonded labor by children; however, trafficking in girls was a problem, which the Government took steps to address (see Section 6.f.).

*e. Acceptable Conditions of Work.*—The administratively determined minimum wage is revised whenever the cost-of-living index rises 2 percentage points, and on July 1, the hourly minimum wage was changed to \$6.25 (43.72 FF). The minimum wage provides a decent standard of living for a worker and family. The legal workweek is 35 hours for firms of 20 or more workers. Overtime under the 35-hour workweek is limited to 1,600 hours per year for most workers. Firms with fewer than 20 workers have until January 2002 to reduce their workweek to 35 hours. For these firms, the legal workweek is 39 hours, with a minimum break of 24 hours per week. Overtime work is restricted to 9 hours per week.

The Ministry of Labor has overall responsibility for policing occupational health and safety laws. Standards are high and effectively enforced. The law requires each enterprise with 50 or more employees to establish an occupational health and safety committee. Over 75 percent of all enterprises, covering more than 75 percent of all employees, have fully functioning health and safety committees. Workers have the right to remove themselves from dangerous work situations.

*f. Trafficking in Persons.*—The law prohibits the trafficking of persons; however, trafficking in women and girls for prostitution and domestic slavery is a problem. The country is a destination for trafficked victims, primarily women from Moldova, Ukraine, and Romania. Women were also trafficked from Haiti and Africa, particularly Nigeria, Togo, and the Democratic Republic of the Congo. The number of women trafficked from the former Soviet Union, Eastern Europe, and the Balkans has increased markedly and has received increased press attention. In general victims were trafficked into sexual exploitation or domestic slavery. In addition the country is a transit point for women trafficked for sexual purposes from Africa, South America, and Eastern and Southern Europe.

There are organized rings of traffickers, primarily from southeast Europe, and the number of young women, often between the ages 16 and 19 years of age, brought into the country to work as prostitutes continued to increase, in part because traffickers throughout Europe have benefited from the open borders under the Schengen Accords. Some victims come as a result of fraud or force; some are brought by a friend, or a friend of a friend; others have worked as prostitutes in their home countries and are willing to continue the practice to pay for their immigration papers. Traffickers use methods ranging from the confiscation of the victim's identification papers to cultural isolation to physical or psychological abuse.

In August the newspaper *Le Monde* reported that there was an increase in prostitution in the country specifically during the summer months. Hundreds of young girls, most under the age of 18 and mainly from Eastern Europe, arrived in Paris, Strasbourg, and the Cote d'Azur. The police estimated that these girls, most of whom are Russian, Ukrainian, Moldovan, or Bulgarian, represent 80 percent of the prostitution work force.

Prostitution is legal; however, the law prohibits pimping, including aiding, assisting, maintaining, or profiting from the prostitution of another, and the public solicitation of another person for the purpose of inciting sexual relations also is illegal. Pimps and traffickers usually are prosecuted under these laws. Aiding, abetting, or protecting the prostitution of another person; obtaining a profit, sharing proceeds or receiving subsidies from someone engaged in prostitution; or employing, leading, corrupting, or pressuring someone into prostitution are punishable by up to 5 years in prison and a fine of up to approximately \$140,000 (1 million FF). Penalties increase to a maximum of 10 years in prison and approximately \$1.4 million (10 million FF) if a minor or several persons are involved, or if force is used. Pimping by organized groups is punishable by up to 20 years in prison and a fine of up to \$2.8 million (20 million FF). The use of "torture" or "barbarous acts" in the course of pimping is punishable by up to life imprisonment and up to \$4.2 million (30 million FF) in fines. These laws are enforced to various degrees; there also are strict laws combating trafficking in persons as it relates to domestic slavery. Slavery is punishable by up to 2 years' imprisonment and \$71,000 (500,00 FF). When the crime applies to more than one victim, punishments increase to 5 years' imprisonment and \$140,000 (1,000,00 FF) in fines. In May Parliament passed a law making slavery a crime against humanity.

Employers have been sentenced and fined for enslaving domestic servants. In April the Twelfth Chamber Court of Appeals sentenced a couple to 1 year in prison and a \$14,285 (100,000 FF) fine for enslaving a young Togolese girl. In May a court sentenced and fined another couple for enslaving a young Indian woman. In September a court sentenced a couple to 6 months in prison (suspended) and a \$14,285 (100,000 FF) fine for enslaving a young girl from Madagascar. In November the French Service of Investigation and Research in Lille announced that police had dismantled a prostitution network using girls from Eastern Europe transiting the Belgian port at Antwerp to France and arrested 18 persons. In December a couple from Ghana was arrested and charged with aggravated pimping based on complaints from young girls from Sierra Leone. This followed an investigation pursuant to claims from the NGO GISTI—which assists immigrants—of the recruitment of prostitutes among asylum seekers in France.

Several law enforcement agencies are involved in the effort to combat trafficking. The Central Office for the Repression of Trafficking in Humans (OCRTEH) is under the authority of the central criminal investigation directorate of the police judiciaire, which handles organized crime. OCRTEH centralizes information and coordinates operations to counter trafficking and maintains contacts with the police, the Gen-

darmerie, the border police, foreign and international law enforcement authorities, and NGO's. Regional services of the police judiciaire also combat trafficking, and the police judiciaire has brigades to combat pimping in Paris and Marseille. Local police forces also address problems of prostitution and pimping.

On December 13, a Parliamentary Commission released its report on slavery in France following 9 months of study of the problem of trafficking of persons. The report, which focused on prostitution, domestic slavery, and forced labor, recommended that a new penal code section be created. The report proposed the creation of specialized areas within the police and justice departments (like those that exist to fight drugs), as well as a national structure specifically in charge of trafficking. The Commission recommended an interministerial commission to oversee the coordination of the fight against trafficking. The report also focused on the protection of victims with three main areas for reform: Giving status to the victims by authorizing 3 months of stay during which time they could return to their home countries or decide to remain in France; designating safe lodging centers where victims could live; granting those victims cooperating with law enforcement authorities a *carte de séjour*, which allows a permanent stay in France, and employment authorization. The Committee also noted the November adoption of a specific provision in the Penal Code to fight child prostitution. While sexual exploitation of minors was already prohibited under the Penal Code, a loophole existed for minors between the ages of 15 and 18. Those charged under this new crime may face 10 years in prison and a fine of \$180,000 (1,347,301 FF). The programming recommendations in the report are scheduled to be implemented in 2002.

French and Belgian police have cooperated to dismantle Bulgarian prostitution networks. In August the police broke up a ring which resulted in an investigation into visa issuance at the French Embassy in Sofia, Bulgaria. Charges were brought against the former chief of the visa section and others for issuing business visas to young women who were trafficked from Bulgaria to work in prostitution rings in France. In September in Strasbourg, criminal charges were filed against 11 defendants accused of conscripting young Bulgarian, Slovakian, and Czech girls into prostitution in France. The charges carry a sentence of 8 years' imprisonment, fines of approximately \$360 (2,500 FF) and banishment from France.

Aide Sociale a l'Enfance (ASE), the state social services branch for childcare, is responsible for caring for and assisting victims under the age of 18 through age 22. The Government has not articulated protection programs in place for trafficking victims. Those victims located or arrested by the authorities normally are processed as illegal immigrants and may be detained or jailed. Trafficking victims may be granted temporary residency while they apply for asylum. Victims are encouraged to file legal action against traffickers. The Government works closely with other countries and NGO's to combat trafficking. The Government supports trafficking prevention programs as part of the European Union, including information and media campaigns, seminars, and a trafficking prevention project in West Africa. ASE works closely with the Office for the Protection of Refugees and Stateless Persons. The Committee Against Modern Slavery actively brings cases of domestic and modern slavery to the authorities for prosecution.

There are numerous NGO's that deal with trafficking in persons and prostitution. The Scelles Foundation, which has a center for international research and documentation of sexual exploitation, provides information to the media on the issue and supports other associations in the country and around the world. The NGO L'Amicale du Nid works directly with prostitutes.

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## GEORGIA

The 1995 Constitution provides for an executive branch that reports to the President and a legislature. The President appoints ministers with the consent of Parliament. In April 2000, Eduard Shevardnadze was reelected to a second 5-year term as President in an election marred by numerous serious irregularities. International observers strongly criticized the election, citing interference by state authorities in the electoral process, deficient election legislation, insufficient representative election administration, and unreliable voter registers. The country's second parliamentary elections under the 1995 Constitution were held in 1999 and were characterized by the Organization for Security and Cooperation in Europe (OSCE) as a step toward Georgia's compliance with OSCE commitments. The civil war and separatist wars that followed the 1992 coup ended central government authority in Abkhazia and Ossetia, and weakened central authority in the autonomous region of Ajara and

elsewhere in the country. The Constitution provides for an independent judiciary; however, the judiciary is subject to executive pressure.

Internal conflicts in Abkhazia and South Ossetia remained unresolved. Ceasefires were in effect in both areas, although sporadic incidents of violence occurred in Abkhazia. These conflicts and the problems associated with roughly 270,000 internally displaced persons (IDP's) from Abkhazia, 60,000 from South Ossetia, and another 4,000–5,000 refugees from Chechnya, posed a continued threat to national stability. In 1993 Abkhaz separatists won control of Abkhazia, and most ethnic Georgians were expelled from or fled the region. In 1994 Russian peacekeeping forces representing the Commonwealth of Independent States (CIS) deployed to Abkhazia with the agreement of Abkhaz separatists. Following clashes in October, the Georgian Parliament passed a nonbinding resolution to remove the CIS (Russian) peacekeeping force from Abkhazia. A Russian peacekeeping force also has been in South Ossetia since 1992 as part of a joint peacekeeping force with Ossetians and Georgians. The Government has no effective control over Abkhazia or South Ossetia.

The Ministry of Internal Affairs (MOI) and the Procuracy have primary responsibility for law enforcement, and the Ministry of State Security plays a significant role in internal security. In times of internal disorder, the Government may call on the MOI or the military. Elected civilian authorities do not maintain effective control over the law enforcement and security forces. Members of the security forces committed a number of serious human rights abuses.

The country has a total population of approximately 5 million. Government efforts to develop a market-based economy have been stifled by corruption and mismanagement. Key exports are scrap metal, manganese, wine, mineral water, and agricultural products. Agriculture represents approximately 30 percent of gross domestic product (GDP), and GDP during the first 6 months of the year increased 5.2 percent to \$ 1.5 billion (3.08 billion GEL). Per capita GDP for the first half of the year was approximately \$324 (666 GEL). According to the Department of Statistics, approximately 52.6 percent of the population live below the poverty level. There was a growing fiscal deficit due to continued low revenue collection. Government salaries and pensions remain in arrears.

The Government's human rights record remained poor and worsened in several areas. Numerous serious irregularities in the October 1999 parliamentary elections and the April 2000 presidential election limited citizens' right to change their government. Several deaths in custody were blamed on physical abuse, torture, or inhuman and life-threatening prison conditions. Reports of police brutality continued. Security forces continued to torture, beat, and otherwise abuse detainees. Corruption in law enforcement agencies was pervasive. Prison conditions remained harsh and life-threatening; however, some steps were taken during the year to address problems in the prison system. Arbitrary arrest and detention increased during the year. Neither the President nor other senior officials took concrete steps to address these problems, and impunity remained a problem. The judiciary was subject to pressure and corruption and did not ensure due process; reforms to create a more independent judiciary were undermined by failure to pay judges in a timely manner. There were lengthy delays in trials and prolonged pretrial detention remained a problem. Law enforcement agencies and other government bodies occasionally interfered with citizens' right to privacy. The press generally was free; however, security forces and other authorities intimidated and used violence against journalists. Journalists practiced self-censorship. The police restricted freedom of assembly and law enforcement authorities dispersed numerous peaceful gatherings. Government officials infringed upon freedom of religion. The Government continued to tolerate discrimination and harassment of some religious minorities. Violence and discrimination against women were problems. Trafficking for the purpose of forced labor and prostitution was a problem.

There was little information available on the human rights situation in Abkhazia and South Ossetia due to limited access to these regions.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person*

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no confirmed reports of political killings by government agents; however, security force abuses reportedly resulted in several deaths in custody.

During the first 10 months of the year, there were 27 deaths in prison, 9 of which were from tuberculosis (see Section 1.e.).

On July 26, Georgi Sanaia, host of a nightly political talk show, was shot once in the head and killed by an unknown person in his apartment in Tbilisi. President Shevardnadze directed the Ministry of Internal Affairs, the Prosecutor General, and

the Ministry of State Security to investigate the killing and requested assistance from a respected foreign law enforcement agency, which expressed satisfaction with the conduct of the investigation. Many persons suspected that the Government was responsible for the murder, although no credible evidence of this was produced. In December a suspect was arrested and confessed to the crime (see Section 2.a.).

On October 9, a missile shot down a UN helicopter in Abkhazia killing nine persons. It was unclear who was responsible for firing the missile at year's end.

In July Temur Mikia, a resident of Poti, died while being held in police custody. Mikia "fell" from a window in police headquarters and reportedly told witnesses before he died that the police had thrown him from the window. Internally displaced persons (IDP's) from Abkhazia living in Poti ransacked the mayor's office to protest Mikia's death.

In October 2000, Antonio Russo, a reporter for Italy's Radio Radicale, was found dead outside of Tbilisi. His colleagues believed that he may have been killed in reprisal for his coverage of the conflict in neighboring Chechnya, Russia; however, there have been no allegations or evidence implicating the government in Russo's death. The investigation into the killing continued at year's end.

Killings were committed by elements on both sides of the separatist conflict in Abkhazia, including Georgian partisan groups and forces of the Abkhaz separatist regime. Killings and other abuses on both sides of the conflict have not been investigated, prosecuted, or punished adequately. During the year, the Government criticized these partisan groups and in 2000 had arrested some partisans, including Davit Shengalia, the leader of the partisan organization "forest brothers." On September 4, Shengalia was attacked in a Zugdidi apartment; he survived, but the attackers killed three of his relatives.

Both Georgian and Abkhazian forces laid tens of thousands of landmines during the 1992-93 fighting. There were numerous reports in 1999 and 2000 that groups from Georgia, allegedly linked to the Georgian Government, infiltrated Abkhazia and laid antipersonnel mines. There was a reduction in landmine casualties during the year, due to migration out of the area and to the activities of landmine clearing organizations such as the Halo Trust.

*b. Disappearance.*—Georgian partisan/criminal groups active in Abkhazia frequently took hostages to exchange for captured compatriots. Abkhaz and Georgian officials have agreed on joint law enforcement efforts to prosecute kidnapers and other criminals that may threaten to destabilize the ceasefire. During the year, there also were many instances of kidnaping for ransom elsewhere in the country, which included both local and foreign citizens. There is widespread speculation that corrupt law enforcement officials may have been involved in some of these kidnapings. For example, in November 2000, unknown persons abducted and reportedly held captive two Spanish businessmen in the Pankisi Valley. In December they were released following the replacement of the Internal and Security Ministers. The businessmen alleged that corrupt law enforcement officials were involved in their kidnaping. Many citizens, including some members of parliament, have alleged publicly that senior law enforcement officials have been involved in kidnapings for ransom.

On May 7, unknown persons abducted Parliamentarian Petre Tsiskarishvili and his fiancé in Tbilisi. They were released 4 days later unharmed. Some observers believed that the kidnaping had a political motive. Authorities claim that no ransom was paid and at year's end, one person had been arrested and charged with participating in the kidnaping.

On June 7, unknown persons abducted Charbel Aoun, a Lebanese businessman, in Tbilisi. During a raid on an abandoned building on August 24, police freed Aoun after 78 days in captivity. Aoun's release followed the forced resignation of the controversial Tbilisi police chief. Aoun's abductors, who have not been identified, remained at large at year's end.

On July 31, local Georgians in the Kakheti region near the Pankisi Valley abducted a number of Pankisi Kists (ethnic Chechen citizens living in Georgia) in response to abductions by residents of Pankisi. The hostages were released later following negotiations.

Georgian and Abkhaz commissions on missing persons reported that over 1,000 Georgians and several hundred Abkhaz remained missing as a result of the 1992-1994 war in Abkhazia. Officials have agreed to joint efforts to determine their location and repatriate the remains of the dead. The ICRC assisted in this effort.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution forbids the use of torture; however, members of the security forces continued to torture, beat, and otherwise abuse prisoners and detainees, usually to extract money or confessions. International and domestic observers note that incidents of police abuse increased following the April 2000 presidential elections. Seri-

ous abuses and police misconduct, such as the fabrication or planting of evidence, remained problems. During the year, there were several cases of police being dismissed or demoted for abuses; however, impunity remained a problem. Many human rights observers have argued that the police increasingly believed that they will not be held accountable for such actions.

The most serious incidents of abuse occur in the investigative phase of pretrial detention when suspects are interrogated by police. Human rights observers and lawyers noted that abuses occur more frequently at the time of arrest and in police stations, rather than in pretrial detention facilities, and noted that a growing number of confessions were made in police stations. According to human rights observers, those who suffered such abuse were held routinely for lengthy periods in pretrial detention to give their injuries time to heal (see Section 1.e.). Police often claim that injuries were sustained during or before arrest. Police "agents" within the prison population also allegedly committed abuses in pretrial detention facilities. Pretrial detainees are often kept with convicted prisoners due to overcrowding.

Government officials acknowledged that Ministry of Internal Affairs personnel in the past routinely beat and abused prisoners and detainees. Government officials continued to claim that a lack of proper training, poor supervision of investigators and guards, and lack of equipment often resulted in abuse in all law enforcement facilities. For example, investigators were trained to obtain confessions rather than use physical evidence to assemble a case. After law enforcement agencies expressed concern that the safeguards contained in the new Criminal Procedures Code would make it difficult for them to combat crime, amendments made to the code in 1999 and 2000 reinstated many of their powers (see Section 1.e.).

Human rights advocates reported that allegations of the use of torture, such as electric shock, to extract money or confessions significantly increased during the year. During the year, Human Rights Watch reported that mistreatment and physical abuse of detainees was a major problem. However, some observers noted that when the Ministry of State Security (as opposed to the Interior Ministry) managed an investigation, allegations of physical abuses were rare.

There were reports that on February 22, police beat Dimitry Romanov and his mother in the 6th Police Station in the Gldani-Nadzaladevi district of Tbilisi. A dozen police officers reportedly beat Romanov seriously in an attempt to induce a confession to a series of robberies. They allegedly struck Romanov on the head and shoulders, burned him on the forehead and face with cigarettes, and beat him with a chair leg wrapped in tape. Officers reportedly threatened to rape Romanov with a bottle if he did not confess. Romanov's mother attempted to intervene and subsequently was beaten. Parliamentary Human Rights Committee Chair Elene Tevdoradze interviewed officials on that day and was told that the officers meant no harm. No charges had been filed against the police by year's end.

In the past, security forces tortured defendants in politically sensitive cases, such as those involving members and supporters of the former Gamsakhurdia government and members of the paramilitary Mkhedrioni (see Section 1.e.). Local human rights observers alleged that abuses continued to occur in two pretrial detention facilities: Isolator Five in Tbilisi and the pretrial facility in Kutaisi. Detainees suspected of serious crimes or whose cases have political overtones are incarcerated in Isolator Five, which is in the basement of the Ministry of Internal Affairs. As a condition of membership in the Council of Europe, Isolator Five officially was closed in January 2000; however, domestic human rights organizations claim that the facility remained open and served the same function, only under a different name. According to local human rights observers, many detainees in Isolator Five reported beatings and abuse despite calls for investigators to show restraint. Often the threat of incarceration in this facility was sufficient to induce confession or extortion.

Police officers reportedly beat and raped prostitutes and police reportedly harassed or abused street children (see Section 5). In August 2000, the police detained an 11-year-old boy in Tbilisi who was trying to sell a sheet of aluminum. After being taken to a juvenile detention center, police reportedly knocked out one of his teeth. The boy reported seeing other children being beaten. His parents were not notified and he was not released for several days until after his parents and neighbors held a protest.

Members of the security forces beat members of religious minorities (see Section 2.c.).

In May police forcibly dispersed a demonstration, injuring some protestors (see Section 2.b).

In September 2000, the police detained and tortured David Sturua in Tbilisi's Saburtelo neighborhood, after charging him with robbery. Sturua claimed that he was subjected to torture, including attempted suffocation, electric shocks, and beat-

ings. Medical examinations confirmed Sturua's charges. The ombudsman asked the Ministry of Internal Affairs to investigate.

Police misconduct reportedly was worse outside Tbilisi, where awareness of laws and citizens' rights is less understood and human rights NGO's were less active. For example, on July 17, three officers of the Terjola police office severely beat Ledi Tukvadze, a lawyer who had come to see her client, in the presence of eyewitnesses; she later was hospitalized. General Asanidze, the Terjola Police Chief, claimed that his police officers could not have used force against her. Nana Devdariani, the ombudsman, asked for Asanidze's dismissal following the results of a medical examination of Tukvadze; Asanidze subsequently was dismissed. On September 13, local press reported that members of the Vazisubani branch of the Samgori-Isani police department severely beat and tortured David Kalandadze. The police reportedly forced Kalandadze into a car and took him to a police station where they tortured him to make him confess to stealing a television and stereo set. He was tortured severely by electroshock. However, one prominent human rights group noted that at the village level personal relationships work to prevent the instances of abuse found in the larger towns and cities.

Despite an overall culture of impunity, some policemen were arrested or administratively disciplined in high-profile cases of physical abuse or deaths in custody. The Ministry of Internal Affairs claimed that since 1997 they opened criminal cases against 388 officers, 129 of whom were arrested and 32 of whom were convicted for varying offenses. In addition the Ministry of Internal Affairs (MOI) claims that 1,329 officers were discharged for disciplinary reasons. In the first 9 months of the year, 90 criminal cases were initiated against police employees, 41 were completed in the court system, of which 14 were closed procedurally. A total of 27 cases against 33 individuals ended in conviction and 36 investigations were ongoing on at year's end. Of the 58 police employees who were facing criminal prosecution at year's end, 6 were charged with illegal detention and searches, 12 with physical abuse and other violence, 7 with extortion and embezzlement, and 33 with malfeasance and other types of crimes. In general officers are held accountable for abuses only in extreme cases and changes to the Criminal Procedures Code have weakened a detainee's ability to substantiate claims of such abuses (see Section 1.e.). Many observers claimed that prosecutors frequently are reluctant to open a criminal case against the police or they close a case for lack of evidence. Human rights NGO's also believed that many instances of abuses go unreported by victims due to fear of reprisals or lack of confidence in the system.

Parliament's Committee on Human Rights and Ethnic Relations and local human rights groups independently investigated claims of abuse. There was a significant increase in the number of claims filed; however, fear prevented many persons from filing claims, and many claimants did not follow their claims through to trial. The Committee noted that since the presidential election in 2000, claims shifted from requests for assistance to complaints about mistreatment and violations by the police and the Procuracy and the Procuracy's failure to pursue criminal investigations of alleged violators.

Those arrested for the 1995 assassination attempt on President Shevardnadze reportedly were mistreated, but persons arrested in May 1999 for plotting against the Government and those arrested for the 1998 assassination attempt against President Shevardnadze, reportedly were not (see Section 1.e.). However, one suspect, Otar Melikadze, reported being tortured by investigators. Melikadze, Soso Nadiradze, Archil Panjikidze, and David Tsotsoria, arrested for plotting against the Government, initiated a hunger strike, claiming that they and their lawyers did not have access to their case files.

Human rights observers have expressed concern that corruption is related to the large number of police officers nationwide. According to the Ministry of Internal Affairs, there were 13,881 police officers in 2000; however, NGO's estimated there were closer to 35,000. Internal Affairs Minister Targamadze claims a figure of 29,000 officials, the number also cited by the Ministry of Finance, but insists that this includes various departments, such as fire and emergency units, which do not serve a policing function. The Government has been unable to consistently pay the salaries of police officers; consequently police solicited bribes from the general population, especially motorists, and also from suspects detained on suspicion of criminal activity (see Section 1.d.).

Prison conditions continued to be inhuman and life threatening. Prison facilities remain unsanitary, overcrowded, and understaffed, and are in desperate need of repair. Most prison facilities lack proper ventilation, plumbing, lighting, waste disposal, or sanitary medical facilities. Regional penitentiaries and pretrial detention facilities were without electricity for months. Guards and prison staff were not paid in a timely manner, if at all. According to human rights observers and government

officials, the problem was exacerbated by the transfer of responsibility for prison administration to the Ministry of Justice before the Ministry was prepared to assume these responsibilities. Overcrowding remained a major problem; however, some facilities, such as in Zugdidi, are at only 50 percent capacity, while Tbilisi facilities sometimes have 16 or more persons to a cell typically designed for 10 to 12 persons. During the year, 298 persons were pardoned compared to 777 pardoned in 2000. Abuse and extortion of prisoners and detainees by prison staff continued.

During the year, former Justice Minister Saakashvili attempted to address overcrowding in the country's prisons by accelerating the construction of a new prison facility in Rustavi near Tbilisi. Saakashvili implemented a program in which scrap metal from prison facilities was sold to finance construction of this facility. The new facility, which opened on September 5, holds 1200 prisoners and has larger cells and modern conveniences. While the new prison will help to alleviate overcrowding, conditions in other facilities have not significantly improved. During the year, Saakashvili fired some corrupt administrators, released some inmates to reduce overcrowding, and took steps toward creating a prison inspection system that would include NGO participation; however, Saakashvili resigned in September and in October was elected to parliament in a byelection.

Torture and physical abuse of prisoners was a problem and led to deaths in custody.

The prison mortality rate reportedly was high; however, human rights NGO's claim that authorities kept the official rates artificially low by releasing prisoners who were terminally ill or by sending prisoners to the hospital when they were dying. Observers claim that deaths of prisoners without families usually went unreported. The OSCE noted an increase in the number of prison deaths in the first 3 months of 2000 after the transfer of authority to the Ministry of Justice; most deaths were attributed to illness, usually tuberculosis. During the year, there were 27 registered deaths in prison, 9 of which were attributed to tuberculosis. According to the ICRC, tuberculosis is widespread in the prison system. The ICRC continued a joint program with authorities to reduce the incidence of tuberculosis. According to the ICRC, the incidence of tuberculosis is 200 times higher in detention facilities than the general public. In cooperation with the Ministry of Justice, the ICRC has treated nearly 1,300 infected prisoners since 1998, with a 70 to 75 percent cure rate.

Observers reported an increase in violence among prisoners, sometimes resulting in deaths. The increase was attributed to the insufficient and demoralized guard staff. One observer stated that the failure to pay guard staff and the loss of promotion possibilities due to the penitentiary reform created a staffing problem. Some human rights groups claim that rape by inmates or prison guards was common.

Responsibility for the prisons was transferred from the Ministry of Internal Affairs to the Ministry of Justice in January 2000. The Ministry of Justice is responsible for overall administration of the prison system; however, the law permits MOI personnel to continue to staff the facilities. The MOI maintains several of its own cells in various prisons. Other legislation permits the MOI to conduct investigations without judicial approval among inmates to gather evidence for trials. Observers noted little change in prison conditions; however, advocates noted an improvement in access for family members and telephone privileges since the transfer.

Attempted suicides and self-mutilation were more frequent in prisons as conditions declined and human rights violations increased during the year. There were several instances of prisoners sewing their mouths shut during hunger strikes to protest prison conditions and unfair trial practices. For example, in March Zviadist prisoners sewed their mouths shut during a hunger strike and appealed to the Parliament's Human Rights Committee Chairwoman Elene Tevdoradze and Rusudan Beridze, Deputy Secretary of the National Security Council. The prisoners later ended their strike.

A prisoner in Zugdidi began a hunger strike in early August claiming that local police had fabricated his case. His case was not reviewed, and he was denied medical treatment for nearly a month. Many hunger strikers are self-proclaimed political prisoners from the former Gamsakhurdia government, former National Guard, or former Mkhedrioni implicated for crimes committed during the civil war (see Section 1.e.). The Ministry of Justice has no procedures for dealing with hunger strikers and leaves cases to the jurisdiction of prison authorities.

On August 14, a riot broke out in Tbilisi's Detention Facility 5 after an inmate took two hostages, demanded a meeting with then-Justice Minister Saakashvili, and demanded a live broadcast regarding mistreatment and prison conditions. According to press reports, the warden disarmed the inmate and restored order.

The ICRC had full access to detention facilities, including those in Abkhazia, and access included private meetings with detainees and regular visits. The OSCE reported bureaucratic delays but no serious problems in obtaining access to prisoners

or detainees; however, local human rights groups reported increasing difficulty in visiting detainees, especially in cases with political overtones.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution includes provisions to protect citizens against arbitrary arrest and detention; however, authorities frequently disregarded these provisions. The Constitution provides for a 9 month maximum period of pretrial detention, mandated court approval of detention after 72 hours, and imposes restrictions on the role of the prosecutor (see Section 1.e.). These amendments generally were observed; however, prosecutors maintain undue influence over criminal procedures.

Judges issue warrants and detention orders, and by law, suspects must be charged within 3 days. Judges may extend pretrial detention by 3-month intervals up to 9 months. NGO's stated that the amendments to the old Soviet Code (maximum 18 months detention) made the pretrial detention period less arbitrary; however, international and domestic observers noted that such detention usually was longer—sometimes up to 2 years—because this protection routinely was interpreted to include only the Procuracy's investigative period, not the defense's investigative period. Police frequently detain persons without warrants. There was no bail system available to detainees. At year's end, there were 8,676 persons in custody, including both prisoners serving sentences and approximately 2,500 suspects held in pretrial detention.

A Criminal Procedures Code and other legislation to implement constitutional protections and restrict the powers of the Procuracy and the police was passed by Parliament in 1997; however, implementation was delayed until May 1999 (see Section 1.e.). Following enactment of the New Criminal Code in June 1999, the Criminal Procedures Code was amended substantially. A number of amendments sought to harmonize the Criminal Procedures Code with the new Criminal Code; however, several amendments significantly weakened protections against arbitrary arrest and detention. Specifically the changes imposed severe restrictions on a detainee's access to the courts in the pretrial period. Before these amendments were enacted, a defendant could complain directly to the court prior to a trial regarding abusive actions committed by the police or the Procuracy during a criminal investigation and could request medical examination; however, under the amended provisions, a defendant can file a complaint of abuse only with the Procuracy. The Procuracy's decision cannot be appealed to the courts. NGO's claimed that this regulation hinders their ability to substantiate police misconduct because of the close ties between the Procuracy and the police. The amendments also eliminated the right of a witness to be accompanied by a lawyer when being questioned by the police. The police can hold a witness for 12 hours without being charged. Police frequently charged witnesses as suspects at the end of this period. Human Rights Watch reported in 2000 that police often called a detainee's lawyer as a witness, thereby denying him access to his client.

Detainees have difficulty obtaining objective medical examinations in a timely manner. If a medical examination is not conducted within 3 to 4 days of an incident; it may be difficult to establish the cause of injuries. Only a state-employed forensic medical examiner, which in most cases is an employee of the Ministry of Health's Judicial Medical Expert Center, can testify about injuries. Human rights advocates routinely criticized the state forensic examiners as biased in favor of the Procuracy, and stated that permission for an independent forensic medical examination rarely was granted.

Police often failed to inform detainees of their rights and prevented them access to family members and lawyers. Some observers charged that police also conducted interrogations in apartments outside the police stations to avoid registering detainees. While officially suspects are charged within 3 days of registration, observers claim that police frequently delayed registering detainees for long periods in order to seek bribes; according to international and domestic observers, at times the police attempted to extort money from suspects in exchange for not registering an arrest. Police reportedly approached suspects' families and offered to drop charges in exchange for a bribe. Correct legal procedures were observed more often once a detainee was charged and registered formally.

Authorities often held prisoners who were tortured and abused in police stations and pretrial detention for lengthy periods in order to give their injuries time to heal (see Sections 1.c. and 1.e.).

The law prohibits forced exile, and the Government does not employ it.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however, in practice the judiciary often does not exercise full independence, and judicial impartiality is limited. The judicial reform process, completed in 1999, resulted in the appointment of some better qualified judges; however, observers agreed that judicial authorities continued to experience pressure from the executive

branch and powerful outside interests. Investigators routinely planted or fabricated evidence and extort confessions in direct violation of the Constitution. Judges were reluctant to exclude evidence obtained illegally if the Procuracy objected.

Other results of the judicial reform effort were inconclusive. Judicial incompetence and corruption, including the payment of bribes to judges, still was a problem. Although there were reports by several trial attorneys and local NGO's in Tbilisi that some cases were being handled in a more expeditious manner since reforms, progress outside of Tbilisi was not as marked. Observers commented that although judges were better educated, they are hindered by lack of practical experience. Human rights organizations point to judge's limited experience in case law as a contributing factor. Due to the Government's fiscal crisis, at times judges' salaries have gone unpaid up to 6 months, creating an incentive for corruption. Pressure from extensive family and political and economic interest groups was extensive, and bribery was common.

The law established a three-tier court system. At the lowest level are district courts, which hear routine criminal and civil cases. At the next level are regional ("city") courts of appeal, which serve as appellate courts for district courts. The regional courts also try major criminal and civil cases, review cases, and either confirm verdicts or return cases to the lower courts for retrial. The Supreme Court acts as a higher appellate court and remains the court of first instance for capital crimes and appeals from the Central Election Commission. Judges have enacted a judicial code of ethics; however, some observers have alleged that the Supreme Court's decisions are subject to political and other undue influences. In December the Supreme Court implemented a system of regional managing judges to monitor the performance of lower courts throughout the country.

A separate Constitutional Court arbitrates constitutional disputes between branches of government and rules on individual claims of human rights violations. The Court has interpreted this latter function narrowly, agreeing to rule only in cases in which the complainant alleged that the violation was sanctioned by law. The court only considers one case at a time. The Court's rulings have demonstrated judicial independence.

The Council of Justice administers the court system. The Council has 12 members, 4 selected from within each branch of government. The law establishes a three-part testing procedure for working and prospective judges administered by the Council. The testing procedure was designed to reduce judicial incompetence and corruption; according to observers, this process began during the year. In 1998 the Constitutional Court ruled that sitting judges could not be removed, thereby hampering the Government's attempts at judicial reform. The Parliament responded with a law stating that judges' terms would not be renewed beyond the end of the year if they did not take and pass the examination, thereby observing the decision of the Constitutional Court, yet forcing the judges to qualify themselves through examination. All judges take the exams.

A total of 5 examinations were administered by the end of 1999, and approximately 250 judges had passed. There are two exams given each year. In January 11 out of 173 judges passed. In December the Council of Justice reported that 13 out of 86 applicants passed the first round and 7 out of 13 passed the second round of examinations in January and December. At the district level, especially in extremely rural or mountainous regions, it has been difficult to find candidates who have passed the exam who are willing to fill these positions. Supreme Court judges are required to take the examination. In 2000 the President nominated and the Parliament ratified the appointment of 12 new Supreme Court Justices, 10 of whom passed the judicial exams, and 2 of whom were appointed pursuant to Article 20 of the law on the Supreme Court, which provides that "distinguished legal specialists" may be appointed.

Aside from the judicial system, law enforcement as a whole still has not undergone significant reform. Payment of bribes to policeman and Procuracy officials reportedly is common (see Section 1.c.). The Procuracy is identified as part of the judicial system in the Constitution, and there were calls from legislators and others to move the Procuracy into the executive branch.

According to the Constitution, a detainee is presumed innocent and has the right to a public trial. A detainee has the right to demand immediate access to a lawyer and the right to refuse to make a statement in the absence of counsel. Officers must inform detainees of their rights and notify their families of their location as soon as possible. However, these rights are not observed fully in practice. Authorities frequently do not permit detainees to notify their families of their location, which is in violation of the June amendments to the criminal procedure code that specifically provide that if a witness so requests his lawyer can attend his questioning, who may in turn notify family members. However, local police authorities limited lawyers' ac-

cess to detainees. Defense attorneys and family members often have difficulty obtaining permission to visit clients. Investigators seldom inform individuals of their rights. Lengthy trial delays were common. Defense counsel is not required to be present at pretrial hearings, and defendants and their attorneys regularly complained that they were not notified of scheduled hearings. Under the Criminal Procedures Code, the police are not obliged to allow a lawyer to enter a police station unless hired by a detainee. During the year, the Parliamentary Committee on Human Rights and National Minorities created a card listing a citizen's rights in case of arrest. The committee has distributed approximately 30,000 printed cards to students, NGO's, and visitors to the committee.

The Criminal Procedure Code adopted in 1999 significantly weakened many constitutional protections designed to circumscribe the powers of the Procuracy, increase the rights of defense attorneys, and enhance the independence of the judiciary. Prosecutors continued to direct investigations, supervise some judicial functions, and represent the state in trials. Prosecutors continued to wield disproportionate influence over judicial decisions. The Criminal Procedure Code prohibits the same judge who signed a warrant from hearing the case; however, this rule frequently was disregarded outside of Tbilisi since few regions have more than one judge.

In instances where defendants were unable to afford legal counsel, attorneys were assigned to a case upon the recommendation of the Procurator's Office by the Office of Legal Assistance, a part of the state-controlled Bar Association. In certain cases, defendants were pressured or coerced by procurators to accept a state-appointed attorney or other attorneys who do not vigorously defend their interests. However, in general individuals who could afford to pay were able to obtain the attorney of their choice in both criminal and civil cases. The Procuracy not only has control over state-appointed lawyers; it also determines whether to grant a defendant's request to change lawyers. However, several NGO's provided free legal services for those whose human rights were violated in Tbilisi. The quality of attorneys varies dramatically. In addition the licensing of forensic medical examiners does not ensure competence.

On August 10, the Ombudsman criticized the Government for the improper handling of the trial of former Finance Minister (in the Gamsakhurdia administration) Guram Absandze, who was charged in an assassination plot on the President. In November the Supreme Court reduced Absandze's sentence of 17 years' to 6 years' imprisonment. He was found not guilty of participation in the February 1998 assassination attempt, but he was convicted of misappropriation of \$127,800 (254,000 GEL) and participation in the 1992 rebellion by supporters of deposed President Gamsakhurdia. The Court verdict only may be appealed in the Strasbourg Court. Lawyers complained of numerous violations of their defendant's rights by the Supreme Court. Absandze registered as a candidate for a parliamentary seat in a by-election scheduled in October; however, in September the court denied his petition to be released from prison in order to campaign.

International and local human rights groups agree that there are political prisoners but disagree on the number; estimates range from 20 to 25 political prisoners. The Ombudsman claimed that there were no official political prisoners in the country; however, many individuals, including members of the former paramilitary Mkhedrioni, so-called Zviadists (followers of the deceased former president Gamsakhurdia), and some former state security personnel consider themselves political prisoners. According to human rights observers, some Zviadist prisoners never took up arms and should be considered political prisoners. Some Zviadists were convicted on poorly substantiated charges of treason, banditry, and illegal possession of weapons and are serving sentences from 7 to 12 years.

In April 2000, Parliament passed a resolution on national reconciliation directing the Procuracy to review the cases of those convicted in connection with the civil war. President Shevardnadze subsequently pardoned or reduced the sentences of 279 prisoners convicted of crimes committed during the civil war, including former National Guard commander Tengiz Kitovani. Mkhedrioni leader Jaba Ioseliani, convicted for participation in the 1995 assassination attempt on President Shevardnadze, also was pardoned along with 14 others convicted for participation in the crime. The 1998 trial of Ioseliani and 14 other alleged conspirators in the 1995 assassination attempt was characterized by serious violations of due process. On July 10, the President released 72 more prisoners, mainly senior officials in the former Gamsakhurdian government. By year's end, 85 Zviadists were released under the program. The remainder had been charged or convicted of murder.

Tengiz Asanidze, accused by Ajaran authorities of abduction and financial crimes, was pardoned by President Shevardnadze in October 1999 but remained in prison at year's end. The Supreme Court ordered his release; however, the authorities in

Ajara refused to release him. In June 2000, the Council of Europe's High Commissioner on Human Rights, Jose Alvaro Gil-Robles, visited Asanidze in prison. Both Amnesty International and Gil-Robles have called for Asanidze's release. At year's end, he was awaiting the terms of the examination of his suit, which was filed with the Court of the Council of Europe in Strasbourg.

The Government allows international human rights and domestic organizations to visit political prisoners, and some organizations did so during the year.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution forbids wire tapping of telephones and other forms of interference in an individual's private life without court approval or legal necessity; however, in practice law enforcement agencies and other government bodies occasionally monitored private telephone conversations without obtaining court orders. The Government stated that state security police and state tax authorities entered homes and work places without prior legal sanction in emergency cases as permitted by the Criminal Procedures Code. Police sometimes stopped and searched vehicles without probable cause in order to extort bribes (see Section 1.c.).

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and the law provide for freedom of the press; however, although the independent press was generally free, there were several instances of intimidation of journalists. According to journalists and NGO's, security and other authorities on occasion attempted to intimidate the press through public comments, private admonitions, and violence. Nevertheless during the year, journalists were able to publish wide ranging and extremely critical views of officials and their conduct; however, some journalists practiced self-censorship.

The Administrative Code contains a freedom of information section that provides for public access to government meetings and documents; however, few journalists have employed it. The adoption of a freedom of information act and judicial enforcement of this law have made agencies more willing to provide information. However, the Government often failed to register freedom of information act requests, as required by the administrative code. Although the law states that a public agency shall release public information immediately, or no later than 10 days, the release of requested information may be delayed indefinitely. A requesting party has no grounds for appeal.

Libel laws inhibit investigative journalism. The Civil Code and other legislation make it a crime to insult the honor and dignity of an individual and place the burden of proof on the accused.

There are approximately 200 independent newspapers in circulation. The press frequently criticizes senior government officials; however, few newspapers editorially are independent and commercially viable. Typically newspapers are subsidized by and subject to the influence of their patrons in politics and business. The Government finances and controls one newspaper (which appears in Russian-, Azeri-, and Armenian-language versions); the newspaper reflected official viewpoints. The highest-circulation independent daily newspaper, Alia, has a national circulation nearly 20 percent higher than the government-controlled daily; however, independent newspapers continued to struggle in the regions, due largely to the population's poverty. High printing costs, a lack of advertising, and general poverty limited the circulation of many newspapers. Several newspapers were reputable sources of information, although lack of financial resources hinders overall journalistic development. Independent newspapers continued to be harassed by state tax authorities.

In 2000 the President publicly criticized the daily newspaper Rezonansi for reporting comments by an opposition politician in Parliament who called for the overthrow of the "Shevardnadze regime." The President asked the Procuracy to investigate the newspaper, which he stated had a history of provocative, antigovernment news coverage. This suit and others were initiated by government officials who were the object of such investigative reports. Rezonansi also was the object of threats during the year. Its editorial offices were attacked by the Orthodox Christian radical group led by Father Basil Mkalavishvili (see Section 2.c.).

Most persons get their news from television and radio. The Government finances and controls radio and television network with national audiences; it reflects official viewpoints. Rustavi-2, a member of the independent television network TNG, is considered the only station other than the state-run channel with a national audience. On October 30, members of the State Security Ministry raided TNG's headquarters demanding financial information, even though the tax department had completed an audit a few weeks earlier. The head of Rusatvi-2 refused to release the information and broadcast the events live. The broadcast led to protests in front of the Parliament and led to President Shevardnadze's dismissal of all Ministers on November 1.

In addition to Rustavi-2, there are seven independent television stations in Tbilisi. An international NGO estimated that there are more than 45 regional television stations, 17 of which offer daily news. While these stations ostensibly were independent, a lack of advertising revenue often forced them to depend on local government officials for support. Some regions, such as Samtskhe-Javakheti and Kutaisi, have relatively independent media. Rustavi-2 has a network of 15 stations, 5 of which broadcast Rustavi-2's evening news program daily. Independent television stations continued to be harassed by state tax authorities. Stations desiring benefits and better working relations with authorities practiced self-censorship.

Channel 25 is the only independent television station broadcasting in the autonomous region of Ajara; however, three of the four owners of the station alleged that they were coerced in February 2000 by Ajaran regional government officials and Mikhail Gagoshidze, chairman of Ajaran Television and Radio, to cede 75 percent of the company's shares to Gagoshidze. The owners stated that in return they were forced to take \$50,000 (100,000 GEL) in cash. In addition Batumi mayor Aslan Smirba physically assaulted Avtandil Gvasalia, the station's commercial director. Smirba claimed that he had a right to own the station, as he had helped the company get permission to broadcast. The owners brought suit against Gagoshidze, but they lost their case in Ajara regional court. The case was in the appeal process at year's end.

Journalists stated that they are vulnerable to pressure from the authorities, as well as from business and societal elements.

On July 26, popular TV journalist Giorgi Sanaia was found dead in his Tbilisi apartment; no one has been charged with the crime by year's end (see Section 1.a.).

In October 2000, Antonio Russo, a reporter for Italy's Radio Radicale who had reported on the war in Chechnya, was found dead on a roadside near Tbilisi; no one had been charged in Russo's death by year's end (see Section 1.a.).

In August 2000, a mob led by Orthodox extremists attacked journalists at a courtroom in Tbilisi (see Section 2.c.).

The lack of an active journalists' association limited the effectiveness of media advocacy. Media observers noted that few journalists and government officials, especially in the regions, understand the legal protections afforded journalists; and few journalists have the resources to hire a lawyer. Some have enlisted the assistance of the NGO community.

The Government does not limit access to the Internet; however, poor infrastructure and poverty limit access outside of the major cities.

Academic freedom is respected.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for the right to peaceful assembly without permission from the authorities; however, both the national Government and local governments restricted this right in practice. The law requires political parties and other organizations to give prior notice and obtain permission from local authorities to assemble on a public thoroughfare. Members of the NGO community argued that the law violated the Constitution and have sought to have it overturned by the Constitutional Court; however, the Court has refused to hear the case, explaining that a test case must be brought before it to consider the challenge and an individual must prove that the law has harmed him. Most permits for assemblies are granted without arbitrary restriction or discrimination; however, this is not the case for Zviadists (supporters of former President Gamsakhurdia). Extreme Zviadists never have accepted any successor to the Gamsakhurdia government as legitimate and have held demonstrations demanding that the present Government resign. The Government viewed the public rallies of the Zviadists as a threat because of the publicity that they generate for themselves and against the Government. In May Zviadists held a demonstration demanding the present Government's resignation; fighting broke out between protesters and plainclothes police, and the police forcibly dispersed the demonstration. Several protesters and police were injured.

Private meetings and public gatherings of religious minority groups were repeatedly broken up, often with extreme violence, by Orthodox extremists with the tacit approval or active cooperation of law enforcement authorities (see Section 2.c.). The Government has not taken action against the perpetrators of such attacks.

In July and August, large public demonstrations occurred following the Sanaia killing (see Section 1.a.). Demonstrations also occurred outside Parliament during the November Government crisis and over electricity blackouts. All of these demonstrations were dispersed peacefully.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Authorities granted permits for registration of associations without arbitrary restriction or discrimination; however, in June 2000, the Tbilisi appellate court overturned the registration of two organizations af-

filiated with Jehovah's Witnesses on the grounds that there was no law regulating the registration of religious organizations (see Section 2.c.).

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, local authorities sometimes restricted the rights of members of nontraditional religious minority groups. At times local police and security officials harassed several non-Orthodox religious groups, particularly local and foreign missionaries, including Jehovah's Witnesses, Baptists, Evangelicals, Pentecostals, and Hare Krishnas.

The Constitution recognizes the special role of the Georgian Orthodox Church in the country's history but stipulates the independence of the Church from the State. The tax code grants tax exemptions only for the Orthodox Church. The Georgian Orthodox Church has lobbied Parliament and the Government for laws that would grant it special status and restrict the activities of missionaries from nontraditional religions. On March 30, Parliament amended the Constitution to allow for ultimate adoption of a concordat between the Church and State, supported by the Church, which would define relations between the two; the concordat was signed in November.

There are no laws regarding the registration of religious organizations. Religious groups that perform humanitarian services may be registered as charitable organizations, although religious and other organizations may perform humanitarian services without registration. Organizations that are not registered may not rent office space or import literature, among other activities. Individual members of unregistered organizations may engage in these activities as individuals, but are exposed to personal legal liability in such cases.

In April 1999, Parliamentarian Guram Sharadze brought a civil suit to ban Jehovah's Witnesses, arguing that the organization is anti-Orthodox, anti-state, and anti-national. A February 22 Supreme Court ruling upheld a June 2000 Appeals Court ruling revoking the Jehovah's Witnesses legal registration. The Court issued a statement clarifying that the judgement did not ban the organization, but had simply revoked its legal status. However, many local law enforcement officials interpreted the ruling as a ban and thus used it as a justification not to protect Jehovah's Witnesses from attacks by religious extremists.

At times local police and security officials harassed nontraditional religious minority groups, particularly Jehovah's Witnesses. There were a number of cases in which police not only failed to intervene to protect such minorities from attacks by Orthodox extremists but also participated in or facilitated the attacks (see Section 5). On March 14, Basilists, with the assistance of traffic police, stopped a truck in Mtskheta carrying books imported by the United Bible Society and attempted to seize and burn them. On September 16, the police and followers of the excommunicated priest Basil Mkalavishvili prevented Jehovah's Witnesses from holding a convention in Marneuli by stopping buses, physically attacking followers, and burning and looting the convention site. Jehovah's Witnesses alleged that police actively participated in these activities, and at least one eyewitness confirmed that police did not impede the Basilists. On September 19, the head of the Marneuli district administration was dismissed for undisclosed reasons following the incident. An investigation was being conducted at year's end.

The Ministry of Interior (including the police) and Procuracy generally have failed to pursue criminal cases against Orthodox extremists for their attacks against religious minorities. On the few occasions in which there were investigations into such attacks, they have proceeded very slowly. In 2000 the Government initiated a criminal case against Father Basili Mkalavishvili, an excommunicated Orthodox priest whose followers have engaged in a number of violent attacks on nontraditional religious minorities; however, the investigation proceeded very slowly during the year (see Section 5). While the criminal case prevented Mkalavishvili from making personal appearances at most attacks during the year, his followers continued their violence in his absence.

In March Parliament passed a resolution condemning religious violence. Shortly thereafter the Procurator questioned Father Mkalavishvili and released him on his own recognizance with the understanding that he was not to leave Tbilisi. However, after a brief period of relative calm, attacks by Mkalavishvili and others resumed (see Section 5). Mkalavishvili's followers and another extremist group—"Jvari" (the Cross) continued to act with impunity.

Some nationalist politicians continued to use the issue of the supremacy of the Georgian Orthodox Church in their platforms, and criticized some Protestant groups, especially evangelical groups, as subversive. Jehovah's Witnesses in particular are the targets of attacks from such politicians.

The Roman Catholic Church and the Armenian Apostolic Church have been unable to secure the return of churches closed during the Soviet period, many of which

were given to the Georgian Orthodox Church by Soviet authorities. A prominent Armenian church in Tbilisi remained closed, and the Armenian Apostolic Church, the Catholic Church, and Protestant denominations have had difficulty obtaining permission to construct new churches as a result of pressure from the Georgian Orthodox Church. While Catholic churches opened in Tbilisi and Batumi in 1999, during the year, the Catholic Church faced difficulties in attempting to build churches in the towns of Kutaisi and Akhaltsikhe.

The Jewish community also experienced delays in the return of property confiscated during Soviet rule. In 1997 a court ordered that a former synagogue—rented from the Government by a theater group—be returned to the Jewish community. In 1998 the theater group brought suit, claiming that the building was never a synagogue. On April 10, the Supreme Court ruled that the central hall of the synagogue should be returned to the Jewish community, but that the theater groups should retain part of the building; however, by year's end the theater group had not yet vacated the central hall.

On a number of occasions, Jehovah's Witnesses encountered difficulty importing religious literature into the country. Shipments were delayed by the Customs Department for lengthy periods of time.

On April 17, Jehovah's Witnesses representative Arno Tungler was denied an entry visa at Tbilisi Airport, despite having an official accreditation from the Ministry of Justice. Tungler since has received a visa and has visited the country.

Regular and reliable information about separatist-controlled Abkhazia is difficult to obtain. An Abkhaz "Presidential" decree bans Jehovah's Witnesses. A number of Jehovah's Witnesses have been detained in the last few years; however, according to a representative of Jehovah's Witnesses, none were in detention at year's end. Five persons who were detained in April 1999 for violating the decree were released after their counsel argued that their detention violated a freedom of conscience clause in the Abkhaz Constitution.

*d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution and the law generally provide for these rights, and the Government generally respected them in practice. Registration of an individual's residence is not required nor are internal passports. Soviet passports bearing "propiskas" (proof of legal residence in a particular locality) were accepted as proof of identity because passports and identity cards are expensive to purchase and difficult to obtain, especially in poor and remote areas.

Approximately 275,000 so-called "Akhiskha" or "Meskhetian Turks," relocated from southern Georgia to Central Asia by Stalin in the 1940's, face official and public opposition to their return. Ethnic-Armenians of the Samtske-Javakheti region in particular also are opposed to their return. Many of the Meskhetians were expelled a second time from Central Asia when the Soviet Union broke up and remain stateless. In 1999 the President issued a decree to address the Meskhetian issue. The decree established the State Commission on Repatriation and Rehabilitation of the Population Deported from Southern Georgia, and the Government undertook to begin the process of Meskhetian repatriation within 3 years. In July 1999, the Government announced that it had granted citizenship to 36 Meskhetians. There are approximately 600 Meskhetians living in the country, most of whom have Georgian citizenship.

The 1994 agreement between Russia, Georgia, Abkhazia, and the U.N. High Commissioner for Refugees (UNHCR) on repatriation in Abkhazia called for the free, safe, and dignified return of internally displaced persons (IDP's) and refugees. The Abkhaz separatist regime prevented such repatriation and unilaterally abrogated the agreement. In January 1999, the Abkhaz separatist regime unilaterally invited IDP's to return to Gali starting on March 1, 1999, but did not ensure adequately their safety. The move did not affect significantly the return of IDP's to Gali, who continued to travel back and forth to the area to tend their property. As many as 40,000 are estimated to be living in Gali on a more or less permanent basis.

The 1992 ethnic conflict in South Ossetia also created tens of thousands of IDP's and refugees. In 1997 the UNHCR began a program to return IDP's and refugees; however, both sides created obstacles that slowed the return. During the year, the South Ossetian separatists continued to obstruct the repatriation of ethnic Georgians to South Ossetia, although some families returned. During the year, South Ossetia continued to press for the return of all Ossetian refugees to South Ossetia rather than to their original homes in other regions of the country. In 1997 the Government publicly recognized the right of Ossetian refugees to return to their homes in Georgia but has taken little facilitative action. Opposition by Georgian authorities to the return of illegally occupied homes has prevented the return of Ossetian refugees to Georgia proper. During the year, approximately 25 Ossetian refugee families returned to South Ossetia.

The Government gives stipends of approximately \$7 (14 GEL) per person per month to IDP'S; however, these were paid inconsistently. The Government subsidizes 50 kilowatts per hour of electricity per month for each IDP. Those in Tbilisi are paid their stipends more frequently than those elsewhere in the country. IDP'S also are not afforded the right to vote in local elections (see Section 3).

Although Parliament passed an asylum law in March 1998, the law does not provide for the granting of refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government does not provide first asylum. According to UNHCR, the Government processed no asylum cases during year. The Ministry for Refugees and Accommodation (MRA) is responsible for the screening and registration of refugees and new arrivals. Since the outbreak of hostilities in Chechnya, the Georgian government has admitted approximately 4000 to 5000 refugees from the conflict. Chechen refugees have settled in the Pankisi Valley in the eastern part of the country. Both local and international NGO'S have provided sporadic assistance to refugees living in the Pankisi Valley; however, after the kidnaping in 2000 of three ICRC staff members, international humanitarian organizations have had only periodic access to the Pankisi Valley.

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

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

The Constitution and the 1995 parliamentary and presidential election laws provide citizens with the right to change their government peacefully through regular elections; however, the 2000 presidential elections were marred by numerous serious irregularities and limited this right in practice. An elected president and parliament govern most of the country.

In April 2000, presidential elections were held. Only two presidential candidates campaigned actively: The incumbent, Eduard Shevardnadze; and Jumber Patiashvili of the Revival of Georgia Party. The Central Election Commission (CEC) reported that Shevardnadze won with over 78 percent of the vote to Patiashvili's 16 percent, in contrast to observer estimates of 50 to 70 percent of the vote for Shevardnadze and 30 percent for Patiashvili. International observers strongly criticized the election; the OSCE noted serious irregularities, including ballot stuffing, group voting, groups of identical signatures on voter's lists, media bias, and lack of transparency in counting and tabulation. Some observers noted a police presence in polling places and insufficiently representative electoral commissions at all levels. The OSCE noted that the situation deteriorated during the counting process and that, in general, procedural safeguards were not implemented. The CEC annulled the election results of six polling stations. A number of smaller political parties boycotted the election, and another party urged the electorate to vote against all candidates. Police disrupted a number of opposition rallies and bureaucratic obstacles were erected to prevent their organization (see Section 2.b.). The Parliament adopted extensive amendments to the electoral laws less than 3 weeks before the presidential election, causing confusion in the election administration. In addition there was inadequate time to implement some of the election law amendments properly. The OSCE also raised concerns about the transparency of the candidate registration process and ballot distribution.

Parliamentary elections were held in October 1999. The Citizens' Union of Georgia (CUG), chaired by President Shevardnadze, won an outright majority. International observers judged the conduct of the elections throughout the country to be a step towards compliance with OSCE commitments. However, they noted a number of irregularities including restrictions on freedom of movement. A second round was held on November 1999, which OSCE observers described as well-conducted in some districts but marred with irregularities in others. There was no voting in the separatist regions of Abkhazia or South Ossetia, which remain outside government control.

The local governments elected in November 1998 were expected to have more authority over local government; however, lack of funding from the central government (in lieu of an independent tax base), corruption, and the absence of legislative guidelines have made it difficult for them to exercise authority. The opposition has criticized the Government for retaining the power to appoint the mayors of the largest cities and regional chairmen, who were not always from the area they serve. In August Parliament passed a new law on local self-government, and in response the CEC postponed local elections scheduled for November. The CEC cited inadequate financing and claimed that the adopted legislation required a number of technical amendments that could not be implemented by the election date. Most political parties have not objected to the postponement. On October 21, by-elections in Vake and

Bagdadi districts were held. The Vake elections were marred by two incidents of ballot box theft; however, the elections showed improvement over previous elections.

The division of power between the central and local governments remained a key issue in the country's transition to democracy. The degree of actual autonomy of the "Autonomous Ajaran Republic"—a former autonomous Soviet republic—was at the center of the debate. In 2000 Parliament granted Ajara the constitutional status of an autonomous republic; however, the division of authority between the national and Ajaran governments has not yet been defined. Ajara's authorities have claimed that regional laws must take precedence over national laws.

The percentage of women in government and politics does not correspond to their percentage of the population. Women hold 5 to 8 percent of the seats in the 235-seat Parliament, and several women hold important committee chairmanships. Two women held ministerial posts.

The percentage of minorities in the Parliament does not correspond to their percentage of the population. Representation of minorities decreased in the 1999 Parliament from 16 members to 13; there were 6 ethnic Armenian representatives and 4 ethnic Azeris in the new Parliament. Other minority groups represented include Ossetians, Kurds, Jews, and Greeks.

Elections have been held periodically by the separatist governments of Abkhazia and South Ossetia, which remained outside government control. International observers have determined that these elections are illegitimate.

"Presidential elections" held in Abkhazia in October 1999 were declared illegal by international organizations, including the U.N. and the OSCE. Georgian authorities also called the election illegitimate, as they had the Abkhaz local elections of 1998, on the basis that a majority of the population had been expelled from the region. In March the Georgian Parliament stated that any further polls held before a settlement to the conflict was reached and displaced persons were returned to their homes would be considered illegal. In November the unrecognized separatist government held "presidential elections" in South Ossetia.

#### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigations of Alleged Violations of Human Rights*

The Government generally respected the right of local and international organizations to monitor human rights but continued to restrict the access of local human rights groups to some prisoners (see Section 1.c.).

There are a number of credible local organizations that monitored human rights, most of them in Tbilisi. Other local human rights groups are extensions of partisan political groups and these have little influence. Local human rights NGO's reported that the Government was slightly less responsive during the year. NGO's are permitted to bring suits to courts of the first instance on behalf of persons whose rights have been abused.

NGO's continued to view the Parliamentary Committee on Human Rights as the most objective of the Government's human rights bodies. The Constitutionally mandated office of the Public Defender, or ombudsman, was created in 1995. The National Security Council's human rights advisor, which has a mandate to investigate claims of abuse, and the Public Defender were active in several individual cases involving police misconduct (see Section 2.c.). However, while government representatives have been effective in individual cases, neither they nor the NGO's have been successful in prompting systemic reform.

In 1997 the UNHCR and the OSCE mission established a joint human rights office in Sukhumi, Abkhazia, to investigate human rights abuses. The office has operated sporadically because of security conditions, but has provided periodic findings, reports, and recommendations. During the year, the office registered relatively few complaints of abuse by de facto police and judicial authorities operating in the region. In August the International Federation of the Red Cross and Red Crescent Societies stopped financing all projects and programs developed with the local Red Cross division after its leader was suspected of misusing the funds given to him.

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

The Constitution recognizes the equality of all citizens without regard to race, language, sex, religion, skin color, political views, national, ethnic, or social affiliation, origin, social status, land ownership, or place of residence; however, discrimination against women and the harassment of religious minorities is a problem. The Constitution stipulates that Georgian is the state language. Ethnic Armenians, Azeris, Greeks, Abkhaz, Ossetian, and Russian communities usually communicate in their native languages or in Russian. Both Georgian and Russian are used for interethnic communication.

*Women.*—Violence against women was a problem. There are no laws that specifically criminalize spousal abuse or violence against women, although the Criminal Code, in force since June 2000, classifies marital rape and sexual coercion as crimes. According to a poll conducted in 1998 by the NGO Women for Democracy, younger women reported that spousal abuse occurs frequently but rarely is reported or punished because of social taboos against raising the problem outside of the family. Spousal abuse is reportedly one of the leading causes of divorce. Domestic violence continued to rise as economic conditions became more difficult. Police did not always investigate reports of rape. A local NGO operating a shelter for abused women and the Government established a hot line for abused women, but has provided no other services. There are anonymous telephone services that assist rape victims, but no shelters, specialized services, or other mechanisms to protect or assist them.

The kidnaping of women for marriage continued to occur, especially in rural areas, although the practice continued to decline. Such kidnapings often are arranged elopements; however, at times these abductions occurred against the will of the intended bride, and sometimes involved rape. Police rarely took actions in such cases.

Prostitution is not a criminal offense, and trafficking in women for the purpose of prostitution is a problem (see Sections 6.c. and 6.f.). Police officers reportedly beat and raped prostitutes (see Section 1.c.).

Sexual harassment and violence against women in the workplace is a problem, especially as economic conditions worsen, according to a U.N. Development Program report. Sexual harassment in the workplace rarely, if ever, is investigated.

The Constitution provides for the equality of men and women; however, discrimination against women is a problem. The Civil Code gives women and men equal inheritance rights. Divorce is legal and can be initiated by either a husband or wife. A 1998 NGO poll of women found a gap between the perceptions of older and younger women; older women tended to view their place in traditional society as an honored one, while younger women reported that although there were no real barriers to a professional life or to a good education, discrimination and harassment in the workplace were problems. Younger women reported that the economic balance had shifted in their favor because many traditionally male jobs had disappeared due to the depressed economy. Women's access to the labor market was improving but remained primarily confined, particularly for older women, to low-paying and low-skilled positions, often without regard to high professional and academic qualifications. As a result, many women sought employment abroad. A NGO study released in 1999 reported that women on average were paid 78 percent of men's wages in the public sector and 67 percent in the private sector. The Government's 1999 data noted a wider disparity in both categories. Reportedly men were given preference in promotions. Of the 105,000 unemployed persons throughout the country, 55 percent were women. Women rarely fill leadership positions. According to the U.N. Development Program (UNDP), employers frequently withhold benefits connected to pregnancy and childbirth.

A number of NGO's, promote women's rights, including the women's group of the Georgian Young Lawyers' Association, the Women's Center, and Women for Democracy. Women's NGO's took an active role in the 1999 parliamentary election and the October by-elections, engaging candidates in discussions about issues of concern.

*Children.*—Government services for children were extremely limited. Free health care is available only for children over the age of 3 years. While education officially is free through high school, many parents were unable to afford books and school supplies, and most parents are forced to pay some form of tuition or teachers' salaries. Most children of school age attended school; however, in some places schools do not function or function sporadically because teachers are not paid, and facilities are inadequate.

There was no societal pattern of abuse of children, but difficult economic conditions broke up some families and increased the number of street children. It is estimated that there are more than 2,500 street children in Tbilisi due to the inability of orphanages and the Government to provide support. The private voluntary organization Child and Environment operates a shelter, and the Ministry of Education operates a second shelter; however, the two shelters can accommodate only a small number of the street children. Outside of Tbilisi, no such facilities exist. Street children often survive by turning to criminal activity, narcotics, and prostitution. Police increasingly harassed and abused street children with impunity. The Government took little other official action to assist street children.

The Isolator detention facility for street children in Gldani was overcrowded, and children frequently were abused by other children and guards. For example, in August 2000, the police detained an 11-year old boy in Tbilisi who was trying to sell a sheet of aluminum. After being taken to the juvenile detention center, police re-

portedly knocked out one of his teeth. He reported seeing other children being beaten. His parents were not notified, and he was not released until after his parents and neighbors held a protest.

The lack of resources affected orphanages as well. Children received inadequate food, clothing, education, and medical care; facilities lacked heat, water, and electricity. The staff was paid poorly, and wages were many months in arrears. The staff often diverted money and supplies provided to the orphanages for its own use. Orphan children in government institutions were not eligible for foreign adoption.

The Criminal Code states that child prostitution and pornography are punishable by imprisonment up to 3 years.

*Persons with Disabilities.*—There is no legislated or otherwise mandated provision requiring access for persons with disabilities; however, the law mandates that the State ensure appropriate conditions for persons with disabilities to use freely the social infrastructure and to ensure proper protection and support. The law includes a provision of special discounts and favorable social policies for persons with disabilities, especially veterans with disabilities; however, many facilities for persons with disabilities remained closed due to lack of funding. Most persons with disabilities were supported by family members or by international humanitarian donations. Societal discrimination against persons with disabilities exists.

*Religious Minorities.*—Despite a general tolerance toward minority religious groups traditional to the country—including Catholics, Armenian Apostolic Christians, Jews, and Muslims—citizens remain very apprehensive about Protestants and other nontraditional religions, which are seen as taking advantage of the populace's economic hardships by gaining membership through the distribution of economic assistance to converts. Some members of the Georgian Orthodox Church and the public view non-Orthodox religious groups, especially nontraditional groups or so-called "sects" as a threat to the national Church and Georgian cultural values and have argued that foreign Christian missionaries should confine their activities to non-Christian areas. Foreign and local members of nontraditional religious groups continued to report harassment by extremist Orthodox groups, police, and other authorities (see Section 2.c.).

Followers of excommunicated Orthodox priest Basili Mkalavishvili (Basilists) engaged in a number of violent attacks on nontraditional religious minorities, including Baptists, Seventh-Day Adventists, and especially, members of Jehovah's Witnesses. During the attacks, Basilists burned religious literature, broke up religious gatherings, and beat parishioners, in some cases with nail-studded sticks and clubs. In January Basilists harassed several families of Jehovah's Witnesses, demanding that they stop holding meetings in homes. On January 22, Mkalavishvili broke up a Jehovah's Witnesses press conference. On March 24, a mob of Basilists attacked eight visiting foreign Assembly of God members; the Basilists stole their camera equipment and inflicted minor injuries. Police reportedly were present and watching but they made no effort to intervene. On April 30, a group of "Basilists" attacked a prayer group of Jehovah's Witnesses in Tbilisi with clubs spiked with nails, burned literature, smashed windows and furniture, and seriously injured three persons. During April and May, following the opening of a criminal case against Mkalavishvili, Basilists continued their attacks against members of Jehovah's Witnesses, which included several cases in which peaceful religious gatherings in Tbilisi, Rustavi, and other locales were broken up and Jehovah's Witnesses were beaten with sticks and clubs. Mkalavishvili publicly encouraged these latest attacks, although he did not participate due to fear of potential legal consequences.

On June 17, approximately 60 "Basilists" attacked a prayer meeting in Tbilisi, and reportedly injured Giorgi Kiknavelidze, an economist. On July 11, Basilists forcibly entered a Tbilisi apartment building and attacked a Christian bible study group—mostly women and children—with clubs and metal pips. In a September 23 attack against members of an evangelical church, Basilists attacked parishioners with wooden clubs and crosses. Initially police did not respond to requests for help; however, they came to the scene once the Basilists had left. Attacks routinely were reported in Tbilisi and throughout the country, and the frequency and intensity of these attacks increased during the year. According to Jehovah's Witnesses, 50 attacks occurred in the first 9 months of the year, more than had occurred during all of 2000. Mkalavishvili and his supporters have been implicated in the majority of attacks.

Although law enforcement authorities were present during some of the attacks, in most instances, they failed to intervene, leading to a widespread belief in police complicity in the activities of the Basilists (see Section 2.c.).

On occasion members of Jvari (the Cross), another Orthodox extremist group, have joined Mkalavishvili's supporters in their activities. For example, on September 30, 14 members of Jvari attacked a meeting of Jehovah's Witnesses in

Rustavi. According to an eyewitness, Jvari leader Paata Blashvili personally assaulted one of the victims. The extremists apparently used sawed off shotguns and other firearms when they ransacked the Jehovah's Witnesses convention site. Two days earlier, members of Jvari participated in attacks by religious extremists in which dozens were injured. Jehovah's Witnesses had received permission to hold the convention by local authorities and local authorities were at the convention site; however, they did not intervene to stop the attacks.

Orthodox priests participated in some attacks on religious minorities; for example, on March 6, four Orthodox priests led a mob in an attack on members of Jehovah's Witnesses in Sachkere. The mayor and local police chief refused to intervene, and local law enforcement officials warned that there would be further attacks.

There were some attacks during the year on religious minorities by unknown forces as well. For example, in March five masked men attacked the Central Baptist Church in Tbilisi. They tied the night watchmen and used a blowtorch to force their way into the room where all of the church's valuables were kept in a safe. There was no investigation into or prosecution of this incident by year's end. On May 12, a private residence used for gatherings in Tbilisi's Samgori district and occupied by a Kurdish Jehovah's Witness family was burned to the ground; 11 family members escaped unharmed.

In December 2000, Basilists encircled a 5,000 square meter plot of land where a local Pentecostal congregation planned to build a multi-purpose building. Father Mkashvili warned them that they were building a Satanist house and that they better stop their work. By year's end, no further construction had taken place on the land.

*National/Racial/Ethnic Minorities.*—The Government generally respected the rights of members of ethnic minorities in non-conflict areas but limited self-government and played a weaker role in ethnic Armenian and Azeri areas (see Section 3). School instruction in non-Georgian languages is permitted.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution and the law provide for the right of citizens to form and join trade unions, and the Government generally respects this right in practice.

The principal trade union confederation is the Amalgamated Trade Unions of Georgia (ATUG), which is the successor to the official union that existed during the Soviet period. The ATUG consists of 31 sectoral unions. In November 2000, the ATUG met to reelect its leadership. The organization officially claims 600,000 members, but it acknowledges that the number of active, dues-paying members is lower. The union has no affiliation with the Government and receives no government funding (except for support to send 200 children each year to summer camp).

In 1998 the ATUG brought suit against the Ministry of Internal Affairs for illegally firing 220 employees in the Ministry's visa office. The suit was to be decided on a case-by case-basis. Several employees had been ordered to be reinstated, but the Ministry refused to do so by year's end.

The ATUG was involved in a legal action with the Government regarding the Palace of Culture, which the ATUG inherited when the Soviet Union collapsed. In 1998 the Constitutional Court awarded the property to the ATUG, but in 1999 a lower court ruled that the ATUG had no rights to the property. On May 30, following a number of court decisions, a decision was made that the union had no right to discuss the issue in its council meeting. The ATUG met with the Justice Council, which confirmed that this violated the law, the Constitution, and ILO regulations. The president of the ATUG continued to speak out on the issue, and in August the city prosecutor opened a case against the president for violating the findings of the court. Both cases were ongoing at year's end.

There are two trade unions in addition to the ATUG: The Free Trade Union of Teachers of Georgia "Solidarity" (FTUTGS) based in Kutaisi; and the Independent Trade Union of Metropolitan Employees which was formed in Tbilisi in 2000.

During 2000 the ATUG supported public sector strikes by teachers, medical service employees, and energy sector workers, most of which were wildcat actions. During the year, teachers went on strike for unpaid wages. Teachers seeking to join the Kutaisi based Free Trade Union of Teachers/Solidarity sometimes were pressured by local government representatives not to do so.

There were no legal prohibitions against affiliation and participation in international organizations. The ATUG works closely with the International Confederation of Free Trade Unions (ICFTU). In 2000 a delegation from the ICFTU held a joint conference with the International Labor Organization (ILO) and the ATUG in Tbilisi. The ICFTU reviewed the ATUG's membership application and in November 2000, the ATUG became a full member of the ICFTU.

*b. The Right to Organize and Bargain Collectively.*—The Constitution and the law allow workers to organize and bargain collectively, and this right is respected in practice; however, the practice of collective bargaining is not widespread.

The law prohibits discrimination by employers against union members, and employers may be prosecuted for antiunion discrimination and forced to reinstate employees and pay back wages; however, the ATUG and its national unions report frequent cases of management warning staff not to organize trade unions. Some workers, including teachers in the Imereti region, employees of various mining, winemaking, pipeline and port facilities, and the Tbilisi municipal government reportedly complained of being intimidated or threatened by employers for union organizing activity. Observers also claimed that employers fail to transfer compulsory union dues, deducted from wages, to union bank accounts. The Ministry of Labor investigated some complaints, but no action had been taken against any employers by year's end.

In 2000 the FTUTGS organized a demonstration in front of government offices in Kutaisi to demand payment of back wages to teachers in the Imereti region's school system. According to several school principals, the governor of the Imereti region told them that the FTUTGS was a "negative force" and should be resisted. Since that time, a number of FTUTGS members allegedly were fired, regardless of seniority, when layoffs or staff reduction took place. According to a foreign union expert, the FTUTGS complained of increased pressure from the school authorities in the second half of 2000, including principals instructing teachers not to join the union and actively preventing teachers from attending meetings. According to union officials, organizers continued to face similar obstacles during the year.

The ICTFU reported that 10 days before the start of the November 2000 Congress of the Georgia Trade Union Amalgamation (GTUA), two unidentified individuals physically attacked Etir Matureli, a union official who played a prominent role in the organization of the Congress. Furthermore, on November 24, 2000, the day the conference began, special antiterrorist forces entered the home of Londa Kikharulidze, a union vice president, and took her son away for questioning. Other delegates reportedly were offered bribes by government officials. Despite these incidents, members reflected the union leadership.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor and provides for sanctions against violators; however, trafficking in women for the purpose of prostitution was a problem (see Section 6.f.).

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

*d. Status of Child Labor Practices and Minimum Age for Employment.*—According to the law, the minimum age for employment of children is 16 years; however, in exceptional cases, the minimum age can be 14 years. The Ministry of Health, Social Service, and Labor enforces these laws and generally they were respected.

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

The Government prohibits forced and bonded labor by children and such practices were not known to occur (see Section 6.c.).

*e. Acceptable Conditions of Work.*—The state minimum wage was raised in 1999 to \$10.80 (20 GEL) a month. There is no state-mandated minimum wage for private sector workers. The minimum wage was not sufficient to provide a decent standard of living for a worker and family. In general salaries and pensions also were insufficient to meet basic minimum needs for a worker and family. Average wages in private enterprises were \$75 to \$100 (150 to 200 GEL) monthly; in state enterprises, \$15 to \$30 (30 to 60 GEL). Salaries often are supplemented by unreported trade activities, assistance from family and friend networks, and the sale of personally grown agricultural products.

The old Soviet labor code, with some amendments, still is in effect. The law provides for a 41-hour workweek and for a weekly 24-hour rest period. The Government workweek often was shortened during the winter of 2000 due to the continuing energy crisis. The labor code permits higher wages for hazardous work and permits a worker to refuse duties that could endanger life without risking loss of employment.

*f. Trafficking in Persons.*—The law does not prohibit specifically trafficking in persons, although trafficking can be prosecuted under laws prohibiting slavery, forced labor, illegal detention, and fraud; the country is both a source and transit country for trafficked persons. It is not generally a final destination for trafficked persons.

Georgian women primarily are trafficked from the country to Turkey, Greece, Israel, and Western Europe to work in bars, restaurants, or as domestic help. Many work in the adult entertainment sector or as prostitutes. Men typically were traf-

ficked to the same countries to perform construction work. There also was evidence that Russian and Ukrainian women have been trafficked through Georgia to Turkey, sometimes using fraudulently obtained Georgian passports. There were reports of Russian and Ukrainian women being sent to beach resorts in the summer months to work as prostitutes. Trafficked persons often were lured by jobs abroad offered through tourism firms and the media; employment agencies falsely advertised jobs as au pairs, models, and housekeepers. For example, many of the women working in the adult entertainment sector as prostitutes were informed, or led to believe, that they actually would be employed as waitresses in bars and restaurants or as domestic help.

A government program for combating violence against women included a proposal for measures to eliminate trafficking in women for the purpose of sexual exploitation; however, it has not been implemented due to budgetary constraints.

There are no other government policies that address the problem of trafficking; however, there have been some prosecutions of traffickers. Prosecutors have used the fraud statutes in several trafficking cases.

There are no Government programs to help victims; however, there are several NGO's involved in combating trafficking and aiding its victims. In 2000 the NGO Women Aid Georgia received international funding and launched a widespread public information campaign to educate women about the dangers of trafficking. The International Organization for Migration (IOM) also works on trafficking issues in the country. Victims who had returned to the country reported problems resuming to normal life.

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## GERMANY

The Federal Republic of Germany is a constitutional parliamentary democracy; citizens periodically choose their representatives in free and fair multiparty elections. The head of the Federal Government, the Chancellor, is elected by the Bundestag, the first of two chambers of Parliament. The powers of the Chancellor and of the Parliament are set forth in the Basic Law (Constitution). The 16 states represented in Parliament in the Bundesrat enjoy significant autonomy, particularly regarding law enforcement and the courts, education, the environment, and social assistance.

Law enforcement is primarily a responsibility of state governments, and the police are organized at the state level. The jurisdiction of the Federal Criminal Office is limited to counterterrorism, international organized crime, particularly narcotics trafficking, weapons smuggling, and currency counterfeiting. Police forces in general are well trained, disciplined, and mindful of citizens' rights; however, there have been instances in which police committed human rights abuses.

The population is approximately 82 million. A well-developed industrial economy provides citizens with a high standard of living. In 2000 the per capita gross national product was \$25,050.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with cases of individual abuse; however, there were a few problems. There were some limits on freedom of assembly and association. There was some discrimination against Scientologists, and one regional court has upheld a ban on the wearing of Muslim headscarves by teachers in public schools. Violence against women and children continued to be a problem, which the Government took steps to address. Some minority religious groups reported instances of societal discrimination. Instances of societal violence and harassment directed at minority groups and foreign residents continued. Women continued to face some wage discrimination in the private sector, as did minorities and foreigners. Trafficking in persons, particularly women and girls, 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 during the year of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

The case of Aamir Ageeb, a Sudanese asylum seeker, who died in May 1999 during a deportation flight while in the custody of Federal Border Police remained pending before a Frankfurt state court at year's end (see Section 2.d.). In January 2000, the Federal Constitutional Court upheld the conviction of former East German Politburo member Egon Krenz, who had been sentenced to 6½ years' imprisonment

for his role in East Germany's shoot-to-kill policy at the East-West border before the fall of the Berlin Wall. In November 2000, the European Court for Human Rights heard his appeal, and on March 22, affirmed the finding of the German Constitutional Court that Krenz and other former East Germans were responsible for the killing of Germans who were trying to escape from East Germany. Krenz began serving his sentence on January 13.

On May 15, a court convicted Red Army Faction member Andrea Klump for her participation in a failed bombing attack in 1988 on a Spanish disco and various other terrorist acts. The Court sentenced her to 9 years' imprisonment. On hearing the verdict, Klump stated that she would not appeal.

An appeal by Bernhard Falk, a member of a leftwing terrorist organization the Anti-Imperialist Cell, of a 1999 conviction and sentencing on four charges of attempted murder in connection with a series of bombing attacks in 1995, continued at year's end.

On November 13, the trial which began in 1997 of four individuals accused of the 1986 bombing of the Berlin La Belle discotheque that killed 3 persons and injured 230 others concluded. One of the defendants was convicted of murder, and the other three defendants were convicted as accessories to murder; they were sentenced to prison terms of 12 to 14 years each. A fifth suspect was acquitted for lack of evidence. At year's end, the prosecution was appealing the verdict to seek longer sentences.

In February a court convicted and sentenced Hans-Joachim Klein to 9 years' imprisonment for the killing of persons during a 1975 attack by leftwing terrorists on a meeting of the Organization of Petroleum Exporting Countries in Vienna, Austria. The court stated that Klein had cooperated by providing information that helped police in their fight against terrorism; however, the prosecution stated they would appeal the verdict as too lenient.

*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, in March the U.N. Committee for the Elimination of Racial Discrimination expressed concern about "repeated reports of racist incidents in police stations as well as ill-treatment by law enforcement officials against foreigners". Amnesty International published a report in July 1999 that found that police treatment of foreigners in custody showed "a clear pattern of abuse." Amnesty International also reported a June 2000 incident of police brutality against a pregnant Togolese woman.

In September 2000, an Iranian family facing deportation claimed that police held the father's arms behind his back, pushed his head down and then held him on the ground in a manner that hindered his breathing. Police allegedly slapped two older children who tried to help. Border police claim that the father and an older child violently resisted deportation. Human rights and asylum-assistance organizations have called for an investigation. Following an internal investigation into this and other incidents, the border police acknowledged that some detainees had been mistreated. However, no officers were held responsible, and no further action is expected in this case.

The Government investigates abuses and prosecutes police who mistreat persons in custody. Amnesty International reported that during the year, the courts adjudicated two cases in which police officers were convicted for abuses against persons held in custody in previous years. On May 17, Munich's District Court upheld the conviction of a police officer for incidents that occurred during Oktoberfest in 1998; three other defendants were acquitted. In April the Rottweil District Court upheld the conviction of two other police officers for a 1999 incident where the police officers violently detained a wrongly identified man as he left his house during a police chase.

There were a number of violent rightwing attacks on minority groups and foreigners (see Section 5).

Prison conditions generally meet international standards. According to the newspaper, German News, on August 1 there was a hunger strike at Tegel prison (the largest prison for men in Europe) of more than 30 inmates to protest the prison conditions. The prisoners' primary complaint was the overcrowding of prison cells. Men are held separately from women, juveniles are held separately from adults, and pre-trial detainees are held separately from convicted criminals.

The Government permits visits by independent human rights monitors, although there were no reports that such visits were requested during the year.

*d. Arbitrary Arrest, Detention, or Exile.*—The Basic Law prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions. A person can be arrested only on the basis of an arrest warrant issued by a competent judicial authority, unless the person is caught in the act of committing a crime, or the

police have strong reason to believe that the person intends to commit a crime. If there is evidence that a suspect might flee the country, police may detain that person for up to 24 hours pending a formal charge. Any person detained by police must be brought before a judge and charged within 24 hours of the arrest. The court then must issue an arrest warrant stating the grounds for detention or order the person's release.

Police at times detained known or suspected rightwing and leftwing radicals for brief periods when they believe such individuals intend to participate in illegal or unauthorized demonstrations (see Section 2.b.). For example, in August 2000, police in Thuringia took into temporary custody 53 persons who were suspected of heading for illegal rallies to mark the 13th anniversary of the death of Rudolf Hess (see Section 5). The rules governing this type of detention are different in each state, with authorized periods of detention ranging from 1 to 14 days, provided judicial concurrence is given within 24 hours of initial apprehension. There were no reports of such detention during the year.

Detainees have access to lawyers. Only judges may decide on the validity of any deprivation of liberty. Bail exists but seldom is employed; the usual practice is to release detainees unless there is clear danger of flight outside the country. In these cases, a person may be detained for the course of the investigation and subsequent trial. Such decisions are subject to regular judicial review, and time spent in investigative custody applies toward the sentence. In cases of acquittal, the Government must compensate the individual.

The Basic Law prohibits forced exile, and the Government does not employ it.

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

Ordinary courts have jurisdiction in criminal and civil matters. There are four levels of such courts (local courts, regional courts, higher regional courts, and the Federal Court of Justice), with appeals possible from lower to higher levels. In addition to the ordinary courts, there are four types of specialized courts: Administrative, labor, social, and fiscal. These courts also have different levels, and appeals may be made to the next higher level.

Separate from these five types of courts is the Federal Constitutional Court, which is the supreme court. Among other responsibilities, it reviews laws to ensure their compatibility with the Constitution and adjudicates disputes between different branches of government on questions of competencies. It also has jurisdiction to hear and decide claims based on the infringement of a person's basic constitutional rights by a public authority.

The judiciary provides citizens with a fair and efficient judicial process, although court proceedings are at times delayed because of increasing caseloads. For simple or less serious cases, the Government has adopted a procedure allowing for an accelerated hearing and summary punishment at the local court level. The maximum sentence for such cases is limited to 1 year, and if a sentence of 6 months or more is expected, a defense counsel must be present.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Basic Law prohibits such actions, and government authorities generally respect these prohibitions; violations are subject to effective legal sanction. For example, one regional court has upheld a ban on the wearing of headscarves by Muslim teachers in public schools (see Section 2.c).

Several hundred organizations were under observation by the federal and state Offices for the Protection of the Constitution (OPC). The OPC are charged with examining possible threats to the democratic system; they have no law enforcement powers, and OPC monitoring by law may not interfere with the continued activities of any organization. In observing an organization, OPC officials seek to collect information, mostly from written materials and first-hand accounts, to assess whether a threat exists. At times more intrusive methods, such as the use of undercover agents, are used, but they are subject to legal checks.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Basic Law provides for freedom of the press, and the Government generally respects this right in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of the press and of speech; however, there were some limits on freedom of speech. The distribution of the propaganda of proscribed organizations or to statements endorsing Nazism or denying the Holocaust, is illegal, and the authorities seek to block what they consider dangerous material on the Internet.

There are more than 800 radio stations and nearly 400 television stations in the country. In addition there are hundreds of daily and weekly newspapers and peri-

odicals. Foreign broadcasts and publications are available readily, particularly in the major cities. The media is independent; a wide range of political and other opinions are expressed freely.

There are approximately 120 Internet service providers. The law bans access to prohibited material (for example, child pornography and Nazi propaganda) on the Internet, and the Government has explored ways to expand cooperation in countering Internet crime. In June 1999, the Justice Ministry cosponsored a major symposium on combating the spread of hate materials on the Internet, and it proposed voluntary measures for Internet service providers and companies doing online business, as well as improved international law enforcement cooperation that have reportedly had a positive effect. In February 2000, the Federal Criminal Office hosted a similar event, bringing service providers and domestic law enforcement officials together to discuss ways to enhance cooperation. German officials estimated that there are approximately 800 Internet sites with what they consider objectionable or dangerous rightwing extremist content. The Federal Court of Justice has held that the country's laws against Nazi incitement may apply to individuals who post Nazi material on Internet sites available to users in the country, even if the site resides on a foreign server.

Academic freedom is respected.

*b. Freedom of Peaceful Assembly and Association.*—The law provides for freedom of assembly, and the Government generally respects this right in practice; however, outlawed organizations are not permitted to hold public assemblies. Permits must be obtained for open-air public rallies and marches, and state and local officials have the authority to deny such permits when public safety concerns arise or when outlawed organizations attempt to hold public assemblies. For example, rallies and marches by neo-Nazis and rightwing radicals commemorating the death of Nazi official Rudolf Hess are banned routinely.

The law provides for freedom of association, and the Government generally respects this right in practice; however, the Basic Law permits the banning of organizations whose activities are found to be illegal or opposed to the liberal democratic order as established by the Basic Law. The Federal Constitutional Court is the only body that can outlaw political parties on these grounds; under this provision, the Court in the 1950's banned a neo-Nazi and a Communist party. Federal or state governments may ban other organizations on these grounds, but legal recourse against such decisions is available. Such banned organizations include a number of groups that authorities generally classify as rightwing or leftwing, foreign extremist, or criminal in nature. Several hundred organizations were under observation by the Federal and state OPC (see Section 1.f.).

In August 2000, the Government established a commission of experts to examine whether evidence against the rightwing extremist National Democratic Party (NPD) would meet the threshold to support a legal ban, which was demanded widely after a surge of rightwing extremist activity. Based on the commission's recommendations, in November 2000, the Government agreed to petition the Federal Constitutional Court to ban the NPD. The Bundestag and Bundesrat supported this decision and have filed separate petitions for the banning of the NPD with the Court. A decision was pending before the Federal Constitutional Court at year's end.

In September 2000, the Federal Interior Minister banned the rightwing extremist skinhead organization "Blood and Honor" and its youth organization, "White Youth," citing as justification the groups' rejection of the constitutional order. These bans (the first issued by the Federal Government since 1995) allow the Government to seize the groups' assets; however, members are free to reconstitute themselves under a new name. In December the Federal Interior Minister banned the extremist Islamic organization, State of the Caliphate, on the grounds that the organization "actively worked to undermine the country's constitutional order." The ban was made following a change in the law in December that removed a previous exception for religious organizations.

*c. Freedom of Religion.*—The Basic Law provides for the freedom of religion, and the Government generally respects this right in practice; however, there is some discrimination against minority religions.

Religious organizations are not required to register; however, most are registered and are treated like nonprofit associations and therefore enjoy tax-exempt status.

Church and state are separate, although historically a special relationship exists between the State and those religious communities that have the status of a "corporation under public law." Religions enjoying this status may request that the Government collect church membership taxes on their behalf for an administrative fee; however, not all religious groups take advantage of this privilege. State governments subsidize various institutions affiliated with public law corporations, such as church-run schools and hospitals. State subsidies also are provided to some religious

organizations for historical and cultural reasons. Many religions and denominations have been granted public law corporation status; among them are the Lutheran and Catholic Churches, Judaism, the Church of Jesus Christ of Latter-Day Saints, Seventh-Day Adventists, Mennonites, Baptists, Methodists, Christian Scientists, and the Salvation Army. Applications from several Islamic groups are pending in various states.

In 1993 Jehovah's Witnesses appealed to the Constitutional Court a 1993 decision of the Berlin State Government that had denied the church public law status. In 1997 the Federal Administrative Court in Berlin upheld the Berlin State Government's decision. The court concluded that the group did not offer the "indispensable loyalty" toward the democratic state "essential for lasting cooperation," because it forbids its members from participating in public elections. The group does enjoy the basic tax-exempt status afforded to most religious organizations. In December 2000, the Constitutional Court found in favor of Jehovah's Witnesses, remanding the case back to the Federal Administrative Court in Berlin. The Constitutional Court, upon examining the conditions for granting a religious group the status of a public law corporation, found that because the Basic Law requires the separation of church and state, "loyalty to the state" could not be a condition imposed on religious communities. The Constitutional Court tempered the victory for Jehovah's Witnesses by instructing the Federal Administrative Court to examine whether Jehovah's Witnesses use coercive methods to prevent their members from leaving their congregations and whether their child-rearing practices conform to German human rights standards. In May the Federal Administrative Court referred the case back down to the Higher Administrative Court in Berlin to address the open questions.

Several states, noting their responsibility to respond to citizens' requests for information about these groups, have published pamphlets detailing the ideology and practices of nonmainstream religions. While many of the pamphlets are factual and relatively unbiased, others may harm the reputations of some groups through innuendo and inclusion in a report covering known dangerous cults or movements. Scientology is the focus of many such pamphlets, some of which warn of the alleged dangers posed by Scientology to the political order and freemarket economic system and to the mental and financial well being of individuals. For example, the Hamburg OPC published "The Intelligence Service of the Scientology Organization," which claims that Scientology tried to infiltrate governments, offices, and companies, and that the church spies on its opponents, defames them, and "destroys" them.

In April the federal OPC concluded in its annual report for the year 2000 that its stated reasons for initiating observation of Scientology in 1997 remained valid. The section of the report covering Scientology described the organization's political ideology as antidemocratic, quoting from the writings of Scientology founder L. Ron Hubbard and Scientology pamphlets.

The Church of Scientology, which operates 18 churches and missions remained under scrutiny by both federal and state officials, who contend that its ideology is opposed to democracy. Since 1997 Scientology has been under observation by the Federal and State OPC's (see Section 1.f.). One state, Schleswig-Holstein, does not implement observation; state officials have concluded that Scientology does not have an actively aggressive attitude towards the Constitution—the condition required by the state's law to permit the OPC observation. On December 12, the Berlin Regional Administrative Court held that the Berlin OPC could not employ undercover agents to continue the observation of Scientology's activities in the state of Berlin. The Court concluded that after 4 years of observation, the Berlin OPC had failed to uncover information that would justify the continued use of intrusive methods. Observation is not an investigation into criminal wrongdoing, and, to date, no criminal charges have been brought against the Church of Scientology by the Government.

Government authorities contend that Scientology is not a religion but an economic enterprise and therefore at times have sought to deregister Scientology organizations previously registered as nonprofit associations and require them to register as commercial enterprises. With the exception of the Church of Scientology in Baden-Wuerttemberg, no Scientology organization in the country has tax-exempt status.

Scientologists continued to report discrimination because of their beliefs. A number of state and local offices share information on individuals known to be Scientologists. Until March the Government required firms to sign a declaration (a "sect filter") in bidding on government contracts stating that neither the firm's management nor employees were Scientologists. The term sect filter is misleading because the declarations are Scientology specific and in practice do not refer to any other group; they could more accurately be described as "Scientology filters." Firms that failed to submit a sect filter declaration were presumed "unreliable" and excluded from consideration. In response to concerns expressed by foreign governments and multinational firms, in 2000 the Economics Ministry limited the scope

of the sect filter to consulting and training contracts. In March the Economics Ministry persuaded the federal and state interior ministries to accept new wording that would only prohibit use of the "technology of L. Ron Hubbard" in executing government contracts. Firms owned or managed by or employing Scientologists could bid on these contracts. The private sector on occasion has required foreign firms that wish to do business in the country to declare any affiliation that they or their employees may have with Scientology. Private sector firms that screen for Scientology affiliations frequently cited OPC observation of Scientology as a justification for discrimination (see Section 5). The Federal Property Office has barred the sale of some real estate to Scientologists, noting that the federal Finance Ministry has urged that such sales be avoided, if possible.

Scientologists reported employment difficulties, and, in the state of Bavaria, applicants for state civil service positions must complete questionnaires detailing any relationship they may have with Scientology. Bavaria identified some state employees as Scientologists and has required them to complete the questionnaire. The questionnaire specifically states that the failure to complete the form will result in the employment application not being considered. Some of these employees have refused, and two filed suit in the local administrative court. Both cases have been decided, both in favor of the employees. Others refused to complete the questionnaire, but chose to await rulings in the two mentioned cases. The Bavarian Interior Ministry commented that these were individual decisions, but withdrew the questionnaire for persons already employed with the State of Bavaria or the City of Munich; however, the questionnaire is still in use for persons seeking new state or municipal government employment. In one case, a person was not given civil service but only employee status (a distinction which involves important differences in levels of benefits); in another case, a person quit Scientology in order not to jeopardize his career. According to Bavarian and federal officials, no one in Bavaria lost a job or was denied employment solely because of association with Scientology; Scientology officials confirmed this fact.

In a well-publicized court case in January 1999, a higher social court in Rheinland-Pfalz ruled that a Scientologist was allowed to run her au pair agency, for which the State Labor Ministry had refused to renew her license in 1994 because of her membership in the Church of Scientology. The judge ruled that the question of a person's reliability hinges on the person and not their membership in the Church of Scientology. The ruling remained under appeal by the State Labor Office at year's end, and the au pair agency continued operations.

There remained areas in which the law conflicts with Islamic practices or raises religious freedom issues. In November 1999, the Government published a comprehensive report on "Islam in Germany" which examined these issues in response to an inquiry from the Bundestag.

On June 26, an administrative court upheld a 1998 ban in the southern state of Baden-Wuerttemberg on Muslim teachers wearing headscarves in the classroom. An appeal before the Federal Administrative Court was pending at year's end. However, in October 2000, the Administrative Court in Lueneburg, Lower Saxony, ruled in favor of a Muslim teacher who had been refused permanent employment for wearing a headscarf in the classroom. The Court found that wearing a headscarf did not constitute cause for denial of employment and instructed the authorities to admit the teacher into probationary civil service status. Members of Christian religious orders similarly are not allowed to wear their habits while teaching at public schools, although habits are permitted in denominational schools. Muslim students are free to wear headscarves.

The right of Muslims to ritually slaughter animals has been the subject of two court cases. In November 2000, the Federal Administrative Court ruled that the Islamic Community of Hesse was not a religious community as provided for in the animal protection laws and could not, therefore, receive a waiver to laws requiring an animal to be stunned before slaughter. The Court did not rule on whether Islam prescribes the exclusive consumption of ritually-slaughtered meat, noting that such decisions were beyond the scope of the courts. A similar case was heard by the Federal Constitutional Court, although the Court had not issued a decision by year's end.

Most public schools offer religious instruction in cooperation with the Protestant and Catholic churches and will offer instruction in Judaism if enough students express interest. A nonreligious ethics course or study hall usually is available for students not wishing to participate in religious instruction. The issue of Islamic education in public schools continued to be controversial. In February 2000, the Federal Administrative Court upheld previous court rulings that the Islamic Federation qualified as a religious community and thus must be given the opportunity to provide religious instruction in Berlin schools. The decision drew criticism from the

many Islamic organizations not represented by the Islamic Federation. In August after it had rejected proposed syllabi on four occasions, the Berlin State Government directed the Berlin Department of Education to offer Islamic classes at two Berlin primary schools. However, the Berlin State Government was unable to secure the acceptance of the syllabi by all Muslim associations.

In November 2000, the Rheinland-Pfalz Superior Court (OVG) ruled that the German Unification Church (Moon Community) was permitted to contest an immigration order prohibiting its leader's entrance into the country. The court also left open an appeal by either the immigration authorities or the Unification Church to the Federal Administrative Court in Berlin because of the significance of the matter.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Basic Law provides for these rights, and the Government generally respects them in practice. For ethnic Germans from Eastern Europe and the former Soviet Union, the Basic Law provides both for citizenship immediately upon application and for legal residence without restrictions. As of January 2000, a new law entered into effect that grants citizenship to children born to legal foreign residents. Individuals may retain both German citizenship and that of their parents until the age of 23, when they must choose one or the other. The law also decreased the period of residence legal foreign residents must spend in the country in order to earn the right to naturalize from 15 to 8 years.

The Basic Law and subsequent legislation provide for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Both the Federal Government and state governments cooperate with the office of U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees, although immigration matters are primarily a state-level responsibility.

Individuals attempting to enter via a "safe third country" (any country in the European Union (EU) or adhering to the Geneva Convention on Refugees) are ineligible for asylum and can be turned back at the border or returned to that "safe third country" if they manage to enter the country. Persons coming directly from any country which officials designate as a "safe country of origin" cannot claim asylum in Germany, and individuals whose applications are rejected on these grounds have up to 2 weeks to appeal the decision. Individuals who arrive at an international airport and who are deemed to have come from a "safe country of origin" can be detained at an airport holding facility. In these cases, the Federal Office for the Recognition of Foreign Refugees must make a decision on an asylum application within 48 hours or allow the person to enter the country. The person may appeal a negative decision to an administrative court within 3 days, and the court must rule within 14 days or allow the individual to enter the country. Although stays in the airport facility thus are, in theory, limited to a maximum of 19 days, applicants whose claims were rejected, but who could not be deported immediately have been held at the airport for months, a practice criticized by some refugee assistance groups and human rights advocates (see Section 1.c.).

Applicants who enter the country and are denied asylum at their original administrative hearing may challenge the decision in court, and 80 percent of applicants denied asylum do so. Approximately 3 to 4 percent of such rejections are overturned. The rejected applicant is allowed to remain in country during the course of the appeal, which usually takes at least a year and sometimes significantly longer. In October 2000, the Government announced changes to the regulations governing asylum seekers and employment. Since December 2000, applicants for asylum and civil war refugees have been allowed to work after a 1-year waiting period. The Government estimated that approximately 75,000 foreigners would be entitled to work under the new rules. Individuals who fail to cooperate during the deportation process or who are deemed liable to flee to avoid deportation can be held in predeportation detention, with the average detention period lasting 5 to 6 weeks.

Some foreigners whose asylum applications were rejected, but who would be endangered if they were returned to their home country, such as those fleeing civil wars, receive temporary residence permits; however, they are expected to leave when conditions in their home country allow for their safe return. The vast majority of the approximately 345,000 Bosnians and the approximately 200,000 Kosovars whom the Government admitted during the conflict in the former Yugoslavia fall into this category; most of these persons have since been repatriated or resettled outside of the country. For the remaining Bosnians and Kosovars, once their residence permits expire, they may be deported, although some exceptions were made for certain vulnerable groups, such as members of ethnic minorities, including Serbs, Roma, Ashkalia, and Muslim Slavs. In a number of cases, there also were exceptions made for medical reasons. The Government continued to support voluntary return programs for refugees from the former Yugoslavia, providing financial

incentives of between \$765 and \$2,250 (DM 1,350 to DM 4,500) to help cover travel and resettlement costs; many states provided additional resettlement funds. However, failure to accept voluntary repatriation subjects these refugees to the threat of deportation, forces them to leave their personal property behind, and excludes them from reentering the country for a 5-year period.

The right of most Kosovar refugees to stay in the country expired in spring 2000 and most states began regular deportations in March 2000. By the end of 2000, 6,800 Kosovar refugees had been deported, among them approximately 1,300 ex-offenders. During the year, approximately 4,500 Kosovar refugees were deported and approximately 8,200 returned home on a voluntary basis. Some national officials, the UNHCR, and domestic refugee support organizations have cautioned that the refugees' place of origin and ethnicity should be given careful consideration in the implementation of Kosovar returns.

State authorities, working in close cooperation with the International Organization for Migration (IOM), the UNHCR, and other domestic nongovernmental organizations (NGO's), continued to repatriate Bosnian refugees, unless they qualified for an extension of stay on certain humanitarian grounds. In November 2000, the Federal and State Interior Ministers decided at their annual meeting to grant severely traumatized Bosnians and their family members, including unmarried adult children, temporary residence permits for the duration of their medical treatment. In addition the Government will permit some older Bosnian refugees, as well as some categories of Kosovars (such as orphaned children, ethnically mixed couples from areas with no minority protection, and war crimes tribunal witnesses) to stay in the country.

Refugee assistance organizations have expressed concern regarding courts' interpretations of certain provisions related to the right of asylum, notably the practice of excluding "quasi-governmental" persecution as a basis for granting asylum. In August 2000, the Federal Constitutional Court ruled that lower courts had erred in denying asylum to three Afghan applicants because their persecutors were not a state government but members of a Mujahadeen group—a quasi-governmental entity. The case was remanded back to the lower court with instructions to reconsider the issue of quasi-governmental persecution, and a decision was pending at year's end. In response to the Constitutional Court ruling, the Federal Office for the Recognition of Foreign Refugees has postponed making decisions in all pending asylum cases involving quasi-governmental persecution until the lower court reissues its ruling.

An investigation into the 1999 death of a Sudanese asylum seeker who died during a deportation flight while in the custody of the Federal Border Police remained pending at year's end (see Section 1.a). The Border Police allegedly physically subdued the man during takeoff because he was resisting violently (see Section 2.d.). As a result of this incident, the Federal Interior Ministry has instituted new deportation procedures that prohibit methods that could hinder breathing.

In June 2000, the Federal Government appointed a commission of experts to examine every aspect of immigration and to propose administrative or legislative changes if deemed necessary. In July the Commission submitted its report, and in November the Government introduced an immigration bill to Parliament; the legislation was pending before Parliament at year's end.

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

The Basic Law provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections. Members of Parliament's first chamber, the Bundestag, are elected every 4 years from a mixture of direct-constituency and party-list candidates on the basis of universal suffrage and secret balloting. The second chamber, the Bundesrat, is composed of delegations from state governments; there are no collective Bundesrat elections.

In the Bundestag, there are two major political parties, the Social Democrats (SPD) and the Christian Democratic Union/Christian Social Union (CDU/CSU), as well as three smaller parties, the Free Democrats (FDP), the Greens, and the Party of Democratic Socialism (PDS). A political party must receive at least 5 percent of the popular vote nationwide or win 3 constituencies outright to be represented in the Bundestag. The federal Constitutional Court may outlaw political parties that actively work to undermine the liberal democratic order (see Section 2.b.).

The percentage of women in government and politics does not correspond to their percentage of the population, although the law entitles them to participate fully in political life, and a growing number are prominent in the Government and the parties. Slightly under 31 percent of the members of the Bundestag are female. Women

occupy 7 of 15 Federal Cabinet positions. On the Federal Constitutional Court, 5 of the 16 judges are female, including the Chief Justice. Three of the parties represented in the Bundestag are headed by women: The Christian Democratic Union, the Greens/Alliance 90 (co-chaired by a woman and a man), and the Party of Democratic Socialism. All of the parties have undertaken to enlist more women. The Greens/Alliance 90 Party requires that women constitute half of the party's elected officials; and 57.5 percent of the Party's federal parliamentary caucus members are women. The Social Democrats have a 40-percent quota for women on all party committees and governing bodies, and they have met that goal. The Christian Democrats require that 30 percent of the first ballot candidates for party positions be women, a goal which they have met.

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

A wide variety of international and domestic human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are very cooperative and responsive to their views.

In December 2000, the Bundestag voted to create the National Institute for Human Rights, an autonomous foundation whose function will be to monitor human rights both domestically and abroad and to promote education and scientific research in the field.

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

The law prohibits the denial of access to housing, health care, or education on the basis of race, religion, disability, sex, ethnic background, political opinion, or citizenship.

*Women.*—Violence against women was a problem and was underreported. According to Government statistics published during the year, in 2000 there were 7,499 cases of rape reported. The law prohibits violence against women and the Government has implemented a vast array of legal and social structures to combat it. Societal attitudes toward such violence are strongly negative, and legal and medical recourse are available. During the year, the Government conducted campaigns in schools and through church groups to bring public attention to the existence of such violence and the Government has supported numerous pilot projects to combat such violence throughout the country. For example, there are 435 “women’s houses”, including 115 in the eastern states (excluding Berlin), where victims of violence and their children can seek shelter, counseling, and legal and police protection. In the last few years, the Federal Ministry for Women and Youth has commissioned a number of studies to obtain information on violence against women, sexual harassment, and other matters.

Trafficking in women and is illegal; however, trafficking in women was a serious problem (see Section 6.f.).

There were no reports that women were victims of sexual harassment.

The Government continued to implement its multiyear action plan, “Women and Occupation,” adopted in 1999. The program promotes the equality of women and men in the workforce, including increased vocational training for women, greater representation of women in political advisory councils, and the promotion of female entrepreneurs through government grants and participation in regional projects earmarked for women. The Federal Ministry for Families, the Elderly, Women, and Youth also announced a multiyear initiative designed to increase the number of women and girls who receive training in information technology (IT) and in media careers, with the goal of raising the number of IT-training slots to 60,000 by 2003 and the share of female IT-trainees to 40 percent by 2005. The law provides for equal pay for equal work; however, in practice many employers categorize individual jobs held by women differently from the same job held by a man, thereby creating inequalities in pay for men and women. Union contracts typically identify categories of employment in which participants are to be paid less than 100 percent of the wage of a skilled laborer covered by the same contract. Women are represented disproportionately in these lower-wage scale occupations. In general a woman’s average monthly income is lower than a man’s average monthly income. However, if factors such as differences in age, qualification, occupational position, structure of employment or seniority are taken into consideration, women usually are not discriminated against in terms of equal pay for equal work, although they are underrepresented in well paid managerial positions.

In January 2000, the European Court of Justice ruled that the Government’s prohibition on women in combat roles in the armed forces violated EU directives

against discrimination based on gender. The Government accepted the ruling and in December 2000 completed the process of amending the Constitution to open all military jobs to women on a voluntary basis. The first group of 244 women reported for duty on January 2.

*Children.*—The Government is strongly committed to children's rights and welfare; it amply funds systems of public education and medical care. Public education is provided free of charge through the university level, and is mandatory through the age of 16; almost all children attend school on a daily basis.

The Government has recognized that violence against children is a problem. Police figures recorded 15,279 cases of sexual abuse of children in 2000, a 1.9 percent increase from 15,279 in 1999. Officials believe that the number of unreported cases may be much higher. The law stresses the need for preventive measures, and in response the Government has increased its counseling and other assistance to abused children.

The Criminal Code provides for the protection of children against pornography and sexual abuse. For possession of child pornography, the maximum sentence is 1 year's imprisonment; the sentence for distribution is 5 years. The law makes the sexual abuse of children by German citizens abroad punishable even if the action is not illegal in the child's own country.

Trafficking in girls was a serious problem (See Section 6.f.).

*Persons with Disabilities.*—The Basic Law specifically prohibits discrimination against persons with disabilities, and there were no reports of discrimination against persons with disabilities in employment, education, or in the provision of other state services. The law mandates several special services for persons with disabilities; they are entitled to assistance to avert, eliminate, or alleviate the consequences of their disabilities and to secure employment commensurate with their abilities. The Government offers vocational training and grants for employers who hire the disabled. Persons with severe disabilities may be granted special benefits, such as tax relief, free public transport, special parking facilities, and exemption from radio and television fees.

The Government has set guidelines for the attainment of "barrier-free" public buildings and for modifications of streets and pedestrian traffic walks to accommodate persons with disabilities. All 16 states have incorporated the federal guidelines into their building codes, and 98 percent of federal public buildings follow the guidelines for a "barrier-free environment." There were no reports of societal discrimination against persons with disabilities.

*Religious Minorities.*—Scientologists continued to report instances of societal discrimination (see Section 2.c.). In October the management of a commercial racing track in Oschersleben informed the foreign subsidiary of the California Superbike School—a private firm—that it could not rent the track to conduct a training session; they stated that the denial was based on the grounds that the founder of the School was a Scientologist, and that Scientology was under OPC observation.

With an estimated 3 million adherents, Islam is the third most commonly practiced religion in the country (after Catholicism and Lutheranism). All branches of Islam are represented in the country, with the vast majority of Muslims coming from a large number of other countries. This has, at times, led to societal discord, such as local resistance to the construction of mosques or disagreements over whether Muslims can use loudspeakers in residential neighborhoods to call the faithful to prayer.

Opposition to the construction of mosques was reported in various communities during the year. In August 2000, a protest movement in the Stuttgart suburb of Heslach tried to prevent the construction of a mosque, claiming that the planned building did not fit into the community. The city offered the Islamic organization an alternative location, which the group declined. Subsequently the city denied a construction permit. The dispute remained unresolved at year's end.

A planned mosque in the Frankfurt suburb of Roedelheim has caused some controversy. Neighbors have expressed concerns about an increase in traffic if visitors come to attend services at the mosque. Newspapers reported that open opposition to the project was voiced at citizen meetings with the city administration. Leading city officials appeared to support the construction of the mosque, but the case remained pending at year's end.

The 2000 report of the Federal OPC does not distinguish violent crimes by the religious affiliation of the victims. Specific mention is made only of the desecration of Jewish graves or cemeteries. The report lists 56 such cases in 2000.

In October 2000, Molotov cocktails thrown at the synagogue in Düsseldorf caused slight damage to the building. On October 11, two young men of Arab origin were convicted of aggravated arson in association with the attack. Police found Nazi symbols and related items in the suspects' homes. The synagogue, as well as all other

synagogues and Jewish community buildings, remained under police protection around the clock since the incident.

*National/Racial/Ethnic Minorities.*—Unlike in the previous year, there were no reports of deaths resulting from violence by rightwing extremists against marginalized social groups. OPC statistics for 2000 indicated a 49 percent increase in the overall number of proven or suspected rightwing crimes committed in 2000 as compared with 1999 (10,037 in 1999 to 14,951 in 2000). The number of violent rightwing crimes (including killings, attempted killings, and attacks that result in bodily injury, arson, and bombings) rose more than 30 percent, from 746 in 1999 to 998 during 2000.

The OPC reported that 50,900 persons were active in rightwing circles in 2000; including 36,500 members of rightwing political parties, 2,200 neo-Nazis, 4,200 members of other rightwing groups, and approximately 9,700 violence-prone individuals. Perpetrators of rightwing extremist violence were predominantly young, male, and of low socioeconomic status; they often committed such acts spontaneously and while inebriated. Most of the violent individuals (85 percent of whom are skinheads) could best be described as rightwing-oriented, having loose, if any, practical or ideological ties to organized extremist groups. The percentage of crimes with proven or suspected rightwing background was disproportionately high in the east; the OPC reported that more than half of rightwing skinheads live in the east, an area with only 21 percent of the country's population. In addition to these rightwing extremists, the OPC estimated that there were approximately 7,000 violence-prone leftwing extremists, whose primary targets were their rightwing counterparts.

In June 2000, three rightwing extremists beat to death Alberto Adriano, a Mozambican immigrant, as he walked home through a park at night in Dessau, Saxony-Anhalt. Authorities convicted three perpetrators; a 24-year-old defendant was sentenced to life in prison, and two 16-year-old accomplices were sentenced to 9 years in a youth facility. The 24-year-old and one of the juveniles have appealed their sentences, and the case continued at year's end.

In July 2000, three Kosovar Albanian children were injured when a firebomb was thrown through the window of the shelter for asylum seekers where they were staying in Ludwigshafen, Rhineland-Palatinate. Police arrested four skinheads 4 days later, and they were charged with the crime; the case was pending at year's end.

The trial of 11 rightwing extremists charged with the February 1999 death of Algerian asylum seeker Farid Guendoul in Brandenburg ended in November 2000 with the convictions of 8 defendants on charges of negligent homicide and of all 11 for lesser charges. Of the 11 persons convicted, 10 have appealed their convictions, while Guendoul's family has appealed the sentences which they consider to be too lenient: 3 youths were sentenced to 2 to 3 year terms in a youth facility while the others received suspended sentences or warnings; the appeals were ongoing at year's end. Since its dedication, a memorial to Guendoul has been desecrated a number of times by suspected rightwing extremists.

The Federal Government and state governments remained firmly committed to combating and preventing rightwing violence. In August and in November 2000, Federal and State Interior Ministers agreed on a slate of measures to combat extremist violence, which includes increased physical protection of Jewish and other potential targets, the creation of a national register of violent rightwing extremists, increased patrolling or video monitoring by the border police in transit stations, and the prosecution of illegal rightwing content on the Internet (see Section 2.a.). The Federal Border Police also established a hot line for concerned citizens to report rightwing crimes. The Government announced that it would use \$34 million (DM 75,000,000) from the EU Social Fund for antirightwing initiatives, to be cofinanced by the states or communities wishing to apply for project funds. In addition a number of state and local governments continued programs to crack down on rightwing extremist activities and to engage young persons considered most "at risk" for rightwing behavior.

Isolated attacks targeting Turkish establishments and individuals continued during the year. Although some attacks were linked to rightwing perpetrators, many were attributed to intra-Turkish political or private disputes. In August 2000, a 43-year-old Kurd was arrested and indicted for his alleged actions as a Kurdistan Workers' Party (PKK) functionary, including his order for Kurdish demonstrators to occupy foreign embassies and consulates in Germany after the 1999 arrest and return to Turkey of PKK leader Abdullah Ocalan; his case was ongoing at year's end.

The Government protects and fosters the languages and cultures of national and ethnic minorities that traditionally have lived in the country (for example, Sorbs, Danes, Roma, Sinti, and Frisians). Although the Government has recognized the Sinti and Roma as an official "national minority" since 1995, the Federal and state interior ministries have resisted including Romani among the languages to be pro-

tected under relevant European statutes. Critics contend that the Sinti/Romani minority is the only official national minority that does not have unique legal protection, political privilege, or reserved representation in certain public institutions.

Resident foreigners and minority groups continued to voice credible concerns about societal and job-related discrimination. Unemployment affects foreigners disproportionately, although at times this was due in part to inadequate language skills or nontransferable professional qualifications of the job seekers (see Section 6.e.). The Federal Government and all states have established permanent commissions to assist foreigners in their dealings with government and society.

*Section 6. Worker Rights*

*a. The Right of Association.*—The Basic Law provides for the right to associate freely, choose representatives, determines programs and policies to represent workers' interests, and publicize views, and workers exercised these rights. Approximately 28.5 percent of the total eligible work force belong to unions. The German Trade Union Federation (DGB) represents approximately 85 percent of organized workers.

The Basic Law provides for the right to strike, except for civil servants (including teachers) and personnel in sensitive positions, such as members of the armed forces. In the past, the International Labor Organization (ILO) has criticized the Government's definition of "essential services" as overly broad. The ILO continued to seek clarifications from the Government on policies and laws governing the labor rights of civil servants.

The DGB participates in various international and European trade union organizations, including the European Trade Union Confederation (ETUC) and the International Confederation of Foreign Trade Unions (ICFTU).

*b. The Right to Organize and Bargain Collectively.*—The Basic Law provides for the right to organize and bargain collectively and workers exercised these rights. Collective bargaining is widespread due to a well-developed system of autonomous contract negotiations, mediation is used infrequently. Basic wages and working conditions are negotiated at the industry level. However, some firms in the eastern part of the country have refused to join employer associations or have withdrawn from them and then bargained independently with workers. In addition some firms in the west withdrew at least part of their work force from the jurisdiction of employer associations, complaining of rigidities in the industrywide, multicompany negotiating system; however, they have not refused to bargain as individual enterprises. The law mandates a system, known as co-determination, whereby workers are able to participate in the management of the enterprises in which they work through "works councils" and worker membership on boards of directions.

The law effectively protects workers against antiunion discrimination. Labor courts are courts of first instance; therefore, complainants file their cases directly with the labor courts. Specialized labor court judges render decisions in these cases.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Basic Law prohibits forced or compulsory labor; however, trafficking in women was a problem (see Section 6.f.).

In July 2000, agreement was reached among eight nations, German companies, and victims' representatives on the establishment of a German foundation which will distribute funds for payments to private and public sector Nazi era forced and slave laborers and others who suffered at the hands of German companies during the Nazi era. The Government and German companies will each contribute \$2.3 billion (DM 5 billion) to the foundation, which is established under German law. The foundation concluded agreements with partner organizations that are to receive foundation funds in order to process and pay claims according to agreed procedures and subject to audit. Payments to former forced laborers began in July. Since July the Government has paid approximately \$1 billion (DM2 billion) to approximately 600,000 claimants worldwide.

The Basic Law prohibits forced or bonded labor in children; however, trafficking in girls was a problem (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The law prohibits the employment of children under the age of 15, with a few exceptions: Those 13 or 14 years of age may do farm work for up to 3 hours per day or may deliver newspapers for up to 2 hours per day; and those 3 to 14 years of age may take part in cultural performances, albeit under stringent curbs on the kinds of activity, number of hours, and time of day. The Federal Labor Ministry effectively enforces the law through its Factory Inspection Bureau.

On July 5, the Bundestag ratified ILO 182 on the Worst Forms of Child Labor; the law took effect on December 18.

The Basic Law prohibits forced or bonded labor in children; however, trafficking in girls was a problem (see Section 6.f.).

*e. Acceptable Conditions of Work.*—There is no legislated or administratively determined minimum wage; wages and salaries are set either by collective bargaining agreements between unions and employer federations or by individual contracts. Covering approximately 90 percent of all wage and salary-earners, the collective bargaining agreements set minimum pay rates and are enforceable by law. These minimums provide a decent standard of living for a worker and family.

In September 2000, the Federal Constitutional Court refused to review a case filed by a civil servant in East Berlin, who had argued unsuccessfully that the prevailing system of different rates of pay for public service workers in the east and west were unconstitutional. The Court ruled that lower wages in the east were justifiable due to differences in the economic situation in both parts of the country and stated that the pay gap had narrowed steadily since 1992.

Federal regulations limit the workweek to a maximum of 48 hours, but the number of hours of work per week is regulated by contracts that directly or indirectly affect 80 percent of the working population. The average workweek for industrial workers is 36 hours in the western part of the country and approximately 39 hours in the eastern states; rest periods for lunch are accepted practices. Provisions for overtime, holiday, and weekend pay vary depending upon the applicable collective bargaining agreement.

There is an extensive set of laws and regulations on occupational safety and health. A comprehensive system of worker insurance carriers enforces safety requirements in the workplace. The Labor Ministry and its counterparts in the states effectively enforce occupational safety and health standards through a network of government bodies, including the Federal Institute for Work Safety. At the local level, professional and trade associations—self-governing public corporations with delegates both from the employers and from the unions—oversee worker safety. The law provides for the right to refuse to perform dangerous or unhealthy work without jeopardy to continued employment.

Foreign workers legally in the country are protected by law and generally work in conditions equal to that of citizens; however, wage discrimination affects legal foreign workers to some extent. For example, foreign teachers in some schools are paid less than their German counterparts. In addition seasonal workers from Eastern Europe who come to the country on temporary work permits often receive wages below normal German standards. Furthermore workers from other EU countries at times are employed at the same wages that they would receive in their home country, even if the corresponding German worker would receive a higher wage. Foreigners who are employed illegally, particularly in the construction industry in Berlin, are likely to receive substandard wages.

*f. Trafficking in Persons.*—The law prohibits trafficking in persons; however, trafficking in persons, primarily women and girls for sexual exploitation, was a serious problem.

Germany is a destination and transit country for trafficking in persons, overwhelmingly women and girls. Most trafficking victims are women and girls between the ages of 16 and 25 who are forced to work as prostitutes; according to police statistics, less than 0.5 percent of trafficking victims are men or boys. Estimates vary considerably on the number of women and girls trafficked to and through the country; they range from 2,000 to 20,000 per year. Approximately 80 percent of trafficking victims come from Eastern Europe and the countries of the former Soviet Union, primarily from Poland, Ukraine, Russia, Lithuania, Slovakia, Latvia, and the Czech Republic. Frequently crime rings will traffic women who have already been caught in, and deported from, one European country to another European country. The other 20 percent of trafficking victims come from Southeast Asia, Africa, and Latin America.

Traffickers use fake employment offers, arranged marriages, fraud, and coercive measures to find victims and use various methods to insure their compliance including threats of “selling” the victim to other traffickers, threats against family members in the country of origin, physical violence, and the withholding of documents.

The law specifically prohibits trafficking in persons and trafficking in persons is punishable by up to 10 years’ imprisonment. The Federal Criminal Office and state police actively investigated cases of trafficking. The Federal Ministry for Families, the Elderly, Women, and Youth heads an interagency working group to coordinate the efforts of state and federal agencies to combat trafficking and to aid victims of trafficking. The Federal Criminal Office offers a 2-week seminar twice a year to train police officers from all over Germany in the handling of trafficking cases. The federal and state Governments worked actively with nongovernmental agencies and local women’s shelters in combating human trafficking. The Government publishes

a brochure that provides information on residency and work requirements, counseling centers for women, health care, warnings about trafficking, and information for sex-industry workers that is printed in 13 languages and distributed by NGO's and German Consulates abroad.

The Federal Government continued a multiyear "Action Plan to Combat Violence Against Women," introduced in December 1999. This effort includes the creation of a number of combined federal and state working groups, with the participation of relevant NGO's, to address possible legislative changes, public educational campaigns, and opportunities for greater institutional cooperation. Under this program, the Government plans to spend approximately \$373,000 (DM 822,000) over 3 years to establish a "National Coordination Group Against Trafficking in Women and Violence Against Women in the Migratory Process."

The Ministry has lobbied states successfully to provide victims of trafficking who have been detained by police 4 weeks to leave the country, rather than have them face immediate deportation. The 4-week grace period allows the victims time to decide whether to cooperate with police on investigations of those suspected of trafficking. During this time, the women are housed, fed, and provided counseling. However, the interagency Working Group on Trafficking in Women and NGO's claimed that the directive allowing a 4-week grace period is not applied uniformly or correctly. According to the Working Group, victims often are deported immediately after being taken into custody. Those who cooperate, although they are very few in number, are granted a temporary stay for at least part of the proceedings and may be eligible for witness protection at the state level. In three past cases, the children of women in such witness protection programs were brought to the country to prevent possible retaliation against them due to their mother's testimony; however, protection ends once the case is concluded.

Because victims technically are illegal residents, they are not allowed to work during the period of a trial, and because they do not have a residence permit, they only qualify for financial assistance under the federal Law on Payments for Asylum seekers, which are lower than regular welfare payments. Trafficking victims who cannot afford to pay for their return tickets home may be eligible for state and federal funds for transportation and some pocket money.

The Federal Government continued its funding of six counseling centers for women from Central and Eastern Europe, and most states and many communities cofinanced institutions that help counsel and care for victims of trafficking. The Government also funds the "Coordination Network" (Koordinierungskreis der Fachberatungsstellen/KOK), a network of over 30 NGO's that participate in processing the caseload of victims of human trafficking. There are over 30 organizations that fall under the network of the KOK. These organizations provide food, shelter, and counseling to victims.

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## GREECE

Greece is a constitutional republic and multiparty parliamentary democracy in which citizens choose their representatives in free and fair elections. The Panhellenic Socialist Movement (PASOK) won the majority of parliamentary seats for a second consecutive term in parliamentary elections held in April 2000. Its leader, Constantine Simitis, has been Prime Minister since 1996. The New Democracy Party is the main opposition party. The Government generally respects the constitutional provisions for an independent judiciary.

The national police and security services are responsible for internal security. Civilian authorities generally maintain effective control of all security forces. The police and security services are subject to a broad variety of restraints; however, some members of the police and security forces committed human rights abuses.

Greece, with a population of 10.9 million, has a market economy with a large public sector that accounted for some 40 percent of the estimated gross domestic product (GDP) of \$120 billion for the year. Residents enjoy a high standard of living. Net flows from the European Union (EU), mainly from structural adjustment funds and subsidies, account for 3.3 percent of the country's GDP.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. There was a report of an isolated police killing of a Rom. Security force personnel sometimes abused persons, particularly illegal immigrants and Roma. Overcrowding and harsh conditions continued in some prisons. Police sweeps resulted in the detention under often squalid conditions of undocumented immigrants. There are legal limits on the freedom of association of ethnic minorities. Leaders of minority religions noted a general improvement in gov-

ernment tolerance. Laws restrictive of freedom of speech remained in force, and some legal restrictions and administrative obstacles on freedom of religion persisted. Violence and discrimination against women were problems. Discrimination against ethnic minorities remained a problem. Roma continued to suffer widespread discrimination. There were reports that minority children were forced into begging, and the trafficking in women and girls into the country for the purpose of prostitution was a problem.

RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary and Unlawful Deprivation of Life.*—There were no reports of political killings by the Government or its agents. In October a police officer shot and killed Rom Marinus Christopoulos, after Christopoulos drove a truck through a police checkpoint. The officer was arrested and jailed on October 24. When the officer was released on bail 5 days later, Roma rioted in the Zefyra area of Athens. The case was pending trial at year's end. Isolated incidents of terrorism continued during the year. The terrorist group November 17 has claimed responsibility for 22 killings during the past 25 years, but no one has ever been arrested and charged in these cases.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution specifically forbids torture, and the law, which has never been invoked, makes the use of torture punishable by a sentence of 3 years' to life imprisonment; however, security force personnel occasionally abused persons, particularly illegal immigrants and Roma (see Section 5). A Report on Greece issued in May by the U.N. Committee Against Torture expressed concern about the excessive or unjustifiable use of force by police against ethnic and national minorities and foreigners.

There were reports that in June Port Authority personnel abused 164 migrants who came ashore in Hania, Crete. There were allegations of brutal beatings and the attempted rape of a youth with a truncheon. The Port Authority Chief claimed that injuries occurred during fights and attempted escapes. The Ministry of Merchant Marine initiated disciplinary proceedings against one officer and two harbor guards. No one had been charged in the case by year's end.

In July Human Rights Watch (HRW) criticized the beating by police of a man in Rhodes earlier that month when he protested a traffic check and a traffic ticket. Police claimed that the man resisted and insulted them. The man did not press charges and admitted that he insulted the policemen, who later were transferred to other locations. An internal inquiry was ordered. No one had been charged in the case by year's end.

Roma experienced police abuse more frequently than some other groups. Amnesty International called on the authorities to conduct an impartial investigation into allegations made by Andreas Kalamiotis, a 21-year-old Rom, who claimed that he was beaten and mistreated by police in July while in custody for disturbing neighbors in Aghia Paraskevi with loud music. No one had been charged in the case by year's end. In September 2000, police were accused of beating Roma during a routine traffic stop in Nafplio. No one had been charged in the case by year's end.

Immigrants—mostly Albanian citizens—accused police of physical, verbal, and other mistreatment (including the confiscation and destruction of their documents), particularly during police sweeps to apprehend illegal immigrants (see Section 2.d.). The severity of this problem diminished during the year due to legislation that allowed immigrants to regularize their status.

The European Committee for the Prevention of Torture carried out one of its periodic visits during September. The committee particularly reviewed developments concerning the treatment and detention conditions of persons held under laws concerning aliens. Its report was not released by year's end.

In August 2000, two foreigners accused police in Crete of mistreatment while under detention. There was no investigation into or action taken in this case by year's end.

In the 1998 case of three policemen who allegedly beat two Romani teenagers, the police officers were held responsible for not preventing the mistreatment of the two individuals, and fines were imposed against the officers. The officers were acquitted on appeal, and no fines were paid.

The Ministry of Public Order opened a Bureau of Internal Affairs in 1999 to investigate alleged criminal offenses by police officers and to submit an annual report to the Parliament regarding its findings. During the year, the Bureau took several disciplinary measures, including dismissal and suspension, against officers involved

in corruption, mainly for the forging of documents and bribes for illegal construction, but also for cases of procuring and drugs. During the period October 1999 to December 2000, 933 complaints were filed, of which 388 were referred to local police stations and 470 were left pending for lack of evidence. Charges were filed in the remaining 75 cases.

Local police corruption facilitated trafficking in persons (see Section 6.f.).

Numerous anarchist and terrorist groups attacked a wide spectrum of targets, mostly commercial property, during the year. The firebombing of vehicles, drive-by shootings of buildings, and bombings at commercial establishments, mostly late at night, were widespread.

Conditions in some prisons remained harsh due to substantial overcrowding and outdated facilities. As of September, the Ministry of Justice reported that the total prison population was 8,389 inmates, while the total capacity of the prison system was 5,284. In general juveniles are held separately from adults, and women are held separately from men, except at Korydallos Prison.

In two cases involving the imprisonment of foreign drug traffickers, the European Court of Human Rights (ECHR) concluded in August that prison conditions sometimes amounted to inhuman or degrading treatment. The court cited overcrowding and inadequate facilities in the cases and ordered the Government to pay \$13,000 (5 million drachmae) to each plaintiff.

Poor conditions continued at the Amygdaleza and Drapetsona detention centers for illegal alien women. The Ministry of Justice continued its program to improve prison conditions and expand capacity. Construction continued on four new prisons.

The Government permitted prison visits by independent human rights monitors, and several took place during the year.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest and detention; however, throughout the year, the police conducted large-scale sweeps and temporarily detained, often under squalid conditions, large numbers of foreigners while determining their residence status (see Section 2.d.). Some of the foreigners were detained indefinitely with no judicial review.

The Constitution requires judicial warrants for all arrests, except during the commission of a crime, and the law prohibits arbitrary arrest orders; the authorities generally respected these provisions in practice. By law the police must bring persons who are detained or arrested before an examining magistrate within 24 hours. The magistrate must issue a detention warrant or order the release of the detainee within 3 days, unless special circumstances warrant a 2-day extension of this time limit.

Defendants brought to court before the end of the day following the commission of a charged misdemeanor offense may be tried immediately, under an “expedited procedure.” Although legal safeguards, including representation by counsel, apply in expedited procedure cases, the short period of time may inhibit defendants’ ability to present an adequate defense. Defendants may ask for a delay to provide time to prepare their defense, but the court is not obliged to grant it. The expedited procedure was used in less than 10 percent of applicable cases.

The effective legal maximum duration of pretrial detention is 18 months for felonies and 9 months for misdemeanors in practice. Defense lawyers assert that pretrial detention is exceedingly long and overused by judges. A panel of judges may grant release pending trial, with or without bail. Pretrial detainees made up 31 percent of those incarcerated, contributing to overcrowding, according to government sources. A person convicted of a misdemeanor and sentenced to 2 years’ imprisonment or less may, at the court’s discretion, pay a fine instead of being imprisoned.

In February the ECHR found Greece to be in violation of Article 3 and Article 5 of the European Convention on Human Rights for holding Mohamed Dougoz—who was being expelled from Greece—in the Drapetsona detention center and Police Headquarters at Alexandras Avenue for several years under conditions that were determined to be inhuman. The Government was ordered to pay \$13,000 (5 million drachmae) to Dougoz.

The Constitution prohibits forced exile, and the Government did not employ it.

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

The judicial system includes three levels of civil courts, (first instance, appeals, and supreme) and three levels of criminal courts (first instance—divided into misdemeanor and felony divisions, appeals, and supreme), appointed judges, and an examining magistrate system, with trials by judicial panels.

The Constitution provides for public trials, unless the court decides that privacy is required to protect victims and witnesses or the cases involve national security matters. Defendants enjoy a presumption of innocence, the standard of proof beyond a reasonable doubt, the right to present evidence and call witnesses, and the rights

of access to the prosecution's evidence, to cross-examine witnesses, and to counsel. Lawyers are provided to defendants who are not able to afford legal counsel only in felony cases. Both the prosecution and the defense may appeal.

In March the ECHR found Greece to be in violation of Article 6 (the right to a hearing within a reasonable time by a tribunal) of the European Convention on Human Rights in the case of George Arvelakis, who was convicted of murder in 1988. In November 1997, the Greek Supreme Court had rejected his final appeal.

Defendants who do not speak Greek have the right to a court-appointed interpreter. According to several immigrant associations in Athens, the low fees paid for such work often resulted in poor interpretation. Foreign defendants who depend on these interpreters frequently complained that they do not understand the proceedings of their trials. Also defendants often are not advised of their rights during arrest in a language that they can understand. Several complained that they were not shown the Hellenic Police Informational Bulletin, which contains prisoners' rights in a variety of languages, and that they were forced to sign blank documents later used for their deportation.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits the invasion of privacy and searches without warrants, and the law permits the monitoring of personal communications only under strict judicial controls; however, these provisions were not respected in practice. Some human rights monitors reported suspicious openings and diversions of mail. The Government reportedly took no steps to stop such practices or to prosecute those involved. Unlike in the past, The Greek Helsinki Monitor reported that it was not monitored by security services during the year.

In April the ECHR found Greece in violation of Article 8 (on privacy) of the European Convention on Human Rights, in the case of Donald Peers, who was arrested at the Athens airport in 1994 for drug offenses; while he was in jail at the Korydallos prison, officials opened his mail. The ECHR determined this to be a violation of his right to privacy and family life, his home, and correspondence. The Government was ordered to pay \$13,000 (5 million drachmae) to Peers.

The ERRC reported that police conducted regular raids and searches of Romani neighborhoods for alleged criminal suspects, drugs, and weapons (see Section 5).

Local authorities evicted or threatened to evict Roma from camps and tent dwellings during the year (see Section 5).

In the past, nonethnic Greek citizens were prohibited legally from settling in a large "supervised zone" near the frontier; however, this prohibition was not enforced in practice, and the restrictions were lifted formally in March.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice; however, legal restrictions on free speech remained in force. Articles of the Penal Code that can be used to restrict free speech and the press include Article 141, which forbids exposing to danger of disturbance the friendly relations of the Greek state with foreign states; Article 191, which prohibits spreading false information and rumors liable to create concern and fear among citizens and cause disturbances in the country's international relations; and inciting citizens to rivalry and division leading to disturbance of the peace; and Article 192, which prohibits inciting citizens to acts of violence or to disturbing the peace through disharmony among them. Those convicted in the past of violations of these articles were allowed to convert their prison sentences, up to 3 years, into a fine of approximately \$13.50 (5,000 drachma) per day.

In most criminal defamation cases, the defendant typically was released on bail pending appeal, and no jail time was ever served. In February Sotiris Bletsas, a Vlach activist, was convicted of disseminating false information under Article 191 of the Penal Code and sentenced to 15 months' imprisonment and a \$1,351 (500,000 drachma) fine. In 1995 at a Vlach festival Bletsas distributed a publication of the Bureau for Lesser-Used Languages in Europe that mentioned the minority languages in Greece. Her conviction was reversed on appeal in December. In November 1999, according to HRW, two journalists for Eleftherotipia were indicted for defamation for alleging that the Lesvos police were associated with smugglers; in December 2000, the journalists were acquitted by judicial decree. The Constitution allows for seizure (although not prior restraint), by order of the public prosecutor, of publications that insult the President, offend religious beliefs, contain obscene articles, advocate violent overthrow of the political system, or disclose military and defense information. However, seizures are very rare, and there were none during the year.

There were 17 independent newspapers and magazines. Satirical and opposition newspapers routinely criticized the highest state authorities. Members of ethnic, religious, and linguistic minorities freely published periodicals and other publications, often in their native language.

The Constitution provides that the state exercise "immediate control" over radio and television, and the law establishes ownership and technical frequency limits on electronic media; the Government and media outlets have disputed application procedures and frequency allocations. The law also legalizes stations operating with pending applications. The National Radio and Television Council has an advisory role in radio and television licensing, whereas the Ministry of Press and Mass Media has final authority.

In May the first 20 private radio stations in the Athens area were granted operating licenses. The cases of 15 more radio stations had not been heard by year's end. Television stations continued to operate with pending applications; there were more applicants than available frequency. The Government occasionally closes stations for violating intellectual property rights or interfering with civil aviation, military, and law enforcement transmissions, although there were no reports of such closings during the year. State-run stations tended to emphasize the Government's views but also reported objectively on other parties' programs and positions. Private radio and television stations operated independently of any government control over their reporting. Turkish-language television programs are widely available via satellite in Thrace.

The 1998 conviction of Abdulhalim Dede, the Muslim owner of Radio Isik, for illegal construction of a new radio antenna intended to extend the range of the station, was upheld on appeal in June 2000; the court reduced the sentence from 8 to 2 months in jail. Dede paid \$1,373 for his initial conviction (\$559 (207,000 drachma) in fines and \$811 (300,000 drachma) in lawyer's fees) in lieu of 2 months' jail time and appealed his case to the Supreme Court. In February the Supreme Court decided that Dede did not receive a fair trial and remanded his case to the Xanthi appeals court. The Xanthi Court reexamined his case, and in May acquitted him. The Court refunded the \$559 (207,000 drachma) fine.

In September 2000, a Thessaloniki court ruled in favor of a former Member of Parliament (M.P.), Mimis Androulakis, whose novel "M to the Power of N" was banned from circulation in seven northern prefectures in May 2000 as a "blasphemous" book because of sexual connotations regarding the relationship between Christ and Mary Magdalene. The court ruled that the novel was a "work of art" and thus protected by the Constitution.

Internet access is available and generally unrestricted.

Academic freedom was respected.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for the freedoms of assembly and association, and the Government generally respects these rights in practice; however, the courts continued to place legal restrictions on the names of associations involving ethnic minorities (see Section 5).

Police permits were issued routinely for public demonstrations, and there were no reports that the permit requirement was abused. Peaceful demonstrations against government policies occurred regularly in Athens and other large cities, and the protesters included students, workers, political parties, pensioners, and foreigners.

*c. Freedom of Religion.*—The Constitution establishes the Eastern Orthodox Church of Christ (Greek Orthodoxy) as the "prevailing" religion, but also provides for the right of all citizens to practice the religion of their choice; however, while the Government generally respects this right, at times non-Orthodox groups face administrative obstacles or legal restrictions on religious practice. The Constitution prohibits proselytizing and stipulates that no rite of worship may disturb public order or offend moral principles. The Orthodox Church wields significant political and economic influence. The Government, under the direction of the Ministry of Education and Religion, provides some financial support to the Orthodox Church by, for example, paying for the salaries and religious training of clergy, and financing the construction and maintenance of Orthodox Church buildings.

The Government, by virtue of the Orthodox Church's status as the prevailing religion, recognizes de facto its canon law. In 1999 the Catholic Church unsuccessfully sought government recognition of its canon law (the official "constitution" of the Church).

The Orthodox Church and the Jewish and Muslim religions are considered by law to be "legal persons of public law." Other religions are considered "legal persons of private law." In practice a primary distinction is that establishment of other religions' "houses of prayer" is regulated by the general provisions of the Civil Code regarding corporations. For example other religions cannot, as religious entities, own property; the property must belong to a specifically created legal entity rather than

to the church itself. In practice this places an additional legal and administrative burden on non-Orthodox religious community organizations. A 1999 law extended legal recognition to Catholic churches and related entities established prior to 1946.

In February 2000, the Scientologists submitted an application for recognition as a known religion. Although the period mandated by law for processing the application is 3 months, the Ministry waited until October 2000 to decide that it would not recognize the Scientologist community as an "official" religion. In October 2000, the Ministry denied the Scientologists their application for recognition and a house of prayer permit on the grounds that Scientology "is not a religion." The Church of Scientology appealed the decision to the Council of State in December 2000, and the case was pending at year's end.

Several religious denominations, including foreign Protestants and Mormons, reported difficulty in renewing the visas of their non-European Union citizen ministers because the Government does not have a distinct religious workers' visa category. As part of new obligations under the Schengen Treaty and the Treaty of Amsterdam, all non-European Union citizens face a more restrictive visa and residence regime than they did in the past. During the year no progress was made on issuing visas for foreign clergy to perform their religious work in Greece.

Two laws from the late 1930's require recognized or "known" religious groups to obtain house of prayer permits from the Ministry of Education and Religion in order to open houses of worship. By law the Ministry may base its decision to issue permits on the opinion of the local Orthodox bishop, but ministry officials say that they no longer obtain the opinion of the Orthodox bishop when considering house of prayer permit applications. According to ministry officials, once a "known" religion receives a house of prayer permit, applications for additional houses of prayer are numerous and are approved routinely. For example, in May the Ministry of Education and Religion granted permission for the operation of a Buddhist House of Prayer in Athens.

Minority religious groups have requested that the Government abolish laws that regulate house of prayer permits. Many provisions of these laws are not applied in practice, but local police retain the authority to bring to court minority churches that operate or build places of worship without a permit. In December 2000 in Thessaloniki, 16 churches charged with operating without a house of prayer permit were acquitted.

Leaders of some non-Orthodox religious groups claimed that all taxes on religious organizations were discriminatory, even those that the Orthodox Church has to pay, since the Government subsidizes the Orthodox Church while other groups are self-supporting. The Government also pays the salaries of the two official Muslim religious leaders ("muftis") in Thrace and provides them with official vehicles.

Several religious denominations reported difficulties in their dealings with the authorities on a variety of administrative matters. Privileges and legal prerogatives granted to the Greek Orthodox Church are not extended routinely to other recognized religions. The non-Greek Orthodox churches must make separate and lengthy applications to government officials on such matters as gaining permission to move places of worship to larger facilities. In contrast Greek Orthodox officials have an institutionalized link between the church hierarchy and the Ministry of Education and Religion to handle administrative matters.

The 1923 Treaty of Lausanne gives Muslims in Thrace the right to maintain social and charitable organizations ("wakfs") and provides for muftis (Islamic judges and religious leaders with limited civic responsibilities) to render religious judicial services.

The Treaty of Lausanne also provides that the Muslim minority has the right to Turkish-language education, with a reciprocal entitlement for the Greek minority in Istanbul of approximately 3,000 persons. Thrace has both Koranic and secular Turkish-language schools. Observers agree that the education provided in these schools is of lower quality than that in other Greek schools. Under a 1952 educational protocol, Greece and Turkey may exchange annually 35 teachers on a reciprocal basis for service in Istanbul and Thrace; however, due to the reduced needs of the small and aging Greek population in Istanbul, Greece has limited the exchanges to 16 teachers per country. In 1999 the Government approved 19 Turkish textbooks, which arrived in May 2000 for use in the secular Turkish-language schools (referred to as "minority" schools in Thrace). Under a 1960 bilateral protocol, Turkey provided copies of the approved texts for use in the schools of Thrace.

In Thrace over 8,000 Muslim children attended Turkish-language primary schools. An additional 150 attended 2 bilingual middle schools with a religious curriculum. Approximately 700 attended Turkish-language secondary schools, and approximately 1,300 attended Greek-language secondary schools. In 1999 the Government instituted an European Union-funded program for teaching Greek as a second lan-

guage to Muslim children, primarily for those students in the Greek-language public schools, to improve their academic performance and chance of obtaining postsecondary education in Greece. In addition the Government offered further opportunities for minority students to learn Greek through preschool, kindergarten, after school, and summer school courses.

Other than in one multicultural elementary education "pilot school," the Government does not provide instruction in Greek as a second language to Turcophone children in the Athens area. Muslim parents report that their children are unable to succeed in school as a result of this policy. The Government maintains that Muslims outside Thrace are not covered by the Treaty of Lausanne and therefore do not enjoy those rights provided by the treaty.

The law permits the Minister of Education to give special consideration to Muslims for admission to universities and technical institutes (although not to military officer candidate school). Universities and technical institutes are required to create a certain number of places (0.5 percent) for Muslim students each year; 400 spaces were available for the 2000–01 school year, but only 35 Muslim students entered universities and technical institutes during the 2000–01 school year.

The Muslim population is concentrated in Thrace with small communities in Rhodes, Kos, and Athens (see Section 5).

The approximately 20,000 member Muslim community in Athens has no mosque or state-appointed cleric to officiate at various religious functions, including funerals. Members of the Muslim community often transport their deceased back to Thrace for religious burials. In 2000 the Parliament approved a bill that allows construction of the first Islamic cultural center and mosque in the Athens area; however, construction had not yet begun at year's end. According to official sources, a total of 287 mosques operate freely in Thrace, and there are also mosques on the islands of Rhodes and Kos. Construction of a long-delayed mosque in Kimmeria, Thrace, was completed in 1998, although its minaret remained unfinished due to local sensitivities; however, this has not affected the religious operation of the mosque.

Differences remain within the Muslim community and between segments of the community and the Government over the means of selection of muftis. In 1991 in accordance with the law, the Government, upon receiving recommendations from a committee of Muslim notables selected by the Government, appointed two muftis and one assistant mufti, all resident in Thrace, to 10-year terms. The Government argued that it must appoint the muftis because, in addition to their religious duties, they perform judicial functions in civil and domestic matters under Muslim religious law, for which the State pays them. In January the Mufti from Komotini was re-appointed for another 10-year term, and in May the Mufti from Xanthi also was re-appointed. Some Muslims accept the authority of the two officially appointed muftis; other Muslims, with support from Turkey, have "elected" two different muftis to serve their communities (although there is no established procedure or practice for election). The Government has prosecuted the "elected" muftis for usurping authority, and the courts repeatedly have convicted one of the elected muftis for usurping the authority of the official mufti; all of his respective sentences remained suspended pending appeal at year's end. On July 4, a Kavala court acquitted the mufti on three counts of "encroaching on the services of a religious functionary." He continued to minister to local Muslims during the year.

Controversy between the Muslim community and the Government also continued over the management and self-government of the wakfs (Muslim charitable organizations), regarding the appointment of officials as well as the degree and type of administrative control. A 1980 law placed the administration of the wakfs in the hands of the appointed muftis and their representatives. In response to objections from some Muslims that this arrangement weakened the financial autonomy of the wakfs and violated the terms of the Treaty of Lausanne, a 1996 presidential decree put the wakfs under the administration of a committee for 3 years as an interim measure pending the resolution of outstanding problems. The interim period was extended in 1999. In the past, Muslim activists complained that the Government regularly lodges tax liens against the wakfs, although they are tax-free religious foundations in theory. Under a 1999 national land and property registry law, the wakfs, as with all property holders, must register all of their property with the Government. The law permits the Government to seize any property that owners are not able to document; there are built-in reporting and appeals procedures. The wakfs were established in 1560; however, due to the destruction of files during the two world wars, the wakfs are unable to document ownership of much of their property. They have not registered the property, so they cannot pay assessed taxes. The Government has not sought to enforce either the assessments or the registration requirement.

Non-Orthodox citizens have claimed that they face career limits in the military, police, and fire fighting forces, and the civil service, due to their religions. In the military, generally only members of the Greek Orthodox faith become officers, leading some members of other faiths to declare themselves Orthodox. There is no prohibition against Muslims becoming officers; however, few Muslim officers have advanced to the rank of reserve officer, and there were reports of pressure exerted on Greek Orthodox military personnel not to marry in the religious ceremony of their non-Orthodox partner, lest they be passed over for promotion. In addition the rigorous training conditions they must meet to advance also require a solid educational background and fluency in Greek, posing an obstacle for many Muslims.

The rate of employment of Muslims in the public sector and in state-owned industries and corporations is much lower than the Muslim percentage of the population. Muslims in Thrace claim that they are hired only for lower level, part-time work. The Government claims and Muslims and Christians agree that a lack of fluency in written and spoken Greek and the need for university degrees for high-level positions limit the number of Muslims eligible for government jobs.

Although Jehovah's Witnesses are recognized as a "known" religion, they continued to face some harassment in the form of arbitrary identity checks, difficulties in burying their dead, and local officials' resistance to their construction of churches (which in most cases was resolved quickly and favorably).

Evangelical parishes are located throughout the country. Members of missionary faiths report that they are subject to harassment and police detention due to constitutional and legal prohibitions on proselytizing. Church officials expressed concern that antiproselytizing laws remain on the books, although such laws no longer hinder their ministering to the poor and to children. Church leaders report that their permanent members (nonmissionaries) do not encounter official discriminatory treatment. However, the police regularly detained Mormons and Jehovah's Witnesses after receiving local complaints that individuals were engaged in proselytizing. In most cases, these individuals were held for several hours at a police station and then released with no charges filed. Many reported that they were not allowed to call their lawyers and that they were abused verbally by police officers for their religious beliefs.

The Government decided in 2000 to remove the notation of religious affiliation on national identity cards. This sparked a national debate on the role of the Church in society that continued during the year.

Religious instruction in Orthodoxy in public primary and secondary schools is mandatory for all Greek Orthodox students. Non-Orthodox students are exempt from this requirement; however, Jehovah's Witnesses have reported some instances of discrimination related to attendance at religious education classes or other celebrations of religious or nationalistic character. Members of the Muslim community in Athens were seeking Islamic religious instruction for their children. Neighborhood schools offered no alternative supervision for the children during the period of religious instruction. The community complained that this forces the parents to have their children attend Orthodox religious instruction by default.

The law prohibits the functioning of private schools in buildings owned by non-Orthodox religious foundations; however, this law has not been enforced in practice.

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

A section of the Citizenship Code, Article 20, permits the Government to strip citizenship from those who "commit acts contrary to the interests of Greece for the benefit of a foreign state." While the law as written applies equally to all citizens regardless of ethnic background, it has been enforced, in all but one case, only against citizens who identified themselves as members of the "Macedonian" minority. The Government has not revealed the number of Article 20 cases that it pursued. There were no reports of such cases during the year. Dual citizens who are stripped of Greek citizenship under Article 20 sometimes are prevented from entering the country using the passport of their second nationality.

In 1998 the Government repealed Article 19 of the Citizenship Code, which permitted it to revoke the citizenship of citizens of non-Greek ethnic origin who traveled outside the country. Between 1955 and 1998, according to government officials, approximately 60,000 citizens lost their citizenship, and approximately 400 individuals, mainly Muslims in Thrace, who lost their citizenship under Article 19 continued to reside in the country. Following the repeal of Article 19, the authorities issued most of these individuals identification documents characterizing them as stateless but permitted them to apply to reacquire citizenship. Most of these 400 persons had not had their applications adjudicated by year's end.

In April Parliament passed a new immigration bill, and in June the Government launched its second campaign to legalize all immigrants who fulfill the requirements of the law (proof of residence in Greece from before June 2, 2000). Legislative amendments, the decentralized registration process, and improved services for applicants such as a help line run by the Ministry of Interior, made the process more successful than the Government's first effort in 1998. Over 350,000 illegal migrants applied during this second legalization process.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. A 1999 presidential decree significantly expanded the rights of asylum seekers and brought the law into compliance with the standards of the U.N. High Commissioner for Refugees (UNHCR) on asylum procedures; however, in practice this legislation remained largely unenforced. The Government cooperates with the office of the UNHCR and other humanitarian organizations in assisting refugees.

Individuals recognized as refugees under the terms of the U.N. convention are eligible for residence and work permits necessary to settle permanently. During the first 6 months of the year, 1,162 individuals submitted applications for refugee status; 55 individuals were recognized as refugees. Another 18 were granted temporary residence on humanitarian grounds until return to their countries becomes possible. At the end of 2000, 2,378 applications remained pending—more than double the number at the end of the previous year.

The Government generally does not recognize the concept of first asylum rights for refugees. The UNHCR expressed concern that very few applicants are granted asylum without UNHCR involvement. Interpretation services are lacking, as are adequate personnel who would ensure timely access to the asylum process for those who seek it. The UNHCR also expressed concern that there exists no publicly funded legal aid system for free counseling for asylum seekers and refugees.

Anecdotal evidence suggests that thousands of individuals from Iraq, Afghanistan, Turkey, and Iran enter the country illegally each year; only a small percentage eventually apply for official asylum or refugee status. In June Port Authority personnel reportedly abused 164 migrants who came ashore in Hania, Crete (see Section 1.c.). During July, August, and September, over 900 additional smuggled individuals who arrived by boat on Greek islands applied for asylum. On November 5, the coast guard intercepted and assisted a disabled, Turkish-flag vessel that carried 714 persons believed to be heading for Italy. Most applied for asylum, and after initially refusing to allow their applications, the Government sent them to refugee camps or reception facilities for processing. Some of those who did not apply for refugee or asylum status remained illegally, often living in camps or in NGO shelters where conditions range from adequate to very poor. Others proceeded to Western Europe, often applying for asylum there. A large group of persons waiting to board boats to Italy gathered at the port of Patras throughout the year and remained there in squalid conditions at year's end.

The Government generally does not seek out such individuals for deportation; largely because until November Greece and Turkey did not have a readmission agreement, and the Government found it practically impossible to deport formally individuals who entered Greece from Turkey. In July the UNHCR visited the Greek-Turkish land border (a military zone) to ascertain whether a group of 250 persons from various African countries were detained there. While no evidence was found at the time, some of those persons who had been deported from Turkey to Greece and back again, arrived in Greece and applied for asylum.

Deportations of both illegal and legal immigrants, abusive treatment by police, and inconsistencies and inequities in the way employers provide wages and benefits to domestic and foreign workers were common. The police conducted many large-scale sweeps of neighborhoods populated by immigrants, temporarily detaining large numbers of individuals while determining their residence status. The detainees were held in squalid conditions: A report by Human Rights Watch in December 2000 cited severe overcrowding and a lack of sufficient exercise, sleeping accommodations, adequate food, or medical care. The only government-funded center for asylum seekers was old and in need of repair.

No refugees were deported to countries where they credibly feared prosecution.

The Organization for the Employment of Human Resources (OAED), a government agency, reported that by 2000, 386,000 illegal aliens, out of an estimated total alien population of 700,000, had applied for legal status or a "white card," under a program designed to regularize the residency status of illegal, (usually economic) immigrants. A few, mostly Albanian, white card holders were able to meet all the requirements of the law and receive a "green card," which serves as a residence permit and allows the immigrants to live and work in the country for a limited period of time. The OAED issued 159,807 green cards by July 2000. Approximately 80 per-

cent of the green cards issued were of 1-year duration. A new application is required to extend the card for an additional year. Holders of a white card may reside and work legally on a short-term basis while meeting the other requirements necessary to obtain a green card. According to press reports, the obstacles of a complex bureaucracy and the unwillingness of employers to pay social security contributions were the primary reasons for the limited ability of white cardholders to advance to the green card application process. The O.A.E.D. estimated that out of a total of 386,000 white cardholders in 1998, 163,000 simply dropped out of the green card application process. Legislation provides for the green card program to remain in effect until the end of the year. Press reports estimated that it would take 3 years to process the applications already submitted.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Greece is a multiparty democracy headed by Prime Minister Constantine Simitis of the Panhellenic Socialist Movement (PASOK), who was elected in free and fair elections in September 1996 and again in April 2000. Parliament elects the President for a 5-year term. Members of the unicameral 300-seat Parliament are elected to maximum 4-year terms by secret ballot. Opposition parties function freely and have broad access to the media. Voting is mandatory for those over age 18; however, there are many conditions under which citizens may be exempted from voting, and penalties are not applied in practice.

Romani representatives report that local authorities sometimes deprived Roma of the right to vote by refusing to register them; however, Romani representatives also report that some municipalities encourage Roma to register. Municipalities may refuse to register Roma who do not fulfill basic residency requirements, which many Roma have trouble meeting.

The percentage of women in government or politics does not correspond to their percentage of the population, although no legal restrictions hinder their participation. During the year, women held 2 of 20 ministerial positions in the Government and 2 of 29 subministerial positions. Of the 300 members elected to Parliament in April 2000, 31 were female.

While citizens exercised their political rights, there occasionally were charges that the Government limits the right of some individuals, particularly Muslims and Slavo-Macedonians, to speak publicly and associate freely on the basis of their self-proclaimed ethnic identity. However, in the 2000 parliamentary elections, a Muslim was elected in Thrace, from PASOK. A second Muslim, also from PASOK, became an M.P. in September 2000 after winning a court challenge to the eligibility of a seated M.P. for violating a constitutional provision.

Responsibility for the oversight of all rights provided to the Muslim minority under the Treaty of Lausanne (including education, zoning, administration of the wakfs, and trade) belongs to a government-appointed regional administrative official, the periferiarch of Eastern Macedonia and Thrace. Some minority members have charged that oversight by this office rather than by elected local governors reduced their ability to use the democratic process to influence decisions that affect them. The Government stated that it made the change because the central authorities could administer Greece's treaty obligations more effectively. Elected nomarchs govern at the provincial level. These officials work in close cooperation with both elected mayors and local leaders (Christian and Muslim). Members of the Muslim community noted that this decentralization has been a positive factor in local and regional development.

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

A wide variety of domestic and international human rights groups operate in the country, investigating and publishing their findings on human rights cases. While the Government permits domestic human rights organizations to operate, cooperation with them varies. The Government usually cooperates with international human rights groups, has good working relations with them, and if possible, takes their views into account.

The government ombudsman's office received 781 complaints in the first 8 months of the year directly related to human rights issues, of which 455 were processed successfully. Human rights cases constituted 26 percent of all cases, an increase of 30 percent compared with the full year in 2000. The office has proved to be an effective means for resolving human rights and religious freedom concerns.

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

The Constitution provides for equality before the law irrespective of nationality, race, language, religious or political belief; however, government respect for these rights was inconsistent in practice.

*Women.*—Violence against women is a problem. The law does not specifically prohibit domestic violence. The incidence of violence against women reported to the authorities is low; however, the General Secretariat for Equality of the Sexes (GSES), an independent government agency that operates the only shelter for battered women in Athens, believes that the actual incidence is “high.” According to press and academic estimates, there were approximately 4,500 cases of rape in 1999. Reportedly only 6 to 10 percent of the victims contact the police, and only a small fraction of the cases reaches trial. Conviction rates on rape charges are low for those accused for the first time, but sentences are harsh for repeat offenders. Spousal rape is a crime.

The GSES claims that police tend to discourage women from pursuing domestic violence charges and instead undertake reconciliation efforts. The GSES also claims that the courts are lenient when dealing with domestic violence cases. GSES, in cooperation with the Ministry of Public Order, continued training courses for police personnel on how to treat domestic violence victims.

Facilities for battered women and their children often are staffed inadequately to handle cases properly, but many facilities hired new personnel during the year. Two government shelters provide services in Athens and Piraeus, including legal and psychological advice. Battered women also may go to state hospitals and regional health centers throughout the country. In June 2000, the Secretariat began operating a 24-hour emergency telephone hot line for abused women; a campaign to publicize the service was underway. An interministerial committee composed of the GSES, the Ministry of Public Order, the Ministry of Health and Welfare, and the Ministry of Justice, serves as an information-sharing forum on women’s issues.

Prostitution is legal. Prostitutes must register at the local prefecture and carry a medical card that is updated every 2 weeks. While the number of Greek women entering the profession declined, according to the police and academic sources, trafficking in women for prostitution, mostly from the former Soviet republics, Albania, Bulgaria, and Romania, increased sharply (see Sections 6.c. and 6.f.). It is estimated that fewer than 1,000 prostitutes are ethnic Greeks, and approximately 20,000 are of foreign origin—most in the country illegally. Most prostitutes who have been arrested are foreigners who were apprehended for noncompliance with legal requirements. While national data on such arrests is not available, police reports estimate that 1,311 women were arrested as illegal immigrants from January to September. Media reports implicated several police officers as participants in prostitution rings. The press alleged on a number of occasions that police accepted bribes from traffickers or pimps or forced illegal immigrants to have sex with them and then channeled them into prostitution rings (see Section 6.f.).

The law specifically prohibits sexual harassment. Trade unions report that lawsuits for sexual harassment are very rare: According to the unions, only four women have filed such charges in the past 3 years. In all four cases, the courts reportedly imposed very lenient civil sentences. The General Confederation of Greek Workers (GSEE) women’s section reports that sexual harassment is a widespread phenomenon, but that women are discouraged from filing charges against perpetrators by family members and coworkers since they believe they might be socially stigmatized.

The law provides for equal pay for equal work; however, the National Statistical Service’s latest data, for the fourth quarter of 1998, show that women’s salaries in manufacturing were 71 percent of those of men in comparable positions; in retail sales, women’s salaries were 88 percent of those of men in comparable positions.

Although relatively few women occupy senior positions, women have begun to enter traditionally male-dominated occupations such as the legal and medical professions in larger numbers. However, women still face discrimination when they are considered for promotions in both the public and private sectors. Women also are underrepresented in labor unions’ leadership. According to the women’s section of the GSEE, 58.6 percent of the country’s long-term unemployed are women, while women constitute only 38 percent of the work force. To ameliorate the situation, the GSES established two regional employment offices for women in Thessaloniki and Patras in 2000. It also continued to provide vocational training programs for unemployed women and programs to reinforce entrepreneurship, subsidies to women for setting up an enterprise, information and counseling to unemployed women, and it created childcare facilities to assist unemployed women to attend training courses and look for a job.

*Children.*—The Government is committed strongly to children's rights and welfare; it amply funds a system of public education and health care. Education is free and compulsory through the ninth grade, but the legislation does not provide for enforcement or penalties. University education is public and free at all levels. New universities have opened in the provinces, along with new departments in already existing universities.

During the year, the Ministry of Education reported that the illiteracy rate was dropping among Roma children: The school enrollment rate of Romani children increased by 17 percent, and the dropout rate decreased to 75 percent as a consequence of an identity card system, set up by the Ministry, which allows students to change schools more easily as their parents move. The Greek Helsinki Monitor and POSER, the organization that represents the views of the Romani community, challenged this statistic. The idea of setting up satellite elementary schools near Romani camps has been set aside in favor of the policy of integration (except for preschool centers). Ethnic Greek parents in some schools have resisted the acceptance of many Romani children.

Several government organizations have responsibility for children's issues. The National Organization for Social Care has a nationwide network of offices and is active in the field of child protection. The services of this organization were regionalized in order to provide greater access to child welfare services and funding prioritized according to regional needs.

There is no societal pattern of abuse of children; however, research by the Institute for Child Health (ICH) revealed a high percentage of socially accepted physical punishment (viz., spanking) by parents. No national data exist on the incidence of child abuse; authorities other than police are not required to report such cases. Societal abuse of children in the form of pornography is rare. Child prostitution is a growing phenomenon, particularly in some parts of immigrant communities of central Athens.

Penal law prohibits the mistreatment of children and sets penalties for violators, while welfare legislation provides for preventive and treatment programs for abused children and for children deprived of a family environment; it also seeks to ensure the availability of alternative family care or institutional placement. There was a gradual decline in the number of ethnic Greek children in public care; however, children of ethnic minority groups (i.e., Albanians) who work in Greece entered public care because of abuse or abandonment.

Children's rights advocacy groups claim that the protection of high-risk children in state residential care centers is inadequate and of low quality. They cite lack of coordination between welfare services and the courts, inadequate funding of the welfare system, and poor staffing of residential care centers as systemic weaknesses in the treatment of child abuse. Athens has two municipal shelters for battered children. Child health specialists note that the number of children in residential care facilities is decreasing, while the number in foster care is rising. With EU funding, special care is available for juvenile offenders, Romani children, children from remote mountain and island areas, and children with disabilities.

During the year, the number of street children who panhandle or peddle at city intersections on behalf of adult family members or for criminal gangs decreased. The Government successfully implemented measures throughout the year to combat this phenomenon, which included the institutional placement of children up to 12 years old, therapeutic consultations with their families, and the deportation of illegal immigrant juveniles 12 to 17 years old. Street children were arrested and detained regularly by police prior to being placed in these programs. However, it is believed widely that even those who were deported managed to return eventually to the country and the streets. In August 2000, police detained a group of 35 Roma children from Albania, between the ages of 3 months and 11 years, who were begging or being exploited by adult beggars in the streets. Police apprehended 20 adults, identified as parents. Police believe that this was the largest child exploitation ring ever uncovered in the country. The group of Roma was deported in August. A children's NGO, A Child's Smile, claims that many street children are victims of abuse. Based on the findings of a study it carried out in Thessaloniki in 1999, the majority of street children are between the ages of 8 and 14. Approximately 60 percent of such children are from Albania, and most have been separated from their parents, who remained in their native country. Someone posing as their guardian or parent brings them to Greece. In most cases, their parents, faced with extreme financial difficulties in Albania, agreed to send their child to Greece in exchange for a small percentage of their child's monthly earnings.

*Persons with Disabilities.*—Legislation mandates the hiring of persons with disabilities in public and private enterprises that employ more than 50 persons; however, the law reportedly is enforced poorly, particularly in the private sector. The

law states that persons with disabilities should account for 3 percent of employees in private enterprises. In the civil service, 5 percent of administrative staff and 80 percent of telephone operator positions are reserved for persons with disabilities. Recent legislation mandates the hiring of persons with disabilities in the public sector from a priority list. They are exempt from the civil service exam, and some have been appointed to important positions in the civil service. There is no societal discrimination against persons with disabilities.

The Construction Code mandates physical access for persons with disabilities to private and public buildings, but this law, also, is enforced poorly. Many public buildings had not complied with the proposals of the interministerial committee on accessibility by year's end. A 1997 survey showed that over 60 percent of public buildings were not accessible. Ramps and special curbs for persons with disabilities were constructed on some Athens streets and at some public buildings, and sound signals have been installed at some city street crossings. During the year, the Ministry of Public Works installed special sound equipment for 200 traffic lights in Attika that were selected by the Association for the Blind. The Government continued to replace old city buses with new accessible buses. Athens subway lines provide full accessibility.

*Religious Minorities.*—Ethnic Greeks tend to link religious affiliation very closely to ethnicity. In the minds of many, an ethnic Greek is also Orthodox Christian. Non-Orthodox citizens have complained of being treated with suspicion or told that they were not truly Greek when they revealed their religious affiliation. Non-Orthodox citizens also have claimed that they face career limits in the military and the civil service due to their religions (see Section 2.c.).

Members of minority faiths have reported incidents of societal discrimination, such as local bishops warning parishioners not to visit clergy or members of minority faiths, and neighbors requesting that the police arrest missionaries for proselytizing. Some non-Orthodox religious communities claim that they have been unable to communicate with officials of the Orthodox Church and that the attitude of the Orthodox Church toward their faiths has increased social intolerance towards their religions. The Orthodox Church issued a list of practices and religious groups, including Jehovah's Witnesses, Evangelical Protestants, Scientologists, Mormons, Bahá'ís, and others, which it believes to be sacrilegious. Officials of the Orthodox Church have acknowledged that they refuse to enter into dialog with religious groups considered harmful to Greek Orthodox worshippers; church leaders instruct Orthodox Greeks to shun members of these faiths.

In March Archbishop Christodoulos blamed "the Jews" for the Government's decision to remove notation of religious affiliation on national identity cards (see Section 2.c.). The Government distanced itself from Christodoulos' statement.

In April vandals desecrated the Jewish cemetery of Trikala. The police investigated but were unable to identify any suspects.

*National/Racial/Ethnic Minorities.*—An increase in xenophobia has paralleled an increase in the number of non-Greeks living and working in the country. Antiforeigner sentiment is directed mainly at Albanians, who make up approximately 5 percent of the population. Of the approximately 800,000 aliens in the country, approximately 500,000 are Albanians, 90 percent of whom are legalized. The Government launched a second legalization process during the year, allowing undocumented immigrants who had lived in Greece for more than a year to apply for residence and work permits. While this legalization has decreased official cases of discrimination, Albanian immigrants faced widespread societal discrimination. For example, the population regularly blamed Albanians for the reported rise in crime in the last few years. The sometimes difficult relationship between Albania and Greece intensified the problem. Debate also has arisen over Albanian immigrants' rights to Greek national identity. For example, a controversy occurred in some areas during the year over whether Albanian pupils would be allowed to carry the Greek flag in national day parades: eventually they were allowed to do so.

Significant numbers of Greek citizens identify themselves as Turks, Pomaks, Vlachs, Roma, Arvanites (Orthodox Christians who speak a dialect of Albanian), or "Macedonians" or "Slavomacedonians." Most are integrated fully into society. The Government formally recognizes only the "Muslim minority" specified in the 1923 Treaty of Lausanne (see Section 2.c.), although it stated publicly in 1999 that members of that minority could identify themselves individually as belonging to different ethnic groups. Most of the Muslim minority (officially estimated to number 98,000) are ethnically Turkish or Turcophone and live in Thrace. The Muslim minority also includes Pomaks and Roma. Many Greek Muslims, including Pomaks, identify themselves as Turks and say that the Muslim minority as a whole has a Turkish cultural consciousness.

The Government has failed to acknowledge formally the existence of non-Muslim ethnic groups, principally Slavophones, under the term "minority." The Government has affirmed an individual, but not a collective, right of self-identification. As a result, some individuals who define themselves as members of a minority find it difficult to express their identity freely and to maintain their culture. Use of the terms "Tourkos" and "Tourkikos" ("Turk" and "Turkish") is prohibited in titles of organizations, although individuals legally may call themselves "Tourkos." To most Greeks, the words "Tourkos" and "Tourkikos" connote Turkish identity or loyalties, and many object to their use by Greek citizens of Turkish origin. In June a court in Rodopi denied the registration of the "Political Association of Turkish Women of Rodopi." In December 2000, the Supreme Court overturned a 1999 Xanthi appeals court decision that upheld a 1986 trial court's order to close the "Turkish Union of Xanthi" because of the use of the word "Turkish" in the organization's name. The Supreme Court stated that the court's decision should be based on the organization's activities and not its name, and it ordered the appeals court to review the case. A hearing was held in November, but no ruling had been issued by year's end.

Northwestern Greece is home to an indeterminate number—estimates range widely, from under 10,000 to 50,000 or more—of citizens who speak a Slavic dialect at home, particularly in Florina province. A small number identify themselves as belonging to a distinct ethnic group and assert their right to "Macedonian" minority status. Their assertions have generated strong objections among the 2.2 million non-Slavophone Greek inhabitants of the northern Greek region of Macedonia, who use the same term to identify themselves. The Government does not recognize the Slavic dialect as a "Macedonian" language distinct from Bulgarian. Members of the minority asserted that the Government pursues a policy designed to discourage use of their dialect. The Government is concerned that members of the "Macedonian" minority may have separatist aspirations. Greece's dispute with the Former Yugoslav Republic of Macedonia over that country's name heightened this sensitivity.

Roma continued to face discrimination from some local authorities and society at large. An interministerial committee headed by the Ministry of Interior is responsible for coordinating government projects for Roma; it estimated the total Romani population to be between 85,000 and 120,000. Nonofficial sources estimate the total at 250,000 to 300,000. Most of the Roma in Thrace are Muslims; elsewhere the majority are Greek Orthodox. Many Roma are settled permanently, mainly in the Athens area. Others are either mobile, working mainly as agricultural laborers, peddlers, and musicians throughout the country, or they live in camps. The number of Roma who move around the country continued to decrease gradually as families settled mainly into slums and camps around major cities.

The European Roma Rights Center (ERRC) claimed that Roma are subject to systematic police abuse (see Section 1.c.), mistreatment while in police custody, and regular raids and searches of Roma neighborhoods for criminal suspects, drugs, and weapons.

In 1999 the Ministry of Interior completed a survey of the housing needs of the Roma and in September started to erect prefabricated houses, totaling approximately 1,000. Also in September, the Minister of Interior announced a \$283,707,106 (105 billion drachma) program to address Roma needs and to promote Roma integration, including housing, subsidized mortgage loans, and infrastructure in Roma camps, employment schemes, cultural and sports activities, and welfare allowances.

Roma frequently face discrimination in employment and in housing, particularly when attempting to rent accommodations. The approximately 400 Roma families in Tyrnavos, Thessaly, live in tents because the authorities refuse to include the area in city planning. There were approximately 70 Romani camps with a total population between 100,000 and 120,000 persons. Most Romani camps have no running water, electricity, garbage disposal, or sewage treatment. The Roma of Tyrnavos, Thessaly, attempted to build their own lavatories in order to improve their living conditions, but local authorities pulled them down and imposed fines for violating construction codes. The Ministry of Defense allocated land in 1996 and houses in 2000 at a former army camp (Gonou) for the Roma of Evosmos, Thessaloniki.

Local authorities harassed and threatened to evict Roma from their camps or other dwellings, and the NGO Greek Helsinki Monitor reported that many communities of Romani tent-dwellers were evicted during the year. The Helsinki Monitor reported that in September seven Romani shacks in Aspropyrgos were demolished by municipal authorities who claimed that the shacks were located on private property. The Ministry of Interior, NGO's, and the Ombudsman intervened with the Mayor afterwards, arguing that demolition required a judicial decision.

Romani representatives reported that some local authorities have refused to register Roma as residents in their municipalities. Until registered with a municipality,

no citizen can vote or exercise other civic rights such as obtaining an official marriage, commercial, or driver's license, or contributing to social security.

The Government considers the Roma a "socially excluded" or "sensitive" group, not a "minority." As a result, government policy is to encourage the integration of Roma. The Prime Minister has designated a member of his staff to coordinate the efforts of all government ministries having a role in their integration, and the Ministry of Interior established an interministerial committee in March with the same aim. Nevertheless poverty, illiteracy, and social prejudice continued to plague large parts of the Romani population; these problems were most severe among migrant Roma or those who lived in slums. The illiteracy rate among Roma is estimated at 80 percent, and according to an NGO, the average Romani family's income was approximately \$205 (76,000 drachma) per month. The research also concluded that the average life expectancy of Roma is below 60 years of age.

The integration of Roma into social security systems also is quite low. It is estimated that 90 percent of Roma are not insured by the public social security systems, since they are unable or unwilling to make the required contributions. Like other qualified citizens, indigent Roma are entitled to free health care; however, their access at times is hindered by the fact that their encampments are located far from public health facilities. Research conducted in 2000 by the NGO Doctors of the World found that 98 percent of Roma in some camps were infected by hepatitis A, and 68 percent by hepatitis B. The rate of infection of other citizens is extremely low, since most are vaccinated. The Municipality of Pyrgos, Peloponnese, issued health cards to the Roma living permanently in the area and established a preschool center close to the Roma camp near the Alfeios River.

At a 1999 Implementation Review Meeting in Vienna of the Organization for Security and Cooperation in Europe, the Greek delegation recognized that the situation of Roma in Greece was "unsatisfactory and unacceptable" and committed the Government to remedy the situation. Government representatives identified as impediments to progress the lack of a unified voice from the Roma community and the widespread social prejudice against them. The Ombudsman's Office stated that the Romani community needs to take more initiative.

The Ministry of Health and Welfare continued work on projects to address the chronic problems of the Romani community. The projects included training courses for civil servants, policemen, and teachers to "increase sensitivity to the problems of the Roma," the development of teaching materials for Romani children, and the establishment of six youth centers in areas close to Romani communities.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution and the law provide for the right of association, and workers exercised this right. All workers, with the exception of the military, have the right to form or join unions. Police have the right to form unions but not to strike. Approximately 26 percent of wage earners (nearly 650,000 persons) are organized in unions. Unions receive most of their funding from a Ministry of Labor organization, the Workers' Hearth, which distributes mandatory contributions from employees and employers. Workers, employers, and the state are represented in equal numbers on the board of directors of the Workers' Hearth. Approximately 10 public sector unions have dues withholding provisions in their contracts, in addition to receiving Workers' Hearth subsidies.

Over 4,000 unions are grouped into regional and sectoral federations and 2 umbrella confederations, 1 for civil servants (ADEDY) and another, the General Confederation of Greek Workers (GSEE), for private sector employees. Unions are highly politicized, and there are party-affiliated factions within the labor confederations; however, neither political parties nor the Government control day-to-day operations. There are no restrictions on who may serve as a union official.

Legal restrictions on strikes include a mandatory period of notice, which is 4 days for public utilities and 24 hours for the private sector. Legislation mandates a skeleton staff during strikes affecting public services, such as electricity, transportation, communications, and banking. Public utility companies, state-owned banks, the postal service, Olympic Airways, and the railroads also are required to maintain a skeleton staff during strikes. The courts have the power to declare strikes illegal, although such decisions seldom are enforced; however, unions complain that this judicial power serves as a deterrent to some of their members from participating in strikes. The courts declared some strikes illegal during the year for reasons such as failure of the union to give adequate advance notice of the strike or the addition of demands by the union during the course of the strike; however, no striking workers were prosecuted.

Many strikes took place during the year. Although most strikes were fairly brief, they affected productivity and disrupted daily life in the center of Athens. Strikes

by public sector employees, including mass transport employees, lasted between 1 and 5 days and primarily concerned securing timely pay increases and greater job security. Labor unions organized large demonstrations and rallies in April and May to protest government plans to reform the social security system.

Unions are free to join international associations and maintain a variety of international affiliations, and almost all do so.

*b. The Right to Organize and Bargain Collectively.*—The law provides for the right to organize and bargain collectively in the private sector and in public corporations, and unions exercise these rights freely. There are no restrictions on collective bargaining for private sector employees.

Civil servants have the right to organize and bargain collectively with the Ministry of Public Administration. The civil servants confederation conducted official negotiations with the Ministry of Interior for the first time in 1999.

The law provides for mediation procedures, with compulsory arbitration as a last resort. A National Mediation, Reconciliation, and Arbitration Organization is used in the private sector and public corporations (the military and civil service excluded). While mediation is voluntary, failure to agree during mediation makes arbitration compulsory, as decided by the mediation organization.

Antiunion discrimination is prohibited. The Labor Inspectorate or a court investigates complaints of discrimination against union members or organizers. Court rulings have mandated the reinstatement of improperly fired union members.

Three free trade zones operate according to European Union regulations. The labor laws apply equally in these zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor; however, women were trafficked into the country for the purpose of prostitution (see Sections 5 and 6.f.). The Government may declare the “civil mobilization” of workers in the event of danger to national security, life, property, or the social and economic life of the country. The International Labor Organization (ILO) Committee of Experts has criticized this power as tantamount to forced labor. The Government did not resort to civil mobilization during the year.

The Constitution prohibits all forms of forced or compulsory labor although no legislation specifically prohibits forced and bonded labor by children, and girls are trafficked into the country for the purpose of prostitution (see Sections 5 and 6.f.). There are also reports that Romani children are forced into begging (see Section 5).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for employment in the industrial sector is 15 years, with higher limits for certain activities. The minimum age is 12 years in family businesses, theaters, and the cinema. These age limits are enforced by occasional Labor Inspectorate spot checks and generally are observed; however, families engaged in agriculture, food service, and merchandising often have younger family members assisting them, at least part time.

In November the Government ratified ILO Convention 182 on the worst forms of child labor.

The Constitution contains a blanket prohibition of compulsory labor; however, no specific legislation explicitly prohibits forced and bonded labor by children, and there were reports of such practices among Romani children (see Sections 5 and 6.c.). Trafficking in girls for prostitution also was a problem (see Section 6.f.).

*e. Acceptable Conditions of Work.*—Collective bargaining between the GSEE and the Employers' Association determines a nationwide minimum wage. The Ministry of Labor routinely ratifies this minimum wage, which has the force of law and applies to all workers. The minimum wage of \$19.50 (7,221 drachma) daily and \$435.50 (161,138 drachma) monthly, effective July 1, provides a decent standard of living for a worker and family. The maximum legal workweek is 40 hours in the private sector and 37½ hours in the public sector. The law provides for at least one 24-hour rest period per week, mandates paid vacation of 1 month per year, and sets limits on overtime.

Legislation provides for minimum standards of occupational health and safety. Although the GSEE characterized health and safety legislation as satisfactory, it stated that enforcement, which is the responsibility of the Labor Inspectorate, was inadequate. The Labor Inspectorate operates under a central authority. Workers do not have the legal right to remove themselves from situations that they believe endanger their health; however, they do have the right to lodge a confidential complaint with the Labor Inspectorate. Inspectors have the right to close down machinery or a process for a period of up to 5 days if they see safety or health hazards that they believe represent an imminent danger to the workers.

Foreign workers are protected by law, but in practice their wages usually are lower, and they work longer hours.

*f. Trafficking in Persons.*—The law does not specifically criminalize trafficking in persons, although other statutes in the Penal Code could be used to prosecute such cases, and Greece is both a transit and destination country for trafficked women and girls, primarily for sexual exploitation and domestic service. Local police corruption facilitates trafficking in the country.

Trafficking in women and girls for prostitution in the country increased sharply in the last few years. An academic observer estimated that approximately 40,000 women, most between the ages of 12 and 25, are trafficked to the country each year for prostitution. At any given time, 16,000 to 20,000 trafficked women or girls are in the country, according to unofficial estimates. Major countries of origin include Ukraine, Russia, Bulgaria, Albania, and Romania. Women from North Africa (Tunisia and Algeria), Asia (Thailand and the Philippines), the Dominican Republic, Moldova, Kazakhstan, and Serbia, and the Middle East also were trafficked to the country.

According to a Panteion University study, over 85,000 trafficked women have worked in the country in the past decade. Of female prostitutes, 75 percent are not told why they are being brought to Greece. Some women arrive as “tourists” or illegal immigrants who seek work and are lured into prostitution by club owners who threaten them with deportation. Some women are kidnaped from their homes by their fellow countrymen and smuggled into Greece where they are “sold” to local procurers. In the past, prostitutes remained in the country from 2 to 6 months, but rarely more than 2 years; however, an academic observer has found that prostitutes typically remain in the country for up to 33 months. The victims of this practice are often minors. Trafficked women often are confined to apartments, hotels, and clubs against their will, are not registered with the Government, and are forced to surrender their passports to their local “owner.” Frequently connections exist between illegal prostitution and other criminal activities. According to observers traffickers “own” approximately 80 percent of the illegal prostitutes in Greece.

Local police corruption also played a role in facilitating trafficking into the country. NGO’s reported that some police officers are on the payrolls of organized crime networks involved in trafficking. Media reports have implicated several police officers as participants in prostitution rings. For example, the *Kathemerini* newspaper reported during the year that an aide to the former Minister of Public Order, a former chief of the Omonia police precinct, and a police sergeant were arrested in connection with a racket that provided protection to brothels and nightclubs in Athens from 1995 to 1997. At year’s end, judicial action on the case remained pending. The newspaper *Eleftherotypia* reported that several police officers were arrested in November 2000 in connection with a ring that reportedly imported up to 1,200 women from neighboring countries. At year’s end, legal action on these cases remained pending. During the year, a number of police officers were arrested in connection with trafficking offenses; most arrests were in small towns, villages, and border areas.

There are no specific laws that deal with trafficking. Instead, trafficking is considered a subunit of the broader issue of organized crime. A new organized crime law, implemented in June, enhances prosecutors’ ability to charge traffickers: it states that the abduction or illegal detention of a woman without her consent for the purpose of involving her in “acts of debauchery” is a crime. But the crime must involve at least three perpetrators for this law to be used. The lack of laws has made the prosecution of trafficking difficult. Arrests and court cases for prostitution by unlicensed foreign women (in the country illegally), and cases against their traffickers, increased but remain at a very low level. Fines and sentences for traffickers are minimal.

In the past, foreign women illegally in the country who were apprehended by the authorities for prostitution were placed in a deportation center or deported immediately by train, plane, or on foot. Approximately 2,400 trafficked women were deported during the year; however, many were brought back quickly into the country, according to official sources. New immigration and organized crime laws were passed in May and June that increased protection for women who press charges against their traffickers by allowing them to remain in the country legally and setting aside any previous convictions. The new laws were being implemented at year’s end.

The Ministry of Public Order took initiatives for training new police officers to identify trafficked women. Trafficking experts conduct this training, which began in September, at local police academies. Also the Government began stiffening its border controls, in part because of European Union Schengen Treaty requirements; however, many women continued to be brought into the country from the Balkans and the former Soviet Union. In April an interministerial committee was formed

with the objective of establishing a separate police task force on trafficking, drafting national legislation, and promoting a nationwide antitrafficking campaign.

Trafficking in women received significant amounts of media attention during the year. In a July report, HRW criticized the Government for the absence of comprehensive legislation against trafficking, few prosecutions of traffickers, a lack of witness protection and services programs for victims, their continued detention and deportation, and the continuing complicity of police officers in trafficking.

During the year, the NGO, Doctors of the World, and the local Intergovernmental Organization for Migration office began working on trafficking issues, along with some domestic NGO's.

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## HUNGARY

Hungary is a parliamentary democracy with a freely elected legislative assembly. Prime Minister Viktor Orban, the leader of the FIDESZ-Hungarian Civic Party, heads a coalition Government formed after elections in May 1998 by FIDESZ, the Independent Smallholders' Party, and the Hungarian Democratic Forum. The Government generally respects the constitutional provisions for an independent judiciary.

The internal and external security services report directly to a minister without portfolio, and the police report to the Interior Minister. Police committed human rights abuses.

The country's population is approximately 10.1 million. Most international financial institutions agreed that the country has completed successfully its transition from a centrally directed economy to a fully functioning and prosperous market economy. By year's end, the economy had grown by approximately 4 percent, unemployment had fallen to 5.5 percent, and inflation had dropped to 6.9 percent. The Government maintained a strong commitment to a market economy, but has done little to address several remaining problems in agriculture, health care, and tax reform. The private sector accounts for more than 80 percent of gross domestic product (GDP). Despite the economy's performance, an estimated 25 percent of the population lives in poverty, with the elderly, large families, and the Roma most affected. The per capita GDP was approximately \$4,500 (1.3 million HUF) in 2000.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. Police continued to use excessive force against, beat, and harass suspects. Police also abused and harassed both Roma and foreign nationals. In practice the authorities do not always ensure due process. Prosecutors and judges may impose what amounts to unlimited pretrial detention. The authorities have attempted to evict Roma from some cities. There have been several reported incidents of interference in state-owned radio broadcasts by politically appointed board members. Violence against women, including spousal abuse, remained serious problems. Sexual harassment and discrimination on the job also remained serious problems. The Government has taken steps to improve the rights of persons with disabilities and continued to implement legislation to improve the status of women. Anti-Semitic and racial discrimination persisted and a number of racially motivated attacks, particularly against Roma were reported during the year. Societal discrimination against Roma remained a serious problem. Trafficking in persons, particularly women and children, for the purpose of prostitution and forced labor remained 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 during the year of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

In 2000 a Cameroonian asylum seeker, Ebune Christian Ecole, died while being deported. A government autopsy concluded that the cause of death was a congenital heart defect. Local nongovernmental organizations (NGO) called for a thorough investigation of the circumstances surrounding Ecole's death; however, in March the Budapest Public Prosecutor declined to conduct an investigation and closed the case.

Trials continued in a number of cases of persons charged with crimes against humanity for shooting into crowds of demonstrators with machine gun fire and for throwing hand grenades during the 1956 Revolution. The defendants originally were tried in 1993 for their actions in connection with these events. They were charged with murder but were acquitted because the 15-year statute of limitations for mur-

der had passed. However, in 1999 the Supreme Court overturned the previous verdicts, stating that the defendants should be charged with war crimes, which have no time limit, and retried. In 2000 a total of 10 of the defendants were convicted. Those found guilty were sentenced to short prison terms that subsequently were suspended, and had their pensions reduced. Former military officials found guilty during these trials also were reduced in rank, which affects their pension rights. Eight cases remained pending before the courts 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, police abuses continued, including the excessive use of force, beatings of suspects, and harassment. Police continued to harass and physically abuse Roma and foreign nationals.

During the year, the Interior Ministry reported 92 cases of police abuse, 26 cases of forced questioning, and 14 cases of unlawful detention. Although the Government's data protection law prohibits the identification of individuals by ethnicity in government statistics, the Interior Ministry stated that Roma were the targets of police abuse in 19 cases. Local NGO's estimated the total number of cases to be significantly greater than Government figures indicated. In 2000 a total of 27 complaints filed against police officers resulted in court cases. However, in the majority of cases no investigation has occurred. Many of the cases that did not make it into the court system remained pending at year's end. Historically 10 to 15 percent of such cases result in convictions. In 2000 two cases involving the use of force during interrogation resulted in convictions against police. Punishments for police abuses include fines, probation, and the imposition of suspended sentences. According to a report by the Hungarian Helsinki Committee (HHC) in 2000, persons detained by police complained of abuse, but very few file official complaints because they do not expect positive results and fear that the complaint may affect their cases adversely. However, some sources attributed the increase in the numbers of reports of police abuse to a growing willingness to seek official redress in these instances.

The Romani minority community and dark-skinned foreigners are the most common victims of police abuse, with Roma bearing the brunt of such abuse. In April police raided a funeral wake in Bag, a predominately Roma village in Pest county. The Roma Civic Rights Foundation alleged that police assaulted several individuals while entering a private home during the raid; an investigation by Pest county authorities was ongoing at year's end (see Section 5). During the year, the Government Office of Ethnic Minorities received regular complaints of police misconduct and abuse from Roma.

In June 1999, after several incidents of police brutality against Roma in Hajduhadhaz, the Ministry of Interior admitted that the town had the highest level of reported police violence in the country, and that half of the town's police force was under investigation for allegations of abuse. During the year, four police officers were dismissed in Hajduhadhaz as a result of a government investigation. The Roma Civic Rights Protection Foundation reported that in Budapest in June 1999, three police officers beat and kicked a Romani university student as he walked through a park. When the man told the officers that he would report their abuse, they beat him further. The Rom filed a lawsuit against the officers; in October he withdrew the lawsuit. Despite such occurrences, the Ombudsman for Minority Affairs, which investigates constitutional violations in the public sector, believes that the situation was, at worst, remaining constant, and possibly was better, but only marginally.

NGO's reported fewer cases of police harassment of foreign residents, particularly of non-Europeans; however, police showed indifference towards foreigners who had been victims of street crime.

Border guards facilitated trafficking in persons by taking bribes from traffickers (see Section 6.f.).

The police and Interior Ministry continued to work to change the authoritarian image of the police, and human rights organizations report that police generally were more cooperative with outside monitoring of police behavior.

Prisons are overcrowded but generally meet international standards according to the HHC who conducted a monitoring program that ended during the year. In 1 detention facility the study found that 5 percent of inmates alleged mistreatment by prison guards, which included 49 cases of minor physical assault. The Military Prosecutor's Office, which has responsibility for such cases, declined to conduct an investigation and simultaneously determined that no mistreatment had occurred. As of September, the population of prisons and detention centers was 17,170 persons, or 156 percent of capacity, which represents an increase of 9 percent from 2000. Tougher maximum sentences have contributed to the increase in the prison popu-

lation. According to officials, the general health of prisoners declined in the last few years.

Between 65 and 70 percent of prisoners earn wages while in prison, either from work performed in prison or from work-release programs. The HHC reported that the wages prisoners received were lower than those of workers outside of penal institutions. The organization also expressed its concern that the period of time spent working in penal institutions by prisoners does not count towards social security service time. Some programs allow prisoners to spend weekends at home. There are sports facilities, as well as radio and television, in each penal institution. Libraries also were available and prisoners may attend training programs to assist their eventual return to life outside of prison. Civic organizations, foundations, charity organizations, and churches assist in the rehabilitation process. In response to a report by the chief Ombudsman, a new pre-detention center was opened in 2000, reconstruction work on two prisons continued, and a new prison is scheduled to open in early 2003. Men and women are held separately, juveniles are held separately from adults, and pre-trial detainees are held separately from convicted prisoners.

The Government permits visits by independent human rights monitors, which conducted such visits during the year.

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

The law requires that police obtain warrants to place an individual under arrest. Police must inform suspects upon arrest of the charges against them but may hold detainees for a maximum of 72 hours before filing charges. The law requires that all suspects be allowed access to counsel prior to questioning and throughout all subsequent proceedings, and that the authorities provide counsel for juveniles, the indigent, and persons with mental disabilities; however, credible reports suggest that police do not always allow access to counsel, particularly for minor crimes. There is no system of bail.

Pre-trial detention, based on a warrant issued by a judge, initially is limited to 1 year while criminal investigations are in progress; it may be extended indefinitely on the prosecutor's motion, provided that a judge concurs. Under the new Criminal Procedure Law that is scheduled to take effect in January, 2003, pre-trial detention is to be limited to a maximum of 3 years, after which a case expires automatically if formal charges are not brought. The lack of a bail system gives a great deal of flexibility to judges. The Prosecutor General's Office reported that the average length of pre-trial detention during the first 6 months of the year was 108 days, compared with 106 days in 2000, although nearly 10 percent of detainees were held for periods ranging from 8 to 12 months. In addition aliens usually were held until their trials, since they are considered likely to flee the country. Roma allege that they were kept in pre-trial detention longer and more frequently than non-Roma (see Section 1.e.). The law provides for compensation when a detainee or victim of forced medical treatment is released for lack of evidence, but the procedure rarely is exercised since detainees must undertake a complicated legal procedure to pursue such claims. The Minister of Justice, on behalf of the State, decides upon compensation. The amount is decided on a case by case basis, and may cover the costs of the trial, attorney's fees, lost wages, and some other miscellaneous sums.

The law permits police to hold suspects in public security detention (PSD) under certain circumstances, including when a suspect has no identity papers, when blood or urine tests must be performed to determine blood alcohol content, or when a suspect continues to commit a misdemeanor offense in spite of a prior warning. Suspects may be held in PSD for up to 24 hours. Such detainees are not always informed of the charges against them, because such periods of "short" detention are not defined as "criminal detention" and so are not considered to be covered by the Criminal Code. However, there were no reports that police abuse these rights in practice.

The law does not provide for forced exile, and the Government does not employ it.

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

Under the Constitution, the courts are responsible for the administration of justice, with the Supreme Court exercising control over the operations and judicial procedure of all other courts. There are three levels of courts. Original jurisdiction in most matters rests with the local courts. Appeals of their rulings may be made to the county courts or to the Budapest municipal court, which have original jurisdiction in other matters. The Supreme Court is the final court of appeal, while the Constitutional Court is the final court on constitutional matters. Appeals of decisions by military courts also may be heard by the Supreme Court.

Under the new Criminal Procedure Law that is scheduled to take effect in January 2003, an intermediate court of appeal is to be established between the county courts and the Supreme Court. These intermediate courts were designed to alleviate the backlog of court cases and permit lower courts to hear simple cases; however, critics of the new system charged that it would slow court procedures and increase costs. The Government has delayed indefinitely the implementation of the new level of courts, citing budgetary constraints.

The Constitutional Court is charged with reviewing the constitutionality of laws and statutes brought before it as well as the compliance of these laws with international treaties that the Government has ratified. Parliament elects, with a two-thirds majority, the 11 members of the Constitutional Court, who serve 9-year terms. In theory their mandates may be renewed, but no judge has been reelected. The judges elect the president of the Constitutional Court from among themselves by secret ballot. Citizens may appeal to the Constitutional Court directly if they believe that their constitutional rights have been violated. The Constitutional Court is required to address every petition it receives; however, no deadline is specified for the Court to render a decision. Consequently a considerable backlog of cases has developed. No judge or member of the Supreme or Constitutional Courts may belong to a political party, or a trade union. Members of the Constitutional and Supreme Courts also may not be members of Parliament, or be employed in local government. The retirement age of the Constitutional Court judges is 70 years.

A National Judicial Council nominates judicial appointees other than the Constitutional Court and oversees the judicial budget process.

The law provides for the right to a fair trial, and an independent judiciary generally enforces this right. Trials are public, but in selected cases, judges may agree to a closed trial to protect the accused or the crime victim, such as in some rape cases. Judicial proceedings generally are investigative rather than adversarial in nature. Defendants are entitled to counsel during all phases of criminal proceedings and are presumed innocent until proven guilty. Counsel is appointed for indigent clients, but the public defender system provides generally substandard service. There is no public defender's office; private attorneys may or may not choose to serve in this capacity. Public defenders are paid poorly—less than \$5 (1,000 HUF) for the first hour of the trial and less than \$2.50 (500 HUF) for each additional hour—and do not give indigent defendants priority. Lawyers often meet indigent clients for the first time at trial.

Judicial proceedings vary in length and delays of several months to a year are common prior to the commencement of trials. Cases on appeal may remain pending before the courts for indefinite periods, during which time defendants are held in detention. There is no jury system; judges are the final arbiters. Recent changes to the law, which are scheduled to take effect in 2003, would limit the length of judicial proceedings to 3 years.

Under the new Criminal Procedure Law, which is scheduled to take effect in 2003, prosecutors are to have greater influence over their cases. Plea bargaining, which is known as a trial waiver, is a tool available to prosecutors. Police believe that plea bargaining may be an important weapon in the fight against organized crime.

Many human rights and Romani organizations claimed that Roma receive less than equal treatment in the judicial process. Specifically they alleged that Roma are kept in pretrial detention more often and for longer periods of time than non-Roma. This allegation is credible in light of general discrimination against Roma; however, there is no statistical evidence because identifying the ethnicity of offenders is not allowed under the data protection law. Since the majority of Roma fall into the lowest economic strata, they also suffer from substandard legal representation.

Military trials follow civil law and may be closed if national security or moral grounds so justify. In all cases, sentencing must take place publicly. The law does not provide for the trial of civilians in military courts.

During the year, the Ministry of Interior established a Victim Protection Office in each county to provide psychological, medical and social services assistance to victims of crime. At the conclusion of judicial proceedings, victims may apply through the National Public Security and Crime Prevention Public Foundation for financial compensation, which is to be paid by the person convicted of the crime. In 2000 a total of 183 out of 347 applicants were given compensation totaling more than \$100,000 (30 million HUF). The White Ring Nonprofit Association, which is a member of the European Victim Protection Forum, supports the work of the Victim Protection Offices. A book on victim protection, used to train policemen and activists, also contains a list of all NGO's that provide protection to victims of crime. In December Parliament enacted legislation that expanded legal protection of persons involved in court cases; however, the law had not been implemented by year's end.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions and the Government generally respects these prohibitions in practice. The law provides that the prosecutor's office may issue search warrants. Police must carry out searches of private residences in the presence of two witnesses and must prepare a written inventory of items removed from the premises. Wiretapping, which may be done for national security reasons and for legitimate criminal investigations, requires a court's permission. These provisions appear to be observed in practice.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and the press, and the Government generally respects this right in practice; however, during the year, the FIDESZ-led coalition Government continued to attempt to counterbalance what it considered a leftwing bias in news coverage through its influence on personnel decisions within the state-owned media. Nonetheless a wide variety of views and opinions were available among the highly competitive print and broadcast media.

After the transition from communism, the majority of print media outlets were purchased by foreign publishing companies. There were numerous publications that made the local print market much more competitive. Political opposition sources and media outlets critical of the Government made credible claims that the FIDESZ-led Government, in its attempt to "balance" the print media, promoted certain media outlets over others. For example, advertisements from state-owned companies and financial institutions were awarded to progovernment papers, which also tended to receive better access to government sources.

The Media Law created institutions designed to foster a free and independent electronic media. The law provided for the creation of nationwide commercial television and radio boards and was intended to insulate the remaining public service media from government control. The National Television and Radio Board monitored news broadcasts for equal treatment of all political parties and censored and fined public and private broadcasters.

Only FIDESZ-led coalition Government delegates served on the truncated media boards for Hungarian Public Radio and Hungarian Public Television, despite the fact that the law requires politically proportional representation on the boards. Political opposition leaders claimed that the FIDESZ-led Government had extended its power within the state-owned media through its influence over personnel decisions.

There are minority-language print media, and the state-run radio broadcasts 2-hour daily programs in languages of the major minority groups in Romani, Slovak, Romanian, German, Croatian, and Serbian. State-run television carries a 26-minute program produced by and for each major minority group; programs serving the smaller minority communities may be seen every other week or on a monthly basis. All of the programs are repeated on the weekends. In October Radio C, a nonprofit station sponsored by public foundations that began broadcasting in February, was granted a 7-year license; 80 percent of its staff are Roma.

In November charges were filed against Aron Modus and six other persons for publishing the anti-Semitic "Protocols of the Elders of Zion," on the grounds that the book was a misleading account of Jewish history.

The Government does not restrict or monitor access to the Internet.

Academic freedom is respected.

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

There essentially are no restrictions on peaceful public gatherings. The Government does not require permits for assembly, except when a public gathering is to take place near sensitive installations, such as military facilities, embassies, or key government buildings. The Government may alter or revoke permits for assembly, but there were no reports that they used this authority during the year.

Any 10 or more persons may form an association, provided that it does not commit criminal offenses or disturb the rights of others. Associations with charters and elected officers must register with the courts. Registration of associations is granted routinely and without bias.

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

There are 100 officially recognized religions. A group must provide 100 signatures to register as a religion, which it may do in any local court. While any group is free to practice their faith, formal registration makes available to a religious group certain protections and privileges, and grants access to several forms of state funding.

There is no preferred religion, although not all religions receive state support. The Government provides subsidies to some religious groups in amounts negotiated each year between the Ministry of Cultural Heritage and the Finance Ministry. During the year, the Government provided subsidies to 90 religious groups, compared with 76 in 2000.

The Government has demonstrated a willingness to treat the larger or more well-established religions more favorably than minority religious communities. In 2000 Parliament amended the tax code and set criteria under which direct contributions to churches are tax deductible; these criteria limit the benefit to 14 of the 100 registered churches in the country. In February several of the smaller churches whose members cannot participate in this tax deduction took the case to the Constitutional Court, which chose not to review it.

In 2000 the Hungarian Tax Authority (APEH) initiated investigations of the Church of Scientology, based on questions regarding the registration of its clergy. The investigations took place at the Church's office where APEH investigators requested files and conducted interviews. The investigations have not affected the usual management of the Church and have not required the expenditure of large amounts of Church funds. The APEH had not completed its investigation by year's end.

Between 1997 and 1999, the Government signed separate agreements with the country's four "historic churches" (the Roman Catholic, the Lutheran and Reformed Churches, and the Jewish community), and with two smaller churches (the Hungarian Baptist and the Budai Serb Orthodox). The Government and these churches agreed upon a number of properties to be returned that had been confiscated during the Communist regime, and an amount of monetary compensation to be paid for properties that could not be returned. In 1999 the Government paid churches \$21 million (5 billion HUF) in compensation for assets. By 2011 the Government is expected to pay an estimated total of \$179 million (42 billion HUF) to religious groups for buildings that are not returned. While these agreements primarily addressed property issues and restitution, they also have provisions that addressed the public service activities of the churches, religious education, and the preservation of monuments.

Overall 7,220 claims have been made by churches for property restitution under the Compensation Law; of these cases, 1,600 were rejected as inapplicable under the law; the Government decided to return the property in 1,129 of them; and the Government made cash payments in another 1,770. Approximately 1,000 cases were resolved directly between former and present owners without government intervention. In the remainder (approximately 1,660 cases), the Government must decide whether to return the real property that once belonged to the various religious groups by 2011. Religious orders and schools are among those that have regained some property confiscated by the Communist regime.

In 2000 the Council of Europe's Commission Against Racism and Intolerance published a report that criticized the blatant anti-Semitism in some media, in Parliament, and in society (see Section 5). Jewish community officials concerned about blatant anti-Semitism claimed that the Government does not distance itself sufficiently from the extreme rightwing MIEP party's coded anti-Semitic pronouncements.

*d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for these rights, and the Government generally respects them in practice; however, local authorities in some cases have tried to expel Roma from towns. Authorities have taken advantage of situations such as the eviction for nonpayment of bills or condemnation of Roma homes to relocate and concentrate Romani populations, in effect creating ghettos (see Section 5).

The Government may delay but not deny emigration for those who have significant court-assessed debts or who possess state secrets. Those with approximately \$40,000 (over 10 million HUF) or more in public debt may be denied travel documents. The Government requires that foreigners from countries that do not have a visa waiver agreement with Hungary obtain exit visas each time they leave the country, although blanket permission at times is available.

Discrimination, poverty, and unresolved social problems continued to drive Roma emigration, particularly to Canada (see Section 5).

In June Parliament passed the Status Law, which is scheduled to take effect in January 2002, and provides certain social, educational, and economic benefits to ethnic Hungarians living outside the country in neighboring states, with the exception of Austria. Under this law, ethnic Hungarians living abroad may qualify for temporary work permits, and the Government would promote Hungarian minority education in neighboring states.

The law provides for the granting of asylee or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations assisting refugees. The Government provides first asylum. According to the UNHCR, approximately 9,554 asylum seekers entered the country during the year (a 22.5 percent increase over 2000) of which 4,311 were from Afghanistan. In 2000 the Government granted 197 out of 7,801 applicants refugee status under the Geneva Convention; 680 applicants were granted temporary protected status. During the first 8 months of the year, 125 out of 5,787 applicants were granted refugee status and 193 were granted temporary protected status. Of 7,801 applicants for asylum in 2000, 2,185 were from Afghanistan, 1,656 were from Bangladesh, 889 were from Iraq, 249 were from Sri Lanka, 220 were from Pakistan, and 692 were from the former Yugoslavia. While the high number of Afghan refugees is not unusual, the relative decrease in Yugoslav applicants in 2000 reflected the changes in Yugoslavia.

In January 2000, the Government established the Government Office of Immigration and Naturalization (OIN), (formerly the Office of Migration and Refugee Affairs) as the central authority for asylum and immigration matters. Refugee applicants are housed in three government-owned camps and two temporary camps run by NGO's. The camps have been operating since the early 1990's, largely as a result of the influx of refugees fleeing the various conflicts and incidents of ethnic cleansing to the south. The Government estimated that there were as many as 5,000 asylum seekers and as many as 40,000 to 60,000 immigrants (the vast majority from Romania) living in the country in unregistered status; however, the local office of the UNHCR believes that these figures are too high. In October Parliament passed amendments to the Laws on Asylum and on Aliens, aimed at streamlining and simplifying the court process for asylum; the amendment is to take effect in 2002. The HHC expressed regrets that the amendment to the Aliens Act lacked provisions that would take into consideration the family ties in Hungary of those deported.

The increase in asylum caseload resulting from a change in the law in 1998 and from events in Kosovo and the resulting NATO action in 1999 placed a tremendous strain on the OIN's resources, leading to a large number of pending cases and an increased processing time per application. Prospective refugees who seek only to transit to other European countries are encouraged to return to their countries of departure. As of October 2, there were approximately 2,187 asylum seekers located in 3 permanent and 2 temporary reception centers. In October in anticipation of an increase in the number of refugees, the immigration authorities opened a former military barracks south of Budapest to serve as an additional center to house refugees. Several NGO's and human rights organizations support asylum seekers and provide legal information.

Foreigners caught trying to cross the border illegally either may apply for refugee status if they have valid travel documents, or are housed temporarily at one of eight border guard facilities throughout the country, pending deportation. During the first 6 months of the year, 6,964 persons occupied these facilities; in 2000 there were 11,570 persons. On average there are 691 persons in the facilities per day. In 2000 the greatest number of aliens in the border guard facilities came from Romania (5,846), Moldova (1,372) and Afghanistan (434); in the first 8 months of the year, there were 2,985 Romanians, 896 Moldovans, and 545 Afghans in the border guard facilities. While police seek the timely deportation of detainees who do not qualify for refugee status, a shortage of funds and the detainees' lack of property or documentation, such as passports, often resulted in lengthy stays. Unlike in the previous year, there were no reports of abuse during deportation. In 2000 a Cameroonian asylum seeker, Ebune Christian Ecole, died while being deported (see Section 1.a.).

NGO's and foreign governments have criticized the Government for inhumane conditions in the border guard facilities and for the arbitrary application of asylum procedures. In 1999 the Parliament's human rights ombudsman criticized the conditions in border guard community shelters for foreigners, including asylum seekers, as "uncivilized and intolerable." Partly in response to this criticism, in 2000 the Government closed the worst centers and additional unsuitable facilities during the year; construction began on new detention centers during the year. The Government has sought to work with NGO's to improve conditions.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair

elections held on the basis of universal suffrage. Elections are held at least every 4 years.

Members of Parliament are elected every 4 years through a complex, multistate process, in which voters cast ballots for individual candidates and party lists. The FIDESZ ruling parliamentary faction heads the ruling coalition, which includes the Smallholders' Party and the Hungarian Democratic Forum (the latter two parties formed the government coalition between 1990 and 1994 with the Christian Democrats, one segment of which later merged with FIDESZ). The opposition includes the extreme rightwing Hungarian Justice and Life Party and two leftwing parties, the Hungarian Socialist Party and the Free Democrats.

The law on ethnic minorities and the election law provide for the establishment of minority self-governments (see Section 5).

The percentage of women in government and politics does not correspond to their percentage of the population, although there are no legal impediments to women's participation. Only 33 of 386 parliamentary representatives are female, and 1 woman serves in the Cabinet. Few women occupy other leadership positions in the Government or political parties. The level of women's political participation is greater in provincial and municipal governments than at the national level. The Hungarian Women's Alliance holds weekend courses throughout the year to promote the participation of women in public life.

The percentage of minorities in Government and politics does not reflect their percentage of the population. Despite the lack of ensured minority representation, there are several Members of Parliament, including one ethnic German and one ethnic Slovak, who are members of ethnic minorities; however, none specifically represents their respective minority populations. There are no Romani Members of Parliament; however, in December FIDESZ signed an election cooperation pact with the leading Romany association Lungo Drom to promote the election of Roma to Parliament in 2002 under the FIDESZ ticket.

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

A number of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases. Many NGO's report that the Government increasingly was responsive to their requests for information. Human rights groups indicated improvement in the degree of cooperation from Government Ministries and prosecutors' offices on cases involving Roma and police abuse. An increasing number of NGO's are involved in the law-making process; however, NGO's claimed that the Government's cooperation in this area was insufficient.

The Government does not interfere with activities of international NGO's and several have established offices in the country, including Human Rights Without Frontiers and the Helsinki Committee.

There is a 21-member parliamentary Committee for Human, Minority, and Religious Rights, which conducts hearings and participates in the law-making process. The Committee is composed of both majority and opposition Members of Parliament, which reflects the proportion of party representation in Parliament. During the year, the Committee vetoed a government proposal to amend the law on religions, which would have placed restrictions on the establishment of religious groups.

In 1995 the Parliament established the creation of separate Ombudsmen for human rights, data protection, and minority affairs. The Ombudsmen offices are independent from the Government, and prepare annual reports to Parliament on their activities and findings. Parliament elects Ombudsmen for six 2-year terms and they may be reelected. In June the Minority Affairs Ombudsman was reelected for a second 6-year term. Persons with complaints who have not obtained redress elsewhere may seek the assistance and investigative authority of the Ombudsmen's office.

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

The Constitution provides for individual rights, equality, and protection against discrimination; however, in practice discrimination persisted, particularly against the Roma.

*Women.*—Spousal abuse is believed to be common, but the vast majority of such abuse is not reported, and victims who come forward often receive little help from authorities. The NGO Women Against Violence reported that 20 percent of women are threatened by or are victims of domestic violence and that one woman per week is beaten to death. NGO's also reported that there is insufficient emphasis on the protection of female crime victims. During the year, there were no known prosecu-

tions for domestic violence. Police and prosecutors usually are unsympathetic to victims of domestic abuse. The laws criminalize spousal rape. Women's rights organizations claim that 1 woman in 10 is a victim of spousal abuse and that societal attitudes towards spousal abuse are archaic. During the year, Parliament enacted legislation that prohibits domestic violence and establishes criminal penalties for those convicted of such acts.

While there are laws against rape, often it is unreported for cultural reasons. Police attitudes towards victims of sexual abuse reportedly are often unsympathetic, particularly if the victim was acquainted with her abuser. In the first 6 months of the year, women were victims of 44,447 reported crimes; in 2000 women were the victims of 88,521 reported crimes. During the first 6 months of the year, there were 5,059 reports of crimes against family, youth, and sexual morality. NGO's claimed that the police were unable to assist victims in one-third of the reported cases. The Ministry of Social and Family Affairs was dealing with this issue and is reported to be working on remedial legislation.

Victims of domestic violence may obtain help and information via a national hot line or at one of several shelters. The hot line operates intermittently for 3-hours each day; a message system exists for the time when a counselor is unavailable. Shelters provide short-term refuge, and their locations are concealed to protect victims.

Prostitution is illegal; however, in accordance with the law, there are "tolerance zones" where such activity may occur.

Trafficking in women for the purposes of sexual exploitation was a serious problem (see Section 6.f.).

The law does not prohibit sexual harassment in the workplace. A 1995 report on the country prepared under the auspices of the U.N. to evaluate compliance with the Convention on the Elimination of Discrimination Against Women found that sexual harassment in the workplace was "virtually epidemic." Women's groups reported that there is little support for efforts to criminalize sexual harassment, and that sexual harassment is tolerated by women who fear unemployment more than harassment. The Labor Code regulates questions of security in the workplace; acts of sexual harassment may be prosecuted under the defamation statutes (if violent, such acts are considered sexual misconduct). Sentences of up to 3 years' imprisonment may be imposed for sexual harassment. During the year, no charges were brought under this provision of the Labor Code.

Women have the same rights as men, including identical inheritance and property rights. The Office for Women's Issues operated an antidiscrimination hot line, which operates 10 hours a day and offers free legal advice to women who believe that they were discriminated against with respect to employment. According to the head of the office, the hot line receives 20 to 30 calls per day. While there is no overt discrimination against women, the number of women in middle or upper managerial positions in business and government remained low, and in practice women receive lower pay compared to men in similar positions and occupations. Nevertheless, the number of women in the police and the military has risen over the past several years, and women are represented heavily in the judiciary and in the medical and teaching professions. A Women's Representative office was established in the Ministry of Social and Family Affairs to address women's issues. As of 2000, the Women's Representation Secretariat became an independent department within the Ministry.

*Children.*—The Government is committed to children's rights. Education is mandatory and free through 16 years of age. The Ministry of Education estimates that 95 percent of school-age children, with the exception of Roma children, are enrolled in school. Roma are far more likely than non-Roma to stop attending school before age 16. The percentage of the country's Roma graduating from high school in 1993 was 1.6 percent compared with 23.8 percent for non-Roma.

Roma and other civic organizations highlighted the practice of placing Roma children in remedial education programs designed for children with mental disabilities or low academic performance, resulting in a form of de facto segregation. Although the children could be returned to the regular school system, only a small percentage return. In 1999 the Minister of Education and the parliamentary Ombudsman for Minority Rights announced at a press conference that there is segregation in the country's educational system. The statement followed the publication of a report by the Ombudsman's office that found that the high proportion of Romani children in "special schools" for the mentally disabled was a sign of prejudice and a failure of the public education system. The Government Office of Ethnic Minorities reports that 7 percent of Roma children go to special schools for children with mental disabilities. The Roma Civic Rights Foundation found that there were 132 segregated schools throughout the country. The Government contests the claims of human

rights organizations and states that the Romani schools are designed to provide intensive help for disadvantaged children.

In September the Government converted the family allowance into a school attendance allowance. This measure was intended to force children to go to school, but some Romani NGO's fear that this may be another form of discrimination against Roma, many of whom live in small villages with no high schools within manageable distance. Furthermore, the extreme poverty of many Roma makes it difficult for them to clothe their children appropriately for school. Taking away the family allowance is thus seen by Roma as punishment for neglecting to do something that they cannot afford.

There are programs aimed at increasing these numbers (the Romaversitas program supports Romani students finishing degrees in institutions of higher education), and there are Departments of Roma Studies in the Teachers' Training College in Pecs and Zsambek. The Government provides a number of scholarships to Roma children at all levels of education through the Public Foundation for the Hungarian Roma. However, the impact has yet to be significant.

School-age children may receive free medical care at state-operated institutions and most educational facilities. Psychologists are available to evaluate and counsel children, and provisions exist for children to obtain dental care; the Social Security Office provides these services.

Child abuse was a problem. A 1999 survey showed that over 25 percent of girls were abused by a family member before they reached the age of 12. NGO's reported that neglect and abuse were common in state care facilities. A number of laws have been passed to address family violence, including a law on the protection of children. The Criminal Code provides for serious sanctions against the neglect and endangerment of minors, assault, and preparation of child pornography. During the first half of the year, children were the victims of 1,450 crimes; in 2000 they were the victims of 2,929 crimes.

Child prostitution is not a common practice, although isolated incidents exist. Severe penalties exist under the law for those persons convicted of engaging in such acts. Trafficking in children for the purpose of sexual exploitation was a problem (see Section 6.f.).

*Persons with Disabilities.*—There is no discrimination against persons with disabilities in employment, education, or in the provision of other state services. Government sources estimated that there were between 600,000 and 1 million persons with disabilities (6 to 10 percent of the population). Of these persons, 300,000 to 350,000 were considered seriously disabled and receive increased government benefits. Persons with disabilities faced societal discrimination and prejudice.

A Council for the Disabled was established in 1999 under the chairmanship of the Minister of Social and Family Affairs. The Council serves as an advisory board to the Government. A 1997 decree requires all companies that employ more than 20 persons to reserve 5 percent of their jobs for persons with physical or mental disabilities, with fines of up to 75 percent of the average monthly salary for noncompliance. In 1999 such fines yielded \$6 million (approximately 1.77 billion HUF) for rehabilitation funds for the disabled. The foreign NGO Mental Disability Rights International (MDRI) and the local NGO Hungarian Mental Health Interest Forum (PEF) noted that no procedures exist to oversee the treatment and care of persons with disabilities who are under guardianship. The MDRI and the PEF also criticize the use of cages in government facilities for persons with mental disabilities.

The law mandates access to buildings for persons with disabilities; however, services for persons with disabilities are limited, and most buildings are not wheelchair accessible.

*Religious Minorities.*—In 2000 the Council of Europe's Commission Against Racism and Intolerance published a report that criticized the blatant anti-Semitism in some media, in Parliament, and in society.

According to police reports, there were 33 cases of persons vandalizing grave-stones in 2000. There also were 98 reports of vandalism in cemeteries during the first half of the year; there were 343 such cases in 2000. There is no data on which churches the cemeteries belonged to. The Jewish Community (MAZSIHISZ) claimed that there were fewer acts of vandalism in Jewish cemeteries than in 2000, and most of the cases were committed by youths; the MAZSIHISZ does not consider these incidents anti-Semitic actions.

During the year, the Jewish community and the Roma worked together as the Roma began to turn to the MAZSIHISZ for information and advice on the Holocaust and compensation issues.

MAZSIHISZ and international Jewish organizations criticized as unfair a 1998 decision by the Government to provide \$128 (30,000 HUF) each to the heirs of Holocaust victims. In 1999 the president of MAZSIHISZ stated that hundreds of Holo-

caust survivors were returning compensation payments to the Government, protesting that the small amounts were an insult. The Orban Government stated that the \$128 (30,000 HUF) was all that could be paid out without budget imbalances. The figure of \$128 was accepted originally by the leaders of the Jewish Community who had negotiated with the Government; however, in December 2000, the Constitutional Court ruled that the negotiated amount was unconstitutional. In response to this ruling, the Ministry of Justice proposed an amended compensation amount of \$1,100 (303,000 HUF), plus retroactive interest. The Hungarian Jewish community tentatively accepted the Government's proposal, but negotiations continued over the payment of accrued interest.

*National/Racial/Ethnic Minorities.*—The law recognizes individuals' minority rights, establishes the concept of the collective rights of ethnic minorities, and states that it is their inalienable collective right to preserve their ethnic identity. The law also permits associations, movements, and political parties of an ethnic or national character and mandates the unrestricted use of ethnic languages. For an ethnic group to be recognized it must have at least 100 years' presence in the country, and its members must be citizens. On this basis, minority status is granted specifically to 13 national or ethnic groups (among which the Roma are by far the most numerous). Other groups may petition the Speaker of Parliament for inclusion if they believe that they fulfill the requirements.

The law considers that the establishment of local minority self-governments is a necessary precondition for the enforcement of the rights of ethnic minorities. With some funding from the central budget and some logistical support from local governments, local minority self-governments seek to influence and oversee matters affecting minorities, particularly in the fields of education and culture. Local minority self-government elections, in conjunction with local government elections, have been held since 1994. Any of the 13 minorities can set up a minority self-government if at least 50 valid votes are cast in settlements with fewer than 10,000 inhabitants and if at least 100 votes are cast in larger settlements. Since ethnicity is not registered officially, voting on minority self-governments is not limited to the minorities themselves; all the voters receive a minority ballot in addition to the local government ballot. The elected local minority self-governments can elect their national minority self-governments; all 13 minorities have formed national self-governments. Several Roma self-governments formed regional groupings to facilitate cooperation. Minority self-government has been criticized mainly on two grounds; first, several minority representatives have objected to the fact that members of the majority can vote for minority candidates and thus influence minority politics; second, critics call for an increase in the competence of the minority self-governments and considerably more financial resources for them.

There were 770 Romani minority self-governments elected in the local elections in October 1998, a significant increase over the 477 elected self-governments in the first minority elections held in 1994. The new self-governments began operating in January 1999. Of these, 719 continued to function; a number of self-governments have ceased functioning since 1999 due to a lack of funds. During the first half of the year, there were a total of 1,321 minority self-governments. The Romani minority poses a special challenge for the system of national minority self-governments. In contrast to other minorities for whom the preservation of their identity and culture is the basic goal, the Roma also have to contend with the fact that they generally belong to the lowest socioeconomic strata of society. Ethnicity and poverty both are problems that the Roma must deal with. The Romani self-governments, unlike other self-governments, are faced with the task of improving the lives of their constituents with no additional resources.

The Minority Affairs Ombudsman—an ethnic German reelected in June—is charged specifically with defending minority rights. There is 1 Roma lawyer out of a total of 11 lawyers in the Ombudsman's office. The Ombudsman continued to promote a uniform antidiscrimination law. In March the Minister of Justice established an interministerial antidiscrimination committee that considered the antidiscrimination bill drafted by the Ombudsman; committee members include representatives of relevant ministries, the Government Office of Ethnic Minorities, and the Ombudsman.

Education is available to varying degrees in almost all minority languages. There are certain minority schools where the minority language is the primary language of instruction, and there are some schools where minority languages are taught as a second language.

Roma constitute at least 5 percent of the population, with some estimates as high as 9 percent. In view of the higher birth rate among Roma compared with the general decline in the majority population, observers believe that this percentage is likely to remain constant or grow, which causes concern among a substantial portion

of the majority population. Germans, the second largest minority group, constitute approximately 2 percent of the population. Smaller communities of Slovaks, Croats, Romanians, Poles, Ukrainians, Greeks, Serbs, Slovenes, Armenians, Ruthenians, and Bulgarians also are recognized as ethnic minorities. The results of a census conducted during the year are scheduled to be released in 2002.

Conditions of life for the Romani community were significantly worse than among the general population. Roma suffer from government and societal discrimination, racist attacks, and are considerably less educated, and have lower than average incomes and life expectancy. The unemployment rate for Roma is estimated to be 70 percent, more than 10 times the national average. Once unemployment benefits are exhausted, and with social services stretched thin, the majority of Roma live in desperate poverty. As of 2000, the Government reduced the limit on unemployment benefits from 1 year to 9 months, which affects the Romani community disproportionately and exacerbates the poverty of this large segment of society. As a result, negative stereotypes of Roma as poor, shiftless, and a social burden persist. Roma continued to suffer widespread discrimination in education, housing, and access to public institutions, including restaurants and pubs. There have been at least two cases where bar owners who have refused to serve Roma customers were fined by the courts. NGO's believe that the fines imposed were insufficient. Schools for the Roma are more crowded, more poorly equipped, and in markedly poorer condition than those attended by non-Roma. Only 1.6 percent of the Romani community graduate from high school, compared with 23.8 percent for non-Roma, while 0.24 percent graduate from college or university, compared with 9.45 percent for non-Roma. The Minister of Justice leads an interministerial Roma affairs committee that is tasked with assigning Roma-related issues in the Government.

Local government officials have punished Roma who were unable to pay utility fees by evicting their families from residences without providing alternative housing. For example, in the town of Ozd, ERRC visited apartment buildings from which Roma were forced to leave for renovations, many without having been given alternative housing for the duration and who may return only if they pay high fees for the costs of renovation. In some areas, the relocation and concentration of Roma populations has, in effect, created ghettos. During the summer of 2000, laws on the tenancy of flats were amended to ease administrative procedures for evicting squatters. Under the new procedures, notaries public may authorize evictions and are required to enforce the order within 8 days, even if an appeal has been filed against the decision. Roma families bore the brunt of the new rules, which expand the power of local officials to remove Roma from their homes. The Roma Civic Rights Foundation visits and reports on cases of forced eviction, and works on urging local governments to provide temporary shelters. The Government developed a program to facilitate mortgages for middle and lower income Romani home buyers; it took effect during the year. Some of these loans are to be given at favorable interest rates and may reduce the number of forced evictions.

The country evaluation reports issued by the European Commission and the European Parliament both emphasized the pressing and urgent character of the Roma problem. For example, the Government sponsors programs both to preserve Romani languages and cultural heritage and to assist social and economic assimilation. The Ministry of Justice has oversight and budgetary control of the Coordination Council for Roma Affairs and the Office of National Ethnic Minorities. In 1999 the Government published an action plan designed to improve living conditions in Romani communities, with specific focus on public health, education, and work training; however, the plan provides no additional funds, it merely redistributes already inadequate resources. Despite this constraint, the program has been marginally successful.

Widespread popular prejudice against Roma continued. Police commonly abuse Roma (see Section 1.c.). In April in the village of Bag, a group of policemen attacked and beat a Roma family that was participating in a vigil over a dead body. Several policemen were fined \$5,000 (1.5 million HUF). In response the Office of Ethnic Minorities, together with the Ministry of Interior, conducted a conflict management program in the village. Police also fail to intervene to prevent violence against Roma. The European Roma Rights Center reported that on May 5, in Fiserbocsa, five Roma men were shot at and threatened in the presence of a police officer. After several failed attempts to register a complaint with the police, one of the Rom took a hidden camera to the police station and recorded the police officer threatening to beat him and stating that it was unfortunate he had not been killed during the incident. The investigation continued at year's end.

According to Human Rights Watch, on June 17, in Hencida village, gasoline bombs were thrown at the house of the leader of the Roma Minority self-government; two of his daughters suffered burns from the firebombs.

Foreigners of color also reported harassment by police and at border control checkpoints. The Martin Luther King Organization (MLKO), which documents assaults on nonwhites, reported a gradual decrease in the number of such incidents over the past several years, with three such cases in the first 9 months of 2000. However, MLKO sources believe that many cases go unreported.

Changes to the Penal Code have made it easier to enforce and stiffen penalties for hate crimes committed on the basis of the victim's ethnicity, race, or nationality. The law already has been applied several times; there was one case pending at year's end.

In 2000 47 members of a Roma clan from the village of Zamoly applied for refugee status in France and indicated their intent to file suit against the Government at the European Court of Human Rights (ECHR). In March 15 a total of Roma from Zamoly were granted asylum in France; the Roma claimed they were threatened, physically attacked, and that their homes were destroyed. The asylum claims came after 3 years of tensions in Zamoly between the clan and the local community over housing issues. Nine of the 12 Roma families received refugee status in France. The ECHR has agreed to review that asylum case and is temporarily housing and maintaining the remaining applicants.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Labor Code recognizes the right of unions to organize and permits trade union pluralism. Workers have the right to associate freely, choose representatives, publish journals, and openly promote members' interests and views. There are six trade union federations; each is targeted broadly at different sectors of the economy. The largest labor union organization is the National Confederation of Hungarian Trade Unions, the successor to the former monolithic Communist union, with over 735,000 members. In 2000 the Democratic League of Independent Unions and the Federation of Workers' Councils had approximately 100,000 and 56,000 members, respectively.

With the exception of military personnel and police officers, workers have the right to strike.

There are no restrictions on trade union contacts with international organizations, and unions have developed a wide range of ties with international trade union bodies.

*b. The Right to Organize and Bargain Collectively.*—The Labor Code permits collective bargaining at the enterprise and industry level, although the practice was not widespread and has discouraged actively in the growing private sector. Labor organizations appeared willing to cooperate with one another; this particularly was evident in their relationship in forums such as the National Labor Affairs Council (OMT), which succeeded the Interest Reconciliation Council in 2000, and which provides a forum for tripartite consultation among representatives from management, employees, and the Government. The OMT discusses issues such as wage increases and the setting of the minimum wage, which is negotiated centrally within the OMT in order to control inflation (see Section 6.e.). Individual trade unions and management may negotiate higher wages at the plant level. Under a separate law, public servants may negotiate working conditions, but the final decision on increasing salaries of public servants rests with Parliament. In 1998 the Government disbanded the Ministry of Labor and split its work between the Ministry of Economy, which is responsible for policy issues, and the Ministry of Social and Family Affairs, which is responsible for employment issues and drafting labor-related legislation.

Employers are prohibited from discriminating against unions and their organizers. The Ministry of Economy enforces this provision.

There are no export processing zones, but individual foreign companies frequently have been granted duty-free zone status for their facilities. Employees in such facilities and zones are protected under the labor laws.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor; however, trafficking in women for sexual exploitation and in men for forced labor was a problem (see Section 6.f.).

The law prohibits forced or bonded labor by children; however, trafficking in children was a problem (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The Government has adopted laws to protect children from exploitation in the workplace. The Labor Code prohibits labor by children under the age of 15 and regulates labor conditions for minors (14 to 16 years of age), including prohibitions on night shifts and hard physical labor. Children may not work overtime. The National Labor Center enforces these regulations in practice, and there were no reports of any significant violations of this statute.

The law prohibits forced and bonded labor by children; however, trafficking in children was a problem (see Section 6.f.).

*e. Acceptable Conditions of Work.*—The OMT establishes the legal minimum wage, which subsequently is implemented by a Ministry of Economy decree. However, in 2000 the OMT and the Ministry of Economy were unable to reach an agreement, which entitled the Government unilaterally to establish a minimum wage. The Government increased the minimum wage from \$90 (25,500 HUF) to \$140 (40,000 HUF), an increase of 56 percent; however, the national minimum wage does not provide a decent standard of living for a worker and family. The minimum wage is only 42 percent of the average wage. Many workers supplement their incomes with second jobs, and there are reports that many citizens, while officially earning the minimum wage, actually were paid higher wages informally so that their employers could avoid high payroll taxes. Since the establishment of the National Labor Affairs Supervising Authority, approximately 48,000 employers have been audited on an annual basis.

The Labor Code specifies various conditions of employment, including termination procedures, severance pay, maternity leave, trade union consultation rights in some management decisions, annual and sick leave entitlement, and labor conflict resolution procedures. Under the Code, the official workday is set at 8 hours; however, it may vary depending upon the nature of the industry. A 48-hour rest period is required during any 7-day period. In July Parliamentary amendments to the Labor Code entered into effect, which incorporate into law nine European Union (EU) directives that cover protection and rights of employees, conditions of employment, and equal opportunity in employment; the amendments brought the Labor Code into conformity with EU standards. However, labor groups have criticized the amendments for allowing employer flexibility in scheduling the obligatory 2 days of rest per week.

Labor courts and the Ministry of Economy enforced occupational safety standards set by the Government, but specific safety conditions are not consistent with internationally accepted standards. The enforcement of occupational safety standards is not always effective, in part due to the limited resources. Under the Labor Code, workers have the right to remove themselves from dangerous work situations without jeopardy to continued employment; this right is respected in practice.

*f. Trafficking in Persons.*—The law prohibits trafficking in persons; however, trafficking in persons is a serious problem. Border officials facilitated trafficking.

The country primarily is a transit, but also is a source and destination country for trafficked persons. Women and children are trafficked for sexual exploitation mostly from Romania, Ukraine, Moldova, Poland, Yugoslavia, and China to and through the country to Austria, Germany, Spain, the Netherlands, Italy, France, Switzerland, and the United States. Trafficking victims from Hungary typically are women from the eastern part of the country, where unemployment is high. They are trafficked to other European countries or other parts of the world, primarily to Austria, Belgium, Germany, Italy, and the Netherlands, but also to Canada, Japan, Spain, Switzerland, and Turkey. Men trafficked for forced labor through Hungary to the EU and the United States come from Iraq, Pakistan, Bangladesh, and Afghanistan.

Many of the victims of trafficking are brought to the country by organized crime syndicates, either for work as a prostitute in Budapest or for transit to Western Europe or North America. Hungarian trafficking rings also exploited victims by using them as babysitters, housekeepers, and manual laborers. Russian-speaking organized crime syndicates are active in trafficking women primarily from Ukraine and other countries of the former Soviet Union to the EU through Hungary. Hungarian victims mainly are young women, although they also include men, middle-aged women, and children. They are recruited at discos and modeling agencies, through word-of-mouth, or even through open advertisements in local papers and magazines. Some know that the purpose of the trip is to perform illegal work; others believe that they are using an alternative means of attaining a visa, and others plan to work but believe that the appropriate papers and permission will be obtained by the organizers, who turn out to be traffickers. Once at their destination they are forced into prostitution or other exploitation. Traffickers often confiscate identification documents, and severely restricted the freedom of movement of victims.

Corruption is a major problem among border officials, who generally do not earn a living wage and thus often take bribes from traffickers. In many villages in the eastern part of the country, the local police know who the traffickers are, but are reluctant to pursue investigations for fear of reprisals from the better financed, better equipped, and better armed traffickers.

Parliament has amended the Penal Code to add a trafficking law that provides penalties commensurate with those for rape. Under the law, even preparation for

the trafficking of persons is a criminal offense. The penalty for trafficking is between 2 and 8 years in prison; the trafficking of minors is punishable by up to 10 years in prison. However, if an organized trafficking ring is involved, the sentence can be life imprisonment or asset confiscation. An amendment to the alien law provides for immediate expulsion from the country of foreign traffickers. Prosecution of traffickers is difficult because there is no legislation to protect victims; however, in 2000 a total of 13 trafficking cases were brought to trial, all of which remained pending at year's end. The police Organized Crime Task Force investigates trafficking cases involving organized crime, and the Government cooperates with foreign countries to facilitate improved police cooperation to combat organized crime and trafficking in persons.

The Government provides limited assistance to victims of trafficking. In theory assistance with temporary residency status, short-term relief from deportation, and shelter assistance are available to trafficking victims who cooperate with police and prosecutors; however, there are no documented cases in which such assistance was provided. Allegedly police and immigration officials often treat trafficking victims as criminals and refuse to accept reports of kidnaping against young women.

Parliament passed a resolution in July 1999 that called for a victim protection plan to be implemented by August. The Ministry of Interior has established a Victim Protection Office, has established a victim protection fund, and has posted information brochures on victim protection in every police station. Branches of a new Victim Protection Office, which provide psychological support services and legal advocacy for victims, safeguard their rights, and attempt to minimize the trauma of trials, operate in 42 localities (see Section 1.e.). However, the women's NGO Women Against Violence Against Women (NANE) reported that the Victim Protection Office does not deal exclusively or even primarily with victims of trafficking.

The International Organization of Migration (IOM) continued a program funded by the EU to raise awareness of the problem of trafficking and to educate potential victims. Women's rights organizations, the IOM, and the Ministry of Youth and Sport Affairs are conducting preventive programs for teenagers in schools. NANE established an information hot line that ran in parallel with the IOM campaign to provide information on types of trafficking-associated advertisements and situations that young women should avoid. In December NANE, the IOM, the public fund For a Safe Hungary, and foreign government funding established a joint project to continue and enhance the operation of the hot line.

The relationship between the Government and NGO's who work on trafficking problems is poor, with little or no contact between them. However, the Government reportedly was consulting with NGO's to provide antitrafficking sensitivity training to police. The Ministry of Social and Family Affairs conducted training of Government officials in techniques to identify and combat human trafficking.

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## ICELAND

Iceland is a constitutional republic and a parliamentary democracy in which citizens periodically choose their representatives in free and fair multiparty elections. The Government respects the constitutional provisions for an independent judiciary in practice.

Elected officials control the police force, which is responsible for internal security and observes and enforces the laws that ensure the protection of human rights.

The country has a population of approximately 286,000. The mixed, open economy provides residents with a high standard of living. The gross domestic product during the year was estimated at \$8 billion. Fish and other marine products account for almost two-thirds of the country's revenue from goods exports. An abundance of inexpensive hydroelectric power provides a comparative advantage for aluminum smelting, the main manufacturing activity. Aluminum is the second leading export. Growth was estimated to be approximately 2 percent during the year.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Human rights monitors expressed concern about the Government's frequent use of solitary confinement for remand prisoners. The Government is taking steps to deal with violence against women. Some societal discrimination against women persists, especially in the area of equal pay. There were reports of trafficking in women for 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.

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

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

Prison conditions generally meet international standards. Most of the country's prison population of less than 100 inmates are held at Litla Hraun Prison, which includes a state-of-the-art detention facility. However, the prison system still uses a substandard jail (Hegningarhusid, built in 1874), where the 16 individual cells lack toilets and sinks. In most cases, prisoners are kept in Hegningarhusid Prison only a short time for evaluation and processing before being transferred to another facility, and some prisoners with short sentences (less than 30 days) elect to serve their time there to be closer to friends and family.

Human rights monitors have expressed concern about the use of illegal drugs by some inmates at Litla Hraun Prison and about the lack of social services to help inmates overcome drug addiction and prepare them for eventual release. Despite the small inmate population at Litla Hraun, the authorities have not been able to stop narcotics from being smuggled into the prison.

In a 1999 report, the Council of Europe's Committee for the Prevention of Torture (CPT) expressed concern that nearly all detainees at Litla Hraun continued to be placed in solitary confinement while their cases were under investigation. While the average duration of solitary confinement was between 2 and 3 weeks, the CPT noted that in some cases, solitary confinement lasted up to 3 months. Under the strictest form of solitary confinement, prisoners cannot leave their cells, except briefly to exercise alone or to use the showers, and are not allowed to listen to the radio, watch television, or receive visitors other than their lawyers, the prison doctor, and a chaplain. In 1999 the supervising doctor at Litla Hraun wrote to prison authorities, warning that the mental health of several prisoners awaiting trial on drug trafficking charges could be in danger due to the extended time that they spent in solitary confinement. During the year, the ombudsman of the Parliament investigated the use of solitary confinement as a punishment for violations of prison regulations. He concluded that the Ministry of Justice needed to adopt clearer guidelines to prevent the arbitrary use of solitary confinement by prison authorities.

Despite the Government's admission that "in the vast majority of cases" incarceration alone was sufficient to protect the integrity of the investigative process, witnesses, and evidence, the Prison and Probation Administration's statistics show that solitary confinement was the rule rather than the exception, and that most of those arrested were placed into solitary confinement, at least initially. During the first 11 months of the year, 78 of the 86 persons arrested and held on remand were put into solitary confinement, each for an average of 4 weeks. The police decide whether persons should be put in solitary confinement, but the accused may appeal this decision to the courts, which have the final say. Inmates occasionally have appealed solitary confinement, but the courts in general have allowed the police considerable leeway during the first 2 to 3 weeks of incarceration. The courts have been less willing to allow continued solitary confinement after that time.

A 1998 law allows pretrial detainees to be incarcerated with the general prison population; some human rights monitors have criticized this law. During the year, the Government budgeted planning funds for a new remand prison just outside of Reykjavik; however, construction had not begun by year's end.

Juveniles who are 15 years of age or older may be sentenced to prison terms, but the vast majority of juvenile offenders are given probation, suspended sentences, or attend a treatment program instead of going to jail. In the rare instances when juvenile offenders are incarcerated, they are confined with the adult prison population since there is no separate detention facility for juveniles. The Government has argued that such separation is not practical since the need to incarcerate a juvenile occurs so infrequently.

There is a separate minimum-security prison for women inmates. But because so few women are incarcerated, some men who have been convicted of nonviolent crimes are held there as well (with the approval of the women inmates).

The Government permits prison visits by independent human rights monitors, including by the International Committee of the Red Cross (ICRC).

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

There was a report that police detained an asylum seeker at the airport during the year contrary to established procedures for asylum processing (see Section 2.d.).

The law prohibits forced exile, and the Government does not employ it.

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

There are two levels of courts. A five-member Judicial Council appointed by the Minister of Justice administers the eight district courts, and the Supreme Court administers itself. All judges, at all levels, serve for life.

The law provides for the right to a fair trial, and an independent judiciary generally enforces this right. Juries are not used, but multijudge panels are common, especially in the Supreme Court, which hears all appeals. Depending on the seriousness of the case, a Supreme Court panel can include from three to seven judges. Defendants are presumed innocent and generally are tried without delay. They are provided access to legal counsel of their own choosing with sufficient time in general to prepare their defense. For defendants unable to pay attorneys' fees, the state covers the cost, as set by the court; however, defendants are required to reimburse the state. Defendants have the right to be present at their trial, to confront witnesses, and to participate in the proceedings. No groups are barred from testifying, and all testimony is treated alike. The courts have the discretion to allow the introduction of evidence obtained illegally by the police. With limited exceptions, trials are public and conducted fairly, with no official intimidation. Defendants have the right to appeal, and appeals are handled expeditiously.

There were no reports of political prisoners.

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

*Section 2. Respect for Civil Liberties, Including:*

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

The law bans the production, exhibition, distribution, or sale of "violent" movies, which "strive to show mistreatment or the brutal killing of men or animals." A six-member Motion Picture Review Committee, appointed by the Minister of Education and Culture, reviews all movies before they are shown and rates their suitability for children. The committee has banned or required edits of several dozen films over the past 6 years.

Internet access is available and unrestricted.

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

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, the State financially supports and promotes an official religion, Lutheranism.

The salaries of the 146 ministers in the Lutheran state church are paid directly by the state, and these ministers are considered to be public servants under the Ministry of Justice and Ecclesiastical Affairs. The Government does not pay Lutheran ministers in the nonstate churches.

All citizens 16 years of age and above must pay a church tax of approximately \$5.50 (554.24 krona) per month. Individuals may direct their tax payments to any of the two dozen religious denominations and organizations officially recognized by the Government, including the State Lutheran Church. For individuals who are not registered as belonging to a religious organization, or who belong to one that is not registered and recognized officially by the Government, the tax payment goes to the University of Iceland, a secular institution.

Children at birth are presumed to have the same religious affiliation as their mother and are registered as such. Parents control the religious affiliation of their children until they reach the age of 16, but parents must "consult" their children about any changes in the children's affiliation after the age of 12.

By law religious instruction in Christianity is required in the public schools; however, students may be exempted.

By law religious organizations must follow specific conditions and procedures in order to be recognized officially and registered by the Government. Such recognition is necessary for religious organizations other than the state church to receive a per capita share of church tax funds from the Government. The law applies only to religious organizations that are seeking to be, or are already, officially recognized and

registered. No restrictions or requirements are placed on unregistered religious organizations, which have the same rights as other groups in society.

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

Although neither the Constitution nor the law includes provisions for the granting of refugee or asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, in practice the Government adjudicates cases in accordance with their provisions. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR), the ICRC, and other humanitarian organizations in assisting refugees. Human rights monitors have expressed concern about the lack of comprehensive legislation to govern the processing of asylum seekers and to provide a framework for the handling of foreigners and immigrants in general. In particular there is concern that the 1965 Supervision of Foreigners Law gives police and custom officers at ports of entry too much discretion to deny admission to asylum seekers whose claims they deem to be not credible. During the year, the police at the international airport in Keflavik reported that they denied entry to 21 asylum seekers on that basis.

The question of first asylum rarely arises. However, the Directorate of Immigration and the Icelandic Red Cross (which houses and assists asylum seekers under a contract with the Government) reported that 51 individuals applied for asylum during the year, compared with 24 in 2000. Most asylum seekers applied for asylum after entering the country, rather than at the airport; none were found to qualify for refugee status, but several cases were still under consideration at year's end. Only one asylum application has ever been approved, that of a 17-year-old individual who claimed to be fleeing from persecution in Central Africa. During the year, there was a report that police detained for 3 days an Iraqi man who claimed asylum upon arrival at the airport, before returning him to the United Kingdom—his last stop before coming to Iceland. This was contrary to established asylum procedures, which require that asylum seekers who are admitted into the country be turned over immediately to the Red Cross and the Directorate of Immigration for processing and care. Iceland became part of the Schengen free travel area on March 25, which resulted in the elimination of formal border controls on the movement of persons into Iceland from other Schengen countries.

The Government accepted 23 UNHCR-designated "quota" refugees from the former Yugoslavia during the year, continuing a program begun in 1996 of resettling 20 to 25 refugees from the region each year. Local government authorities in the towns where refugees settle take a strong interest in helping them adapt to their new environment. The Icelandic Red Cross, in cooperation with the Refugee Council of the Ministry of Social Affairs, has developed a family support program whereby at least three Icelandic families are enlisted to assist each refugee or refugee family. The refugees are granted work permits and assisted in finding jobs. For the first year, they also are given free housing, utilities, and health care and receive a stipend so that they can participate daily in a special half-day language course.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The latest elections to the Althingi (unicameral Parliament) were held in May 1999.

The percentage of women in government and politics does not correspond to their percentage of the population, but no legal or practical impediments hinder their participation. Women hold 23 of the 63 seats in Parliament. Of the 12 government ministers, 3 are women, and 2 of 12 ministerial permanent secretaries (civil servants who function as deputy ministers) are women. Of the nine Supreme Court justices, two are women. There has been a marked increase in the number of female parliamentarians elected since the Women's List (WL), a feminist political party, was founded in 1983. The WL, which no longer exists because of a political party merger, forced the established political parties to nominate more female candidates or face losing support. As a result, women's issues moved into the mainstream of political debate, and all of the major political parties have at least one woman in a prominent leadership position.

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

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

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

The law prohibits discrimination based on these factors, and the Government enforces this prohibition in practice. The population is strongly egalitarian and opposed to discrimination based on any of these factors.

*Women.*—Violence against women continued to be a matter of concern. Police statistics show that the incidence of violence against women—including rape and sexual assault—is low; however, the number of women seeking assistance at the public women's shelter, the counseling center, and the emergency ward of the National Hospital indicates that many incidents go unreported. Each year approximately 100 women ask for temporary lodging at the women's shelter, while 300 to 400 women and children seek assistance at the counseling center. The hospital emergency ward, which has a special staff to care for rape victims, reports that during the year, 134 women sought care associated with sexual assault or abuse. The law prohibits domestic violence and rape, including spousal rape.

The Government takes violence against women seriously; it helps finance various facilities and organizations that provide assistance to victims. The City of Reykjavik, in addition to partially funding such services, provides special help to immigrant women who find themselves in abusive relationships, offering emergency accommodation, counseling, and information on legal rights. In 2000 Parliament passed legislation that gives the courts the power to issue restraining orders, which has been a useful legal tool in protecting women from abusive husbands and boyfriends. In 1999 the Government amended the Criminal Code to provide victims of sexual crimes with lawyers to advise them of their legal rights and help them pursue cases against the alleged assailants.

Nonetheless a large majority of victims decline to press charges or choose to forgo trial, in part to avoid unwanted publicity in a small, tightly knit society. Some local human rights monitors also attribute underreporting to the fact that convictions traditionally yield light sentences: The maximum penalty for rape is 16 years, but the actual sentences imposed typically are much closer to the minimum sentence of 1 year.

The sale of sex for money is not illegal per se, but it is against the law for someone to engage in prostitution as his or her main source of income. It is also illegal to act as an intermediary in the sale or procurement of sex. There were indications that some foreign women were trafficked to work as striptease dancers or prostitutes (see Sections 6.c. and 6.f.).

The rate of participation by women in the labor market is high. In part this reflects the country's comprehensive system of subsidized day care, which makes it affordable and convenient for women to work outside the home. The law requires that preference be given to hiring and promoting women in areas where they are underrepresented, as long as they are equal in all other respects to male job seekers. Despite laws that require equal pay for equal work, a sizeable pay gap continues to exist between men and women: A 2000 survey by a union in Reykjavik showed that women, on average, earned 30 percent less than men. A 12 percent difference in pay may be attributable to the fact that men work on average 4.2 more hours per week than women, but the rest of the gap is unexplained.

In 2000 Parliament passed legislation that gives fathers the same right as mothers to paid leave upon the birth of a child. Under the law, which is expected to be fully implemented in 2003, both mothers and fathers will be allowed to take 3 months of paid leave (at 80 percent of the normal salary), with an additional 3 months that can be taken by either parent or shared between them. Previously a mother was given 6 months of paid maternity leave and the father just 2 weeks. The new leave requirements apply equally to the public and private sectors.

*Children.*—The Government is strongly committed to children's rights and welfare; it amply funds a system of public education and health care. School attendance is compulsory through the age of 15 and free through public university level. Approximately 85 percent of students continue to upper secondary education, which is financed completely by the Government. The Government provides free prenatal and infant medical care, as well as heavily subsidized childcare. The Office of the Children's Ombudsman in the Prime Minister's Office has a mandate to protect chil-

dren's rights, interests, and welfare by, among other things, exerting influence on legislation, government decisions, and public attitudes and has done so.

The government-funded Agency for Child Protection coordinates the work of 56 committees around the country that are responsible for managing child protection issues (for example, adoption and foster care) in their local areas. The agency also investigates reports of child abuse through a specially designed "Children's House" (Barnahusid) and operates treatment centers for abused and troubled minors.

There is no societal pattern of abuse directed against children.

In an effort to improve the rate of prosecution of child sexual abuse and lessen the trauma to the child, the Government established the Children's Assessment Center in 1998. The objective of the center is to create a safe and secure environment where child victims feel more comfortable talking about what happened to them and are not subjected to multiple interviews. The center brings together police, prosecutors, judges, doctors, and officials from child protection services. However, a 1999 change in the Criminal Code made judges (instead of the police) responsible for the investigatory interview of abused children and allowed these interviews to be conducted in specially designed rooms at district courthouses. In 2000 the Supreme Court upheld the right of a Reykjavik district court judge to hold an investigatory interview in the courthouse rather than at the center, which has led to a significant decrease in the child sexual abuse cases being handled through the center. Human rights monitors criticized this as a step backward in the protection of children's rights.

*Persons with Disabilities.*—Persons with disabilities are not subject to discrimination in employment, education, or the provision of other state services. The law provides that such persons have the right to "all common national and municipal services" and provides that they be given assistance to "make it possible for them to live and work in normal society with others." The law also provides that persons with disabilities should receive preference for a government job when they are qualified equally, or more qualified, than regular applicants.

Building regulations updated in 1998 call for public accommodations—such as hotels, restaurants, banks, and stores—as well as government buildings to be accessible so that persons in wheelchairs have access without assistance. Building regulations also specify that elevators in such buildings should be large enough to accommodate wheelchairs and that 1 percent of parking spaces (a minimum of one space) should be reserved for disabled use. Moreover, the regulations also specify that, to the extent possible, the sidewalk outside the main entrance of a public accommodation or government building should be heated so that it remains clear of ice and snow throughout the winter. The law provides that violations of these regulations are punishable by a fine or a jail sentence of up to 2 years; however, the country's main association for persons with disabilities complains that enforcement is lax and that penalties rarely are assessed for noncompliance.

Access to new buildings tends to be good, while efforts to make old buildings more accessible have lagged. A government committee was surveying systematically all state-owned buildings in the country to evaluate their accessibility. The Reykjavik city government, in cooperation with local associations representing bicycle riders and the blind, has been beveling sidewalks at intersections throughout the city to facilitate the movement of pedestrians, bicyclists, and persons in wheelchairs. The city is spending approximately \$175,000 (17.5 million krona) a year on this project, which it aims to have completed by 2006.

In 2000 the Supreme Court ruled that the extent to which the State was reducing social security payments to persons with disabilities based on the income of their able-bodied spouses was unconstitutional. The Court stated that the significant cuts in social security payments as a result of means testing violated constitutional protections regarding equality and support for persons with disabilities. In reaction to the ruling, Parliament passed legislation in January that increased the minimum payment to persons with disabilities who have able-bodied spouses. However, their social security benefits continued to be subject to a modified form of means testing. The Association of Disabled Persons protested that the legislation did not comply with the Supreme Court ruling and challenged the new law in court. There was no ruling by year's end.

While significant progress has been made in the last few years in addressing the concerns and needs of persons with physical disabilities, some mental health advocates fault the Government for not devoting sufficient attention and resources to the care of persons with mental disabilities.

*National/Racial/Ethnic Minorities.*—Concern has been voiced, including by the Prime Minister, that the rapidly increasing number of foreigners being brought into the country to meet the labor shortage in fish processing and other less desirable occupations could lead to future problems, especially in the event of an economic

downturn. At the end of 2000, 8,824 foreigners were living in the country, or approximately 3 percent of the population, according to the National Statistical Office. However, persons of foreign origin constituted 4 or 5 percent of the population when account was taken of individuals who were born in foreign countries but have since become citizens. New work and residence permits were issued at a rate of approximately 150 per month during the year. Many of these “temporary” workers come from Central and Eastern Europe and the former Soviet Union, and the Directorate of Immigration expected most of them to seek to remain permanently rather than return to their countries of origin. According to a 2000 opinion poll, 85 percent of foreigners were content with living in Iceland, and 40 percent were “unlikely” to return to their country of origin.

For several years, the City of Reykjavik has operated a highly regarded Intercultural Center that helps foreigners adjust to living in the country. In December the City of Reykjavik, in cooperation with surrounding towns and local NGO’s, opened a larger and better staffed International House to replace the Intercultural Center.

Human rights monitors continued to express concern about an ultranationalist organization called “Iceland for Icelanders,” which was founded in 1997 with the goal of limiting the further settlement of foreigners in the country to persons of European origin. In April the deputy leader of the organization was indicted for making disparaging remarks about foreigners in a newspaper interview. In October he was found guilty and fined \$300 (30,000 krona). There is no law that prohibits organizations that promote and incite racial discrimination.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—Workers make extensive use of the right provided by the Constitution to establish unions, draw up their own constitutions and rules, choose their own leaders and policies, and publicize their views. The resulting organizations are independent of the Government and political parties. Approximately 85 percent of all eligible workers belong to unions.

With the exception of limited categories of workers in the public sector whose services are essential to public health or safety, unions have the right to strike. During the year, there were minor strikes by air traffic controllers, hospital nurses, nurse assistants, physical therapists, municipal employees, and music teachers. In April and May, there was also a 6-week seamen’s strike, which brought the fishing industry to a standstill. Concerned about the strike’s effect on the economy, Parliament passed a law in May ordering the seamen to return to work and providing that the dispute be referred to binding arbitration. The arbitration panel handed down its decision in June, which was accepted by all parties (see Section 6.b.).

Unions are permitted to affiliate internationally, and they take active part in Nordic, European, and other international trade union bodies.

*b. The Right to Organize and Bargain Collectively.*—Union membership is not impeded by law or practice. Employers are required to withhold union dues (1 percent of gross pay) from the pay of all employees, whether or not they are union members, to help support, among other benefits, disability, strike, and pension funds to which all workers are entitled.

The various trade unions and management organizations periodically negotiate collective bargaining agreements that set specific terms for workers’ pay, hours, and other conditions. Collective bargaining agreements were negotiated in 2000, and most will expire in either 2003 or 2004. The Government played only a minor role in the bargaining process, providing mediation assistance in a few cases (through the State Mediator’s Office) while generally encouraging wage restraint to limit inflation. The new contracts provide that if inflation exceeds expectations during the first year, the unions have the right to seek renegotiation of the wage terms.

The Icelandic Federation of Labor (IFL) filed lawsuits in June and again in November charging that Parliament’s intervention in the fish industry strike violated the seamen’s constitutional rights to associate freely and to bargain collectively (see Section 6.a.). The case was ongoing at year’s end. In December the IFL also filed a complaint about the Government’s action with the International Labor Organization.

Labor courts effectively adjudicate disputes over contracts and over the rights provided for under the law, which prohibits antiunion discrimination. By law employers found guilty of antiunion discrimination are required to reinstate workers fired for union activities; however, in practice the charges often are difficult to prove.

There are no export processing or other special economic zones.

*c. Prohibition of Forced or Compulsory Labor.*—Forced or compulsory labor is prohibited by law; however, some women reportedly were trafficked into the country to work as striptease dancers or prostitutes (see Sections 5 and 6.f.). In addition

work permit practices left newly arrived foreign workers vulnerable to abuse by employers (see Section 6.e.).

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

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The law prohibits the employment of children younger than age 16 in factories, on ships, or in other places that are hazardous or require hard labor; this prohibition is observed in practice. Children 14 or 15 years old may be employed part time or during school vacations in light, nonhazardous work. Their work hours must not exceed the ordinary work-hours of adults in the same occupation. The Occupational Safety and Health Administration enforces child labor regulations effectively.

The Government ratified ILO Convention 182 on the worst forms of child labor in 2000, and it entered into force in May.

The law prohibits forced and bonded labor by children, and such practices are not known to occur (see Section 6.c.).

*e. Acceptable Conditions of Work.*—No minimum wage is mandated by law, but the minimum wages negotiated in various collective bargaining agreements apply automatically to all employees in those occupations, whether they are union members or not. Labor contracts afford even the lowest paid workers a sufficient income for a decent standard of living for themselves and their families.

Workers are protected by laws that effectively provide for their health and safety as well as for unemployment insurance, paid vacations, pensions, and reasonable working conditions and hours. The standard legal workweek is 40 hours, which includes nearly 3 hours of paid breaks per week. Work exceeding 8 hours in a workday must be compensated as overtime. Under changes that took effect during 2000, workers are entitled to 11 hours of rest (up from 10 hours previously) within each 24-hour period and to a day off every week. Under defined special circumstances, the 11-hour rest period can be reduced to 8 hours, but workers must then be compensated with 1.5 hours of rest for every hour received less than 11 hours. The day off can be postponed by a week, in which case the worker has a right to 2 additional hours off in the following week. Health and safety standards are set by Parliament and administered and enforced by the Ministry of Social Affairs through its Occupational Safety and Health Administration, which can and does close down workplaces until safety and health standards are met. Workers have a collective, not an individual, right to refuse to work in a place that does not meet the criteria of occupational safety and health. Firing workers who report unsafe or unhealthy conditions is illegal.

Human rights monitors expressed concern that in the case of newly arrived foreign workers or refugees (i.e., those who have been in the country for less than 3 years), the Government's practice of issuing applicable work permits to the employer rather than to the employee has left the worker vulnerable to abuse by the employer in some instances (see Section 5).

*f. Trafficking in Persons.*—The law does not prohibit specifically trafficking in persons, although a number of legal provisions may be used to prosecute such cases; trafficking was suspected in connection with the hundreds of foreign women who entered the country to work in striptease clubs. The main concern was that some of the women, especially those from Eastern and Central Europe, were being brought to Iceland under false pretenses and then coerced to work as striptease dancers or prostitutes. While most attention has been focused on Iceland as a possible destination point for trafficked women, there were some cases during the year that indicated that the country was also being used as a transit point for the movement of trafficked women between mainland Europe and North America. There were no reliable estimates on how many women this may involve.

In May, for the first time, formal charges of coercion were filed against a club. Four striptease dancers from Estonia told police that a club owner had pressured them into prostitution. Two Danish dancers lodged a similar complaint against the same employer. As of year's end, the cases remained under investigation, and no arrests had been made.

Parliament passed legislation in 2000 that closed a loophole that allowed striptease dancers to enter the country and perform without a work permit for up to 4 weeks under an exemption given for "artists." Any foreigner (except those from the European Economic Area) seeking to come to the country to work as a striptease dancer must first obtain a work permit, which is typically valid for 3 months. However, the Government has not yet put any numerical limits or other controls on the issuance of work permits for foreign striptease dancers. The clubs are allowed to bring in as many dancers as they want.

For the first several months that the new system was in place, the IFL vetted the work permit applications of foreign striptease dancers and ensured that their

contracts afforded the minimal labor protections. However, the IFL announced in March that it would no longer take part in this process. Citing the suspicious circumstances under which these dancers come and work in Iceland, the IFL said it did not want to assist unwittingly in human trafficking. However, the Directorate of Labor decided that under the existing law, it had no choice but to continue issuing the work permits, even without the review of the IFL.

Human right monitors were critical of the fact that the striptease clubs continued to operate with few, if any, restrictions on their operations. There are no regulations, for example, mandating a minimal distance between dancers and patrons. A study on prostitution, commissioned by the Ministry of Justice and released in March, concluded that organized prostitution existed at some, if not all, of the striptease clubs. In the absence of national legislation, some municipalities have taken action on their own to prohibit the opening of striptease clubs within their jurisdictions. The City of Reykjavik was moving to restrict the location of new clubs to designated areas only. However, the changes were not expected to be retroactive and would not affect the existing clubs, most of which were located downtown.

Victims may seek assistance at the women's shelter, counseling center, and hospital, which are all government funded (see Section 5).

## IRELAND

Ireland is a parliamentary democracy with a long tradition of orderly transfer of power. The Government consists of an executive branch headed by a prime minister, a legislative branch with a bicameral parliament, and a directly elected president. The Government respects the constitutional provision for an independent judiciary.

The national police (Garda Siochana) are under effective civilian control and have primary responsibility for internal security. Since the police are an unarmed force, the army, which is under the effective civilian control of the Minister for Defense, acts in their support when necessary. The country's principal internal security concern has been the prevention of terrorist violence from Northern Ireland. All major paramilitary groups, on both sides of the border, have declared permanent cease-fires pursuant to the 1998 Good Friday Peace Agreement. Members of the police committed some human rights abuses.

The country has a population of 3.84 million and an open, market-based economy that is highly dependent on international trade. Over the last 2 decades it has received funds from the European Union (EU), and this assistance has helped to address socioeconomic imbalances. Strong economic growth over the past few years lowered unemployment to 3.7 percent. Per capita gross national product was \$25,667 (22,135 Irish pounds).

The Government generally respected the human rights of its citizens; however, there were a few problems in some areas. There were instances of police abuse of detainees and prisoners. Prisons were overcrowded, with substandard facilities. The use of special arrest and detention authority and the use of nonjury courts continued. Films, books, and periodicals are subject to occasional censorship, and there were reports of some self-censorship in the media. Violence and discrimination against women were problems, as was the abuse of children. Asylum seekers and Travellers (an itinerant ethnic community) faced some discrimination, and there were incidents of violence against racial minorities and immigrants.

### 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.

The trial of Colm Murphy, an Irish citizen charged in connection with the 1998 bombing in Omagh, Northern Ireland, continued at year's end.

In 1999 the Commission for the Location of Victims' Remains, a joint body made up of representatives from the Republic and Northern Ireland, began efforts to locate the remains of nine persons, termed the "disappeared," who were abducted and killed by the Irish Republican Army (IRA) in the 1970's. In 1999 the remains of three of the nine victims were recovered and returned to their families. In 2000 the commission suspended the search pending new information from the IRA. Work remained suspended 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, there were instances of police abuse of

detainees and prisoners, mainly involving the use of excessive force. While the mistreatment of persons in police custody was not widespread, detainees filed a number of cases claiming damages for injuries sustained while in police custody.

As part of the Garda Síochána Human Rights Initiative for 1999–2000, the Government began recording the questioning of suspects in Garda stations, a practice designed to deter further abuse or mistreatment, which was welcomed by human rights groups such as Amnesty International.

There were frequent incidents of societal violence against racial minorities and immigrants (see Section 5).

Prison conditions generally meet international standards. The physical infrastructure of many prisons is inadequate; however, following charges that prisons were overcrowded and lack in-cell sanitation facilities such as toilets and running water, many were undergoing renovation. Prisons also lacked sufficient health care facilities and services. Cloverhill remand prison and Mountjoy women's prison (the Dochas Center) began full operations in 2000. These new facilities were designed to accommodate 1,200 prisoners and thereby help reduce overcrowding, which they have done. The country has a low incarceration rate (80 inmates per 100,000 population), and the prison regime is generally liberal. Male prisoners are held separately from female prisoners, juveniles are held separately from adults, and pretrial detainees are held separately from convicted prisoners.

Prisoners with complaints of mistreatment by prison officials or negligence of health and safety due to prison conditions have access to mechanisms for redress; however, according to the Justice Department, there were no allegations of mistreatment of prisoners by the Prison Service during the year, and there were no outstanding claims from previous years.

The authorities continued to arrest and incarcerate at Portlaoise prison persons involved in paramilitary activity. Conditions for these inmates are generally the same as those for the general prison population.

Domestic and international human rights monitors are permitted to visit prisons without restriction. The Council of Europe's Committee for the Prevention of Torture (CPT) visited prisons in 1998, and in 1999 the Government responded to the CPT's report with plans for improving conditions. In 2000 the Government published a follow-up report as requested by the CPT, noting government actions that resulted in renovations and improved conditions in prisons.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution stipulates that no person shall be deprived of personal liberty without due process under the law; however, the use of special arrest and detention authority continued. A detainee has the right to petition the High Court, which is required to order the detainee's release unless it can be shown that the person is being detained in accordance with the law. The Criminal Justice Act provides for an initial period of detention of 6 hours, with an extension of another 6 hours pursuant to the direction of a police officer of the rank of superintendent or above, in cases in which there are grounds for believing that such detention is necessary for the proper investigation of an offense. A continuation of detention for 8 hours overnight is possible, to allow a detainee to sleep.

The Offenses Against the State Act allows police to arrest and detain for questioning anyone suspected of committing a "scheduled offense," i.e., one involving firearms, explosives, or membership in an unlawful organization. Although the stated purpose of the act is to "prevent actions and conduct calculated to undermine public order and the authority of the State," it is not restricted to subversive offenses. As a result, the police have broad arrest and detention powers in any case involving firearms. In cases covered by this act, the initial period of detention without charge is 24 hours at the direction of a police superintendent; detention may be extended another 24 hours by a judge. However, under the terms of the Decommissioning Law the authorities may not institute proceedings against individuals for any offense committed in the course of decommissioning illegally held arms in accordance with an approved arms decommissioning scheme.

The Offenses Against the State act also provides for the indefinite detention, or internment, without trial of any person who is engaged in activities that are "prejudicial to the preservation of public peace and order or to the security of the State;" however, this power has not been invoked since the late 1950's. A 1998 amendment to the act allows police to detain suspects in certain crimes, usually those involving serious offenses with firearms or explosives, for 48 hours. A 24-hour extension is possible if approved by a judge. The act also curtails the right of silence. Under the amendment, if the accused was informed of the consequences of remaining silent to questions regarding his whereabouts, associations, or actions, then the accused's silence may be used as corroborative evidence of guilt. The accused person's failure to respond to accusations of membership in an illegal organization also may be used

as corroborative evidence of guilt. However, the accused may not be convicted based solely on a refusal to speak.

Membership in or leadership of an illegal organization carries a possible life sentence under the 1998 amendment to the Offenses Against the State Act; illegal organizations are defined by the act. The word of a police superintendent can be used as corroborative evidence of membership. Collecting information to aid in the commission of a serious offense carries a penalty of up to 10 years' imprisonment, a fine, or both. Withholding information that could prevent a "serious" offense or that could aid in the apprehension or conviction of a perpetrator also is illegal, with a penalty of up to 5 years' imprisonment, a fine, or both.

The Criminal Justice (Drug Trafficking) Act permits detention without charge for up to 7 days in cases involving drug trafficking; however, to hold a suspected drug trafficker for more than 48 hours the police must seek a judge's approval.

The law allows a court to refuse bail to a person charged with a serious offense where it is considered reasonably necessary to prevent the commission of another serious offense. A schedule of serious offenses is defined by law; the offense must be one that carries a penalty of 5 years' imprisonment or more.

The Constitution prohibits forced exile, and the Government does not employ it. *e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice.

The judicial system consists of a district court with 23 districts, a circuit court with 8 circuits, the High Court, the Court of Criminal Appeal, and the Supreme Court. The President appoints judges recommended by the Judicial Appointment Board, who choose from a list presented by the Government.

The Director of Public Prosecutions, an independent government official, prosecutes criminal cases. Jury trials usually are used in criminal cases, and the accused may choose an attorney. For indigent defendants, the State assumes the cost of providing counsel under the criminal legal aid scheme.

The Constitution explicitly allows "special courts" to be created when "ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace and order." In 1972 under the law the Government created a nonjury "Special Criminal Court" (SCC) to try "scheduled offenses" (see Section 1.d.). Largely a reaction to paramilitary violence from Northern Ireland, the use of the SCC was justified over the years as necessary to address the problem of jury intimidation in cases involving defendants with suspected paramilitary links. In 2000 the SCC indicted 36 persons and held 26 trials, compared with 25 indictments and 18 trials in 1999.

In addition to scheduled offenses, the Director of Public Prosecutions can have any nonscheduled offense tried by the SCC by certifying that the ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace. In lieu of a jury, the SCC always sits as a three-judge panel. Its verdicts are by majority vote. Rules of evidence are generally the same as in regular courts; however, the sworn statement of a police chief superintendent identifying the accused as a member of an illegal organization is accepted as prima facie evidence. Sessions of the SCC generally are public, but judges may exclude certain persons other than journalists. Appeals of SCC decisions are allowed in certain circumstances. The Government continued to review the ongoing need for the SCC.

There were no reports of political prisoners.

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

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides individuals with the right to "express freely their convictions and opinions;" however, freedom of the press is subject to the constitutional qualification that it not "undermine public order or morality or the authority of the state." The Constitution prohibits the publication or utterance of "blasphemous, seditious, or indecent matter." While on balance the press operates freely, observers believe that the Defamation Act (which puts the onus on newspapers and periodicals accused of libel to prove that defamatory words are true) and the Official Secrets Act (which gives the State wide scope to prosecute unauthorized disclosures of sensitive government information) result in some self-censorship.

There are eight independent national newspapers and many local newspapers; three independent current affairs magazines are published, along with hundreds of special interest magazines.

Broadcasting remains mostly state controlled, but private sector broadcasting continued to grow. There are 43 independent radio stations and an independent tele-

vision station. Expanded access to cable and satellite television has lessened considerably the relative influence of state-controlled broadcasting. The Broadcasting Complaints Commission oversees standards and investigates complaints about programming. The Broadcasting Act empowers the Government to prohibit the state-owned radio and television network from broadcasting any matter that is “likely to promote or incite to crime or which would tend to undermine the authority of the State.” The act was not used during the year.

The Office of the Film Censor must classify films and videos before they can be shown or sold, and distributors pay fees to finance the censor’s office. Under the Censorship of Films Act, the censor has the authority to cut or ban any film that is “indecent, obscene, or blasphemous,” or which tends to “inculcate principles contrary to public morality or subversive of public morality.” No theatrical films were banned during the year, but 26 videos were banned, mainly because of their pornographic or violent content, compared with 38 in 2000. Decisions of the censor can be appealed to a nine-member appeal board within 3 months, but neither the censor nor the appeal board is required to hear arguments or evidence in public or to state the reasons for its decisions.

Books and periodicals also are subject to censorship. The Censorship of Publications Act calls for a five-member board to examine publications referred to it by the customs service or the general public. It also can examine books (but not periodicals) on its own initiative. The board can prohibit the sale of any publication that it judges to be indecent or obscene. Unlike in past years, the board did not ban any books or periodicals during the year.

In March John Gilligan was found not guilty in the 1996 murder of journalist Veronica Guerin but was found guilty of drug dealing and is serving a 28-year sentence.

Internet access is available and unrestricted. An Internet Advisory Board supervises self-regulation by Internet service providers and operates a hot line for complaints about any Irish-hosted child pornography sites the Internet.

Academic freedom is respected.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides citizens with the right to “assemble peaceably and without arms”; however, it also allows the State to “prevent or control meetings” that are calculated to breach the peace or to be a danger or nuisance to the general public. It is unlawful to hold any public meeting on behalf of, or in support of, an illegal organization; however, the Government allows meetings and assemblies by some groups that are associated with illegal terrorist organizations.

The Constitution provides citizens with the right to form associations and unions; however, the law mandates the prosecution and incarceration of persons for mere membership in a terrorist organization. Nevertheless the Government permits some groups associated with illegal terrorist organizations to meet.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. The Constitution prohibits promotion of one religion over another and discrimination on the grounds of religion or belief, and the Government does not restrict the teaching or practice of any faith.

While Roman Catholicism is the clearly dominant religion, it is not favored officially or in practice. However, adherence to Roman Catholicism may be politically advantageous because of the country’s history and tradition as a predominantly Catholic country and society. Members of the major political parties (Fianna Fail and Fine Gael) tend to be practicing Catholics.

The Government does not require but does permit religious instruction in public schools. Most primary and secondary schools are denominational, and the Catholic Church partially controls their boards of management. The Government provides equal funding to the schools of different religious denominations. Although religious instruction is an integral part of the curriculum, parents may exempt their children from such instruction.

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

The Government grants refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government developed specific administrative procedures for the implementation of the convention in consultation with the U.N. High Commissioner for Refugees (UNHCR), and pursuant to a Supreme Court ruling, these procedures are binding on the Department of Justice, Equality, and Law Reform. The existing refugee law, enacted in 1996, has been implemented only partially and was under government review at year’s end. The law provides for asylum procedures that are in accordance with European Union guidelines and also makes provision for invited refugees

under UNHCR programs. The Government cooperates with the office of the UNHCR and other humanitarian organizations in assisting refugees.

A large number of asylum seekers continued to cause problems and severely strained the Government's processing system and societal acceptance (see Section 5). A total of 7,569 asylum seekers entered the country during the year. A total of 12,325 applications awaited processing as of October; most applicants were from Romania and Nigeria. The Government provided first asylum in 290 cases during the year.

Measures taken to speed the lengthy processing time of applications (approximately 6 months), including the recruitment of additional staff, have had some impact. The Government improved the situation of asylum seekers awaiting review of their applications by allowing those who filed before July 26, 1999, and who have been waiting for more than 12 months, to work in Ireland. The Government established a new Garda (police) National Immigration Bureau to monitor and track non-nationals who are the subject of deportation orders. The new bureau coordinated activities leading to deportation, coordinated operational strategies and resources at ports of entry, coordinated strategies to combat trafficking in illegal immigrants, strengthened international liaison on immigration issues, administered the non-national registration service, and generally enforced immigration law.

The law forbids, and there were no reports of, the forced return of persons to a country where they fear persecution.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage for citizens over the age of 18. The Parliament is bicameral; members of the Dail (House of Representatives)—the chamber that carries out the main legislative functions—are elected popularly, and in the Seanad (Senate), most members are elected by vocational and university groups, while the others are appointed by the Prime Minister. Several political parties have seats in both bodies. The President is elected popularly for a 7-year term and is limited to 2 terms. An appointed Council of State advises the President. Parliamentary elections were last held in June 1997, and Presidential elections in October 1997.

The percentage of women in government and politics does not correspond to their percentage of the population. Although the President is a woman, only 21 of the 166 deputies in the Dail and 11 of the 60 senators are female. Of the 15 government ministers, 3 are female, as are 4 of the 17 junior ministers. Two women sit on the 26-member High Court; 2 of the 8 Supreme Court judges are female.

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

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

A government ombudsman investigates complaints by those who believe that they have been unfairly treated by the Government or local authorities.

In 2000 as stipulated in the Good Friday Agreement, the Government established a human rights commission responsible for providing information and promoting awareness of human rights, commenting on human rights draft legislation referred to it by the Parliament, making recommendations to the Government on the adequacy and effectiveness of laws and practices, and initiating court proceedings or providing assistance to individuals doing so. However, by year's end, the commission had not begun functioning. The Good Friday Agreement also mandates equivalency with regard to protection of human rights in Northern Ireland and the Republic of Ireland.

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

The Constitution forbids state promotion of one religion over another and discrimination on the grounds of religion, profession, belief, or status; however, until recently few laws implemented these provisions of the Constitution. The amended Employment Equality Act outlaws discrimination in relation to employment on the basis of nine distinct discriminatory grounds: Gender, marital status, family status, sexual orientation, religious belief, age, disability, race, and membership in the Traveller community. The 2000 Equal Status Act outlaws discrimination in the provision of goods, facilities, and services on the basis of these nine grounds.

*Women.*—Domestic violence and emotional abuse are common problems. According to the Dublin Rape Crisis Center, the overall number of reported rapes continued to rise, and during the year, there was a significant increase in the number of calls received by the center in all categories. In 2000 the center received 8,150 calls. The center estimated in 2000 that only 28 percent of rape and child sexual abuse victims reported the crime to police and that 6 percent of these cases resulted in convictions, with 44 percent of cases pending. Recent rape victims and victims raped by a stranger were more likely to have reported the rape to police.

The law criminalizes rape within marriage, and the Civil Legal Aid Act provides for free legal advice to victims in cases of serious sexual assault. In rape cases, the State brings the case against the accused, with the complainant (victim) acting as a witness. The 2000 Sex Offenders Bill provides that “separate legal representation will be provided to complainants in rape and other serious sexual assault cases where application is made to adduce evidence or to cross-examine the complainant about his or her past sexual experience.”

In 1999 the National Steering Committee on Violence Against Women (a multi-agency government body) began a public outreach campaign to combat violence against women, which it described as a “hidden” and “severely under reported” problem. The campaign aimed to facilitate victims’ reporting of domestic and other types of violence by informing women of available resources and rallying public support for victims. There are 24 women’s shelters, funded in part by the Government.

The law prohibits discrimination against women in the workplace; however, inequalities persisted regarding pay and promotions in both the public and the private sectors. Women held 43 percent of public sector jobs but were underrepresented in senior management positions. A 1999 government report found that at least 50 percent of state-sponsored bodies have no guidelines for dealing with sexual harassment and no policy on equal opportunity. The law provides for protection and redress against discrimination based on gender and marital status, and the Equality Authority monitors the implementation of the law. According to 1998 statistics, women’s earnings have increased more rapidly than men’s since 1985, albeit from a lower starting point; however, in 2000 the earnings of women averaged 84.5 percent of those of men.

Women’s participation in the workforce is hampered by the lack of adequate childcare facilities. To encourage the participation of parents, both men and women, in the workforce, the Government included in its 2000–06 national development plan an equal opportunities childcare program, under which approximately \$275 million (250 million Irish pounds) was allocated to improve childcare availability and quality.

The Maternity Protection Act provides a woman with 14 weeks of paid maternity leave and the right to return to her job. The Parental Leave Act allows a child’s mother and father each to take 14 weeks of unpaid leave to care for a child under the age of 5. Although each parent has a separate entitlement to parental leave, the leave is not transferable, i.e., the mother cannot take the father’s leave or vice versa. Parental leave does not affect a mother’s right to maternity leave.

*Children.*—The Government is committed strongly to children’s rights and welfare; it amply funds systems of public education and health care. Under the Child Care Act, education is free and compulsory for children from 6 to 15 years of age. Almost all children attend school. The Minister of State (junior minister) for Health has special responsibility for children’s policy, including monitoring the implementation of the Child Care Act by the eight regional health boards. The Status of Children Act provides for equal rights for children in all legal proceedings.

The sexual abuse of children was a problem and continued to receive significant media attention. The Dublin Rape Crisis Center reported that 55 percent of calls to its crisis line involved child sexual abuse. The Child Care Act places a statutory duty on government health boards to identify and help children who are not receiving adequate care, and it gives the police increased powers to remove children from the family when there is an immediate and serious risk to their health or welfare. The Child Trafficking and Pornography Act aims to protect children from sexual exploitation, including any exchange of information on the Internet that implies a child is available for sex.

*Persons with Disabilities.*—The Government Commission on the Status of People with Disabilities estimated that approximately 10 percent of the population have a disability. Under the 1998 Employment Equality Act, it is unlawful to discriminate against anyone on the basis of disability in relation to employment. Nongovernmental organizations (NGO’s) claim that there is societal discrimination against persons with disabilities.

The 1991 Building Regulations Act established minimum criteria to ensure access for persons with disabilities to all public and private buildings constructed or significantly altered after 1992; however, enforcement is uneven.

A National Disability Authority, with an annual budget of \$2.6 million (2.2 million Irish pounds) has responsibility for setting disability standards, monitoring the implementation of these standards, and research and the formulation of disability policy. The authority's strategic plan, which was issued during the year, has three priorities: The development of policies to promote the equal status of persons with disabilities, influencing societal attitudes, and ensuring services for the disabled.

*National/Racial/Ethnic Minorities.*—Approximately 25,000 nomadic persons regard themselves as a distinct ethnic group called "Travellers," roughly comparable to the Roma of continental Europe. The "Travelling" community has its own history, culture, and language. Travellers face societal discrimination and regularly are denied access to premises, goods, facilities, and services; many restaurants and pubs, for example, will not serve them. Despite national school rules that provide that no child may be refused admission on account of social position, Travellers frequently experienced difficulties enrolling their children in school, and at times were segregated into all-Traveller classes. According to 2000 government statistics, of 4,898 Traveller families, approximately 1,093 lived on roadsides or on temporary sites without toilets, electricity, or washing facilities. Many Travellers were dependent on social welfare for survival and were unable to participate in the mainstream economy because of discrimination and a lack of education.

The Employment Equality Act outlaws job discrimination against Travellers. A 1993 task force on the travelling community produced a comprehensive report in 1995 on various aspects of Travellers' lives, including education, work, accommodation, health, and discrimination. A monitoring committee was overseeing implementation of the recommendations of the report, some of which have resulted in the formation of special committees in the Departments of Education, Environment, and Health to examine Traveller problems in these areas.

The Housing (Traveller Accommodation) Act obliges local elected officials to draw up and implement Traveller accommodation plans on a 5-year basis and requires Traveller input in the process. During the year, the monitoring committee issued a report with 85 recommendations; the report acknowledged that tracking the progress of improvements in the Traveller community was difficult because of a lack of data on Travellers use of education and health services. To develop better relations between Travellers and the settled community, the Government agreed to provide a Traveller Mediation Service and \$1 million (900,000 Irish pounds) over a 3-year period for awareness programs.

The growing influx of foreign workers has been accompanied by societal discrimination and racial violence. These developments sparked public debate over the openness of society to immigrants and how to address outbreaks of xenophobic incidents of violence. During the year, a survey sponsored by an NGO found that 78 percent of respondents reported having experienced racism. Racially motivated incidents occurred frequently, involving physical violence, intimidation, and verbal slurs, and the majority of incidents of racist violence took place in public places.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides for the right to join—or refrain from joining—a union, and workers exercise this right. Approximately 31 percent of workers in the private and public sectors are members of unions. Police and military personnel may form associations, but technically not unions, to represent themselves in matters of pay, working conditions, and general welfare. The Irish Congress of Trade Unions (ICTU) represents 64 unions in the Republic of Ireland and Northern Ireland. The ICTU is independent of the Government and political parties.

The law provides for the right to strike, and this right is exercised in both the public and private sectors; however, police and military personnel are prohibited from striking. A number of strikes occurred during the year, including strikes by train engineers, taxi drivers, and teachers. All concluded peacefully, with the unions involved achieving some, if not all, of their goals. The 1990 Industrial Relations Act prohibits retribution against strikers and union leaders; the Government effectively enforces this provision through the Department of Enterprise, Trade, and Employment.

Unions may freely form or join federations or confederations and affiliate with international bodies, and many do so.

*b. The Right to Organize and Bargain Collectively.*—Labor unions have full freedom to organize and to engage in collective bargaining, and unions exercise this right in practice. Most terms and conditions of employment are determined through collective bargaining, in the context of a national economic pact negotiated every 3

years by the “social partners,” i.e., unions, employers, farmers, and the Government. The latest version of these agreements, the Partnership for Prosperity and Fairness, was signed in 2000.

The Labor Relations Commission provides advice and conciliation services in industrial disputes. The Commission may refer unresolved disputes to the Labor Court, which may recommend terms of settlement and may set up joint employer-union committees to regulate conditions of employment and minimum wages in a specific trade or industry.

The Anti-Discrimination (Pay) Act and the Employment Equality Act make the Equality Authority responsible for the investigation of allegations of antiunion discrimination, which is prohibited under the law. If the authority is unable to obtain resolution, the dispute goes before the Labor Court, which consists of one representative each for the employer and the union, plus an independent chairperson. The Unfair Dismissals Act provides for various forms of relief in cases where employers are found guilty of antiunion discrimination, including the reinstatement of workers fired for union activities.

The export processing zone at Shannon Airport operates under the same labor laws as the rest of the country.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, and for the most part, such practices were not known to have occurred. There have been reports of trafficking in women, but there were no confirmed cases (see Section 6.f.).

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

*d. Status of Child Labor Practices and Minimum Age for Employment.*—Under the law, employers may not employ children under the age of 16 in a regular, full-time job. Employers may hire 14- or 15-year-olds for light work on school holidays, as part of an approved work experience or educational program, or on a part-time basis during the school year (for children over the age of 15 only). The law sets rest intervals and maximum working hours, prohibits the employment of 18-year-olds for late night work, and requires employers to keep specified records for workers who are under 18 years of age. Enforcement was reportedly lax, but violations appear to be rare.

The law prohibits forced and bonded labor by children, and such practices were not known to occur (see Section 6.c.).

*e. Acceptable Conditions of Work.*—During the year, a new national minimum wage, \$5.45 (4.70 Irish pounds) per hour, went into effect. This wage does not provide a decent standard of living for a worker and family; however, low-income families are entitled to benefits such as subsidized housing and children’s allowances.

The standard workweek is 39 hours. Working hours in the industrial sector are limited to 9 hours per day and 48 hours per week. Overtime work is limited to 2 hours per day, 12 hours per week, and 240 hours per year. The Department of Enterprise, Trade, and Employment is responsible for enforcing the laws dealing with occupational safety, which provide adequate and comprehensive coverage; no significant complaints arose from either labor or management regarding enforcement of these laws. Regulations provide workers with the right to remove themselves from dangerous work situations that present a “serious, imminent and unavoidable risk” without jeopardy to their continued employment.

*f. Trafficking in Persons.*—The law prohibits trafficking in persons; a series of news articles on trafficking claimed that women have been trafficked for prostitution, but no specific cases have been confirmed by authorities.

The NGO Ruhama, which deals with prostitutes, reported the case of an Eastern European woman who was trafficked into Ireland, and forced into prostitution; however, government officials could not confirm the case. Ruhama estimated that of the 400 prostitutes they knew to be in Dublin, 134 were Eastern European women, and because illegal immigrants and asylum seekers are in a vulnerable position, they may be more subject to being forced into prostitution. The chief superintendent of the National Immigration Bureau reported that a national search of brothels found no cases of trafficked individuals.

The Child Trafficking and Pornography Act criminalized trafficking in children for the purpose of sexual exploitation, with penalties of up to life imprisonment. The Illegal Immigrants (Trafficking) Bill criminalizes the activities of persons trafficking in illegal immigrants and asylum seekers. There is no specific legislation addressing trafficking in women for sexual criminal activities, although laws prohibit the exploitation of prostitutes, and the exploitation of prostitutes by means of coercion or fraud. Traffickers who facilitate for gain the entry of illegal immigrants or asylum seekers are liable for fines or imprisonment for terms ranging from 1 to 10 years.

The Ministry of Justice and the Ministry of Foreign Affairs were involved in antitrafficking efforts, and there are links between government officials, NGO's, and other elements of civil society on trafficking issues. A coalition of NGO's that deal in part with trafficking issues met during the year, but their efforts focused more on smuggling and asylum problems.

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## ITALY

Italy is a longstanding, multiparty parliamentary democracy. Executive authority is vested in the Council of Ministers, headed by the president of the Council (the Prime Minister). The Head of State (President of the Republic) nominates the Prime Minister after consulting with the leaders of all political forces in Parliament. In May the Parliament was elected in elections that were considered free and democratic. The Government respects the constitutional provision for an independent judiciary; however, the judiciary's effort to provide citizens with a fair judicial process is complicated by long trial delays and the impact of organized crime on the criminal justice system.

The armed forces are under the control of the Ministry of Defense. The Ministry of Defense controls the Carabinieri, a military security force; however, the Ministry of Interior assumes control of the Carabinieri when they are called upon to assist police forces in maintaining public order. Four separate police forces report to different ministerial or local authorities. Under exceptional circumstances, the Government may call on the army to provide security in the form of police duty in certain local areas, thereby freeing the Carabinieri and local police to focus on other duties. During the last few years, the army intermittently has supported the police in Sicily and in the province of Naples, where there are high levels of organized crime. In September 2000, the Government sent an augmented force to Naples of 500 police and Carabinieri to combat criminal violence in the city; these elements were withdrawn gradually between February and June. However, military units were dispatched to protect sensitive sites after terrorist attacks in the United States on September 11. There were allegations that police committed human rights abuses.

The country has an advanced, industrialized market economy, and the standard of living is high for the country's population of approximately 57.8 million; in 2000 the per capita gross national product was \$22,100. Small and midsized companies employ from 70 to 80 percent of the work force. Major products include machinery, textiles, apparel, transportation equipment, and food and agricultural products. The Government owns a substantial number of enterprises in finance, communications, industry, transportation, and services, but privatization continued to move forward at a measured pace.

The Government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of dealing with instances of individual abuse; however, there were problems in some areas. There were some reports of police abuse of detainees, and use of excessive force against ethnic minorities and demonstrators. There were reports that police denied some detainees arrested after antiglobalization protests access to a lawyer. Accusations of police abuse are investigated by the judiciary. Prisons are overcrowded. The pace of justice is slow, and perpetrators of some serious crimes avoid punishment due to trials that exceed the statute of limitations. Lengthy pretrial detention is a serious problem. The Government has taken steps to combat violence against women and child abuse; however, they remained problems. Societal discrimination against women and discrimination and sporadic violence against immigrants and other foreigners continued to be problems. Child labor, mainly involving immigrant children, continued in the underground economy but authorities investigated such reports actively. Trafficking in persons into the country, particularly women and girls for prostitution, 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 committed by the Government or its agents.

In July during the G-8 Conference in Genoa, a violent mob attacked an isolated jeep with three police officers inside. Members of the crowd smashed a pole through one window and injured an officer; the officer shot and killed one of the demonstrators who was preparing to throw a fire extinguisher at the jeep's occupants. The case remained under investigation by the judiciary at year's end.

There were a number of deaths in prison (see Section 1.c.).

In May 1999, Massimo D'Antona, a senior adviser to the Minister of Labor, was shot and killed outside his home in Rome. Red Brigades, a terrorist movement, claimed responsibility for the killing. Although police detained several persons in connection with the crime, prosecutors had not charged anyone with the crime 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 law prohibits torture and cruel or degrading punishment; however, there were reports of incidents in which police abused detainees. According to reports published during the year by Amnesty International, there were numerous allegations of the deliberate use of excessive force against individuals detained in connection with common criminal offenses or in the course of identity checks. According to allegations, mistreatment, when it occurs, usually occurs at the time of arrest and during the first 24 hours in custody and affects both citizens and foreigners. A large number of alleged victims were women. A high proportion of the allegations received by Amnesty International concern foreign nationals (many of them from Africa), as well as Roma (see Section 5).

Amnesty International reported on incidents involving the deliberate use by police of excessive force in March and July during mass antiglobalization demonstrations in Naples. During the March Global Forum demonstrations, detainees alleged that they were forced to kneel on the floor of police stations for lengthy periods of time, and were subjected to random and deliberate beatings with truncheons, as well as slaps, kicks, punches, and other verbal insults frequently of an obscene, sexual nature. Many detainees also reported that they were subjected to invasive body searches.

Amnesty International also reported on police use of excessive force in July during the G-8 Conference in Genoa. The Government detailed experienced security forces to protect the heads of government who were meeting in a restricted area, while urban areas outside this area were left with reduced and less experienced police protection. Violent demonstrators destroyed property and attacked the police and police responded with force. Subsequent to this event, police raided the headquarters of the antiglobalization group, Genoa Social Forum, where a number of demonstrators were staying, and detained approximately 100 persons; approximately 60 of those detained sustained numerous and severe injuries. Other injuries allegedly were inflicted as detainees were transported to detention facilities; there also were reports that police mistreated some persons at the detention centers. Approximately 300 persons in total were detained during the Conference. These events gave rise to subsequent judicial and parliamentary investigations; the judicial investigation was ongoing at year's end. The parliamentary report noted that while violent demonstrations outside the G-8 meeting area required police intervention, there were coordination problems within and between security forces. Police unions, while strongly criticizing individual instances of unprofessional behavior, objected to blanket accusations and criticized policies that left their members without clear orders and unprepared to cope with massive and unruly street protests (see Section 1.d.).

Some government visa operations are under investigation for visa fraud in connection with trafficking (see Section 6.f.).

Overcrowded and antiquated prisons continued to be a problem. The prison system has a capacity of 42,775 but holds almost 58,000 detainees. Older facilities tend to lack outdoor or exercise space, compounding the difficulties of close quarters. Approximately 54 percent of detainees are serving sentences; the other 46 percent consist mainly of persons awaiting trial or the outcome of an appeal. One in four inmates is a foreigner, but in some prisons, foreigners outnumber Italian citizens. Nearly one in three prisoners has been jailed for a drug violation. Almost 10 percent of drug users are HIV positive. Over 100 prisoners died while in jail in 2000; 56 committed suicide, with an additional reported 839 unsuccessful suicide attempts and approximately 5,800 acts of self-mutilation.

Men are held separately from women, and juveniles are held separately from adults; however, pretrial detainees are not held separately from convicted prisoners.

The Government permits visits by independent human rights organizations, parliamentarians, and the media. Amnesty International, the U.N. Human Rights Commission (UNHRC), the U.N. Committee Against Torture, and the U.N. Special Rapporteur on Torture regularly assess the country's judicial and prison system. The nongovernmental organization (NGO) Antigone, which is composed mainly of lawyers, magistrates, and academics, promotes the rights of detainees, works closely with the European Commission for Prevention of Torture, and monitors the prison system.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest and detention; however, during the protests in March and July, there were reports that the authorities did not respect these rights in practice.

Warrants are required for arrests unless there is a specific and immediate danger to which the police must respond without waiting for a warrant. Arrests resulting from the July G–8 Conference in Genoa, particularly those made as a result of a police raid on the headquarters of the Genoa Social Forum, generated controversy. Most of the 300 persons arrested at the Conference were promptly freed without charges filed against them. However, a few detainees, particularly non-Italians, were held for longer periods of time. Most non-Italians were expelled from the country and prohibited from reentering for 5 years (see Section 1.c.).

Under the law, detainees are allowed prompt and regular access to lawyers of their choosing and to family members; however, during the Global Forum protest in March, there were allegations that authorities denied detainees access to a lawyer and did not allow detainees to have a family member or third person informed of their whereabouts (see Section 1.c.). The State provides a lawyer to indigents. Within 24 hours of being detained, the examining magistrate must decide whether there is enough evidence to proceed to an arrest. The investigating judge then has 48 hours in which to confirm the arrest and recommend whether the case goes to trial. In exceptional circumstances—usually in cases of organized crime figures—where there is danger that attorneys may attempt to tamper with evidence, the investigating judge may take up to 5 days to interrogate the accused before the accused is allowed to contact an attorney. The U.N. Human Rights Committee, the treaty monitoring body for the International Covenant on Civil and Political Rights, recommended in 1998 that this 5-day period be reduced and that all detainees have access to legal advice immediately upon arrest.

There is no provision for bail, but judges may grant provisional liberty to suspects awaiting trial. As a safeguard against unjustified detention, panels of judges (liberty tribunals) review cases of persons awaiting trial on a regular basis per a detainee's request, and rule whether continued detention is warranted. Persons in detention include not only those awaiting trial, but also individuals awaiting the outcome of a first or second appeal (see Section 1.e.). Pretrial detention may last for a maximum of 24 months. The Constitution and the law provide for restitution in cases of unjust detention (see Section 1.e.).

Preventive detention can be imposed only as a last resort if there is clear and convincing evidence of a serious offense (such as crimes involving the Mafia or those related to drugs, arms, or subversion), or if there is a risk of an offense being repeated or of evidence being falsified. In these cases, a maximum of 2 years of preliminary investigation is permitted. Except in extraordinary situations, preventive custody is not permitted for pregnant women, single parents of children under 3 years of age, persons over 70 years of age, or those who are seriously ill. Preventive custody may be imposed only for crimes punishable by a maximum sentence of not less than 4 years. Prosecutors are required to include all evidence favorable to the accused in requests for preventive detention. The defense may present any favorable evidence directly to the court. Magistrates' interrogations of persons in custody must be recorded on audio tape or videotape to be admissible in judicial proceedings.

The law prohibits punishment by exile—either internal or abroad, and the Government does not use it.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government generally respects this provision. However, the judiciary's effort to provide citizens with a fair judicial process is complicated by long trial delays and the impact of organized crime on the criminal justice system.

There are three levels of courts. A single judge hears cases at the level of courts of first instance. At the second level, separate courts hear appeals for civil and penal cases. Decisions of the Court of Appeals can be appealed to the highest court, the Court of Cassation (Supreme Court) in Rome, but only for reasons related to correct application of the law, not to a case's merit.

Judges can either act as prosecuting attorneys or preside at trials. It is not unusual for judges to switch between these two functions over the course of their careers. When acting as prosecutors, judges can appeal verdicts, including sentences they deem too lenient. The Constitution imposes the obligation on judges to investigate reports of crimes. Nevertheless of almost 1.5 million crimes denounced in the first 6 months of the year, the responsible criminals were identified in only 300,000 cases.

The law provides for the right to fair and public trials, and the judiciary generally enforces this right. The law grants defendants the presumption of innocence. Defendants have access to an attorney sufficiently in advance to prepare a defense and can confront witnesses. All evidence held by prosecutors may be made available to

defendants and their attorneys. Defendants may appeal verdicts to the highest appellate court. Trials were slow throughout the country.

Although some observers noted improvement, both domestic and European institutions continued to criticize the slow pace of justice in the country, which was due in part to cumbersome and frequently changing procedures, unclear or contradictory legal provisions, and an inadequate number of judges. As a result, perpetrators of some serious crimes avoid punishment due to trials that exceed the statute of limitations. In January the national newspaper *Corriere della Sera* reported that the average wait for a definitive verdict in a criminal case increased during 2000 to 1,792 days (approximately 5 years). In November 2000, the European Court of Human Rights (ECHR) handed down 233 adverse judgments against the country; this was more than half of the 421 verdicts issued during the year by the Courts. During the year, the number of ECHR findings against the Government rose to 350. Several of the cases cited had been pending for more than 25 years. In 2000 the Court levied approximately \$10 million (20 billion lire) in fines citing unreasonable time periods for adjudicating cases.

In December the second appeal of a 1999 conviction for the May 1997 shooting death of a student at Rome's La Sapienza University reached the Court of Cassation. However, before a further appeal could be heard in the Court, the prosecutor called the Appeals Court decision, which resulted in a second guilty verdict and more severe penalties, "illogical and contradictory." The prosecutor criticized his prosecutorial colleagues' reliance on coerced and changed testimony by the key witness and noted that forensic evidence did not tie the defendants to the crime. The Court of Cassation sent the case back to the Appeals Court to be retried.

In July at the end of an almost 6-year trial, a Palermo court acquitted a former government minister of charges of associating with the Mafia; he had served 23 months in preventive detention. In June a Milan court imposed life sentences on 3 persons convicted of the "Piazza Fontana" bomb attack in 1969 that killed 16 persons and injured 88 persons. These 3 defendants, as commonly happens in high-profile cases, previously had been both absolved and convicted of the crimes.

In February the Parliament approved a package of measures to reform the judicial system. The reform package contained provisions addressing problems raised in society by the continuing danger of organized crime. To avoid abuses by "pentiti" (Mafia turncoats), testimony they give to investigators must be repeated, and thereby open to challenge by defense attorneys, in court. Stricter standards limit what constitutes significant testimony by pentiti who, to be accorded that status, must confess fully, not in installments. The February measures distinguish between testimony offered by innocent witnesses and by pentiti, and accord greater benefits for testimony by the former. In addition to limit the risk that convicted criminals would commit other offenses while their cases are appealed, judges may order the immediate detention of potentially dangerous individuals. Such detention also is intended to reduce the threat of witness intimidation by Mafiosi who remain at large.

Excessive trial delays and Mafia influence on the judicial system marked the cases of several high-profile public figures. In June a Palermo appeals court convicted Supreme Court Judge Corrado Carnevale of collaborating with the Mafia and sentenced him to 6 years' imprisonment. Prosecutors alleged that beginning in 1986 he illicitly overturned more than 400 organized crime-related convictions. Carnevale's conviction depended in part upon testimony by pentiti who also testified against former Prime Minister Giulio Andreotti in two separate trials. The courts absolved Andreotti in both cases, stating that prosecutors failed to produce concrete evidence backing up vague and contradictory testimony by the pentiti, but they also asserted that Andreotti had lied at the trials. Andreotti's trials ended with court criticisms of both the prosecution and defendants.

Prime Minister Silvio Berlusconi continued to face trials associated with business activities that he had pursued before taking office in 1994; some of these cases were ongoing from previous years and some were new. Both Berlusconi and the prosecuting judges appealed the lower court verdicts with which they were dissatisfied, while other cases were dismissed because they had remained in the judicial process beyond the statute of limitations for the alleged crimes. Berlusconi attributed these cases to the leftist political agendas of some judges whose purpose allegedly was to reverse the results of the May elections. These judges and the political opposition, on the other hand, accused the Prime Minister of using his position to protect his legal and business interests. These same groups oppose Berlusconi's specific proposals for judicial reforms to separate the career paths of judges and prosecutors and to focus prosecutions on the most serious crimes.

There were no reports of political prisoners.

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

practice. Searches and electronic monitoring may be carried out only under judicial warrant and in carefully defined circumstances; violations are subject to legal sanctions. However, following the terrorist attacks in the United States on September 11, Parliament expanded anti-terrorist laws to apply to suspects responsible for directing violent acts outside the country's borders and authorized prosecutors to order wiretaps in connection with ongoing investigations. Parliament imposed safeguards to prevent the release of information intercepted without prior judicial authorization to unauthorized persons and forbade its use in criminal proceedings.

In July the Chairman of the Privacy Authority warned that the advent of software, capable of sending millions of emails a day, raised new questions about the nature of privacy rights, and that there was a risk to citizens' privacy by new technology, which could expose citizens' personal data to access by unauthorized persons. He also criticized the careless handling of official records such as judicial notices and health documents that contain personal information.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press, and the Government generally respects these rights. Courts are sensitive to criticism and impose fines for defamation. In May the country's highest appeals court ruled that journalists who quote insulting remarks about third parties made by persons they interview, as well as the editors of newspapers in which such remarks are published, may be included in defamation suits. At the time of this ruling, defamation suits pending against journalists and newspapers amounted to more than \$1.5 billion (3 trillion lira). The costs to major publications resulting from legal fees and the settlement of lawsuits by successful plaintiffs amounts to an estimated several million dollars annually. Many defamation lawsuits are filed by politicians.

There are dozens of newspapers; six have nationwide readership and one newspaper is controlled by a member of the Berlusconi family. There are seven national broadcast channels, three of which are state-supported, and several dozen local and satellite channels. Prime Minister Berlusconi is the major shareholder in the group that owns three of the national channels.

There are three state-supported radio channels and dozens of privately owned radio channels. A broad spectrum of political opinions, including those sharply critical of Prime Minister Berlusconi and his policies, is represented in the overwhelming majority of influential, national media.

In January the country's highest appeals court ruled that the Government may shut down foreign-based Internet sites if they contravene national laws. In April Parliament approved a law requiring registration of online information sites and acceptance of liability by site sponsors.

Academic freedom is respected.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly, and the Government generally respects this right in practice; however, there were reports of the use of excessive police force during violent antiglobalization demonstrations in March and July (see Section 1.c. and 1.d.). The Government does not restrict the right of peaceful assembly, including protests against government policies, except in cases where national security or public safety is at risk. Permits are not required for meetings, but organizers of public demonstrations must notify the police in advance.

The Constitution provides for freedom of association; however, the Constitution and the law prohibit clandestine associations, those that pursue political aims through force, those that incite racial, ethnic, or religious discrimination, or those that advocate fascism. In July the Constitutional Court ruled to remove from the Penal Code the crime of associating to destroy "national sentiment." The Court held that because the Constitution provides for the right of association for all activities to individuals, inciting national sentiment through group activity cannot be illegal. Professional associations organize and operate freely.

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

The Constitution authorizes the State to enter into relations with non-Catholic religious confessions pursuant to an accord ("intese"), on the basis of which the Government can provide support (including financial support) to the confession; these intese do not infringe on the practice of religion. A 1929 agreement between the Catholic Church and the Government, which was revised in 1984, accords the Church certain privileges. For example, the Church can select Catholic religion teachers, whose earnings are paid by the State. The Government has signed intese with the Baptists, Lutherans, and the Adventists. In March 2000, the Government signed accords with the Buddhist Union and Jehovah's Witnesses; however, the parliamentary committee to which these accords were referred failed to approve imple-

menting legislation, and questions raised in committee suggested hostility on the part of some of its members toward Jehovah's Witnesses.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution and the law provide for these rights, and the Government generally respects them in practice. The Constitution forbids the deprivation of citizenship for political reasons. Citizens who leave are ensured the right to return. However, Parliament has not yet repealed the XIII transitory provision of the 1947 Constitution, which forbids male heirs of the former king, Umberto I of Savoy, from entering the country.

The Constitution provides for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees, and provides first asylum to refugees fleeing hostilities or natural disasters. Such refugees are granted temporary residence permits, which must be renewed periodically and do not ensure future permanent residence.

In 2000 the Ministry of Interior approved 1,640 asylum requests and denied approximately 22,700 others. Of requests that were approved, approximately 55 percent involved nationals of the former Yugoslavia, Iraq, and Turkey.

An immigration law passed in February 1998 levies high fines and penalties for land, air, and sea carriers that board passengers without documentation; however, large numbers of illegal immigrants from Eastern Europe, North Africa, the Middle East, China, and West Africa continued to arrive, primarily by sea. Many of these immigrants enter the country with the intent to transit to other European Union (EU) countries. Most illegal migrants paid fees to smugglers and some risked death because smugglers at times unload their human cargo at sea to avoid capture by patrol boats. Others were forced to engage in illegal activities, were paid substandard wages, or forced to work as prostitutes to pay off debts incurred for their passage (see Section 6.f.). According to the Ministry of Interior, authorities repatriated 66,000 illegal immigrants in 2000; during the first 6 months of the year, authorities repatriated 32,000 illegal immigrants. Bilateral accords with Albania, Morocco, and Tunisia helped promote annual migration by reducing numbers of documented workers from those countries.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. In May the Parliament was elected in elections that were considered free and democratic. There are numerous political parties that function without government restrictions.

The percentage of women in government and politics does not correspond to their percentage of the population; however, there are no restrictions on women's participation in government and politics. Women hold 2 of 25 cabinet positions, 25 of 315 Senate seats, and 64 of 630 seats in the Chamber of Deputies.

In October 2000, the Senate gave final approval to a constitutional change allowing an estimated 3.9 million Italians abroad to vote, and setting aside 12 seats in the 630-seat Chamber of Deputies and 6 in the 315-seat Senate to represent them. In June the newly elected Minister for Italians Abroad pledged that such citizens would be allowed to vote within 6 months; in December Parliament completed the implementing legislation to this effect.

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

A wide variety of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases (see Section 1.c.). Government officials are cooperative and responsive to their views.

There are government human rights organizations that operate within the Ministry of Foreign Affairs, the Prime Minister's Office, and the Privacy Authority, as well as a Senate committee on human rights.

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

The law prohibits discrimination on the basis of race, sex (except with regard to hazardous work), religion, ethnic background, or political opinion, and provides some protection against discrimination based on disability, language, or social sta-

tus; however, some societal discrimination against women, persons with disabilities, and Roma persisted.

*Women.*—Violence against women remained a problem. A 1998 ISTAT survey reported that at least 9.4 million women between the ages of 14 and 59 had experienced some form of sexual violence during their lives. The NGO Telefono Rosa, which provides a hot line through which abused women may obtain legal, medical, and other assistance, reported that nearly half of all complaints it receives nationally involve physical violence, much of it within the home. In 55 percent of these cases, husbands are the responsible parties, and in 10 percent of the cases, ex-husbands are responsible.

Legislation protects women from physical abuse, including by family members, allows for the prosecution of perpetrators of violence against women, and shields women who have been objects of attack from publicity. The law treats spousal rape in the same manner as any other rape. Law enforcement and judicial authorities are not reluctant to prosecute perpetrators of violence against women, but victims sometimes do not press charges due to fear, shame, or ignorance of the law. According to Telefono Rosa, approximately 3 out of 4 women who experience violence decline to report it to the authorities. However, Telefono Rosa also notes that the entry of more women into the police force has contributed greatly to a willingness of female victims of violence to cooperate with police. Acting on behalf of local government administrations, 66 local women's associations maintain and run shelters for battered women.

In 1999 the Labor Ministry and major trade union confederations agreed on a code of conduct regarding sexual harassment in the workplace. The code, which follows an EU recommendation, is attached to national sectoral labor contracts as they are negotiated. Telefono Rosa reports that previous ad hoc sexual harassment provisions in labor contracts have worked as a deterrent to workplace harassment both in the public and private sectors.

Trafficking of women into the country for prostitution was a growing problem (see Section 6.f.).

Women enjoy legal equality with men in marriage, property, and inheritance rights. Males and females enjoy equal access and treatment with regard to education, health, and other government services. A number of government offices work to ensure women's rights. The Ministry for Equal Opportunity is headed by a woman, and there is an equal opportunity commission in the office of the Prime Minister. The Labor Ministry has a similar commission that focuses on women's rights and discrimination in the workplace, as well as equal opportunity counselors who deal with this problem at the national, regional, and provincial government levels. However, many counselors have limited resources with which to work. Many NGO's, most of which are affiliated with labor unions or political parties, actively and effectively promote women's rights.

In 1999 the EU directive regulating night work for women was incorporated into the law; with some exceptions, women may work at night. These exceptions include pregnant women who are mothers of one or more children below the age of 3, or women with disabilities. As a result of liberal maternity leave laws introduced to benefit women, some employers have found it advantageous to hire men instead. A March 2000 law on parental leave grants mothers and fathers an equal right to take leave when a child is sick. A decree approved in May 2000 requires civil service recruiters to explain in writing their motives for hiring or promoting a man rather than a woman as a manager. The rule was designed to promote women's access to the higher echelons of public administration and is to apply in offices where women managers number less than a third of the total.

Nevertheless, according to research conducted in 1999 by Eurostat, the statistical office of the European Commission, women's salaries are 23.5 percent lower than men's for comparable work. They are underrepresented in many fields, such as management and the professions. According to a study by the Marisa Bellisario Foundation, a Rome-based foundation that focuses on women managers, women hold only 2 percent of top managerial positions in private businesses and banks. This rises to 10 percent in the public administration sector; of 943 state railway managers, 68 are women; of 160 managers at state run Alitalia, 10 are women. In 2000 ISTAT reported that employed women are more likely to have a high school diploma (34.7 percent) than employed men (28.5 percent). Employed women do better in higher education; the comparable figures for a university degree are 13.8 percent for women and 9.4 percent for men. During the year, 14.5 percent of females were unemployed, compared to 7.3 percent of males. During the year, youth unemployment (ages 15 to 24) was 25 percent for men and 32.2 percent for women.

*Children.*—The Government demonstrates a strong commitment to children's rights and welfare. Schooling is free and compulsory for children from age 7 to age

18; those unable (or unwilling) to follow the academic curriculum are allowed to shift to vocational training at age 15. This reform was intended to reverse the middle and secondary school dropout rate, which historically has been high. The dropout rate for the academic year 2000–01 was 4.6 percent.

The abuse of children is a problem; from July 2000 to June 2001, the NGO Telefono Azzurro received 480,000 calls related to child abuse. It is estimated that 60 percent of violence against minors is committed within the home. According to a survey by Telefono Azzurro, nearly 2 out of 3 cases involve sexual violence, for which fathers are responsible 32 percent of the time; mothers are responsible 4.3 percent, relatives 21.1 percent, and friends 21.2 percent. Both public and private social workers counsel abused children and are authorized to take action to protect them. Telefono Azzurro maintains two toll-free hot lines for reporting incidents of child abuse. Research conducted in 2000 on behalf of the Government by a private institute estimated that the number of minors involved in cases of violence (including prostitution) to be between 10,000 and 12,000. There are between 1,880 and 2,500 minors who work as street prostitutes, of whom 1,500 to 2,300 were trafficked into the country and forced into prostitution (see Section 6.f.). The domestic NGO Social Service International assists in repatriating unaccompanied immigrant minors. In August the NGO Telefono Arcobaleno discovered 2 pedophile websites with photos of 23 children between the ages of 9 months and 2 years being raped or otherwise abused. Since June 1997 Telefono Arcobaleno has reported the existence of some 30,000 pedophile websites. Since 1999, 592 persons have been prosecuted under the law.

The law provides for the protection of children and there are several government programs to enhance the protection available for minors. The law prohibits pedophilia, child pornography, the possession of pornographic material involving children, sex tourism involving minors, and trafficking in children (see Section 6.f.). The law provides for an information gathering network to collect data on the condition of minors, and there is a legally mandated office in the Ministry of Labor and Welfare that protects the rights of unaccompanied immigrant minors. There are minors offices staffed by trained police (often women) in police stations around the country to offer emergency help for minors and families in distress, as well as advise in dealing with other government social and judicial entities. The law established a special police unit to monitor and prosecute Internet sites devoted to promoting pedophilia.

*Persons with Disabilities.*—There is no discrimination against persons with disabilities in employment, education, or in the provision of other state services, although there is some societal discrimination. A January 2000 law replaced previous legislation that prohibited discrimination against persons with disabilities in employment, education, or the provision of state services. The 2000 law requires companies having 15 or more employees to hire one or more disabled workers: Those with 15 to 35 employees must hire 1 disabled worker, those with 35 to 50 must hire 2, and in larger companies 7 percent of the work force must consist of persons with disabilities. Companies hiring persons with disabilities are granted certain benefits, including lower social security contributions, while the Government pays the cost of worker training. The 2000 law also provides for more severe sanctions against violators.

The law mandates access to buildings for persons with disabilities, and the Government generally enforces these provisions in practice; however, persons with disabilities occasionally encounter situations, particularly in public transport, in which mechanical barriers leave them at a disadvantage.

*Religious Minorities.*—The generally amicable relationship among religions in society contributed to religious freedom. There is some anti-immigrant prejudice, including against Muslim immigrants. Some Catholic prelates have spoken about a perceived threat posed by immigrants to the country's "national identity" and have publicly favored immigration by those of culturally similar backgrounds such as Catholics "or at least Christians." Other leaders have urged religious harmony.

*National/Racial/Ethnic Minorities.*—Some traditional minorities, including French and German speaking Alpine communities in the north and a mixture of German and Slovene speakers in the northeast, enjoy special autonomous status. The special rights of these areas—respectively the Valle d'Aosta, Trentino Alto Adige, and Friuli Venezia Giulia—include the use of non-Italian languages in government offices and, in Trentino Alto Adige and Valle d'Aosta, in public schools. In February Parliament passed a law protecting the rights of Slovene speakers, including mandating the use of Slovene in government offices and schools.

Roma are another traditional minority, but without a specific geographic base. There are no accurate statistics on the number of Roma in the country; NGO's estimate that there are approximately 90,000 to 115,000 Roma in the country, of whom

approximately 60,000 to 90,000 are citizens—most of whom can trace their ancestry in the country to the late fourteenth century. Most of these Roma live in the center and south, in conditions indistinguishable from those of other Italians. Roma communities complained that their language does not enjoy the same privileged status as that granted to minority languages in the autonomous regions. Immigrant conditions tend to differ significantly from those of Italian Roma. Although many municipalities are building permanent settlements, poor housing, limited employment prospects, and inadequate educational facilities remained problems in Roma communities. With limited income and job opportunities available, some Roma turn to begging or petty crime, which has reinforced negative social attitudes and had generated repressive countermeasures by police and some judicial authorities. In March a male Rom was convicted for the November 1998 killing of an 11-year-old boy. Press accounts of the police investigation reported that a principal witness offered conflicting versions of the killing; societal prejudice against Roma may have been a factor in the conviction.

Increasing immigration, much of it from China, South Asia, North and West Africa, Eastern Europe, the Balkans, Turkey, and the Middle East, has led to some anti-immigrant sentiment.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides for the right to establish trade unions, join unions, and carry out union activities in the workplace, and workers exercise this right. The unions state that they represent between 35 and 40 percent of the work force. Trade unions are free of government controls and have no formal ties with political parties. All trade unions are professional trade union organizations that defend trade union interests. Individual trade unionists are free to identify with and support political parties of their choosing.

The Constitution provides for the right to strike, and this right is exercised frequently. In April 2000, following a period of multiple land, sea, and air transport sector strikes, Parliament passed a law amending provisions of a 1990 measure that restricted strikes affecting essential public services (e.g., transport, sanitation, and health). The new law defined minimum service to be maintained during a strike as 50 percent of normal service, with staffing by at least one-third the normal work force. The law established compulsory cooling off periods and more severe sanctions for violations. The law covers transport worker unions, lawyers, and self-employed taxi drivers. In May 2000, a Transport Ministry regulation required all national labor contracts involving employment sectors covered by the law to adjust contract provisions to the new rules. These changes were supported by the three major national trade union confederations, which sought to avoid inconvenience to tourists and the traveling public during the Catholic Church's Jubilee Year. The law has been effective in preventing complete work stoppages in essential public service sectors on the frequent occasions during the year on which such strikes have occurred. However, there were numerous, repeated strikes, in many sectors throughout the year.

Unions associate freely with national and international trade union organizations. The Confederazione Generale Italiana del Lavoro (CGIL) is the largest national trade union confederation; there are three other confederations, the Confederazione Italiana Sindacati dei Lavoratori (CISL), the Unione Italiana del Lavoro (UIL), and the Unione Generale del Lavoro (UGL). CGIL, CISL, and UIL are affiliated with the International Confederation of Free Trade Unions; UGL is affiliated with the World Confederation of Labor.

*b. The Right to Organize and Bargain Collectively.*—The Constitution provides for the right of workers to organize and bargain collectively, and workers exercise this right. By custom, although not by law, national collective bargaining agreements apply to all workers, regardless of union affiliation.

The law prohibits discrimination by employers against union members and organizers. Dismissals of workers must be justified in writing. If a judge deems the grounds spurious, he can order the employer to reinstate or compensate the worker; in firms employing more than 15 workers, workers have the option to choose between reinstatement and compensation, whereas in firms with fewer than 15 workers, the employer makes the choice.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor; however, trafficking in women was a problem (see Section 6.f.).

The law prohibits forced or compulsory labor by children; however, trafficking in children was a problem (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The law forbids the employment of children under age 15 (with some limited exceptions), and

there are specific restrictions on employment in hazardous or unhealthful occupations for men under age 18, and women under age 21; however, these laws were not respected fully in practice. The enforcement of minimum age or other child protection laws is difficult in the extensive underground economy. Estimates of the number of child laborers differ, ranging from 30,000 to 350,000 children. Most of these cases involve immigrants, but instances involving Italian children also have been reported. Illegal immigrant child laborers from Northern Africa, the Philippines, Albania, and particularly China continued to enter the country in large numbers, and the influx from China continued to rise. According to the Carabinieri, an estimated 30,000 illegal Chinese work in sweatshop conditions near Florence, with many minor children working alongside the rest of their families to produce scarves, purses, and imitations of various brand name products. Many of these factories, which face threats of infiltration or coercion by Chinese organized crime, are equipped with escape tunnels to thwart labor inspections. Carabinieri officers who work on child labor developed a videocassette program to educate schoolchildren on child labor laws, their rights as specially protected workers, and workplace hazards. Labor Ministry inspections in 2000 of 1,776 firms revealed that the employment of approximately one out of three minors entailed some irregularity of age, occupation, prescribed medical evaluation, or required rest or vacation period.

The Government, employers associations, and unions continued their tripartite cooperation on child labor. Their periodic consultations, begun in 1997, cover such matters as better enforcement of school attendance regulations and programs to reduce the number of school dropouts (see Section 5); faster assistance for families in financial difficulty; and canceling economic or administrative incentives for companies found to make use of child labor, whether domestically or abroad. The Prime Minister's office provides a toll-free telephone number to report incidents of child labor. The footwear and textile industries and the goldsmith associations have codes of conduct that prohibit the use of child labor in their national and international activities; codes are applicable to subcontractors as well. In 1999 a child labor clause was attached to the national labor contract in the health sector, whereby the parties committed themselves not to use surgical tools produced by child labor.

The law prohibits forced or compulsory labor by children; however, trafficking of children into the country was a problem (see Section 6.f.).

*e. Acceptable Conditions of Work.*—Minimum wages are not set by law, but by collective bargaining agreements on a sector by sector basis, which specify minimum standards to which individual employment contracts must conform. When an employer and a union fail to reach an agreement, courts may step in to determine fair wages on the basis of practice in comparable activities, although this rarely happens in practice. These wages provide a decent standard of living for a worker and family.

The legal workweek is 40 hours; most collective agreements provide for a 36- to 38-hour workweek. The average contractual workweek is 39 hours but is actually less in many industries. Overtime work may not exceed 2 hours per day or an average of 12 hours per week. Unless otherwise limited by a collective bargaining agreement, the law sets maximum permissible overtime hours in industrial sector firms at no more than 80 hours per quarter and 250 hours annually.

The law sets basic health and safety standards and guidelines for compensation for on-the-job injuries. For most practical purposes, EU directives on health and safety also have been incorporated into the law. Labor inspectors are from the public health service or from the Ministry of Labor, but they are few in number in view of the scope of their responsibilities. Courts impose fines and sometimes prison terms for violation of health and safety laws. In 2000 the Workmen's Compensation Institute reported an increase of accidents by 0.4 percent over the 1999 figures; however, there was a 3.8 percent decrease in the number of accidents resulting in death. Accidents occur with the greatest frequency in the underground economy, which employs between 3.5 and 5 million workers. Workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment.

*f. Trafficking in Persons.*—The law does not specifically address trafficking in persons, although trafficking may be prosecuted under other laws and articles of the Penal Code; trafficking in persons for prostitution and forced labor is a growing problem. Some government visa operations are under investigation for visa fraud in connection with trafficking.

Italy is primarily a destination country for trafficked persons, primarily women and girls trafficked for sexual exploitation, but also some men and boys trafficked for forced labor. Persons are trafficked primarily from Eastern Europe and the former Soviet Union, particularly from Albania, Poland, Hungary, Romania, Bulgaria, the former Yugoslav republics, Ukraine, and Moldova; Nigeria; South Amer-

ica, particularly Ecuador, Peru, and Colombia; and to a lesser extent Asia, particularly China. There were unconfirmed reports that an estimated 3,500 trafficked women were in Italy and that approximately 2000 persons are trafficked each year. Italy also is a transit point for traffickers, who arrive primarily by boat or airplane, with ultimate destinations in other Western or Northern European countries.

Organized criminal groups, both large and small, are behind most trafficking in the country, particularly from Albania. Victims of trafficking often are forced into prostitution, into working in restaurants, or begging on the streets (see Section 5). Traffickers enforce compliance by taking their victims' documents, beating and raping them, threatening their families, and frightening them with voodoo rites. Some trafficked women have been killed. Women and girls trafficked for sexual exploitation are monitored closely and often kept under guard in apartments when not working. Some of those who end up in servitude, particularly Chinese persons headed for the Florence area, come to Italy willingly, believing they will be receiving a certain salary or working under decent conditions; however, they are exploited by those who loaned them money for the trip, and they end up working 18-hour shifts, sometimes living and working in the same place. Leather, fur, and textile industries attract many of the illegal workers.

Trafficking in children for sweatshop labor is a particular problem in Tuscany's expanding Chinese immigrant community, where children are considered to be part of the family "production unit" (see Section 6.d.).

There have been press reports that Italian government officials working in several countries in Eastern Europe, Africa, and Latin America (particularly Ethiopia and Cuba) were being investigated for visa fraud in connection with bribery, abuse of authority, and trafficking; the investigation continued at year's end.

While there is no law that specifically prohibits trafficking in persons, other laws used to prosecute traffickers include laws prohibiting the exploitation of prostitution (the so-called Merlin law), slavery, sexual violence, kidnapping, and assisting the entry of illegal migrants. Cases prosecuted for reduction into slavery can bring penalties of up to 20 years, but such cases usually are used only for minors because of the difficulty under the law of proving slavery for adults. Penalties for infractions of the Merlin law include 6 years' imprisonment and fines of up to \$10,000 (approximately 20 million lire). The law contains provisions on the exploitation of prostitution, pornography, and sexual tourism to the detriment of minors with penalties of up to 20 years' imprisonment.

The Government has investigated and prosecuted many cases against traffickers using these laws, primarily the Merlin law. Some prosecutions resulted in convictions. The Government also has cooperated with foreign governments investigating and prosecuting trafficking cases. In May the Government signed a bilateral agreement with China to combat alien smuggling, including trafficking in persons.

The Government devotes significant law enforcement and other resources to combat trafficking. The Minister of Equal Opportunity leads an intergovernmental committee charged with monitoring trafficking and coordinating government activity to combat it. Other members include the Ministries of Labor and Welfare, Justice, Interior, and Foreign Affairs, as well as a special anti-Mafia prosecutorial unit. The Ministry of the Interior has begun special training programs to sensitize police to the problem of trafficking, the differences between trafficking and illegal immigration, the need to treat victims like victims, and the special skills needed to investigate cases. There are more than 85 police officers who specialize in handling trafficking cases.

The Government has sponsored awareness campaigns on trafficking in the country, including a 3-month television campaign focused on showing victims ways to escape traffickers. The television spots depicted the violence directed towards victims and explained the options available to them in Italy. The Government also sponsored an information campaign conducted by the International Organization for Migration in Albania that includes brochures, television, and radio spots aimed at potential victims. It has also provided funding for information campaigns conducted by the EU in Poland and Ukraine. In May 2000, the NGO End Child Prostitution, Pornography and Trafficking (ECPAT) and components of the tourism industry (tour companies, travel agents, computer reservation system personnel, airline companies, airport authorities, and trade unions) initiated a voluntary code of conduct designed to impede sex tourism.

While most prostitution involves women fleeing economic destitution in their home countries, those who are trafficked forcibly often are unable or reluctant to contact the police for help. The immigration law provides temporary residence and work permits to victims who seek to escape their traffickers. The legislation permits a temporary stay for victims, even if the victims refuse to file charges against their traffickers. During this time, victims are provided with shelter, benefits, and serv-

ices such as counseling and medical assistance, in cooperation with NGO's. They also may be permitted to work or study. If the victim agrees to cooperate with law enforcement and judicial authorities, the residence permit and services are extended for the length of the criminal proceedings. However, some victims still are deported, particularly Nigerian prostitutes, although such deportations have decreased. In July 2000, the Government set up a toll-free telephone number to help victims take advantage of this program. As a result of these and related policies, there reportedly has been a significant increase in witness testimony and the successful prosecution of traffickers was reported.

The Government works closely with NGO's and other organizations in fighting trafficking. Major secular and Catholic NGO's concerned with trafficking, among which Parsec—a social research institute—and Caritas are the most active, cooperate closely with the Government. In conjunction with other concerned NGO's ECPAT has worked to ensure that police treat juvenile prostitutes as victims of trafficking, not criminals.

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## KAZAKHSTAN

The Constitution of Kazakhstan concentrates power in the presidency. President Nursultan Nazarbayev is the dominant political figure. The Constitution permits the President to dominate the legislature and judiciary, as well as regional and local governments; changes or amendments to the Constitution are nearly impossible without the President's consent. President Nazarbayev was elected to a new 7-year term in a 1999 election that fell far short of international standards. A June 2000 law allows the President to maintain certain policy prerogatives and a seat on the National Security Council after he leaves office. The Constitution limits Parliament's powers by precluding it from appropriating state money or lowering taxes without executive branch approval. However, Members of Parliament (M.P.'s) have the right to introduce legislation, and some bills introduced by M.P.'s have become laws. Parliamentary elections held in October 1999 were an improvement on the presidential election but still fell short of the country's commitments as a member of the Organization for Security and Cooperation in Europe (OSCE). During the year, experimental local akim (governor) elections were held in some rural areas; the OSCE and other international observers also criticized these elections as falling short of international commitments. The judiciary remained under the control of the President and the executive branch.

The Committee for National Security (KNB) is responsible for national security, intelligence, and counterintelligence. The KNB also plays a law enforcement role in border security, internal security, and antiterrorism efforts, and oversees the external intelligence service, Barlau. The chairman of the KNB reports directly to the President. The Ministry of Interior (MVD) supervises the criminal police, who are poorly paid and widely believed to be corrupt. The KNB continued efforts to improve its public image by focusing on fighting government corruption, religious extremism, terrorism, illegal arms exports, and organized crime. Members of the security forces committed human rights abuses.

The country has a total population of approximately 15 million, and is rich in natural resources, particularly petroleum and minerals. The Government has made significant progress toward a market-based economy since independence; it successfully has privatized small- and medium-sized firms and many large-scale industrial complexes and has attracted significant foreign investment, primarily to the energy and minerals sectors. The agricultural sector, which represents approximately 10 percent of gross domestic product (GDP), has been slower to reform, because the Government has not established a legal basis for private agricultural land ownership. The average monthly wage in June was \$117 (17,288 tenge) compared with an average monthly wage in 2000 of \$95.14 (13,521 tenge). According to official data, 32 percent of the population lived below the minimum subsistence level in 2000, compared with 34 percent in 1999. Favorable world commodity prices in 2000 and during the year, as well as low inflation, a stable exchange rate, and signs of recovery in local industries, resulted in a GDP growth of 9.6 percent in 2000, from \$1,135 in 1999 to \$1,225 in 2000. Inflation has been under control and was 9.8 percent in 2000. Real GDP growth for the year is expected to be 10.2 percent, while annual inflation is forecast at approximately 7 percent.

The Government's human rights record was poor; although there were significant improvements in a few areas, serious problems remained. The Government severely limits citizens' right to change their government and democratic institutions remained weak. Members of the security forces committed a small number of

extrajudicial killings during mistreatment of detainees and abuse of military conscripts. Police tortured detainees in the form of beatings, and otherwise mistreated detainees. In June the head of the Prosecutor General's office admitted to increasing instances of physical abuse of subordinates. Prison conditions remained harsh and life-threatening; however, the Government took an active role in efforts to improve prison conditions and the treatment of prisoners, and observers have noted significant improvements in prison conditions. The Government continued to use arbitrary arrest and detention, and prolonged detention was a problem. The judiciary remained under the control of the President and the executive branch, and corruption in the judiciary remained deeply rooted. The Government infringed on citizens' privacy rights.

There were instances when the Government harassed and monitored independent and opposition media, and as a consequence, many journalists practiced self-censorship. In April the Parliament approved amendments to the media law that expand the liability of media outlets, treat Web sites as media outlets and limit direct rebroadcast of foreign media. The Government imposes some restrictions on freedom of assembly and imposes restrictions on freedom of association. At times the Government harassed those whom it regarded as religious extremists. There were some limits on freedom of movement, although the Government took significant steps to improve this freedom. Some human rights monitors reported that the Government monitored their activities.

Violence against women, including domestic violence was a serious problem. There was discrimination against women, persons with disabilities, and ethnic minorities. The Government discriminated in favor of ethnic Kazakhs. The Government limited worker rights; it tried to limit the influence of independent trade unions, both directly and through its support for state-sponsored unions, and members of independent trade unions were harassed. Child labor persisted in agricultural areas. Trafficking in women and children, primarily teenage girls, was a problem and local nongovernmental organizations (NGO's) accused some customs and border officials of complicity in 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 political killings by the Government or its agents; however there were deaths in custody and deaths in the military as a result of mistreatment (see Section 1.c.).

During the year, members of the security forces killed a conscript. Military hazing remained a problem. In July an army soldier near Almaty hanged himself; his parents alleged that he was beaten repeatedly during his military service. In August a military officer was convicted of beating to death a 20-year-old private in the border patrol; the officer attempted to conceal the beating and claimed that the death was the result of a snakebite. Information on the total number of deaths in the military was unavailable at year's end.

In 2000 the Government began a program to improve the training of military forces on social and legal issues in order to reduce hazing (see Section 1.c.). There have been reports of prosecution for hazing; however, details generally were not available.

Harsh prison conditions led to the deaths of some persons in custody, many from disease (see Section 1.c.). The Vice Minister of Interior confirmed that two prisoners died at a pretrial detention center in Petropavlovsk during the year. An investigation by the Presidential Commission on Human Rights concluded that one death was a suicide by hanging, and one was a heart attack.

On November 3, Kanat Biyembetov died in a Turkestan hospital following his October 26 arrest by the KNB for suspicion of being a member of an extremist group (see Section 1.c.).

In July 2000, Kairat Sabdenov, the son of a M.P. died from internal injuries he sustained during an alleged police beating in Kokshetau after he had been detained following a car accident. In April the driver of the other car (a civilian) was found guilty of inflicting grave injuries, which the court stated, resulted in Sabdenov's death. Five police officers were charged with improper performance of their duties in connection with the alleged beating, but none were convicted.

In April 2000, a man named Bekov died in a hospital from injuries he claimed to have sustained when police in Almaty detained and beat him. In April 2001, the Prosecutor's office opened a case against an employee of the regional Internal Affairs Department. On June 11, the employee of the Internal Affairs Department was acquitted based on his own rehabilitation. At year's end, the Prosecutor General's Office was reviewing the decision of the local court in this case.

In March 2000, Ivan Prokopenko died in a detention center in Aktobe, after having been arrested 2 months earlier on suspicion of having stolen some wooden poles. Human rights monitors reported that the boy's parents and a doctor who examined the boy's body found evidence of brain trauma, burns, and cuts. In October 2000, the Aktobe city prosecutor found that Prokopenko had died from head injuries suffered when he slipped and fell, hitting his head on the concrete floor, the chairman of the Presidential Commission on Human Rights reiterated this finding at hearings before the U.N. Committee on Torture.

According to press reports, a criminal case was brought against a police sergeant in Makhtaarsk (Shymkent Oblast) for the 1999 beating death of a 24-year-old man, Nurzhan Saparov, who was in custody following his arrest for disturbing the peace. Reportedly, four other police officers charged with responsibility for his death in 2000 also were awaiting trial; however, no new information was available on their case.

On May 23, the body of Dilbirim Samsakovaya, director of a charitable Uyghur foundation and a well-known Uyghur community activist was found in a river outside of Almaty. An investigation into her murder was ongoing at year's end. Police believe that the killing was related to Samsakovaya's personal or business dealings.

*b. Disappearance.*—There were no reports of politically motivated disappearances.  
*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution states that “no one must be subject to torture, violence or other treatment and punishment that is cruel or humiliating to human dignity;” however, police tortured, in the form of beatings, and otherwise abused detainees, often in order to obtain confessions. Law enforcement officers participating in a government conference on pretrial detention facilities noted that beatings by officials were common in such facilities (see Section 1.d.). Prison officials beat and mistreated prisoners. Unlike in the previous year, there were no reports of police beating peaceful protesters (see Section 2.b.).

On November 3, Kanat Biyembetov died in a Turkestan hospital following his October 26 arrest by the KNB for suspicion of being a member of an extremist group. According to signed statements by Biyembetov and his family, he was beaten by the arresting KNB officers. The KNB officers alleged that Biyembetov sustained his injuries when he jumped from a moving police car. An investigation conducted by the Military Prosecutor's Office, at the request of Biyembetov's family, concluded that Biyembetov had died of kidney failure. Human rights monitors believe that this was a well-documented case of beating, and that the injuries received from the beating directly contributed to Biyembetov's death.

Government officials acknowledged the seriousness of the problem of police abuse and undertook some efforts to combat it. According to the Prosecutor General in 2000, disciplinary measures were taken against 6,317 officers of governmental investigative agencies for violating individuals' constitutional rights. Prosecutors brought criminal charges against 107 police officers for the unlawful use of physical force against citizens in 2000 and disciplinary actions were taken against hundreds more. Human rights observers believe that these cases cover only a small fraction of the incidents of police abuse of detainees, which they characterized as routine. Training standards and pay for police are very low, and individual law enforcement officials often were supervised poorly.

Almaty authorities initially brought criminal charges against two policemen for beating opposition activist Aleksei Martynov in custody in 1999; however, the charges were dropped. Martynov claims that he continued to receive threatening telephone calls, which forced him to leave the country in June. At year's end, he remained abroad. No arrests were made in connection with the assault against opposition activist Andrei Grishin in November 1999, shortly after he published a newspaper article critical of a new museum dedicated to the President; the case was closed at year's end. On June 25, while working on election reform advocacy, Andrei Grishin alleged that the Minister of Internal Affairs, Colonel Bektassov, approached him in front of Grishin's apartment building, asked if he remembered the 1999 beating, and cautioned him to “behave himself.” According to Grishin, Bektassov previously had called him into the police station to issue such warnings on several occasions.

The authorities have taken no action against police who allegedly beat 70 members of an Islamic group from Taraz who were detained temporarily in 1999.

Army personnel continued to subject conscripts to brutal hazing, including beatings and verbal abuse (see Section 1.a.). No statistics were available on the extent of the problem. The Army launched a campaign to punish violators of an antihazing policy, and the Government occasionally has taken action against officials charged with abuses, often levying administrative sanctions such as fines for those found guilty.

In June 2000, the official press reported that customs and border officials were under investigation for possible complicity with a trafficking ring in the southern part of the country; however, no charges were brought against any officials as of year's end (see Section 6.f.).

On January 30, two individuals stabbed Platon Pak, Karaganda leader of the opposition Azamat Party, four times. They had gained entrance to Pak's home by claiming to be acquaintances of Peter Svoik, cochairman of the Azamat Party. Pak stated that the individuals told him the Azamat Party was "getting in the way" and to tell Svoik to stop his activities. On December 3, the Presidential Commission on Human Rights stated that their investigation uncovered no information connecting the crime to Pak's political activity.

On March 1, five unidentified individuals beat Gulzhan Yergaliyeva, television journalist and People's Congress Party deputy chairperson, and her family, and stole grant money from a home safe (see Section 2.a.). Yergaliyeva's weekly television program often airs opposition opinions; human rights monitors alleged that the attack was politically motivated. In April police detained a suspect in the case; however, Yergaliyeva could not positively identify him as one of the assailants. The suspect remained in jail at year's end because he had been convicted of other unrelated crimes.

Information became available during the year that the previously reported death of Kairat Seidakhmetov, a juvenile who slit his throat in a Zhanatas courtroom in April 2000, was false. Both the Presidential Commission on Human Rights and the NGO Kazakhstan Human Rights Bureau stated that the previous information was incorrect, and that the youth did not die from his self-inflicted injuries and is alive.

Prison conditions remained harsh and sometimes life-threatening, although there were some signs of improvements during the year. Some of the instances of mistreatment occur in prisons. Guards, who are poorly paid, steal food and medicines intended for prisoners. Violent crime among prisoners is common. According to the Interior Ministry, during the year there were approximately 70,000 prisoners in facilities designed to hold 60,000. A 2000 amnesty reduced the number of prisoners by more than 26,700; however, overcrowding remained a problem.

Overcrowding, inadequate diet, and a lack of medical supplies and personnel contributed to the spread of tuberculosis and other major diseases. Approximately 9,000 prisoners suffer from tuberculosis. In 2000 a total of 498 prisoners died in penal facilities; more than 200 of these deaths were due to illness, mostly tuberculosis. Another 170 gravely ill prisoners died shortly after being released. In 1999 a total of 384 prisoners died tuberculosis while in custody and 409 were released on humanitarian grounds due to illness and died at home.

Government officials stated that improved treatment undertaken in cooperation with the World Health Organization has reduced the deaths from tuberculosis. There were five tuberculosis colonies and three tuberculosis hospitals for prisoners. The Government's senior prisons official acknowledged that the number of prisoners with AIDS is growing. The number infected reportedly grew from 256 in 1999 to 263 in 2000, although the authorities maintained that the prisoners were infected before being incarcerated. However, experts believed that many cases go unreported.

Prisoners are allowed one 4-hour visit every 3 months, but additional visits may be granted in emergency situations. Some prisoners are eligible for 3-day visits with close relatives once every 6 months.

On May 19, 15 inmates at the Semipalatinsk Prison No. 156/14 committed acts of self-mutilation, slitting their wrists and driving nails into their chests and backs, to protest prison conditions. The inmates demanded the closure of solitary confinement cells, the removal of some prison officials, and free movement within the prison grounds. There were no reports of a formal investigation; however, the prison administrator was fired as a result of the protest.

In September two officials at the Ust-Kamenogorsk Prison 156/2 were charged and convicted with abuse of power for beating prisoners in August 2000. The two received 3-year suspended sentences and 2 years probation, and are ineligible to work for the Government for 3 years.

The prison system consists of pretrial detention centers, penal colonies (including low and medium security facilities, women's and juvenile facilities), and maximum-security prisons.

The Government was active in pursuing penal reform and projects to improve prison conditions. The Government passed legislation in 2000 to transfer authority over prisons from the Interior Ministry to the Justice Ministry in a move intended to further improve prison conditions. The actual transfer of authority is scheduled to be implemented beginning in January 2002.

In March 2000, the MVD opened a training center for penitentiary system employees in Pavlodar. During the year, the Government together with the OSCE and

the international NGO Penal Reform International (PRI), undertook projects to provide medical and human rights training to prison officials. The Government, in cooperation with the PRI and the OSCE, expanded the Pavlodar prison personnel training project to Karaganda, Akmola, and East Kazakhstan Oblasts. The PRI has reported a considerable improvement in conditions, food, and medical treatment in Pavlodar. New women's and juvenile facilities, with much improved physical conditions, were being built in the Eastern Kazakhstan Oblast at year's end. In April the Government formed a working group on alternatives to confinement. During the year, the group researched international practice to improve juvenile justice and reviewed legislation and the judicial system as they relate to prisons.

In 2000 the Government announced a general amnesty under which during the year, more than 26,700 prisoners were freed and criminal proceedings were dropped against another 3,450. Juveniles, men, and women are kept in separate facilities.

Although there is no known statutory requirement, human rights monitors and journalists wishing to visit prisons must receive authorization from the MVD; monitors and journalists generally were allowed access to penal colonies, except during protests. Access to pretrial detention centers, which are controlled by the Ministry of Interior, often was denied. Prison administrators are hesitant to allow civilians into the maximum security prisons for reasons of personal security. The Kazakhstan International Bureau on Human Rights and Rule of Law (KIBHR) visited men's, women's, and juveniles' prisons during the year.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest and detention; however, arbitrary detention remained a problem. In October the Government held a seminar on pretrial detention facilities, which included participation from the OSCE and the KIBHR. Law enforcement officials participating in the conference stated that cases of violation of detainees' rights and illegal detentions were common. Law enforcement officials stated that approximately one third of all detainees may have been detained illegally.

Unlike in the previous year, there were no reported cases of the Government using minor infractions of the law related to unsanctioned assembly to arrest and detain government opponents.

Oleg Okhulkov, a lawyer known to provide legal assistance to opposition figures, has been held in pretrial detention since December 18, 2000. Okhulkov was retained by the Rauza company, which was embroiled in a civil suit for the non-fulfillment of a contract with a second firm. The second firm appealed to the MVD to get their money back. The MVD arrested the head of Rauza and Okhulkov for fraud. The International Bureau on Human Rights and Rule of Law has appealed the case to the Prosecutor General's Office, stating that this was a civil rather than criminal case and that pretrial detention was unconstitutional.

The Constitution provides that arrests and detentions may occur only with the sanction of a court or a prosecutor. According to the official Russian-language newspaper *Kazakhstanskaya Pravda*, the Zhambul Oblast Prosecutor General's Office stated that more than 3,500 persons were detained by oblast police without cause in the first quarter of the year. Short (3-hour) and long (72-hour) detentions for "suspicion" were used widely and many individuals were detained for identity checks without suspicion of a criminal offense.

The law sanctions pretrial detention. According to the Constitution, police may hold a detainee for 72 hours before bringing charges. The Criminal Code allows continued detention for much longer periods with the approval of the General Prosecutor of the Republic. Lower-ranking prosecutors may approve interim extensions of detention. In practice police routinely hold detainees, with the sanction of a prosecutor, for weeks or even months without bringing charges, and prolonged detention was a serious problem.

The Ministry of Interior administers pretrial detention centers. Local human rights NGO's generally had access to pretrial detention facilities; however, there were reports of some individuals who had difficulty gaining access (see Section 1.c.). Conditions and treatment in pretrial facilities remained harsh, although Penal Reform International noted some positive changes in attitude within the Ministry of Interior. There were more than 4,300 individuals in pretrial detention centers. Law enforcement officials stated that 267 detainees had been held for more than 2 years awaiting trial.

A bail system exists, but it rarely is used. Individuals generally remain in pretrial detention until their trial. During the year, government officials stated that 73 persons were released on bail in the first 8 months of the year, compared with 47 during 2000.

According to the Constitution, every person detained, arrested, or accused of committing a crime has the right to the assistance of a defense lawyer from the moment of detention, arrest, or accusation (see Section 1.e.). While this right generally is re-

spected in practice, human rights monitors alleged that law enforcement officials have pressured prisoners to use certain attorneys or to refuse the assistance of an attorney, at times resulting in a delay before the accused sees a lawyer. Detainees also may appeal the legality of detention or arrest to the Prosecutor before trial; however, in practice most persons refrain from making an appeal due to fear of reprisal for doing so.

The Constitution prohibits forced exile, and the Government does not use it.

*e. Denial of Fair Public Trial.*—The court system's independence is compromised by legislative, administrative and constitutional arrangements that in practice subjugate the judiciary to the executive branch of government. A presidential decree signed in September 2000 sought to lessen executive branch control of the judiciary by moving responsibility for the courts' administrative support from the Justice Ministry to the Supreme Court; however, the financial change has had no apparent effect on the court's lack of independence.

There are three levels in the court system: Local, oblast (provincial), and the Supreme Court. Local courts try less serious crimes, such as petty theft and vandalism. Oblast courts handle more serious crimes, such as murder, grand theft, and organized criminal activities. The oblast courts also may handle cases in rural areas where no local courts are organized. Judgments of the local courts may be appealed to the oblast-level courts, while those of the oblast courts may be appealed to the Supreme Court. There is also a military court.

According to the Constitution, the President proposes to the upper house of Parliament (the Senate) nominees for the Supreme Court. Specifically nominees are recommended by The Supreme Judicial Council, which includes the chairperson of the Constitutional Council, the chairperson of the Supreme Court, the Prosecutor General, the Minister of Justice, Senators, judges, and other persons appointed by the President. The President appoints oblast judges (nominated by the Supreme Judicial Council) and local level judges from a list presented by the Ministry of Justice. The list is based on recommendations from the Qualification Collegium of Justice, an institution made up of deputies from the lower house of Parliament (the Majilis), judges, public prosecutors, legal experts, and Ministry of Justice officials. The President appoints the Collegium chairman.

Under the law judges are appointed for life, although in practice this means until mandatory retirement at age 65. Under a 1995 presidential decree, the President may remove judges, except members of the Supreme Court or chairmen of judicial collegia, on the recommendation of the Minister of Justice; the Minister's recommendations must be based on findings by either the Supreme Judicial Council or the Qualification Collegium of Justice that the judge failed to, or was no longer capable of, performing his duties. The President can request, based upon recommendations from the Supreme Judicial Council, that the Senate remove members of the Supreme Court or chairmen of judicial collegia, which are judicial councils that judges serve on at the local, city, oblast, and Supreme Court levels.

The Constitution abolished the Constitutional Court and established a Constitutional Council in 1995. The Council rules on election and referendum challenges, interprets the Constitution, and determines the constitutionality of laws adopted by Parliament. The President directly appoints three of its seven members, including the chairman, and has the right of veto over Council decisions. The Council may overturn a presidential veto if at least two-thirds (five) of its members vote to do so. Therefore, at least one presidential appointee must vote to overturn the President's veto in order for the Council to overrule the President. Citizens do not have the right to appeal to the Council regarding the constitutionality of government actions, although they were allowed to make such appeals to the former Constitutional Court. Under the Constitution, only the President, chairperson of the Senate, chairperson of the Majilis, Prime Minister, one-fifth of the members of Parliament, or a court of law may appeal to the Constitutional Council. The Constitution states that a court shall appeal to the Council if it "finds that a law or other regulatory legal act subject to application undermined the rights and liberties of an individual and a citizen."

The Constitution and the law establish the necessary procedures for a fair trial; however, human rights monitors assert that trials often are not fair in practice. Trials are public with the exception of instances in which an open hearing could result in state secrets being divulged, or when the private life or personal family concerns of a citizen must be protected. If a defendant cannot afford an attorney, the Constitution states that the Government must provide one free of charge. Human rights organizations allege that many prisoners are unaware of this provision of the law. The Government's reluctance to provide a lawyer is partly attributed to a shortage of funds to pay court-appointed lawyers to which defendants are entitled. Some lawyers are reluctant to defend clients unpopular with the Government. According

to the Constitution, defendants have the right to be present, the right to counsel, and the right to be heard in court and call witnesses for the defense.

Defendants enjoy a presumption of innocence, are protected from self-incrimination, and have the right to appeal a decision to a higher court. Legal proceedings are conducted in the state language, Kazakh, although Russian also may be used officially in the courts. Proceedings also may be held in the language of the majority of the population in a particular area. In most cases, these rights are respected; cases involving government opponents frequently are closed.

Corruption is evident at every stage and level of the judicial process. Lawyers and human rights monitors alleged that judges, prosecutors, and other officials solicit bribes in exchange for favorable rulings in nearly all criminal cases. Judges are paid poorly. According to the Minister of Interior, in the first half of the year the Government disclosed 161 cases of bribery among employees of the Justice Ministry, financial police, tax police, and customs. In June the chairman of the Supreme Court revealed that one in four judges had been disciplined and six judges were indicted for corruption in the first half of the year. In a June address to the National Congress of Kazakhstani Judges, President Nazarbayev criticized the judges for sentencing discrepancies, trial delays, corruption, and lack of transparency. The Ministries of Justice and Interior have received additional funding to increase salaries for law enforcement agents and judges. During the year, judges' salaries were raised from less than \$50 (7,000 tenge) per month to approximately \$100 (15,000 tenge) per month. In July the Government established a judicial ethics commission to review complaints and appeals by citizens on violations of judicial ethics.

On February 5, a Shymkent Court tried in absentia, Temirtas Tleulesov, author of a book on official corruption in Shymkent Oblast ("Skymkent Mafia"), and sentenced him to 2 years in prison for hooliganism (see Section 2.a.). The charges stem from a December 1999 incident in Turan Alem bank in which Tleulesov was beaten by bank security personnel. Tleulesov has remained in hiding since the conviction.

On September 6, former prime minister Akezhan Kazhegeldin was tried, convicted, and sentenced in absentia on corruption-related charges. While international human rights organizations and local monitors were not in a position to determine the veracity of charges against the former prime minister, they stated that the procedures followed in the case were not in line with international commitments. On September 7, the OSCE noted in a press release that "the principle of equal rights of both sides involved may have been jeopardized because the trial was held in absentia . . . It was questionable whether the presumption of innocence was fully observed by mass media and government structures throughout the process." The case against the former Prime Minister appeared to consist primarily of the statement of approximately 80 witnesses, the overwhelming majority of whom were government officials. In an August 23 press article, a KIBHR representative said that the "legality of the case is nonsense—when there are case materials, but no defendant, no simultaneous questioning of witnesses and defendant, and no objections."

On October 4, Nurbulat Masanov was convicted of insulting the honor and dignity of a member of the Alash Party; the conviction was based on an audio recording of unknown origin, which contained an alleged interview with an Itar-Tass correspondent. The correspondent denied that such an interview had taken place (see Section 1.f.).

There were no confirmed reports of political prisoners. Pyotor Afanasenko, allegedly prosecuted and imprisoned for political reasons was amnestied under the Presidential decree (see Section 1.c.). Fellow defendant Satzhan Ibrayev was ineligible for amnesty based on his conduct during imprisonment. Although it appeared that there could be a factual basis for the charges against Afanasenko and Ibrayev, the OSCE and international and domestic human rights observers charged that government prosecution and sentencing of them was motivated politically. Some human rights observers also criticized the authorities for incarcerating Afanasenko and Ibrayev in ordinary prisons rather than in special institutions created to protect former members of the security forces from possible retribution by other prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such actions; however, the Government infringed on these rights. The Constitution provides that citizens have the right to "confidentiality of personal deposits and savings, correspondence, telephone conversations, postal, telegraph, and other messages"; however, the limitation of this right is allowed "in cases and according to procedures directly established by law." The KNB and Ministry of Interior, with the concurrence of the Prosecutor General's Office, interfere with citizens' privacy and correspondence. The Criminal Procedure Code allows for wiretapping or recording of telephone calls without a prosecutor's warrant only in certain urgent cases; in such cases, the Prosecutor shall be notified of the wiretapping or recording within 24 hours and must determine whether the wiretap or recording

was legal. Some government opponents reported that the Government monitored their movements and telephone calls. For example, RNPK activist Nurbulat Masanov claimed in a public press conference that a tape of unknown origin which contained comments, for which he was found guilty of slander, was made from wiretaps placed on his cellular telephone (see Section 1.e.). In the same press conference, Masanov claimed that his telephone has been wiretapped for 2 years.

Police and the KNB are required to obtain permits from the court or Prosecutor's Office to conduct searches; however, in extraordinary cases when the item they are looking for could be lost, damaged, or used for criminal purposes, they may conduct a search without a permit. In such cases they must notify the Prosecutor within 24 hours.

A central, state-run billing center for telecommunications services, which opened during 2000, was not successful in rerouting services through its network during the year. In practice, the Center receives only monthly statistical information from telecommunications companies, and does not have access to information on individual telephone accounts. The Government initially presented the creation of the center as an attempt to ensure that all telecommunications traffic was being taxed properly; however, NGO's, opposition figures, and human rights monitors expressed concern that the Government would use the center to enhance its ability to monitor telecommunications and control the availability of information on the Internet. Government officials denied that this was their intent.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and the media law provide for freedom of speech and of the press; however, there were instances when the Government harassed and monitored independent and opposition media, and as a consequence many journalists practiced self-censorship.

The media law reaffirms the constitutional provision for free speech and prohibits censorship; however, at times the Government takes advantage of the law's vague language to place restrictions on media content. For example, the law prohibits the mass media from "undermining state security" or advocating "class, social, race, national, or religious superiority" or "a cult of cruelty and violence." Under the law, owners, editors, distributors, and journalists may be held responsible for violations. The law on national security gives the Prosecutor General the authority to suspend the activity of news media that undermine national security; however, this authority has never been invoked. A 1999 state secrets law established a list of government secrets, the release of which is proscribed in the Criminal Code. The law defines, for example, certain foreign policy information as secret if "disclosure of this information might lead to diplomatic complications for one of the parties." The list of state secrets enumerated in the law also includes all information about the health, financial, and private life of the President and his family. Also defined as state secrets are basic economic information such as the volumes and scientific characteristics of national mineral reserves and the amount of government debt owed to foreign creditors.

The law also requires all media to register with the Government; all print and broadcast media are registered. The new media law defines Internet sites as media outlets and requires that they register.

Amendments to the media law, passed in March, strengthened libel laws, limited the rebroadcast of foreign-produced programming, classified Web sites as mass media, and introduced a requirement that journalists receive permission prior to taping interviews. Specifically, the amendments expanded the concept of libel to make media outlets responsible for the content of reprints or rebroadcast of foreign information, including international press services. The amendments require a graduated reduction in rebroadcast of foreign programming to 20 percent by 2003. In addition, the law requires state bodies and other government organizations to answer journalists' requests for information or provide reasons for a refusal within 3 days. Journalists and NGO's charged that the new amendments restrict free speech and limit access to information. In addition, in April and June, several NGO participants in an National Democratic Institute (NDI) and OSCE-supported campaign against media law amendments were harassed by local law enforcement, prosecutors, finance police, and tax police.

Media laws tend to be enforced selectively. Some outlets have published or aired commentaries highly critical of the Government, its policies, or its leaders without consequence, while others have been brought up on charges based on violation of the media law. NGO'S and human rights activists maintained that the March conviction of Temirtas Tleulesov, author of a book alleging involvement of local authorities in the Shymkent Mafia, on charges of "hooliganism" was an attempt to quiet the author (see Section 1.e.).

The Constitution provides for the protection of the dignity of the President, and the law prohibits insulting the President and other officials. Media outlets generally practice self-censorship regarding information on the President and his family in order to avoid possible legal problems. Most newspapers did not present the ongoing story, widely reported in the western press, about alleged foreign investigations into possible illicit payments by a foreign businessman to President Nazarbayev and two former Prime Ministers.

However, media outlets freely published detailed reports on allegations against Rakhat Aliyev, the President's son-in-law, and first deputy chairman of the KNB. Media outlets favorable to Aliyev claimed that he was conducting an investigation into corruption. In November Aliyev resigned from his position at the KNB and subsequently was appointed by President Nazarbayev to the Presidential Security Service. The Aliyev affair engendered open and in-depth instance of public criticism of the President's immediate family. Aliyev has filed libel lawsuits against Internews, The Globe, Novaya Gazeta, Yevrasia Website, and Aziopa Website; all suits remained pending at year's end.

A libel provision of the new Media Law, which was enacted on April 16, holds owners, editors, distributors, and journalists responsible for content and promotes self-censorship at each level. At times fines for violating the libel law were exorbitant and bankrupted small media outlets. Publishing houses, who also are responsible legally for the information that they publish, were reluctant to publish publications which might contain "undesirable" stories. While these actions are not government initiated, they effectively limit the media's ability to publish strongly critical items.

Human rights activists assert that sometimes libel lawsuits are used to close down opposition media outlets or to silence opposition figures. On April 3, the Zhetisu District court of Almaty found Yermurat Bapi, editor-in-chief of SolDat newspaper and a member of the executive committee of the RNPk, and journalist Karishal Asanov guilty of libel for two articles printed in SolDat in 2000, which addressed corruption and the role of President Nazarbayev in the December 1986 student uprisings in Almaty. Bapi was found guilty of insulting the honor and dignity of the President (a criminal offense) and sentenced to 1 year in prison; however, the conviction fell under the purview of the general amnesty and Bapi did not serve his sentence. Bapi was forced to pay \$275 (40,000 tenge) in court costs and the press run of SolDat in which the articles appeared was destroyed. Asanov was acquitted of charges. In May the oblast court denied Bapi's appeal.

In June three local officials and a close relative of a local official sued the editor of Vecherniy Atyrau newspaper and RNPk party oblast chief for Atyrau, Zhumbai Dospanov, based on four different articles published in his newspaper. In August the City Court of Atyrau found Dospanov guilty of publishing derogatory information against the akim (local governor). Dospanov was ordered to pay \$13,300 (2 million tenge) in compensation. He appealed his case to the Supreme Court; however, at year's end, the Supreme Court had not reached a verdict.

On August 3, the city court of Aktobe found journalist Oleg Adorov guilty of libel and sentenced him to 180 hours of community service. The case was the first in which criminal rather than civil proceedings were brought against a journalist for libel. The criminal proceedings were instituted after Abay Eschanov, a judge in the Alga district court, filed a suit stating that he had been insulted in an article Adorov wrote for Evrika newspaper. The newspaper was fined \$2,000 (300,000 tenge).

The extent of government influence over mass media is not clearly defined. Although the media expressed views that were independent and occasionally highly critical of the Government, the Government used its influence to limit the media's content. Many media outlets considered to be independent are controlled by holding companies, whose controlling investors are not made public. NGO's alleged that most large media outlets are controlled by members of the president's family and close circle of friends through holding companies. However, according to government statistics, there were 1,431 mass media and information agencies in the country as of August 1, nearly 80 percent of which were privately owned. In 2000 a total of 37 new television and radio stations were granted licenses.

In May journalist Andrey Sviridov published findings of a poll conducted among journalists, media experts and representatives of human rights organizations on the media. The majority of those polled stated that they feel the Kazakhstani media market is controlled by Dariga Nazarbayeva (the President's daughter), Rakhat Aliyev (her husband), Timur Kulibayev (another son-in-law of the President) and other "oligarchs." There were no retaliatory actions reported against Sviridov for his publication of the poll results.

According to government statistics, there are 950 privately owned newspapers and 342 privately owned magazines; however, the Government runs the newspapers that appear most frequently (5 times a week) and a number of privately owned media are believed to be controlled by members of the President's family. Many newspapers which nominally are independent, particularly Kazakh-language print media, receive government subsidies. There are a number of newspapers that are produced by government ministries, for example, the Ministry of Science publishes *Kazakhstan Science*. Each major city has at least one independent weekly newspaper. There are 11 major independent newspapers in Almaty.

The Government took measures to harass two publications that were affiliated with one of the opposition parties. In January 2000, a court in Ust-Kamenogorsk ordered the local HBC-Press newspaper to suspend publication for 3 months. The court found, and an appeals court subsequently upheld, that the newspaper had violated the media law by publishing an article calling for the overthrow of the country's constitutional system. The article in question contained a public appeal from the leader of a Russian nationalist group arrested in November 1999 for plotting to overthrow the local government in Ust-Kamenogorsk. The newspaper had received a copy of the appeal at a news conference attended by other local media. The editor of HBC-Press asserted that representatives of the KNB at the press conference did not warn journalists not to publish the press release. HBC-Press went out of business without resuming publication after the court-ordered suspension. On October 6, 6 months after its last publication, the newspaper *Soldat* was forced to close due to its inability to publish, which resulted in a loss of the newspaper's license. Throughout the year, the newspaper encountered various problems including currency regulation violations, lack of money for additional issues, and the refusal of local publishing houses to publish the July 6 issue dedicated to the President's birthday.

The Government continued to be in a strong position to influence most printing and distribution facilities and to subsidize periodicals, including many that supposedly were independent. In addition, many publishing houses are government owned. Some journalists have alleged that the KNB or tax police threaten publishing houses if they print opposition media; concern over criminal or civil proceedings has influenced publishing houses. In April Yermurat Bapi, editor-in-chief of the independent newspaper *Soldat* and member of the executive committee of the opposition RNPk party, alleged that his newspaper was forced to cease publication for 8 months because all local publishing houses had refused to print the newspaper. Unlike in the previous year, there were no reports of tax police seizing newspapers from printing houses during investigations.

The Government controls nearly all broadcast transmission facilities. There are 45 independent television and radio stations (17 television stations, 15 radio stations, and 13 combined television and radio stations). Of these, 11 are in Almaty. There are only two government-owned, combined radio and television companies; however, they represent five channels and are the only stations that can broadcast nationwide. Regional governments own several frequencies; however, independent broadcasters have arranged with local administrations to use the majority of these. An organization of electronic media, the Association of Independent Electronic Media of Central Asia (ANESMI), exists, but it is divided and weak. In August the *Khabar* agency, managed by Dariga Nazarbayeva, took over control of the state-share in the national television and radio station.

In October members of parliament, led by Majilis Deputy Tolen Tokhtasynov, spoke out about what they called "monopolization in the media market." According to Tokhtasynov, first deputy chairman of the KNB, Rakhat Aliyev, effectively controls, or actually owns, the country's largest media holding company. The holding company allegedly includes KTK, NTK, and ORT television channels; *Yevropa Plyus*, *Hit FM-Khabar*, *Russkoye radio*, and *Radio Retro-Karavan* radio stations; and *Novoye Pokoleniye* and *Karavan* newspapers. Television station KTK immediately refuted Tokhtasynov's allegation that the station is controlled by Aliyev, stating that Aliyev is not a shareholder, co-owner, owner, or member of the board of directors of the station.

The law restricts alcohol and tobacco advertising on television. The 1999 media law prohibited violence and all "pornography" from television broadcasts.

On November 27, the President urged private domestic media to create a code of ethics. The President referred to what he called "a war" between oligarchs in the media and stated that he would apply "draconian" measures against the private media through Parliament if the situation continued.

In February television journalist and commentator Gulzhan Yergaliyeva and her family were beaten during an attempted robbery (see Section 1.c.). Yergaliyeva and

other journalists asserted that the beating was a warning that Yergaliyeva's television program "Social Agreement" had become too critical of government policies.

The new media law defines Kazakhstan-based Web sites as a media outlet. Human rights monitors maintained that this provision of the media law may lead to government restrictions on Web site content. Clients of the two largest Internet providers, Kaztelecom and Nursat, periodically were blocked from direct access to the opposition Evrasia Web site, although access was still available through proxy servers. In September human rights monitors alleged that Kaztelecom and Nursat users were unwittingly viewing a "mirror site" of the opposition Evrasia page. On the "mirror site" users view a page that mimics the original, but without material highly critical of the Government. The opposition Website Aziopa was blocked by both Internet providers at the time of publication.

Academic freedom is generally respected; however, as is the case for journalists, academics cannot violate certain restrictions, such as criticizing the President and his family. In March a part-time professor who was on sabbatical from Karaganda State University to participate in a lobbying campaign against amendments to the media law, was asked to resign after the Karaganda prosecutor's office ordered an investigation of her NGO. According to the activist, the Prosecutor's office questioned her extensively about the source of her funding, which was the NDI. No charges were brought against the NGO. Course topics and content generally are subject to approval by university administrations. There were reports that university students in private, as well as in state universities, sometimes had to pay bribes for admission and to get good grades.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for peaceful assembly; however, the Government and the law impose significant restrictions on this right. The law on national security defines as a threat to national security "unsanctioned gatherings, public meetings, marches, demonstrations, illegal picketing, and strikes" that upset social and political stability.

Under the law, organizations must apply to the local authorities for a permit to hold a demonstration or public meeting at least 10 days in advance, or the activity is considered illegal. In some cases, local officials routinely issued necessary permits; however, opposition and human rights monitors complained that complicated procedures and the 10-day notification period made it difficult for all groups to organize public meetings and demonstrations. They also reported that local authorities, especially those outside the largest city, Almaty, turned down most applications for demonstrations in central locations. During the year, certain religious groups repeatedly were denied permits for conventions or large public gatherings (see Section 2.c.).

Peaceful political demonstrations at the parliament building, the presidential administration building, and foreign embassies were permitted during the year. Unlike the previous year, no demonstrators were detained and for the most part, law enforcement authorities did not interfere in the demonstrations or take action against the individuals who participated; however, there were some exceptions. Organizers of unsanctioned gatherings, including religious gatherings, frequently were fined (see Section 2.c.).

On September 25, women from the Baidibek district of South Kazakhstan Oblast held a protest outside of the parliament building in Astana to demand the payment of overdue family allowances dating back to 1997; they had threatened to commit collective suicide if those allowances were not paid.

The Constitution provides for freedom of association; however, the Government and the law impose significant restrictions on this right. Organizations that conduct public activities, hold public meetings, participate in conferences, or have bank accounts must be registered with the Government. "Membership organizations," such as churches, religious groups, or political parties, must register in each of the 14 provinces where they have active members, whereas "nonmembership organizations," such as NGO's, must register only at the national level. Registration at the local level requires a minimum of 10 members and on the national level, a minimum of 10 members in at least 7 of the 14 oblasts. In addition, a registration fee of \$135 (19,845 tenge) is required. Most organizations must hire lawyers or other consultants to expedite their registrations through the bureaucracy, which increases the registration cost by approximately \$200 (29,400 tenge). Some groups consider these costs to be a deterrent to registration. According to government regulations, registration is supposed to be granted within 15 days; however, according to local NGO's, registration often takes 1 month to a year because the Government may return applications for additional information or require investigations into certain portions of the application. There have been numerous cases of the activities of religious groups being suspended pending registration (see Section 2.c.).

The Constitution prohibits political parties established on a religious basis. The Government also has refused to register ethnically based political parties on the

grounds that their activities could spark ethnic violence; however, the small Kazakh ethnic nationalist "Alash" Party was registered for the 1999 parliamentary elections. In February the Government refused registration to a newly established ethnic-Russian party; the pro-presidential Civic Party stated that the creation of an ethnic-Russian party would have "an adverse effect on interethnic stability." The Constitution bans "public associations"—including political parties—whose "goals or actions are directed at a violent change of the Constitutional system, violation of the integrity of the republic, undermining of the security of the state (and), fanning of social, racial, national, religious, class, and tribal enmity." All of the major religious and ethnic groups have independently functioning cultural centers.

To participate in elections, a political party must register with the Government. The Government has registered a total of 7 new parties in addition to the 10 registered that participated in the 1999 parliamentary elections. At least three parties registered in 1999 were viewed widely as opponents of President Nazarbayev. Under the law, a party must submit a list of at least 3,000 members from a minimum of 9 oblasts (the cities of Almaty and Astana count as oblast-equivalents in addition to the 14 oblasts for this purpose). The list must provide personal information about members, including date and place of birth, address, and place of employment. For many citizens, the requirement to submit such personal data to the Government inhibits them from joining political parties.

Membership in political parties or trade unions is forbidden to members of the armed forces, employees of national security and law enforcement organizations, and judges.

The Constitution prohibits foreign political parties and foreign trade unions from operating. In addition the Constitution prohibits the financing of political parties and trade unions by foreign legal entities and citizens, foreign states, and international organizations (see Section 6.a.).

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the various religious communities worship largely without government interference; however, the Government's concerns about regional security threats from alleged religious extremists led it to encourage local officials to limit the practice of religion by some nontraditional groups.

The Constitution defines the country as a secular state. The Government invited the national leaders of the two largest religions, Islam and Russian Orthodoxy, to participate jointly in state events. Some members of other faiths, including Muslims not affiliated with the national Muslim organization headed by the Mufti (the national leader of Islam), criticized the Government's inclusion of the Mufti and archbishop in state events as official favoritism and a violation of the Constitutional separation of church and state; however, leaders of other faiths participated in some events, especially in Almaty.

Religious organizations, including churches, must register with the Ministry of Justice in order to receive legal status (see Section 2.b.). Without registration, religious organizations cannot buy or rent real property, hire employees, obtain visas for foreign missionaries, or engage in any other legal transactions. Registration requires an application submitted by at least 10 persons and it is usually a quick and simple process; however, some religious groups have encountered difficulties registering in certain jurisdictions. These groups include Jehovah's Witnesses and some Protestant groups, as well as Muslim groups independent of the Mufti. At year's end, three Protestant groups in different cities had experienced delays of up to 10 months in obtaining approval of their registration applications. One group of Jehovah's Witnesses in Petropavlovsk has attempted to register five times. They received four rejections and by year's end had not received a decision on their September 2000 application. One human rights monitor asserted that the Government typically claims that religious groups' charters do not meet the requirements of the law. For example, the law does not allow religious groups to engage in educating children without approval from the Ministry of Education, and many religions include education in their charters.

Local officials generally insisted that religious organizations register and in several instances, disrupted services by unregistered groups, which were required to suspend activities until they were registered. The National Law on Religion states that religious organizations are entitled to carry out activities without registration; however, an administrative code, which entered into force in February, allows local and national authorities to suspend the activities of any unregistered organization, including religious organizations. Local KNB officials disrupted some meetings in private homes of unregistered groups of Jehovah's Witnesses, Protestants, Adventists, Baptists, and other nontraditional groups throughout the country.

The Procurator General of the Republic and the Interior Minister have called for prohibiting the activities of unregistered religious organizations. In March the Kyzl-

Orda city court suspended activities of the local Jehovah's witness congregation for lack of registration and fined two members of the group \$50 each. The congregation did not have the required 10 adult members to register; however, the national Jehovah's Witness organization was registered and the congregation in Kyzl-Orda was registered on July 2. A Kyzl-Orda Oblast court upheld the suspension of April 9. In May a local prosecutor in Kulsary ordered the Iman (Love) Baptist church to suspend its activities until it registered; church representatives say the group lacks the minimum 10 adult members willing and eligible to sponsor the registration application. The church appealed; however, on May 6, an Atrau regional prosecutor upheld the order. According to a press report, the unregistered New Life Pentecostal Church in Kulsary, led by Pastor Taraz Somalyak, was also forbidden during the first half of the year from having further meetings until it registered.

In May the city court in Taraz rejected an appeal by the city prosecutor to revoke the registration and suspend the activities of one of the Taraz Jehovah's Witnesses congregations. The prosecutor's appeal, aimed at only one of the seven area congregations, alleged that Jehovah's Witnesses had violated the constitution by such actions as calling on members to refuse to perform military service or honor national symbols.

In October a court sentenced a Kyzyl-Orda Baptist Church pastor Valery Pak to 5 days in prison for failing to uphold a April 1 court order, which suspended the church's activities until it was registered. In an unconfirmed report, the Keston Institute alleged that Asulbek Nurdanov, a member of the same congregation, was beaten and threatened by local police on October 27. Following a second session of police questioning in early November, Nurdanov allegedly was committed to a psychiatric hospital for 4 days at the request of his father. The Baptist congregation belongs to the Council of Churches of Evangelical Christians/Baptists, which has a policy of not seeking or accepting registration in former Soviet countries.

Government officials frequently expressed concerns about the potential spread of religious extremism from Afghanistan and other states. The KNB has characterized the fight against "religious extremism" as a top priority of the internal intelligence service.

In February, as part of its campaign to prevent the development of religious extremism, the Government sent to Parliament a draft series of amendments to the National Religion Law that would have placed restrictions on religious freedom; however, the Government withdrew the draft amendments on June 27. On November 15, it reintroduced draft amendments, which include a ban on "extremist religious associations," increase the membership required for registration, require the approval of the national Muslim organization for the registration of Muslim groups, and require that foreign religious organizations be affiliated with a nationally registered organization. The Government cited national security concerns as the reason for the reintroduction of the draft amendments; however, religious freedom organizations alleged that many small or nontraditional religious groups which pose no security threat will suffer as a result. Local NGO's and the OSCE were able to comment and make recommendations on the first five drafts of the law, which helped reduce some of the restrictive measures proposed. Other problems in the draft amendments include vague definitions such as "reactionary fundamentalism" and "religious sects", and administrative discretion in determining which groups are "religious" extremists.

Law enforcement authorities conducted inspections of religious groups throughout the country, in order, they asserted, to prevent the development of religious extremism and to ensure that religious groups pay taxes. These inspections also provided the authorities with information about the registration status of the religious groups being inspected, which in some cases led to suspensions pending the registration of the groups concerned.

President Nazarbayev expressed the Government's tendency towards greater wariness of religion in remarks he made on January 30, to an assembly of regional and local executive authorities known as akims. President Nazarbayev asked "What are akims for? Is it really difficult for you to use your powers to monitor the legality of the activities of (religious groups)—closing them, if necessary? It has become fashionable to build mosques, churches, and prayer houses willy-nilly on land set aside by akims, but nobody is asking whether the mosques and churches are needed."

Representatives of Jehovah's Witnesses alleged continuing incidents of harassment by a number of local governments. They claimed that city officials in Astana, Almaty, Ust-Kamenogorsk, Kostanay, Karaganda, Aktubinsk, and Shymkent sometimes blocked the group from renting stadiums or other large public or private sites for religious meetings. The National Jehovah's Witness Religious Center reported that 20 legal cases were brought against their followers during the year. Of these 3 were civil cases and the remaining 17 were administrative—mainly infractions of

the 1999 Administrative Code, which requires registration of organizations. In July a local congress of Jehovah's Witnesses in Semipalatinsk was visited by the Department of Internal Affairs and the akim's office. When the authorities arrived, the landlord told the participants they had to leave and hold the congress at another location. The KNB called participants in the congress into their offices and copies were made of their documents.

Unlike in the previous year, there were no reports of the prolonged detention of members of religious organizations for proselytizing. On occasion the authorities took action against groups engaged in proselytizing; however, these activities were limited to the confiscation of religious literature.

Foreign missionary activity is authorized under law, but only when missionaries are accredited by the State. The Constitution also requires foreign religious associations to carry out their activities, including the appointment of the heads of religious associations, "in coordination with appropriate state institutions." In practice many missionaries operate without accreditation. Although legally entitled to register religious organizations, foreign missionaries generally find that to be registered they must list a majority of local citizens among the 10 founders of the religious organization. Some foreign missionaries, whose presence is unwelcome to some Muslim and Orthodox citizens, have complained of occasional harassment by junior government officials. In particular evangelical Protestants working in schools, hospitals, and other social service institutions have alleged government hostility toward their efforts to proselytize (these individuals often do not register as missionaries, as required by law.). Foreign missionaries have encountered some visa problems.

On April 9, three foreign teachers of English were charged under Administrative Code sections that regulate the hiring of foreign workers and proscribe violations by foreigners of their stated purpose in country. The Ministry of Foreign Affairs alleged that the teachers, "under the guise of educational activity," had been distributing religious materials, assisting religious groups, and "illegally participating in religious rites." On April 10, the three tried to depart the country voluntarily, but were prevented from departing by airport border police because of the pending charges against them. They said that they were not notified of formal charges against them before they tried to depart. On April 16, a court in Aktau found them guilty of conducting "missionary" activities in violation of their visa status and fined them \$230 (33,000 tenge) and ordered them expelled from the country; the teachers were expelled on April 24.

The Law on Education forbids the activities of educational institutions, including religious schools, that have not been registered by the Ministry of Education. Although no religious schools are known to be registered, the Government apparently took no action against unregistered religious schools pending full implementation of the law. During the year, the Protestant seminary, which was closed in December 2000, and which allegedly was harassed for illegal business activities, was reopened. In December 2000, First Deputy Minister of Education Erlan Aryn sent a letter to all regional education departments rescinding an earlier ban on visits to schools by religious figures, humanitarian and other aid from religious organizations, and the rental of facilities to religious groups; however, Protestant groups reported that some schools had not implemented the new policy. In response to a 2000 request by the Ministry of Justice, the Jehovah's Witnesses amended their charter to eliminate education as a religious activity.

In 2000 an official from the Ministry of Education announced that the Foreign Ministry would "recall" all Kazakhstani students studying in religious institutions outside the country, a step considered by some observers to be aimed primarily at preventing young Muslims from being radicalized by militant Islamic education abroad. However, no actions were taken by the government to enforce this recall or to limit the ability of students to study abroad at religious institutions during the year.

In September the Jewish community opened a new synagogue in Pavlodar on land donated by the mayor of the city. Discussions were underway at year's end to find a location for a new synagogue in Astana. According to the Chief Rabbi, the Government allowed the community to place menorahs in front of government buildings during the year in Astana, Almaty, and Pavlodar.

President Nazarbayev supported a September visit by the Pope, which included meetings with the Government, diplomatic corps, leading clerics, and academia. The Pope celebrated an outdoor Mass to a crowd of 50,000, which was aired on national television and radio channels.

*d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides the right to those who are legally present in the country to move freely on its territory and freely choose a place of residence except in cases stipulated by law; however, in practice citizens are required to register

in order to prove legal residence and obtain city services. Registration in most of the country generally was routine, but it was difficult to register in Almaty and Astana due to their relative affluence and local officials' fears of overcrowding. The Government may refuse to register a citizen in order to limit the number of persons who can move to a certain city or area. During the year, many individuals were detained for identity checks without suspicion of a criminal offense (see Section 1.d.).

On July 26, the Government formally abolished the exit visa requirement for temporary travel of citizens. Although exit visas no longer are required, there remain certain instances in which exit from the country may be denied, including if there are pending criminal or civil legal proceedings, unsaved prison sentences, evasion of duty as determined by a court of law, presentation of false documentation during the exit process, and travel by active-duty military. The law on national security requires that persons who had access to state secrets obtain permission from their employing government agency for temporary exit from the country. A permanent exit visa still is required for emigrants. A permanent exit visa for intending emigrants requires criminal checks, documents from every creditor stating that the applicant has no outstanding debts, and letters from any close relatives with a claim to support giving their concurrence to the exit visa.

On July 15, despite the receipt of exit visas, the authorities denied RNPk representatives Amirzhan Kosanov and Yermurat Bapi passage through passport control and confiscated their passports; the two were attempting to travel to attend a U.S. Congress House of International Relations Committee hearing. The two opposition members claimed that airport authorities told them they were not allowed to leave "by order of the KNB leadership." Government authorities claimed the denial was a mistake, apologized to the two activists and returned their passports the next day; the activists did not attempt to reinstate their travel.

In February the Ministry of Foreign Affairs approved regulations making it mandatory for any citizen abroad to register with the Kazakhstani diplomatic mission in that country, even if they intend to visit only for a few days. According to the Government, the regulation empowers Embassies to order citizens who are liable for military service to return to the country in the event of a military emergency; there were no reports during the year of individuals who were forced to return under this regulation.

The Constitution provides for the right to emigrate and the right of repatriation, and these rights generally are respected in practice; however, the Law on National Security prohibits persons who had access to state secrets from taking up permanent residence abroad for 5 years after leaving government service. Citizens have the right to change their citizenship, but are not permitted to hold dual citizenship.

Foreigners must have exit visas, although they receive them routinely as part of their entry visa. Foreigners who overstay their original visas, or who did not receive exit visas as part of their original visas, must get exit visas from the immigration authorities before leaving. Foreign visitors are required to register, depending on their circumstances, either with the immigration officials who admit them at the airport or with the local Office of Visas and Registration (OVIR). In June the Government simplified foreign citizens' visa registration by establishing an OVIR office at the Almaty and Astana international airports. Foreigners no longer are required to register in every city they visit; one registration with OVIR is sufficient for travel throughout the country. Immigration authorities occasionally fined or refused to allow foreigners without proof of registration to leave the country (see Section 2.c.).

Foreigners are required to obtain prior permission to travel to some border areas with China and cities in close proximity to military installations. During the year, the Government declared the following areas closed to foreigners due to their proximity to military bases and the space launch center: Gvardeyskiy village, Rossavel village, and Kulzhabashy railway station in Zhambyl Oblast; Bokeyorda and Zhangaly districts in Western Kazakhstan Oblast; the town of Priozersk and Gulshad village in Karaganda Oblast; and Baykonur, Karmakshy, and Kazakly districts in Kyzylorda oblast.

The Government accords special treatment to ethnic Kazakhs and their families who fled during Stalin's era and wish to return. Kazakhs in this category are entitled in principle to citizenship and many other privileges; however, due to a lack of financial resources in the budget, many returnees were not paid the benefits for which they were eligible. Other persons, including ethnic Kazakhs who are not considered refugees from the Stalin era, such as the descendants of Kazakhs who moved to Mongolia during the previous century, must apply for permission to return. However, it is the stated policy of the Government to encourage and assist all ethnic Kazakhs living outside the country to return. Since independence approximately 190,000 ethnic Kazakhs, mostly from other former Soviet Union countries, Iran, Afghanistan, Mongolia, Turkey, China, and Saudi Arabia have immigrated.

The Government struggled to find resources for integration programs for these immigrants, some of whom lived in squalid settings.

Ethnic Kazakh migrants are automatically eligible for citizenship. The Government has made significant progress in granting citizenship to those ethnic Kazakhs who returned prior to 2000. NGO's estimated that 50 to 75 percent of ethnic returnees have been granted citizenship. During the year, the Government introduced a system of quotas for returning Kazakh migrants—a total of 600 families was set for the year. The Government helped provide the 600 families with housing, stipends, and other benefits; however, during the summer, more than 10,000 additional Kazakh migrants returned to the Southern Kazakhstan Oblast; they did not receive benefits.

In 1999 the Government ratified the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government had not passed implementing legislation in accordance with the Refugee Convention by year's end. The absence of implementing legislation left unclear many aspects of the status of refugees, such as whether they have a right to work. Following the passage of a 1997 migration law and the creation of the Agency for Migration and Demography, the Government began in 1998 to register asylum seekers and to determine their status in consultation with the U.N. High Commissioner for Refugees (UNHCR). The Government generally cooperates with the UNHCR and other humanitarian organizations in assisting refugees. The Government allowed the UNHCR access to detained foreigners. Migrants from former Soviet Union countries are not considered to be refugees because they may travel and settle freely in any CIS country. The Government has not allowed refugees without passports to register and has restricted registration largely to refugees from Afghanistan. All non-CIS citizens are considered to be intending immigrants. However, in practice the Government is tolerant in its treatment of local refugee populations.

The Agency for Migration integrates the UNHCR and a local NGO, Kazakhstan Refugee Legal Support, into the process of reviewing refugee claims; however, the limited resources of the agency impeded the processing of many cases. The Government provides first asylum for certain categories of refugees, including certain categories of Afghan refugees. Only the President can grant political asylum and he is known to have done so only once since independence in 1991. Non-political asylum claims are processed only in Almaty, which is as far as 2,000 miles from other major cities. By September the Government had registered 1,211 asylum seekers and accorded refugee status to approximately two-thirds of them. The UNHCR estimated that there were approximately 20,000 refugees in the country (at least 12,000 Chechens from Russia, approximately 5,000 persons from Tajikistan, 2,500 from Afghanistan, and 500 from other countries). During the year, there was a large influx of Chechens fleeing the conflict with the central authorities in Russia. Consistent with the Minsk Convention on Migration within the CIS, the Government did not formally recognize Chechens as refugees; however, the Government, in cooperation with the UNHCR and Chechen organizations, did grant indefinite legal resident status to Chechens until they could return home to safe conditions. Chechens in the village of Krasnaya Polyanka reported that they were denied resident registration, which limits their ability to travel outside their village and seek employment or education (see Section 5).

Agreements with the Government of Russia that established broad legal rights for the citizens of one country living on the territory of the other and provided for expeditious naturalization for citizens of one country who moved to the other entered into force in 1999. This agreement has not been applied widely to the resident Chechen population.

Kazakhstan and China agreed in December 1999 not to tolerate the presence of ethnic separatists from one country on the territory of the other. Human rights monitors were concerned with the impact of this agreement on Uighurs from China present in Kazakhstan. The Government did not consider any asylum claims from Uighurs; it was unclear whether any Uighurs applied. In general the Government was tolerant toward the Chinese Uighur population. There were no known cases of the Government returning Uighurs to China since February 1999, when the Government returned three Uighurs. The Chinese authorities had accused the three of murdering a policeman; Amnesty International reported evidence that at least one was wanted for "separatist" activities. Some reports indicate that the three men subsequently were executed upon return to China, but this information has not been confirmed.

There were no reports of the forced return of persons to a country where they feared persecution. However, representatives of the International Organization for Migration (IOM) and the KIBHR noted a rise in the frequency of deportations without a court ruling during the year. On June 29, the authorities expelled 93 citizens

from Tajikistan who stayed longer than the maximum three days transit in the country on their way to Russia. Since the beginning of the year, 240 citizens from the former Soviet Union have been deported from the country. In late September, approximately 700 migrant traders with Kyrgyz citizenship were unlawfully deported.

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

The Constitution provides for a democratic government with universal suffrage for those over 18 years of age; however, in practice the Government severely limited the right of citizens to change their government. The Constitution concentrates power in the presidency, granting the President considerable control over the legislature, judiciary, and local government. The President appoints and dismisses the Prime Minister and the Cabinet. His appointment of the Prime Minister, but not of cabinet members, is subject to parliamentary consent. He has the power to dismiss Parliament. He appoints judges, senior court officials, and all regional governors. The President directly appoints the chairman and members of the Central Elections Commission (CEC), who oversee presidential and parliamentary elections. Modifying or amending the Constitution is nearly impossible without the consent of the president.

President Nazarbayev was elected to a 7-year term in a 1999 election that was held nearly 2 years earlier than previously scheduled and that fell far short of international standards.

In October 1999, the President and the Parliament passed, without any prior public notice, a series of 19 constitutional amendments that enabled them to call early presidential elections. Among other changes, the constitutional amendments extended the presidential term of office from 5 to 7 years and removed the 65-year age limit on government service (The President will be 65 years of age before the end of his 7-year presidential term.). Government opponents and international observers criticized the short-notice call of early elections because it did not leave enough time for the Government to implement promised electoral reforms and for intending candidates to organize effective campaigns.

The Government imposed onerous requirements on candidates seeking to qualify for the 1999 presidential ballot. Candidates were required to submit petitions with 170,000 signatures, to pass a Kazakh-language test, and to make a nonrefundable payment of approximately \$30,000 (2.4 million Tenge). In October 1998, less than 1 week after the early presidential election was called, the Government resorted to a provision of the presidential decree on elections, passed in May 1998, that prohibited persons convicted of administrative offenses from running for public office within a year of their conviction. Five opposition leaders, including former Prime Minister Kazhegeldin, were then summoned and tried for participating in a nonregistered organization. A sixth was disqualified for a previous conviction. The Supreme Court upheld the disqualification.

In 1998 the OSCE Office for Democratic Institutions and Human Rights (ODIHR) announced that it would not meet the Government's request to send a presidential election observation mission. In its public explanation, the ODIHR cited concerns about the exclusion of two opposition candidates, unequal access to the media, and coerced support for President Nazarbayev. The ODIHR sent a small election assessment team to report to the OSCE on the full election process, which concluded that the presidential election fell "far short" of the country's commitments as an OSCE participating state. It cited in particular the exclusion of candidates, the short duration of the election campaign, obstacles to free assembly and association, the use of government resources to support President Nazarbayev's campaign, unequal access to the media, and the flawed presidential decree that served as the election law.

A newly elected bicameral legislature took office in December 1999. Although in many ways an improvement over the presidential election, parliamentary elections held in 1999 were marred by election law deficiencies, executive branch interference in the electoral process, and a lack of government openness regarding vote tabulations. There was convincing evidence of government manipulation of results in some cases. The OSCE mission sent to observe the elections concluded that the elections were "a tentative step" toward democracy but "fell short of (Kazakhstan's) OSCE commitments."

The lower house (Majilis), consisting of 77 members, was elected directly in October 1999. Under amendments to the Constitution passed in 1998, membership in the Majilis elected in 1999 included 10 new seats assigned proportionally to political parties based on the percentage of votes they received nationally (with a minimum vote threshold of 7 percent). The other 67 seats were attributed by single mandate districts. The upper house (the Senate) consists of 39 members, 32 of whom are

elected directly by members of oblast and city parliaments; the President appoints the remaining 7 senators. Elections were held in September 1999 for 16 Senate seats. The election law requires candidates for both houses to meet minimum age and education requirements and to pay a nonrefundable registration fee of 25 times the minimum monthly wage of \$500 (approximately 70,000 tenge). This fee represented a 75 percent decrease over previous registration fees, which opposition figures, human rights monitors, and the OSCE/ODIHR had considered a barrier to participation. The law does not require Majilis candidates to collect a certain number of signatures in order to be placed on the ballot; however, Senate candidates must obtain signatures from 10 percent of the members of the local assemblies in their oblasts in order to be placed on the ballot. Political parties wishing to compete for the 10 proportionally allocated seats in the Majilis must be registered by the CEC and regional electoral commissions in two-thirds of the principal administrative jurisdictions (the 14 oblasts, plus the former and new capital cities, Almaty and Astana). The 1999 Constitutional amendments also extended the terms of members of Parliament from 4 to 5 years for the Majilis and from 4 to 6 years for the Senate.

The introduction of 10 new seats for the 1999 parliamentary elections in the Majilis distributed by party-list vote enhanced the role of political parties, which, with the exception of the Communist Party, were previously very weak. The Communist Party and three pro-presidential parties—Otan (Fatherland), the Civic Party, and the Agrarian Party—shared the 10 new party-list seats in the 1999 parliamentary election. No candidate nominated by a non-Communist opposition party won a seat in the Parliament. One member of the opposition RNPk won a seat after running as an independent candidate. The RNPk withdrew its party-list slate after two of its candidates, Akezhan Kazhegeldin and Madel Ismailov, were declared ineligible (they were the only 2 candidates rejected of more than 600 applicants for Majilis contests). Of the more than 600 other candidates, approximately half ran as independents.

The legislature exercises little oversight over the executive branch, although it has the constitutional authority to remove government ministers and to hold a no-confidence vote in the Government. During the year, the legislature exercised its authority over proposed legislation by sending it back to the executive branch. Although Parliament must approve the overall state budget, the Constitution precludes Parliament from increasing state spending or decreasing state revenues without executive branch approval. Nearly all laws passed by Parliament originate in the executive branch. The executive branch controls the budget for Parliament's operations; it has not provided funds for Members of Parliament to hire staff, a situation generally viewed as decreasing Parliament's effectiveness. The executive branch blocked legislation on establishing Parliamentary staff, which Parliament passed on October 18; the law was found unconstitutional because Parliament may not make additions to the state budget. Should Parliament fail to consider within 30 days a bill designated as "urgent" by the President, the President may issue the bill by decree. Although the President has never resorted to this authority, it gives him additional leverage with Parliament. While the President has broad powers to dissolve Parliament, Parliament can remove the President only for disability or high treason, and only with the consent of the Constitutional Council, which is appointed by the President (see Section 1.e.).

Many activities of Parliament remained outside public view. In June 1999, Parliament banned the press and other outsiders from observing the vote of confidence in the Government. Final totals in the parliamentary vote of confidence were made public, but not the votes of individual members. However, during the year, the Parliament continued to become more open by publishing important draft laws and for the first time, publishing its voting record on the national media law (see Section 2.a.). In addition, M.P.'s were more open to meeting with interest groups and listening to their views on draft legislation.

In February 2000, a team of OSCE representatives visited Astana to discuss the final OSCE report on the parliamentary elections; government officials agreed during the visit to an OSCE proposal for a series of roundtable discussions of the electoral reforms recommended in the report. The agreement called for broad participation in the discussions, including by representatives of the Government, all registered political parties, other political movements, and NGO's. In September 2000, the first of four planned sessions took place. Participants agreed to a future work plan with the inclusion of the OSCE and all political parties registered in 1999 in a parallel government working group on electoral reform. On January 25, three political opposition parties (Azamat, People's National Congress, and RNPk) withdrew from the process, stating that the Government was not responsive to their suggestions. The final meeting of the working group was rescheduled from September to January 2002. In October, prior to the final meeting and report of the working

group, an OTAN party draft of the new law on elections was submitted to Parliament. At the urging of the OSCE and diplomatic community, the Parliament agreed to remove the reading of the draft from the agenda until after the final meeting and report of the working group.

According to the Constitution, the President selects Governors of oblasts (the "akims"), based on the recommendation of the Prime Minister; they serve at the discretion of the President, who may annul their decisions. On October 20, experimental local district akim elections were held, representing the first tentative movement away from Presidential appointment of local district akims. In each of the 14 oblasts, elections were held to fill 2 local akim positions; the positions to be elected were chosen by the oblast administration. The local akims were elected by secret ballot by a group of "electors." These electors were chosen by local residents through a public "show of hands" vote. The OSCE noted that a number of legal provisions regarding the election did not meet international standards; in particular, the OSCE stated that the procedure violated international standards which require a secret ballot and did not provide transparency while counting and registering election results.

On November 18, six senior government leaders, six members of parliament and several businessmen founded a major new nongovernmental political movement, the Democratic Choice of Kazakhstan (DVK). Several days after the DVK's founding, the six senior government officials were fired at the request of the Prime Minister. On December 19, parliamentary deputy Bulat Abilov was expelled from his party slate seat in parliament after leaving a pro-presidential party to join the DVK. Despite the firings, President Nazarbayev met with DVK representatives, endorsed their goals of more political and economic reform, and said that he hoped to see some of them in future governments.

The percentage of women in government and politics does not correspond to their percentage of the population. There are no legal restrictions on the participation of women and minorities in politics; however, the persistence of traditional attitudes means that few women hold high office or play active parts in political life. At the end of the year, no women held ministerial portfolios, although one had ministerial rank and three deputy ministers are female. There were no female provincial governors (akims). Of 39 Senate members, 5 are female; of 77 Majilis members, 8 are female.

The percentage of minorities in senior government positions does not correspond to their percentage of the population. Although minority ethnic groups are represented in the Government, ethnic Kazakhs hold the majority of leadership positions. Nearly half the population are non-Kazakhs according to the national census completed in 1999. Non-Kazakhs hold 1 of 3 positions as vice premier and head 2 of 14 government ministries and the national bank. Non-Kazakhs are underrepresented in the Majilis and the Senate. In Parliament 7 senators are non-Kazakhs, and 19 members of the Majilis are non-Kazakhs.

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

A number of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases; however, some human rights observers reported that the Government monitored their movements and telephone calls (see Section 1.f.). In addition in April and June, several NGO participants in an NDI- and OSCE-supported campaign against media law amendments were harassed by local law enforcement, prosecutors, finance police, and tax police (see Section 2.a.).

The Kazakhstan International Bureau for Human Rights and Rule of Law (formerly the Kazakhstan-American Bureau on Human Rights) and the Almaty Helsinki Commission are the most active of a small number of local nongovernmental human rights organizations. They cooperate with each other on human rights and legal reform issues. Although these groups operated largely without government interference, limited financial means hampered their ability to monitor and report human rights violations. Some human rights observers periodically have received threatening or harassing telephone calls; however, the source of these calls is unknown.

In general the Government showed greater willingness to focus on abuses highlighted by human rights monitors and individual citizens in the criminal justice system and to investigate allegations of corruption; however, the Government tended to deny or ignore charges of specific human rights abuses that were levied by both international and domestic human rights monitors and individual citizens.

The Civil Code requires NGO's to register with the Government, and most NGO's are registered (see Section 2.b.); however, some continued to operate without legal

standing. Some NGO's chose not to register because they objected to the requirement of registration in principle or because they did not have the money to pay the registration fee.

An increasing number of government officials made an effort to work with domestic and foreign NGO's, although others persisted in asserting that NGO's should stay out of sectors of government interest. A coalition of NGO'S, which became active in lobbying Parliament over the draft local government law in 2000, remained active and focused attention on draft media, religion, and election laws. The coalition successfully lobbied Parliament to publish the legislative drafts and convinced Parliament to reject the draft media law, although this decision later was reversed (see Section 2.a.).

The Government permitted international and foreign NGO's and multilateral institutions dealing with human rights to visit the country and meet with local human rights groups as well as government officials. The International Labor Organization (ILO), the International Federation of Red Cross and Red Crescent Societies (ICRC), the UNHCR, the IOM, and the OSCE have permanent offices in the country.

The Presidential Commission on Human Rights is a consultative and advisory body. It prepares annual reports to the President that can be released to the public only with the President's consent. The Commission provides free legal and consultative assistance to citizens. In addition, the Commission monitors fulfillment of international human rights conventions and proposes legislative improvements. The Commission receives complaints from citizens in person, by telephone or in writing. In the first half of the year, the Commission received more than 300 written complaints. According to the Commission, the majority of complaints are economic or social in nature, such as nonpayment of benefits and nonpayment of salaries. Complaints relating to conditions of military service, education, abuses by investigative authorities, and nonenactment of court decisions also were common. Local NGO's and human rights monitors alleged that the Commission tended to deny or downplay charges of abuses of civil liberties and political rights. NGO's believe that the Commission, due to its status as a Government body, is influenced by the Government and downplays cases.

In 1999 the Commission proposed the establishment of a human rights ombudsman; legislation to create an ombudsman was being reviewed by the Ministry of Justice at year's end.

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

The Constitution states that "everyone is equal before law and court. No one may be subjected to any discrimination for reasons of origin, social position, occupation, property status, sex, race, nationality, language, attitude to religion, convictions, place of residence, or any other circumstances;" however, the Government does not enforce this provision effectively on a consistent basis. The Government has favored ethnic Kazakhs in government employment and, according to many citizens, in the process of privatizing state enterprises.

*Women.*—Violence against women, including domestic violence, was a problem. In a 1999 government survey, 28 percent of women surveyed indicated that they had been victims of domestic abuse. Most respondents correlated domestic abuse with physical or sexual assault and not with psychological or economic abuse. The Ministry of Interior reported 190 cases of rape filed with police in the first 10 months of the year. Of these cases, the Ministry reported that 80 percent occurred at work or in educational institutions, and that the majority of victims knew their rapist. The NGO Women's Information Center reported over 13,000 crimes committed against women in the first 6 months of the year, among which more than 8,800 were considered grave crimes. NGO activists and prison officials stated that domestic violence was a significant factor in the majority of cases of women serving sentences for murder. In a December conference on sexual violence, the Ministry of Interior representative reported that approximately 68 percent of female prisoners might be in prison on charges resulting from domestic violence.

There is no specific law on domestic violence; however, it may be addressed under assault and battery provisions of the Criminal Code. There is no law that specifically prohibits spousal rape. The maximum sentence for wife beating is 3 years. The punishment for rape can range from 3 to 15 years imprisonment. There was no information on the percentage of crimes against women that have been prosecuted successfully, but police often are reluctant to intervene in domestic disputes, considering them to be the family's business, unless they believe that the abuse is life threatening. Under the Criminal Procedure Code, prosecutors may not initiate a rape case, absent aggravating circumstances such as gang rape, unless the victim files a complaint. There were unconfirmed reports that prosecutors sometimes inter-

puted this provision to require rape victims to pay for forensic testing, pay the expenses of prosecution, and personally prosecute rape cases themselves. Police also may not detain a person legally for more than 72 hours if the victim refuses to provide a written complaint and in most cases, women refuse to follow through with charges. An Almaty crisis center reported that out of 477 women who came to the center during 2000, only 7 actually followed through with charges. Of those seven cases, five either were not accepted for trial because the prosecutors did not feel there was sufficient evidence, or were lost in court; two cases remained pending at year's end. During the year, new domestic violence units opened within the Almaty and Astana police departments. A women's crisis center in Almaty stated that the Almaty police are very effective when there is a complaint. There is very little reporting on rape in the press.

Prostitution is legal; however, forced prostitution or prostitution connected to organized crime is illegal. Prostitution was a serious problem.

Trafficking in women was a serious problem (see Section 6.f.).

The Criminal Code and the Labor Code prohibit sexual harassment. A 1999 survey showed that 10 percent of women reported that they were exposed to or witnessed cases of sexual harassment in the 3 months prior to the survey.

There is no legal discrimination against women, but traditional cultural practices limit their role in society and in owning and managing businesses or property. The President and other members of the Government speak in favor of women's rights, and official state policy (adopted in 1997) states that constitutional prohibitions on sex discrimination must be supported by effective government measures; however, women are underrepresented severely in higher positions in state enterprises and overrepresented in low-paying and some menial jobs. Women have unrestricted access to higher education.

Approximately 30 women's rights organizations are registered, including the Feminist League, Women of the East, the Almaty Women's Information Center, and the Businesswomen's Association. In September 2000, the Government announced the creation of a \$4.5 million (661 million tenge) fund to provide loans to female entrepreneurs; however, the fund had not distributed any loans by year's end.

*Children.*—The Government is committed to children's rights; however, budget stringencies and other priorities severely limit its effectiveness in dealing with children's issues. Education is mandatory through age 16, although students may begin technical training after the 9th grade. Primary and secondary education is both free and universal. The law provides for equal access to education by both boys and girls.

There is no societal pattern of abuse against children. Rural children normally work during harvests (see Section 6.d.).

Trafficking in girls was a problem (see Section 6.f.).

There is one local NGO that works with juveniles released from prisons.

*Persons with Disabilities.*—Citizens with disabilities are entitled by law to assistance from the Government and there is no legal discrimination against persons with disabilities; however, in practice employers do not give them equal consideration. Assisting persons with disabilities is a low priority for the Government. There are laws mandating the provision of accessibility to public buildings and commercial establishments for persons with disabilities; however, the Government does not enforce these laws. There have been some improvements to facilitate access in Almaty and Astana, such as wheelchair ramps.

Mentally ill and mentally retarded citizens can be committed to institutions run by the State; these institutions are poorly run and inadequately funded. The NGO, Kazakhstan International Bureau for Human Rights, observed that the Government provides almost no care for the mentally ill and mentally retarded due to a lack of funds.

*Religious Minorities.*—Many media outlets (both official and independent), including some of the most widely distributed, have presented as objective news allegations that nontraditional religious groups present a threat to national security and social cohesion. Articles on Jehovah's Witnesses and Baha'i faiths were particularly confrontational. The presence of some foreign missionaries is unwelcome to some Muslim and Orthodox citizens (see Section 2.c.).

*National/Racial/Ethnic Minorities.*—According to the Government, the population consists of approximately 53 percent Kazakhs and 30 percent ethnic Slavs (Russians, Ukrainians, Belarusians, and others) with many other ethnic groups represented, including Uzbeks and Germans. The Government continued to discriminate in favor of ethnic Kazakhs in senior government employment, where ethnic Kazakhs predominate. President Nazarbayev has emphasized publicly that all nationalities are welcome to participate; nonetheless, many non-Kazakhs remain concerned about what they perceive as expanding preferences for ethnic Kazakhs (see Section 3).

Most of the population speaks Russian and approximately half of all ethnic Kazakhs speak Kazakh fluently. According to the Constitution, the Kazakh language is the official state language. The Constitution states that the Russian language may be used officially on a basis equal with that of the Kazakh language in organizations and bodies of local self-administration. In September Southern Kazakhstan Oblast announced that it would conduct all oblast administrative business in Kazakh; as a result, the Oblast conducts business in both Kazakh and Russian. Some ethnic Russians believe that Russian should be designated as a second state language. The Government has encouraged more education of children in the Kazakh language, but it has done little to provide Kazakh-language education for adults. The language law was intended to strengthen the use of Kazakh without infringing on the rights of citizens to use other languages; however, it has not been funded sufficiently to make Kazakh-language education universal.

Kazakhstani Chechens in the village of Krasnaya Polyanka reported that local officials block applications for passports and local identification of their Kazakhstani-born children, especially young men. This lack of documentation prohibits travel outside the village, enrollment in institutes and universities, and employment.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution and the Labor Code provide for basic worker rights, including the right to organize; however, the Government at times infringed on these rights. Some workers remained members of state-sponsored trade unions established during the Soviet period, when membership was obligatory. At some enterprises, the state-sponsored unions continued to deduct 1 percent of each worker's wage as dues. The state unions are controlled by the Government and at times have discouraged workers from forming or joining independent unions.

A collective bargaining law gives workers the right to join or form unions of their choosing and to stop the automatic dues deductions for the state unions. The Confederation of Free Trade Unions (CFTUK), formerly the Independent Trade Union center of Kazakhstan, claims a membership of approximately 300,000 persons; however, the actual number of independent trade union members is estimated to be much lower. The progovernment Federation of Trade Unions claims 4 million members; however, observers believe that figure is too high.

To obtain legal status, an independent union must apply for registration with the local judicial authority at the oblast level and with the Ministry of Justice. Registration is generally lengthy, difficult, and expensive. The process of registering a union appears to be completely subjective, with no published criteria. During the year, 28 new trade unions were registered; no trade unions were denied registration. The two major independent trade union confederations, the Federation of Trade Unions and the Confederation of Trade Unions, are registered. Courts may cancel a union's registration; however, there were no such cases during the year.

The Constitution provides for the right to strike, and unions and individual workers exercised their right to strike during the year, primarily to protest the nonpayment of wages and in an attempt to recover back wages owed to workers. According to the law, workers may exercise the right to strike only if a labor dispute has not been resolved by means of existing conciliation procedures. In addition, the law requires that employers be notified that a strike is to occur no less than 15 days before its commencement. The nonpayment of wages continued to be the priority issue for workers, and there were numerous strikes throughout the country to protest the nonpayment of wages and unsafe working conditions. In May a group of 13 workers at the Sokolov-Sarbay factory in Kostanai Oblast participated in hunger strikes to protest the plant's decision to lay off a portion of the facility's workers. During the year, activist unions came under government pressure for holding unsanctioned demonstrations and marches.

In 2000 workers of the Uralsk "Mettalist" factory, led by the independent trade union of the factory, conducted mass meetings demanding the full payment of salaries. In August 2000, a second strike at the factory ended when the regional akim promised workers that they would receive the 3 years back pay they demanded. In October a commission to investigate the situation was created; however, the Commission had not made a finding at year's end and no back wages had been paid.

The Constitution prohibits the operation in the country of foreign trade unions and prohibits the financing of trade unions by foreign legal entities and citizens, foreign states, and international organizations. Some associations of trade unions were able to receive financing from foreign sources by registering as "public organizations" rather than labor unions. The law does not forbid other nonmonetary types of assistance such as training; participation in training programs appeared to increase during the year.

By law unions freely may join federations or confederations and affiliate with international bodies. Most independent trade unions belong to the CFTUK. The Independent Miners Federation of Kazakhstan and the State Miners' Union of Karaganda are members of the Miners' International Federation. Unions belonging to the CFTUK are not members of international federations but are able to maintain contacts with foreign trade union federations.

*b. The Right to Organize and Bargain Collectively.*—The law permits collective bargaining and collective agreements. If a union's demands are not acceptable to management, it may present those demands to an arbitration commission composed of management, union officials, and independent technical experts. In January 2000, a new Labor Law entered into effect that provides for an individual contract between employee and each employee. Collective bargaining agreements are allowed as long as they do not reduce protections afforded to the workers in their individual contracts or under law; previously the terms of contracts were set only by law and collective bargaining agreements. The law gives employers the right to fire an employee without the consent of the employee's union. An employee still may choose to be represented by a union in a labor dispute; however, the employee has the option of choosing other representation as well.

There is no legal protection against antiunion discrimination. The law does not provide mechanisms to protect workers who join independent unions from threats or harassment by enterprise management or state-run unions. Members of independent unions have been dismissed, transferred to lower paying or lower status jobs, threatened, and intimidated. According to independent union leaders, state unions work closely with management to ensure that independent trade union members are the first to be fired in times of economic downturn. In March the Sokolov-Sarbay Ore Mining and Enrichment Plant in Kostanai Oblast fired all members of the independent trade union "Zhelyznodorozhnik" (Railroadman). Fired union members appealed to the courts, where the decision to fire the workers was upheld. In June there were three instances when the Chairman of the Tentenskaya Coal Mine Independent Union was barred from the mine's territory by mine security.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced labor except "at the sentence of the court or in the conditions of a state of emergency or martial law;" however, trafficking in women, primarily to other countries was a problem (see Section 6.f.).

The National Labor Law prohibits forced and bonded labor by children; however, trafficking in children, primarily teenage girls, to other countries was a problem (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for employment is 14 years, but only for part-time work (5 hours a day) that is not physically onerous. Children from the ages of 16 to 18 can work full-time provided that they are not required to do any heavy work. The Government has acknowledged that children in this age group work in construction and other heavy industries but report that duties for children are limited to washing windows, general cleaning, laying tile, and similar nonstrenuous activities. A child between the ages of 14 and 16 may work only with the permission of his or her parents. The law stipulates harsh punishment for employers who exploit children under the age of 16. The Ministry of Labor is responsible for enforcement of child labor laws and for administrative offenses punishable by fines; the MVD is responsible for criminal offenses. The Criminal Code allows for fines up to \$25,000 (3,675,000 tenge) and 2 years in prison in cases in which a minor is injured or placed in unhealthy conditions. Child labor is used routinely in agricultural areas, especially during harvest season; but abuse of child labor generally is not a problem.

In September 2000, the President signed ILO Convention 182 on the Rights of Children on the Sale of Children; however, the Parliament had not ratified it by year's end.

The National Labor Law prohibits forced and bonded labor by children; however, trafficking in children, primarily teenage girls, to other countries was a problem (see Section 6.f.).

*e. Acceptable Conditions of Work.*—The Government sets the monthly minimum wage, which was \$24 (3,484 tenge), an increase of approximately \$4 from 2000. The minimum monthly pension remained approximately \$25 per month (3,500 tenge). The minimum wage does not provide a decent standard of living for a worker and family. The minimum wage also was below the minimum subsistence amount \$26 (4,007 tenge) for one person as calculated in 2000 by the Kazakhstan Institute of Nutrition. However, the average monthly wage was \$119 (17,892 tenge) compared with an averaged monthly wage in 2000 of \$95.12 (13,521 tenge). Monthly average wages during the year grew 19 percent over 2000.

The legal maximum workweek is 48 hours, although most enterprises maintained a 40-hour workweek, with at least a 24-hour rest period. The Constitution provides that labor agreements stipulate the length of working time, vacation days, holidays, and paid annual leave for each worker.

The Constitution provides for the right to "safe and hygienic working conditions;" however, working and safety conditions in the industrial sector are substandard. Safety consciousness in both employees and employers is low. Workers in factories usually do not wear protective clothing, such as goggles and hard hats, and work in conditions of poor visibility and ventilation. Management largely ignores regulations concerning occupational health and safety, which are not enforced by the Ministry of Labor and the state-sponsored unions. In January budget responsibility for labor inspectors was moved from local budgets to the Ministry of Labor. This resulted in an increase in the number and frequency of labor inspector visits; however, the frequency of inspections remained insufficient to provide for occupational health and safety. Workers, including miners, have no legal right to remove themselves from dangerous work situations without jeopardy to continued employment.

Foreign workers, those legally present with labor permits, are provided with the same minimum wages and labor standards as local workers under the law. Legal foreign labor is limited by a quota of 10,500 workers per year, which generally is filled by Turkish, Western European, and American workers in the oil industry. These highly skilled workers earn more on average than local workers and enjoy work and living standards above the local standards. However, illegal workers are not covered under labor laws and do not receive the same legal protections. These illegal workers are generally unskilled migrant laborers from Uzbekistan, Kyrgyz Republic, and Tajikistan, who cross into southern Kazakhstan seeking agricultural jobs. They frequently are paid considerably less than local workers and work in substandard conditions. Law enforcement agencies in Southern Kazakhstan Oblast report that during an investigation the week of April 16-22, more than 586 illegal migrant workers were discovered. The authorities deported 222 persons and another 129 were imprisoned.

*f. Trafficking in Persons.*—The law does not specifically prohibit trafficking in persons, although government officials generally maintained that prosecutors effectively could charge traffickers under the existing Criminal Code; trafficking in women and girls was a problem. There is no evidence of a pattern of official complicity with trafficking, although corruption of law enforcement officials is widespread (see Section 1.c.). In June 2000, the official press reported that customs and border officials were under investigation for possible complicity with a trafficking ring in the southern part of the country; however, no charges had been brought against any officials by year's end.

Kazakhstan is a country of origin and transit for trafficking, and there is some anecdotal evidence that the country also may be a destination country in a few cases. Trafficking within the country also may occur. Women and girls from Kazakhstan were trafficked to the United Arab Emirates (UAE), Greece, Turkey, Israel, and South Korea. Reportedly women from the Kyrgyz Republic also were trafficked through the country to the same destinations. There is some evidence of Kyrgyz laborers (men and women) being trafficked to Almaty Oblast (just across the Kyrgyz-Kazakh border) to work as laborers in tobacco fields.

There are no official statistics on trafficking, but women's rights groups and the IOM stated that the problem was serious and growing. Experts estimated that approximately 5,000 women have been trafficked in the past 10 years. In 1999 according to the MVD, 25 women were repatriated from Greece, 21 from the UAE, 16 from Turkey and 3 from Israel. Law enforcement agencies registered 300 reported cases of trafficking from January to October. Traffickers target young women in their teens and twenties. According to the Kazakhstan Crisis Center for Women and Children, most women were recruited with promises of good jobs or marriage abroad. Travel, employment, and marriage agencies often recruit victims through advertisements promising lucrative jobs in other countries. Offers to participate in international beauty contests also are used. Formerly trafficked women reportedly have recruited new victims personally. Many trafficking victims appear to be aware or at least to suspect that they are going to work as prostitutes, but not that they will be working under slavery-like conditions. NGO's state that the rising number of women being trafficked from the country is due to the lack of employment opportunities and lack of information about trafficking. Most trafficked persons travel to their destinations on passports obtained abroad, most often from Russia or the Kyrgyz Republic.

There are no laws that specifically prohibit trafficking; however, there is an article of the criminal code that address trafficking in minors. The criminal code provides punishment of up to 3 years in jail for illegal involvement in prostitution.

Prostitution is legal; however, prostitution connected with organized crime is punishable by up to 5 years in jail. According to Article 135, the kidnaping of persons is punishable by a term of up to 7 years. An organized group working for sexual or other exploitation can be punished with up to 15 years in prison and confiscation of property. Within the Government, the National Commission for Women's and Family Issues (the National Commission) has taken the lead to address trafficking. Law enforcement agencies and the KNB have investigated specific cases of trafficking. In July a regional court convicted a man of trafficking young women and sentenced him to 4 years in prison. According to the regional court, since 1999 the man had trafficked 15 women overseas. Two women that he trafficked to Switzerland were able to escape and return to the country where they brought charges against him with the regional court.

In May the Government formed a working group to draft amendments to strengthen existing legislation and to address trafficking specifically; no legislation had been passed at year's end. In June the Government reinstated required licensing for tourist agencies in an effort to uncover agencies involved in trafficking. The Prosecutor General's office conducted several inspections between September and December, and found that many tourist agencies failed to provide for the return of their clients to Kazakhstan. The Prosecutor General reported that most of these tourist agencies closed voluntarily after the inspections.

There is no government assistance for trafficked women who have returned to the country; however, NGO's run crisis support centers that provide assistance.

The Government does not run any trafficking prevention programs; however, non-governmental efforts to combat trafficking in persons continued and the Government cooperates with this groups. In May NGO's hosted a joint Central Asian Conference on trafficking. Attending NGO's participated in a 1 day training session on professional methods of covering antitrafficking issues. Organizers published a manual with instructions for conducting information campaigns, creating educational programs for schools and university students and monitoring trafficking incidents. The results of the conference were released to the public through a series of press conferences. Media attention to the trafficking problem also has increased through advertisements and poster campaigns.

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## KYRGYZ REPUBLIC

Although the 1993 Constitution defines the form of government as a democratic republic, President Askar Akayev dominates the Government. Despite constitutional limitations, Parliament has become more independent and on occasion modified or blocked presidential initiatives. Civil society is relatively strong. In December elections for heads of local administrations took place for the first time. The local elections were generally orderly but the electoral process lacked transparency in the selection of candidates. In 2000 serious irregularities marred parliamentary and presidential elections. The executive branch dominates the judiciary, and the Government used judicial proceedings against prominent political opposition and independent media figures in numerous instances.

Law enforcement responsibilities are divided among the Ministry of Internal Affairs (MVD) for general crime, the National Security Service (SNB) for state-level crime, and the procurator's office for both types of crime. Both the MVD and the SNB deal with corruption and organized crime. Both the MVD and the SNB appear to be under the general control of the Government, while border guards are under the full control of the Government. Some members of the security services committed human rights abuses.

The country is poor and mountainous, with a rough balance between agricultural and industrial production and a population of approximately 4.75 million. Cotton, tobacco, vegetables, and sugar are the primary agricultural exports. The country also exports hydroelectric power, gold, antimony, and mercury. The Government has carried out progressive market reforms, although some intended reforms have not been implemented fully. The economy was stable during the year. According to government figures, gross domestic product (GDP) growth was 5.3 percent. Inflation was 3.7 percent. The country faced an external debt of approximately \$1.7 billion. Industrial production remained significantly below preindependence levels. Foreign assistance played a significant role in the country's budget. Pensioners, unemployed workers, and government workers with low salaries or unpaid benefits continued to face considerable hardship. Government figures indicated the average annual salary was \$324 (15,388 soms), while the subsistence level was estimated at \$337 (16,048 soms). Sixty percent of the population live below the poverty level.

The Government's human rights record remained poor; although there were a few improvements, numerous problems remained. The Government continued to limit citizens' ability to change their Government. NGO's and parliamentary deputies on occasion succeeded in blocking presidential initiatives through parliamentary action and grassroots campaigns. Members of the security forces at times tortured, beat, and otherwise mistreated persons. Prison conditions remained very poor, and there were many cases of arbitrary arrest and detention. Executive domination of the judiciary limited citizens' right to due process. Executive branch interference affected verdicts involving prominent opposition figures. The Government restricted some privacy rights. The Government restricted freedom of speech and of the press. The Government used bureaucratic means to harass and pressure the independent media, some nongovernmental organizations (NGO's), and the opposition. The Government at times restricted freedom of assembly and freedom of association. The Government generally respected freedom of religion; however, at times it infringed on this right, in particular for radical Islamic groups it considered to be a threat to the country. There were some limits on freedom of movement. The Government harassed and pressured some human rights groups. Violence and discrimination against women were problems. Child abuse was a problem, and there were growing numbers of street children. Discrimination against ethnic minorities was a problem, as was child labor. Trafficking in persons was a persistent 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 during the year of the arbitrary or unlawful deprivation of life by the Government or its agents.

On January 19, the trial began of three policemen accused of the 1998 beating and killing by burial alive of Sergei Skromnov, age 17; the accused were acquitted due to lack of evidence.

While there were no incursions into the country by the Islamic Movement of Uzbekistan (IMU) during the year, in July there were reports of several armed clashes between government forces and unidentified groups in the southwest of the country.

Landmines laid by Uzbekistan forces in Kyrgyz territory in response to the IMU incursions into both countries in 1999 and 2000 killed at least one person during the year (see Section 1.c.).

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

In August 2000, armed insurgents entered the Southern Batken Oblast from Tajikistan and took a number of citizens and foreign nationals hostage. There were military engagements between the Government and the insurgents, who identified themselves as members of the IMU, and an IMU insurgent subsequently was captured and tried in connection with the taking of four of the hostages. On June 19, he was found guilty of murder, kidnaping, and hostage-taking, and sentenced to death. The sentence was not carried out due to a government moratorium on the death penalty.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits torture, mistreatment, and inhuman or degrading punishment; however, at times police and SNB forces committed abuses, including torture, beatings, and other mistreatment. At times police used beatings to extract confessions. The supervision of conditions for pretrial detainees was poor, and police were supervised poorly, were not always paid promptly, and at times committed crimes.

There were credible reports of torture and rape committed by security forces against several members of an opposition political party. In January "unknown persons" severely beat an opposition party member who had participated in a demonstration at the Government House in support of opposition leader Feliks Kulov (see Sections 1.e. and 2.b.); the party member required hospitalization. In October an opposition party member arrested for breach of peace while soliciting support at a university campus reported that he was handcuffed to a chair and partially suffocated with a gas mask while in SNB custody. In October three police officers in the town of Belovodsk were under investigation in connection with the July torture and forced confession of a prisoner suspected of a killing. The prisoner later was proven to be innocent. Two officers were detained, and the third was released on bail; their trials had not begun by year's end. In late 2000, a police colonel raped a party activist while arresting her for breach of peace in connection with soliciting signatures of support for an opposition candidate. The officer was not charged or otherwise held accountable for the rape.

The police at times used force to disrupt opposition demonstrations (see Section 2.b.).

Government officials facilitated, or were complicit in, trafficking (see Section 6.f.).

Landmines laid by Uzbekistan in Kyrgyz territory in response to the IMU incursions into both countries in 1999 and 2000 killed at least one person and injured three others during the year. The two countries were negotiating over the removal of the mines at year's end.

Prison conditions were very poor and included overcrowding, food shortages, and lack of heat and other necessities. Prisoners detained by the SNB rather than the MVD are kept in SNB facilities; after conviction they are held in a regular prison. Male and female prisoners are housed separately. Conditions in the women's prison were less overcrowded than in those for men, and inmates were allowed to perform menial labor to earn money needed to provide necessities. Juveniles are housed separately from adults. There are no special facilities for political prisoners. Pretrial detainees are held separately from convicted prisoners. Pretrial detention facilities were extremely overcrowded and conditions generally were worse than in regular prisons. Prison visits by family members are at the discretion of the investigator during the investigation phase. After a conviction, family members may visit a prisoner regularly.

The Government usually permitted domestic and international human rights monitors to visit prisons if they had personal connections. During the year, the International Commission of the Red Cross (ICRC) was allowed to visit detainees in MVD and SNB prisons in accordance with the ICRC's standard procedures.

*d. Arbitrary Arrest, Detention, or Exile.*—Arbitrary arrest and detention was a problem. Police at times used ill-defined charges to arrest persons and could be bribed to release them.

The Procurator's Office determines who may be detained, arrested, and prosecuted. The Procurator must issue an arrest warrant before a person may be detained, and there were no reports that this provision was abused. The Criminal Code permits law enforcement officials to detain suspects for 72 hours before releasing them or charging them with a crime. The Criminal Procedure Code requires notification of a detainee's family by the investigator within 12 hours of detention; however, this requirement often was not observed in practice. Since 1990 persons arrested or charged with crimes have had the legal right to defense counsel; if a suspect is charged, the Procurator must advise defense counsel immediately. Defense Counsel must be permitted to visit the accused within the first 3 days of incarceration; however, at times the accused did not see defense counsel until trial.

The SNB, the MVD, and the General Procurator carry out investigations. The accused usually remains in detention while the Procurator investigates and prepares the case for trial. The Procurator has the discretion to keep the accused in pretrial detention for as long as 1 year, but there are regulations that provide for provisional release before trial. After 1 year, the Procurator must release the accused or ask Parliament to extend the period of detention. Since independence there have been no known instances in which Parliament has been asked to extend a detention.

In Jalal-Abad Oblast, the security forces detained 117 persons during the year for membership in the Hizb ut-Tahrir Islamic organization and distribution of its literature (see Section 2.c.).

Authorities detained some demonstrators during the year (see Section 2.b.).

On June 27, the authorities arrested, detained, and charged Noomanjan Arkebaev from the Osh branch of the Kyrgyz Committee for Human Rights (KCHR) for allegedly distributing antigovernment leaflets. Arkebaev denied the charges and initiated a hunger strike on July 3. He was released on July 20 after signing a statement that he would not leave the area; no trial date had been set at year's end.

The Government detained several prominent political opposition candidates in order to prevent them from participating in or winning office in the 2000 parliamentary and presidential elections. In these cases, the authorities resorted to false or out-of-date charges of common crimes unrelated to the detainees' political activity.

In the past, the SNB arrested Uighurs (an Islamic Turkic group native to western China) on ill-defined charges (see Section 2.c.); however, there were no reports of such arrests during the year.

The Government does not employ forced exile. As a result of government pressure, the President of the KHCR remained in self-imposed exile abroad (see Section 4).

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however, the executive branch continued to dominate the judiciary. The courts were perceived widely as a rubber stamp for the Procurator and for high-ranking government officials and, as the protectors of citizens' rights.

Cases originate in local courts; they may move to appeals courts at the district or regional level and finally to the Supreme Court. There are separate military courts and a separate arbitration court system that handles civil disputes.

Defendants are afforded the same constitutional protections in both military and civilian courts, although military court proceedings may be closed to the public. A civilian may be tried in a military court if one of the codefendants is a member of the military. Military court cases may be appealed to a military appellate court, and ultimately to the Supreme Court.

The Constitutional Court has responsibility for determining the constitutionality of laws, resolving disputes concerning the interpretation of the Constitution, and determining the validity of presidential elections.

Traditional elders' courts consider property and family law matters and low-level crime, often involving juveniles. Cases are submitted by agreement of the parties as an alternative to formal proceedings. Decisions of elders' courts may be appealed to the corresponding municipal court. Local elders' courts are found in almost every oblast and region. Local elders' courts are under the supervision of the Procurator's Office, but they may not receive close oversight due to the fact that many such courts are located in remote regions, which makes monitoring difficult.

The Procurator, not the judge, is in charge of criminal proceedings. The Procurator brings cases to court and tries them before a judge and two "people's assessors." The court compares the facts as presented by the Procurator and the defense, and in most cases makes its decision after receiving all available information in each case. The court may render one of three decisions: Innocent, guilty, or indeterminate; if indeterminate, a case is returned to the Procurator for further investigation. The decision of a court to return a case to the Procurator for further investigation may not be appealed, and accused persons are returned to the Procurator's custody, where they may remain under detention.

The law provides for defendants' rights, including the presumption of the innocence of the accused; however, such rights were not always respected. The judicial system continued to operate, in many cases, under Soviet laws and procedures in which there is no presumption of innocence and the focus of pretrial investigation is to collect evidence sufficient to show guilt. The Criminal Procedure Code provides for an unlimited number of visits of unlimited duration between an attorney and a client. Although official permission for such visits still is required, such permission usually is granted. Revisions of the Code in 1999 greatly expanded the rights of defense lawyers to obtain access to all evidence gathered during the course of the investigation. In practice all members of the court have equal rights and may question witnesses. Witnesses do not have to present their testimony in court; instead they affirm or deny their statements in the Procurator's files. Under the law, the accused and the defense counsel have access to all evidence gathered by the Procurator. They may attend all proceedings, which are usually public, and are allowed to question witnesses and present evidence. However, this right is not respected always in practice.

The Constitution provides for terms for judges that range from 15 years for Constitutional Court judges to 3 years for first-term local judges. Very low judges' salaries have led to a well-grounded view among lawyers and citizens that all but a very few scrupulously honest judges are open to bribes or pressure.

Despite the December 2000 appointment of an ethnic Korean as head of the Supreme Court, the appointment of ethnic Kyrgyz to key positions in the judicial system led to charges by non-Kyrgyz that the system is arbitrary and unfair and that the courts treat Kyrgyz more leniently than members of other groups. Although systematic discrimination in the judicial process was not clearly evident, there were credible allegations that it occurred in some cases. There also were complaints by Uzbeks, and even by ethnic Kyrgyz, that the southern portion of the country, which has a large Uzbek population, is underrepresented in the judiciary.

Legislators in the past used their parliamentary immunity to avoid being brought to court; however, a 1998 change in the law limited immunity to official acts only.

Only one case was brought against an individual for apparently political reasons, unlike in the previous year, when there were a number of such cases related to the parliamentary elections. In December the Government tried Felix Kulov on charges of abuse of power when he was governor of Chui Oblast in the mid-1990's. This was the third prosecution of Kulov in 2 years. The trial had not concluded by year's end. Economic crimes such as tax evasion, embezzlement, and theft of government property, including electric power, were common; prosecution for these crimes was rare but at times appeared to be directed at opponents of the Government. In 2000 there was considerable evidence of executive branch interference in verdicts involving prominent political opposition figures in connection with the 2000 elections. For example, the Government frequently used the judicial process to eliminate key polit-

ical opposition leaders from participation in elections and narrow the range of choice for voters.

In January legal proceedings against Feliks Kulov, the opposition Ar-Namys Party leader, and former parliamentary and presidential candidate, resumed in a closed military court, on charges of instigation of, and accessory to, fraud and abuse of power for personal interests. The initial prosecution of Kulov, considered the most popular opponent of President Akayev in the 2000 elections, began after his unsuccessful bid for a parliamentary seat in March 2000. Despite his acquittal in August 2000, he was brought up on the same charges in the same court in January. On January 22, Kulov was found guilty and sentenced to 7 years in prison. On July 19, the Supreme Court upheld the verdict.

The courts rejected the appeals of two other individuals with connections to Kulov. A court rejected the appeal of the former director of the School of stuntmen in Bishkek, Usen Kudaibergenov, who had been charged with receiving excessively large sums from Kulov in connection with a celebration in 1995. On December 13, a Bishkek regional court rejected the appeal of Djanybek Bakhchiev, who had worked with Kulov when the latter was vice-president and in other posts. Bakhchiev had been convicted of receiving a special military rank and other offenses.

Opposition leader Tolchubek Turganaliyev, who had been imprisoned since 1997, received a presidential pardon and returned to opposition politics.

There were no reports of other political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such actions; however, the Government at times violated these prohibitions.

The Constitution prohibits unlawful entry into a home against the wishes of the occupant and states that a person's private life, privacy of correspondence, telephonic, and telegraphic communications are protected; however, this prohibition was not respected always in practice. The law and procedures require the General Procurator's approval for wiretaps, searches of homes, interception of mail, and similar acts; however, the prosecutor may give approval over the telephone for searches, which means that in such cases no written proof exists to verify that the search was approved. In certain cases, law enforcement officers may carry out a search first and then get approval within 24 hours. If approval is not given, any evidence seized is inadmissible in court.

The SNB continued to monitor the Uighur community (see Section 1.d.). There were unconfirmed reports by citizens active in politics or human rights monitoring that the privacy of their communications was violated. There were credible reports that in April a government agent obtained unauthorized access to an NGO database for the purpose of obtaining and transmitting private documents and correspondence. Employees of the NGO also have been subject to arbitrary requests from the SNB for meetings and for personal information.

Since the September 11 terrorist attacks in the U.S., the Government has conducted widespread document checks of some foreigners. These checks often resulted in the detention and deportation of those who were not in the country legally (see Section 2.d.).

Organizational structures responsible for violations of privacy rights during the Soviet era largely have remained in place.

#### *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.

On June 12, Klara Ajibeka, chairwoman of the Communist Party, delivered a speech at an unsanctioned picket in support of imprisoned opposition figure Feliks Kulov (see Sections 1.d., 1.e., and 3). She was arrested, convicted, and fined.

A 1998 referendum amended the Constitution to insert language that precludes Parliament from passing laws that infringe on free speech; however, there has been no implementing legislation for this amendment.

The law on the mass media prohibits the dissemination of government and commercial secrets; material advocating war, violence, or intolerance toward ethnic or religious groups; desecration of national norms, ethics, and symbols, such as the national seal, flag, or anthem; pornography; and encroachment on the honor and dignity of a person (libel). Libel is a criminal, not a civil, action. The Government, acting through compliant courts, used the prohibition of material that encroaches on the honor and dignity of a person to harass and apply pressure on the independent media. In February the Deputy Minister of National Security filed an honor and dignity case against a journalist with the newspaper Delo No., the same journalist and the same alleged offense that the Deputy Minister had filed in December 2000 and which the court had dismissed as groundless. In September the former tax inspector

filed a third honor and dignity case against Delo No. It resulted in the levying of a fine, was then appealed, and remained pending at year's end.

In March a lower court upheld a sentence passed in 2000 convicting a journalist of slander in a case filed by a local judge; the lower court imprisoned the journalist for several weeks but ordered a reduced fine. The plaintiff appealed to the Supreme Court, which overturned the lighter sentence and returned the case to a lower court. However, the case ultimately was resolved between the parties. In 2000 parliamentary deputy Turdakun Usabaliev lodged two honor and dignity suits against the opposition Kyrgyz-language newspaper Asaba. A Bishkek district court ruled that Asaba must pay compensation to Usabaliev. The court also ordered seven Asaba journalists also to pay for articles critical of Usabaliev. The newspaper lodged a counter suit against Usabaliev; the judge ruled in favor of the counter suit.

All media must register with the Ministry of Justice and wait for Ministry approval before beginning to operate. The media law states that the registration process should require 1 month. In April, citing an excess of outdated registrations, the Ministry of Justice required all media outlets throughout the country to reregister. By October 65 media outlets successfully had reregistered; however, in June, citing a previously unknown April decree, the Ministry cancelled the registration of 16 new media outlets that had been approved after April, including 2 opened by editors of newspapers that previously had closed under government pressure. The outlets were forced to reapply for registration; and all were registered successfully by November 1.

State television, radio, and government newspapers continued to receive government subsidies, which permitted the Government to influence media coverage and to apply financial pressure on independent media by fostering unfair competition for increasingly scarce advertising revenue. Some news outlets were owned and controlled partly or fully by individuals with close ties to the Government.

There were approximately 25 to 30 newspapers and magazines with varying degrees of independence, including some that have only local circulation. The State's printing house, Uchkun, is the primary newspaper publisher in the country, with several small presses located inside and outside of the capital.

The Government used its influence over printing and distribution of print media to impede the dissemination of information by the independent print media. The government printing house Uchkun refused to print the independent newspaper Res Publica for 4 months. This action was taken pending Res Publica's full payment of a fine awarded to the president of the State Television and Radio Corporation in an earlier honor and dignity suit. Uchkun also refused to deliver Res Publica to the regions through its distribution system after it resumed publishing the newspaper. In April Uchkun temporarily refused to deliver Res Publica pending permission from the Justice Ministry after Res Publica and the closed Asaba newspaper printed a joint issue. According to KCHR, Uchkun also refused to publish the December 24 Russian edition of Res Publica and destroyed the Kyrgyz edition that had been published already, because a photo of President Akayev scheduled for the front page was considered objectionable by officials in the President's office. In 2000 the Government closed three newspapers by refusing to publish them; Kapitalism and Litsa stopped publishing entirely, and Res Publica was closed for 4 months. Res Publica also experienced distribution problems with the state postal system prior to the 2000 presidential elections, and the newspapers were confiscated from kiosks by authorities in Osh and Jalal-Abad.

The opposition Kyrgyz-language newspaper Asaba continued to be subjected to the pressure and intimidation that began shortly after the newspaper's owner declared his candidacy to run in the Presidential election in 2000. In addition to having been subject to two honor and dignity suits, it encountered tax problems. In March a debt case initiated in 2000 resulted in a ruling in favor of the creditor and the Government began confiscating Asaba's assets. In April the newspaper closed, reopening in October under new management with ties to the Government. Many of the original staff left to join Res Publica.

In March after a year of government harassment, several editors and journalists left Vecherny Bishkek to start a new newspaper. After a delay of 6 months, the new newspaper was registered in September.

There also were several independent television and radio broadcasting outlets. There are two television stations in Osh that broadcast in Uzbek: Osh Television, which broadcasts in Uzbek part of the time—although the station has been criticized by the Government for airing too much Uzbek language programming—and Mezon Television, all of whose programs are in Uzbek. The latter was founded by the Mezon Uzbek Ethnic Center to serve the needs of the large Uzbek population in Osh. Government interference with independent television and radio stations continued. A case was in the appeals process against Mezon Television for broadcasting

a candidate's political advertisement, which allegedly had the potential to inspire interethnic hatred during the parliamentary elections. Although Osh Television has a license to broadcast, its dispute with the National Agency for Communications (NAC) continued. The NAC required Osh Television to change its broadcast frequency from VHF to UHF, which is not accommodated by most Soviet-period television sets. The station and the association of journalists continued to protest the change, which would have reduced the number of viewers and imposed financial hardship on the station, as unfair and not justified technically. The NAC's directive that Osh Television switch channels was postponed repeatedly. In June Osh Television prevailed in the Supreme Arbitrage Court. In addition Osh Television was engaged in an ongoing dispute with the tax authorities over what it considers unfair tax assessments.

In May police arrested a journalist for state-owned television in Jalal-Abad who was working on a corruption report; the journalist was charged with extortion. In May police in Jalal-Abad arrested another journalist investigating corruption and charged him with extorting money from government officials; in November he was sentenced to 9 years in prison for extortion, forgery and possession of a weapon.

Academic freedom was respected.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides citizens with the right to assemble freely; however, at times the Government restricted this right in practice. On occasion the Government used force to disrupt peaceful demonstrations. The law requires official written permission for holding assemblies, rallies, and demonstrations; at times the authorities, including those at local levels, used this regulation to prevent rallies and demonstrations.

Permits are required for public marches and gatherings. These usually were available, but in some cases the authorities refused to issue permits to opponents or critics of the Government. For example, in October Bishkek municipal authorities refused to issue permits to allow a congress of major opposition parties to use a public venue to hold its first meeting. Rallies and demonstrations were held regularly in front of Government House and in other places. Throughout the year, numerous protests, demonstrations, and pickets took place in different areas of the country, including Bishkek, Osh, and Naryn. In most cases, demonstrations took place without interference from the authorities; however, there were instances in which security forces forcibly disrupted demonstrations and meetings.

In March approximately 100 picketers took part in a protest in the southern town of Kara-Suu (Osh Oblast) to demand the release of 20 persons arrested for distributing literature related to the illegal Islamist party Hizb ut-Tahrir (see Section 2.c.). According to one independent newspaper report, several of the picketers were arrested for breach of the peace after police declared the picket illegal.

On March 30, approximately 250 persons took part in a demonstration in a Bishkek park in support of opposition politician Feliks Kulov. Several participants reported that they were arrested or threatened by police during or after the demonstration. In April 200 to 300 persons participated in a peaceful unregistered rally in downtown Bishkek. The rally's organizers, who wished to draw attention to the closure of the independent Kyrgyz-language newspaper Asaba, had been unable to obtain a permit from the Bishkek city administration after several attempts. The rally concluded peacefully without interference from the large number of uniformed and plainclothes militia present. Following the rally, city authorities assessed a fine of approximately \$20 (1,000 Som) each on three of the rally's organizers.

Members of nine opposition parties, including "Ata-Meken," the People's Party, and the Communist Party, organized a May Day rally in Bishkek in defense of free speech and democracy. Bishkek city authorities refused to grant permits to the demonstrators. On May Day, many of the usual venues for these rallies were blocked by police vehicles or buses and patrolled by policemen. Despite the sizeable police presence, the small demonstrations that did take place were peaceful and uneventful, and the authorities did not detain, arrest, or jail any demonstrators.

In June after warning the protesters that they risked prosecution for participating in an unregistered rally, police disrupted an unregistered protest of approximately 100 persons who had assembled in front of the parliament building in Bishkek to demand the cancellation of agreements ceding territory to China.

On August 10, police in Osh reportedly arrested 15 women after dispersing a demonstration of approximately 200 women merchants who were protesting the local authorities' decision to stop street trade in the city center.

The Constitution provides for the right of association; however, at times local authorities inhibited this right in practice. The law on public organizations, which include labor unions, political parties, and cultural associations, requires registration of these organizations with the Ministry of Justice. In May the Government required all political and social organizations registered before 1999 to renew their

registration. There were no reports of government obstruction of any reregistrations; however, according to the Ministry of Justice, the reregistration of four or five parties remained incomplete because these parties did not appear at reregistration hearings. The KCHR was reregistered in 1999; and several other regional and countrywide human rights organizations have registered and operate freely.

On August 15, the President directed the Government to withdraw "Resolution 358" after an NGO-organized public campaign against the resolution. If enacted the amendments in Resolution 358 would have curtailed greatly the independence of NGO's and political parties and undermined citizens' right of association. In the span of 3 weeks, the local NGO community organized open meetings throughout the country to rally opposition to the proposed amendments, held a press conference and sent a letter to the President urging him to "take measures" against it. Soon afterwards the Presidential Administration retracted the proposed amendment.

In June 2000, the Minister of Justice stated that since the Kyrgyz Coalition for Human Rights (Coalition) was not registered as a public association with the Ministry, it did not have the right to receive funds from abroad to support its activities, nor could it assess internal political developments. Although no formal action was taken against the Coalition, threats against and intimidation of the coalition continued throughout the year (see Section 4).

A 1999 law on NGO's distinguishes NGO's from political parties, labor unions, and religious organizations and lowers the required number of members for registration. The registration of an NGO requires at least 3 members; the registration of a political party requires at least 10.

*c. Freedom of Religion.*—The Constitution and the law provide for freedom of religion, and the Government generally respects this right in practice; however, the Government restricts the activities of radical Islamic groups that it considers to be a threat to the country.

The task of the State Commission on Religious Affairs (SCRA) is to promote religious tolerance, protect freedom of conscience, and oversee laws on religion. According to a 1997 presidential decree, all religious organizations must register with the SCRA, which must recognize the registrant as a religious organization; each congregation must register separately. Subsequently religious organizations, including religious schools, must register with the Ministry of Justice to obtain status as legal entities, which is necessary to own property, open bank accounts, and otherwise engage in contractual activities. If a religious organization engages in commercial activity, it is required to pay taxes in accordance with the tax code. The Ministry's registration process is cumbersome, taking a month on average. In practice the Ministry never has registered a religious organization without prior registration by the SCRA.

Several religious organizations have had difficulty registering with the State Committee on Religious Affairs. The majority of these were small Christian congregations; however, the Roman Catholic Church also remained unregistered. Some of the difficulties that the Roman Catholic Church encountered in registration may be related to procedural errors in their application. According to the SCRA, all Muslim communities that applied for registration were registered successfully. The SCRA claims that it has refused registration to only one organization, the Russian Overseas Church. The refusal came after a court held that the Church was not a religious organization. According to the SCRA, the Unification Church has not applied for registration as a religious organization; however, an affiliated organization is registered as a nongovernmental organization. The SCRA has overseen the registration of more than 300 religious institutions, of which 210 are Christian denominations and most of the rest are Muslim communities.

The Government was concerned about the threat of political extremism in the guise of conservative Islam, whose followers it labels "Wahabbis." Armed incursions by militants of the IMU in the summers of 1999 and 2000 increased the Government's apprehension about radical Islam and the actions of its followers. The Government continued to express concern about groups that it viewed as extremist with either radical religious or political agendas. In April the local press quoted Prime Minister Bakiyev's call for increased monitoring of mosques and schools in order to prevent these places from engaging in Islamic extremist activity.

The Government expressly forbids the teaching of both religion and atheism in public schools. In April the Government instructed the SCRA to draw up programs for training clergy and to prepare methodologies for the teaching of religion in public schools. These instructions came in response to concerns about the spread of "Wahhabism" and "unconventional religious sects."

A number of missionary groups operated in the country. Missionary groups are required to register with the Government, and in the last 5 years more than 700 foreign missionaries were registered. However, according to official statistics, since

independence authorities have ordered approximately 20 missionaries who disseminated dogma “inconsistent with the traditional customs of Kyrgyz Muslims” to leave the country. Information on the religion of these missionaries was not available. Government authorities have indicated that they would monitor the activities of the Unification Church, which is led by Reverend Moon, although there were no reports of interference with its activities. The Unification Church was not active in the country, but it had a presence through the charity organization of Reverend Moon’s wife.

The arrest and prosecution of persons accused of possessing and distributing literature of Hizb ut-Tahrir (an illegal Islamist organization) increased during the year. Most arrests occurred in the south and involved ethnic Uzbeks; those arrested typically were charged with violation of Article 299 of the Criminal Code, which prohibits the distribution of literature inciting ethnic, racial, or religious hatred. Arrest figures varied depending on the source; according to the International Crisis Group (ICG), which monitors Hizb ut-Tahrir in the south, during the year, police detained 49 persons in Osh Oblast and 86 in Jalal-Abad Oblast for membership in the Hizb ut-Tahrir organization and distribution of its literature. Of those arrested in Osh Oblast, the Government criminally prosecuted 30. The ICG estimated that the number of prosecutions in Jalal-Abad Oblast was approximately the same. The SNB reported that there were 117 arrests of Hizb ut-Tahrir members in Jalal-Abad Oblast.

In 2000 Amnesty International reported the arrest and illegal deportation to China of Jelil Turadi, an ethnic Uighur Chinese national. Unofficial sources said that Turadi was arrested for allegedly possessing “Wahhabist” literature and was handed over to Chinese security agents in Bishkek. In June a local Uighur community leader stated that Turadi’s fate remained unknown.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for these rights and the Government generally respects the right of free travel to and from the country; however, certain policies continued to complicate internal migration, resettlement, and travel abroad.

The law requires that citizens have official government permission (a propiska) to work and settle in a particular area of the country. Applicants for such a residence permit must file a request for registration with the local police and be able to prove that they have a permanent residence in the area. In addition home and apartment owners can sell their property legally only to buyers with such permission. In June and October, law enforcement agencies conducted sweeps and random checks to verify the proper registration of residents (see Section 1.f.). Authorities fined or imprisoned individuals without residence permits stamped in their passports. Local administrations tie the availability of utilities and social services to registration; individuals who do not register may not have proper access to water, heat, light, subsidized health care, or schooling. The linkage between obtaining a residence permit and obtaining community services disproportionately impacted the growing number of internal migrants. Many employers refused to hire applicants residing illegally.

There is no law on emigration. All passport applications are reviewed by the Ministry of National Security. There are no exit visa requirements. Citizens may travel abroad without an exit visa. Unlike in the previous year, travelers are not required to present letters of invitation to receive an “international page” if they have never traveled abroad. After the validation of the passport, travel is unrestricted. The law prohibits emigration within 5 years of working with state secrets; however, there were no reports that anyone was barred from emigration under this statute during the year. Although official figures for the year were not available, press reports indicated that the emigration of both ethnic Russians and Russian-speakers continued to rise during the year, as a result of fears of discrimination, the threat of continued fighting in the south, and the issue of dual citizenship (an agreement recognizing dual citizenship has not been signed between Russia and Kyrgyz Republic).

Emigrants are not prevented from returning to the country, and there reportedly was a small but steady flow of returnees.

The law provides for the granting of asylee or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Since 1993 the country has offered “first asylum” to those who qualify. According to the U.N. High Commission on Refugees (UNHCR), there was a total of approximately 300 refugees from Chechnya in the country who had received first asylum. An additional 9,693 persons had refugee status. Of this number, 831 were from Afghanistan and 6 were from Iran; the remainder were from Tajikistan. In the first 10 months of the year, the Government denied 17 asylum requests from Afghans and 4 from Tajiks. The Government cooperated with the office of the UNHCR and other international humanitarian organizations in assisting refugees. The UNHCR assisted 1,038 Tajik refugees to return to Tajikistan during the year.

After the September 11 terrorist attacks in the United States, the Government instituted new controls on the movement of some foreign nationals, and conducted sweeps in order to find undocumented foreigners. The Government stated that since this crackdown on illegal immigration began, authorities in Batken province have stopped 608 vehicles, detaining and deporting 779 Tajik citizens. For example, a truck carrying 53 Tajiks en route to Russia was stopped in Jalal-Abad Province and turned back. Authorities in Bishkek detained 157 persons and deported 36 Afghans, 18 Tajiks, and 93 Uzbeks in the first month after the September 11 events. The UNHCR estimated that the number of detainees was approximately 300 foreigners, primarily Tajiks and Uzbeks, but included 80 Afghan refugees and asylum-seekers. The arrests were related to new security measures that included verification of the documents of noncitizens. At year's end, all of the Afghan refugees and asylum-seekers had been released.

During the year, there were no reports of the forced returns of persons to a country where they feared persecution, although there were reports in earlier years of Uighurs opposed to Chinese policies being repatriated forcibly to China where they feared persecution.

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

The Constitution provides citizens with the right to change their government peacefully; however, in practice citizens' ability to do so was limited. Both parliamentary and presidential elections held in 2000 were marred by serious irregularities.

The Government continued to impede the functioning of opposition political groupings and the expression of opposition views in the media. Police tortured several members of opposition parties (see Section 1.c.). In October Bishkek municipal authorities prevented a congress of major opposition parties from obtaining access to a venue to hold its first meeting. Opposition newspapers and journalists were faced with libel suits from government officials (see Section 2.a.). NGO's were warned not to show public support for opposition candidates (see Section 4).

Opposition leader Tolchubek Turganaliyev, who had been imprisoned since 1997, received a presidential pardon and returned to opposition politics.

President Askar Akayev dominates the Government. In October 2000, President Akayev was elected to a third term as President. Although the Constitution specifies a 2-term limit for the President, the Constitutional Court ruled that Akayev could serve a third term because he had been elected to his first term under the Soviet-era Constitution. The Office of Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE/ODIHR) stated that "international standards for equal, free, fair, and accountable elections were not met." The Government took steps to disqualify otherwise qualified candidates by charging and convicting them on questionable criminal charges. Restrictions on the registration of candidates, intervention by local officials, and harassment of opposition candidates, negatively influenced the fairness of the campaign. There was intervention by local officials in the electoral process. Although six competing candidates offered the electorate some political choice, the restrictive process of candidate registration excluded a number of prominent opposition leaders from the election. Harassment of opposition candidates' activities negatively influenced the fairness of the campaign. Pressure against a major domestic election-monitoring NGO violated fundamental freedoms, a step backward in comparison with the parliamentary elections. Executive authorities, mostly at local and regional levels, interfered in the functioning of election commissions and the electoral process in general. Campaign restrictions and biased media failed to ensure free and fair conditions for candidates. There were candidate observers in most, if not all, precincts, although they tended to be poorly trained and unwilling to challenge precinct commissions. The Government excluded independent observers representing the constituent organizations of the Coalition of NGO's for Democracy and Civil Society from polling places. A pattern emerged whereby local Coalition representatives were denied admittance to polling places when the polls opened, then were allowed to enter later in the day after they sought relief through the courts, then again were denied access on technical grounds at the end of the voting day. As a result, Coalition representatives were not present in many polling places for the vote count. Central Election Commission Chairman Sulaiman Imanbaev conceded that violations occurred but accused the OSCE of bowing to pressure from unnamed political forces to give an overly negative evaluation of the election.

The Constitution provides for parliamentary elections every 5 years. In February and March 2000, the first and second rounds of parliamentary elections were held. For the first time, 15 of the Legislative Assembly's 60 seats were distributed propor-

tionally based on party lists. In the period prior to the parliamentary elections, the Government took numerous actions that disadvantaged opposition political parties. Four political parties, including one of the most popular opposition parties, the People's Party, were blocked from competing because their charters did not state specifically they could compete in elections for state bodies. In a legal challenge, the courts upheld this restriction in the election law. Eight parties were barred from competing because they were registered less than 1 year prior to the announcement of elections. The OSCE noted that executive and judicial branch interference in the electoral process continued through the runoffs. In decisions that appear to have been politically motivated, a number of prominent opposition candidates were disqualified or deregistered before the runoffs, despite having led the voting after the first round. A number of opposition candidates were harassed. Although there were improvements in overall election administration on the day of the vote, there were allegations of ballot tampering, government intimidation of voters, and harassment of campaign officials in the elections of a number of opposition leaders. The OSCE determined that in the second round of elections, in district 44 (in which Kulov ran) there was clear evidence of systematic fraud committed by both state and election authorities. In the second round, more than 10 candidates were declared winners automatically as a result of their opponents' refusal to run or, in 9 cases, the Government's cancellation of the opponents' registration.

Pilot elections for the heads of local administrations were held in 16 villages in the spring and in 9 cities during the summer. The selection of candidates was limited to those approved by local council officials and oblast governors. In December nationwide elections of heads of city and village administrations were held for the first time; previously these officials had been appointed by the President. Voting was conducted in a generally orderly manner, although there were minor technical and organizational failures. Observers reported that it was the first time that voters were not pressured to vote for specific candidates. However, the pre-electoral candidate selection process lacked transparency. Voter turnout is some regions was extremely low.

The percentage of women and most ethnic minorities in government and politics does not correspond to their percentage of the population. Women held only 7 of 105 seats in the legislature. The Minister of Justice and the Chief Justice of the Constitutional Court were women. The Democratic Party of Women participated in the parliamentary elections and won two party seats, earning 13 percent of the party-list votes. Russians and Uzbeks were underrepresented in government positions, although the newly named First Deputy Prime Minister, was an ethnic Russian, as was his predecessor. In December an ethnic Korean was appointed head of the Supreme Court.

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

Human rights groups operated in a hostile environment and were faced with continuous government pressure to curtail their activities. Despite this pressure, most domestic independent human rights organizations, including the KCHR and the Coalition for Democracy and Civil Society, were able to continue investigating and publishing their findings on human rights cases as well as on government interference with elections (see Section 3).

On March 13, the executive director of the Coalition was assaulted by an unknown assailant. There was no apparent motive for the attack. The case had not been solved by year's end.

In March the Bishkek city prosecutor sent the Coalition a warning that the Coalition, together with the KCHR, the Public Union for Social Defense of the Population, Union of Kyrgyz Children and Women, and several political parties had violated a law that prohibits the destabilization of society when they prepared and distributed flyers that appealed for public support of Ar-Namys candidate Feliks Kulov in the 2000 elections (see Sections 1.d, 1.e, and 3). On March 30, the Bishkek city prosecutor summoned KCHR chairman Ramazan Dyrlydayev and Republican Party chairman Giyaz Tokombayev and delivered the same warning. On June 27, the authorities detained KCHR member Noomanjan Arkebaev for allegedly distributing antigovernment leaflets. Employees of a political NGO reported incidents of surveillance and intimidation by the SNB (see Section 1.f.).

There have been no further developments in the case opened in May 2000 against KCHR president Ramazan Dyrlydayev related to charges of failure to comply with the Labor Code in firing an employee. Dyrlydayev fled the country and has remained abroad.

Authorities threatened violence toward high-profile activists for human rights and civil society-related NGO's and at times beat them.

A number of international groups report on human rights problems in the country although no such groups have offices in the country.

A progovernment NGO called the Association of NGO's (the Association) created by the Government in 2000 was largely inactive during the year. There were reports that local authorities applied pressure on independent NGO's to become affiliated with the government-organized Association. Only those NGO's with independent sources of funding were able to resist this pressure.

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

The Constitution provides for the rights and freedom of individuals and prohibits discrimination, including that based on language, and the Government has expressed a strong commitment to protecting the rights of members of all ethnic, religious, and linguistic groups, as well as those of women; however, in practice it does not always ensure these rights effectively.

*Women.*—Violence against women, including domestic violence, was a problem. The law specifically prohibits domestic violence and spousal abuse. Interior Ministry statistics indicated that during the year there were approximately 2,600 crimes of all types against women, but many crimes against women are not reported due to psychological pressures, cultural traditions, and apathy by law enforcement officials.

Activists note that rape is becoming more common, although it is not clear whether the incidence of rape or only the reporting of such attacks is becoming more common. The authorities often ignore such attacks. There were reports that police raped women in custody (see Section 1.c.). The Government has not taken specific action to deal with this problem of violence against women.

The Umut (Hope) Center in Bishkek provided basic protection as well as psychological, legal, and medical counseling for battered women and girls. The Umut Center organized biweekly discussions and training for women to advise and counsel them about their rights. It provides 10 days of emergency shelter, clothing, and meals for battered women as well as employment counseling and legal services. Umut received grants from a variety of foreign sources during the year and provided shelter for 252 women and girls during the year. Another center in Bishkek, Sezim, maintained a staff of lawyers, psychologists, and doctors, and operated a crisis hotline for the public. Staff members conducted training, debates, and seminars on women's rights and family planning. There also were internationally funded crisis centers for women in need of such assistance in both Talas and Jalal-Abad. In Naryn a crisis center operated by the NGO Tendesh maintained a hotline to support women affected by violence and provided psychological, legal, and medical assistance. However, the number of shelters for battered women had not increased to meet the need.

Trafficking in women and girls for the purpose of prostitution was a persistent problem (see Sections 6.c. and 6.f.).

Some rural inhabitants continued to observe the traditional practice of kidnaping women and girls for forced marriage; the MVD reports that each year between 10 and 30 women are kidnaped and forced into marriage.

Discrimination against women persisted. Family law prohibits divorce during pregnancy and while a child is younger than 1 year of age. A special expert counsel under the State Commission on Family, Women, and Youth Issues reviewed all legislation for a gender perspective and submitted its recommendations to Parliament. The findings demonstrate that while women's rights are supported by legislation, the principle of women's equality not always was observed. The law gives equal status to women, and they were represented well in the work force, in professions, and in institutions of higher learning. Women are prominent in law, medicine, accounting, and banking, and play an active role in the rapidly growing nongovernmental sector. However, deteriorating economic conditions have had a severe effect on women, who were more likely than men to lose their jobs. According to a U.N. Development Program report, as of January, the unemployment figures for women were considerably higher (58,300) than those for men (48,100). The average wages for women were less than \$13 per month (637 soms), and for men were approximately \$18 per month (881 soms). Women with children under the age of 16 account for 67 percent of unemployed women. Women make up the majority of pensioners who have felt the negative effects of the country's economic downturn, which has led to inflation and the erosion of pensions that often were paid late. Women's groups expressed particular concern about the situation of rural women. With the end of communism, traditional attitudes toward women have reasserted themselves strongly in the countryside, where women are relegated to the roles of wife and mother, and educational opportunities are curtailed. Data indicated that women

were becoming less healthy, more abused, less able to work outside the home, and less able to dispose of their earnings independently.

According to Counterpart Consortium, 293 NGO's dealing with women's problems operated in the country during the year, of which 25 deal with women's advocacy. In 1999 women's advocacy NGO's sent an appeal to the Government, Parliament, journalists, international organizations, and other NGO's in support of women's rights; the appeal helped raise awareness of women's problems in the Government and Parliament. During the year, NGO's introduced at least three new programs to address the needs of women. The Congress of Women has set up legal clinics for women throughout the country to help counsel women on legal issues and women's problems. Center Mercy embarked on a program to find employment in handicraft production for mothers of large families. The Center for Women's Initiative, Aigerim, introduced programs to assist with needy families.

*Children.*—There were government programs, many of them financed from abroad, directed at improving the condition of children; however, a lack of funds hampered government efforts. Basic needs for shelter, food, and clothing seldom were met, and the Government did not have enough resources to address these needs effectively.

Education is compulsory for the first 9 years, and the country has a 97 percent literacy rate. The Law on Education requires that secondary education be free and universal. However, financial constraints prevented the Government from implementing this for all students. Those families that kept their children in public schools had to pay administrative fees. These costs are difficult for families, particularly large ones, to bear. Girls and boys attend school in equal ratios. According to the Criminal Code, the penalty for infringing on a student's right to obtain free secondary education ranges from receiving a public reprimand to 1 year of forced labor; the law penalizes parents who do not send their children to school or obstruct their attendance. Many of those families who could afford it chose to send their children to more expensive private schools.

The Government has established two funds, Jetkinchek and Kadry XXI Veka (Cadres the 21st Century), to provide educational benefits for low-income and children with disabilities. Jetkinchek, a Presidential Educational Program created in 1999, provides assistance such as pens, books, and clothes to low-income children. The program is funded primarily by the Government but has received assistance from international organizations. Kadry XXI Veka is financed by international organizations and helps some youth continue their education abroad.

According to the Government, deaths from tuberculosis accounted for almost half of all deaths among infants under 2 years of age, and the incidence of the disease continued to grow. After independence, vaccine-preventable diseases such as diphtheria, polio, and measles reemerged. A range of serious nutrition-related problems affected a large number of children, especially in rural areas. The Government provides health care for children. The system of residence registration restricts access to social services, including healthcare and education, for children that belong to certain groups, such as refugees, migrants and internally displaced persons, and noncitizens (see Section 2.d.). Child abuse was a problem. Traditional social safety measures were inadequate to cope with the social pressures that affect families. There were increasing reports of abandonment due to parents' lack of resources to care for children, which has led to larger numbers of children in institutions, foster care, or on the street. According to UNICEF, the children most at risk are those in these three categories. State orphanages and foster homes faced a lack of resources and often were unable to provide proper care. The Kyrgyz Children's Fund (KCF) was concerned particularly about the growing number of street children, many of whom have left home because of abusive or alcoholic parents.

There were 700 to 800 child inspectors in the country—MVD policemen charged with enforcing the law with respect to juveniles. The lack of social workers or a well-established social work tradition means that cases involving abandoned or orphaned children are viewed typically as law enforcement matters. As a result, authorities conducted sweeps to round up and institutionalize street children. Children who were found were sent to orphanages and police holding centers, depending on the amount of space available.

The KCF has one shelter in Bishkek to provide food, clothing, and schooling to approximately 30 children. During the year, the Svetlii Put shelter received training assistance from UNICEF and cared for approximately 32 children. The SOS Children's Village, funded by the Austrian organization Kinder Dorf International and other foreign and domestic organizations, cares for orphans. Approximately 110 children and 14 mothers live in this village, which offers housing and a kindergarten.

Human rights groups note that children who are arrested usually are denied lawyers. Police often do not notify parents of children who are arrested, and neither

parents nor lawyers generally are present during questioning, despite laws to the contrary. Children often are intimidated into signing confessions.

The forced marriage of underage girls is illegal; however, it has become more common, and the authorities often tacitly approved this practice. Cultural traditions and social structures discourage victims from going to the authorities. The MVD reports that each year as many as 30 underage girls are kidnaped to become brides.

Girls were trafficked for the purpose of prostitution (see Section 6.f.).

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

Human rights groups and the KCF monitor the condition of children and advocate for child rights. In response to the lack of a focal agency for protecting the rights of children, the Government has established an interministerial body, the Commission on the Affairs of Under-age Children, under the Office of the Prime Minister. This body provides a forum for discussing and coordinating responses to children's problems. The Government and its Commission continued to disseminate information regarding children's rights among both children and adults. The Ministries of Justice, Education, Culture, and Health as well as the state television and radio company and various NGO's also helped disseminate such information including by translating information into Kyrgyz, Russian, and Uzbek in order to reach those segments of the population that speak different languages. At year's end, there also were plans to publish textbooks on human rights problems for high school students, with information on children's rights. The Talent Support Fund, an NGO funded by Save the Children and UNICEF, produced a series of educational television programs entitled "The Rights of Children in Kyrgyzstan" to help educate the population.

*Persons with Disabilities.*—The laws provide for convenient access to public transportation and parking for persons with disabilities, for subsidies to mass media sources that make their services available to the hearing or visually impaired, and for free plots of land for the construction of a home. In practice few special provisions were in place to allow persons with disabilities access to transportation, public buildings, and mass media. In addition persons with disabilities often had difficulty finding employment because of negative societal attitudes and high unemployment among the general population. The lack of resources made it difficult for persons with disabilities to receive adequate education. Social facilities for persons with mental disabilities were strained severely, because budgets have fallen and workloads remained heavy. In one program facilitated by foreign volunteers, local high school students began to visit special institutions such as those for persons with mental disabilities.

*Religious Minorities.*—There was anecdotal evidence of periodic tension between followers of conservative Islam and foreign missionaries in rural areas. Converts from Islam at times faced discrimination. In January in the village of Kurkol local villagers demanded that four ethnic-Uzbek members of Jehovah's Witnesses either reconvert to Islam or leave the village. The incident was resolved peacefully by the Ministry of the Interior and the Security Service. In the southern village of Suzak, village elders called for the expulsion of four former Muslims who had converted to evangelical Christianity. Another Christian group in a village outside of Bishkek reported that village elders have said that "Christianity is not allowed in the Kyrgyz Republic," called for the expulsion of Christian converts from the village, and fired one Church member from the village educational council.

There were no further developments in the March 2000 murder of Nigmat Bazakov, a leading representative of the ethnic minority Uighur community.

*National/Racial/Ethnic Minorities.*—There were reports of discrimination in the treatment of citizens who are not ethnic Kyrgyz. Members of the minorities alleged discrimination in hiring, promotion, and housing, and alleged that government officials at all levels favored ethnic Kyrgyz. The latest statistical data, from the 1999 census, reflected the following ethnic breakdown of the population: 64.9 percent were Kyrgyz; 12.5 percent were Russians; 13.8 percent were Uzbeks; 1.1 percent were Dungans (ethnic Chinese Muslims); 1 percent were Uighurs; 0.9 percent were Tatars and 0.4 percent were Germans. The representation of ethnic Kyrgyz at senior and intermediate levels of government was disproportionately high, giving credence to perceptions that career opportunities in government were limited for those who were not ethnic Kyrgyz. There also were allegations of discrimination against non-Kyrgyz in the judicial system (see Section 1.e.).

The Constitution designates Kyrgyz as the state language, but it provides for preservation and equal and free development of Russian and other languages spoken in the country. Kyrgyz increasingly is replacing Russian, and the Government has announced that by 2010 all government documents are to be in Kyrgyz. Russian-speaking citizens (those who do not speak Kyrgyz) also alleged that a ceiling exists in government employment that precludes their promotion beyond a certain

level. A draft law that was introduced in November allows Russian to be used in the workplace until measures can be established to change to Kyrgyz. On December 4, President Akayev signed legislation that made Russian an official language. Candidates in the 2000 presidential election were required to demonstrate ability in Kyrgyz. Some otherwise qualified candidates were disqualified on the basis of exams, the fairness of which was questioned (see Section 3).

Since independence more than 400,000 ethnic Russians have emigrated (see Section 2.d.). In order to help stem the tide of migration, the Government has passed legislation elevating Russian to the status of an "official language." In May 2000, President Akayev issued a decree designed to moderate emigration by improving the situation of ethnic Russians and Russian speakers. In 2000 the Government signed a bilateral agreement with Russia on the legal status of Russian citizens living in Russia and Kyrgyz citizens living in Russia; it was intended to provide the maximum social benefits possible under the law for those Russian citizens living in the country.

University education continued to be carried out largely in Russian (although Kyrgyz instruction was available in some departments in some universities where textbooks were available), so that Russian-language capability remained an important skill for those who wished to pursue higher learning.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Labor Law provides for the right of all workers to form and belong to trade unions, and there were no reports that the Government tried to obstruct the formation of independent unions. The Federation of Trade Unions of Kyrgyzstan, the successor to the former official union, remained the only trade union umbrella organization in the country, although unions were not required to belong to it. The Federation forms one part of a bilateral commission, along with the Cabinet; each year the two parties sign an agreement on "cooperation." Precise numbers for the Federation's membership were not available, but it remained significantly larger than other unions. There was one small independent union, the Union of Entrepreneurs and Small Business Workers, whose membership reached approximately 80,000.

The Federation has been critical of government policies, especially privatization, and their effect on working class living standards. According to the Federation, the Government has taken no action in response to this criticism. The Federation continued to regard itself as being in a process of transition, during which it is adjusting its relations with the Government, with other unions in the countries of the former Soviet Union, and with other foreign unions. Growing numbers of smaller unions were not affiliated with the umbrella organization.

While the right to strike is not codified, strikes are not prohibited. There were no retaliatory actions against strikers, nor were there instances of abuse directed specifically at unions or individual workers. From March through June, vendors in the bazaars of Bishkek and Naryn held a series of strikes to protest the Government's closure of several smaller bazaars, the introduction of new sanitary restrictions, and higher fees for licenses; however, the strikes were unsuccessful.

The law permits unions to form and join federations and to affiliate with international trade union bodies; however, no meaningful affiliation with international trade union bodies has taken place.

*b. The Right to Organize and Bargain Collectively.*—The law recognizes the right of unions to negotiate for better wages and conditions. Although overall union structure and practice are changing only slowly from those of the Soviet era, there was growing evidence of active union participation in state-owned and privatized enterprises. The Government sets the minimum wage, and then each employer sets its own wage level.

The law protects union members from antiunion discrimination, and there were no reports of discrimination against persons because of union activities.

There are Free Economic Zones (FEZ's) that are used as export processing zones. The minimum wage law does not apply to the approximately 3,000 workers in ordinary FEZ's.

*c. Prohibition of Forced or Compulsory Labor.*—The law forbids forced or compulsory labor; however, women were trafficked for the purpose of prostitution (see Section 6.f.). The press also reported that Kyrgyz citizens were forced to work without pay on tobacco farms in Kazakhstan.

The law prohibits forced or bonded labor by children; however, girls were trafficked for the purpose of prostitution (see Section 6.f.). In addition schools require children to participate in the tobacco harvest—some fields are located on school grounds—and the income earned goes directly to the schools, not to the children (see Section 6.d.). The Government has undertaken additional initiatives to help protect

minors from forced labor; however, since the budget was facing severe funding constraints, many children who were entitled to receive help did not receive it.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The Labor Code provides for the protection of children from economic exploitation and from work that poses a danger to their health, or spiritual, physical, mental, or academic development. The minimum age for employment varies with the type of work, but is no lower than 14. The Labor Code is contradictory in the requirements it sets for the minimum age of employment of youths in work that could harm their physical and moral well being (i.e. employment in casinos, bars, night clubs, etc.). Article 285 states that such work is prohibited for those under age 21; however, Article 319 prohibits such employment for those under age 18. According to the Labor Code, children between ages 14 and 16 are permitted to perform strenuous work with parental consent. However, minors younger than age 18 cannot work in underground conditions. Article 319 sets the maximum daily hours of work for children between ages 14 and 16 at 5 to 7 hours respectively, children under 16 cannot work during night shifts. These laws also apply to children with disabilities who work. During the year, the Government banned the employment of persons under 18 in more than 1,000 categories of employment involving difficult or dangerous conditions, including work in such sectors as the metal or oil and gas industries, mining and prospecting, and machine building.

Child labor was a problem and was becoming more widespread both in towns and rural areas. Since many children work for their families or are “self-employed” in such occupations as selling newspapers, carrying handcarts at markets, and selling cigarettes and candy on the streets, it was difficult for the Government to determine whether their work schedules and environment conform to government regulations. Families traditionally are large, and they consider it necessary at times for children to work at an early age to help support the family on the family farm or in the family business.

According to reports from various NGO’s, child labor is particularly evident in the south. During the fall, classes are cancelled, and children are sent to fields to pick cotton. During the summer, children work during the tobacco harvest and are involved in all steps of production from the actual picking of the leaves to the preparation for shipping. Children also are involved in family enterprises such as shepherding, bread baking, selling products at roadside kiosks, and growing fruits and vegetables.

The Prosecutor’s Office and the State Labor Inspectorate are responsible for enforcing employers’ compliance with the Labor Code laws. The legislative assembly has established a special commission on education, women’s affairs, the family, and minors, which oversees the legal protection of the interests of minors whenever new laws are discussed in Parliament. Control of compliance with the labor code is enforced by trade unions; however, given its budget constraints and lack of resources, the Government was unable to enforce the child labor laws adequately. Although those employers caught violating the Labor Code may be charged with disciplinary, financial, administrative, or criminal penalties, the punishment is usually minimal.

The law prohibits forced and bonded labor by children; however, girls were trafficked for the purpose of prostitution (see Sections 6.c. and 6.f.) Some tobacco fields are located on school grounds, and schools require children to participate in the harvest. The income earned goes directly to the schools, not to the children.

*e. Acceptable Conditions of Work.*—The Government mandates the national minimum wage and during the year the legal minimum wage was approximately \$2 (100 soms) per month. In practice this wage was insufficient to ensure a decent standard of living for a worker and family. However, industries and employers set the actual minimum-level wages that were paid at \$2.40 (120 som). The Federation of Trade Unions is responsible for enforcing all labor laws, including the law on minimum wages, and minimum wage regulations largely were observed. Although, the enforcement of labor laws was nonexistent in the growing underground economy, and market forces help wages in the unofficial sector keep pace with official wage scales.

The standard workweek is 41 hours, usually within a 5-day week. For state-owned industries, there is a mandated 24-hour rest period in the workweek.

Safety and health conditions in factories were poor. Despite an improvement in economic growth, the previous deterioration in enforcement of existing regulations continued to hamper investment to improve health and safety standards. The State Inspectorate of Labor is responsible for protecting and educating workers as well as informing business owners of their respective rights and responsibilities. The law establishes occupational health and safety standards, as well as enforcement procedures; besides government inspection teams, trade unions are assigned active roles in assuring compliance with these laws, but there is uneven compliance record

among businesses. Workers have the legal right to remove themselves from unsafe working conditions; however, in practice refusal to work in situations with relatively high accident rates or associated chronic health problems could result in loss of employment, although only if informal methods of resolution failed.

*f. Trafficking in Persons.*—The law does not address specifically trafficking in persons and trafficking was a persistent problem. Government officials facilitated, or were complicit in, trafficking.

According to the International Office of Migration (IOM), approximately 4,000 women and 7 boys were trafficked abroad in 1999. No estimates were available for subsequent years; however, the IOM reported that it dealt with several cases of trafficking during the year. The country was primarily a country of origin and transit for trafficked persons, although there have been a few reports of the country being a destination for women trafficked as prostitutes. According to the IOM, the country has become a country of transit for individuals being trafficked mostly from South Asia, China, and Afghanistan to the West. The exact number of those in transit is unknown. The country was a country of origin for trafficked women and girls, largely to Turkey, Germany, and the United Arab Emirates for the purpose of prostitution. The IOM also reported some instances of the trafficking of children for prostitution and labor. A flourishing sex trade draws girls as young as age 10 from destitute mountain villages. According to the IOM, the sex trade involves trafficking abroad. The extent of this problem is unknown. Observers widely believe that some government authorities may facilitate or otherwise be complicit in trafficking activities. The Bishkek Migration Management Center (an independent NGO), and the State Agency of Migration estimated that between 500 and 5000 persons, mostly poor farmers from the south, also may have been trafficked from Kyrgyzstan to Kazakhstan as forced laborers on tobacco plantations. The Kyrgyz press also carried reports of Kyrgyz forced laborers trafficked to the United States.

Groups targeted by traffickers include young under- or unemployed women who are unable to earn a living, particularly ethnic Slavic women under the age of 25. The worsening economic situation, high unemployment levels, particularly in the South, and gender inequality, have made young women and poor workers vulnerable to traffickers who exploit them by offering lucrative jobs abroad. Often women were trafficked through deception, and were lured abroad, at times by means of newspaper advertisements and under the pretext of legitimate employment. For example, women responded to job offers as waitresses, au pairs, or dancers, but found themselves without documents or the money for return tickets, and were forced work for their traffickers. Internet marriage agencies also reportedly recruited young women with false offers of marriage to foreigners. The IOM reports that traffickers are often persons who previously operated local prostitution networks. They use networks of returnees, family members, and friends, to recruit victims. The IOM also indicated that tour agents, restaurants, and nightclubs supplement their legal activities by providing young women to foreign prostitution rings.

Observers widely believe that some government authorities may facilitate or otherwise be complicit in trafficking activities. Eleven law enforcement officers were accused in 1999 and 2000 of preparing fraudulent documentation for trafficked women, and criminal proceedings were instituted against three of the accused officers. The results of the proceedings remained unknown, although there was no evidence that the officers ever were tried. In February the MVD reported that since 1997 a total of 30 officers in passport offices in remote regions were dismissed for providing falsified passports.

There is no law specifically prohibiting trafficking in persons; however, other existing laws can be used to prosecute traffickers for crimes such as kidnaping, exploitation, rape, and deprivation of freedom. The maximum sentence for those prosecuted under these laws is 15 years; however, the very few traffickers that were caught received lenient sentences or fines. During the year, three persons were tried and convicted of trafficking-related crimes and there were four trafficking-related convictions in 2000. However, the Government does not actively investigate specific cases of trafficking. Law enforcement efforts put trafficking under the umbrella of "contraband" or organized criminal groups, and do not target trafficking specifically. A lack of coordination between government agencies involved in migration issues, the obscure wording of laws regarding trafficking problems, and corruption contributed to the problem.

The government agencies involved in antitrafficking efforts are the Ministry of Foreign Affairs, the Ministry of Interior, the National Security Service, the Ministry of Health, the State Procurator's Department, the State Agency of Migration and the State Committee for Tourism, Sport and Youth policy. The Government created an inter-Ministerial Council after the release of the IOM report in February to develop a plan of action to combat trafficking. The Council recommended that the Gov-

ernment cooperate with other governmental ministries and departments as well as with international organizations, NGO's, and Interpol. Local NGO's have stated that the Government does not cooperate with these groups to help assist victims although, according to SEZIM, the General Procurator's Office has cooperated in the past with SEZIM and has indicated a desire to increase cooperation. However, many observers stated that there appeared to be an overall lack of understanding of trafficking problems in the Government and inadequate training of law enforcement officers in identifying and fighting trafficking. The Ministry of Interior had planned to establish a special police unit to combat trafficking; however, it was unable to do so due to lack of funding.

NGO's reported that the Government deports foreign victims of trafficking. According to an NGO, TAIS-Plus, three Uzbek women who had been sex workers were deported to Uzbekistan in February. Many of those who transit are abandoned by the traffickers and live in hiding out of fear of being discovered by the authorities. According to both the OSCE and the IOM, many of those who have returned from commercial work overseas have stated that they were forced to pay bribes to corrupt Kyrgyz law enforcement officials to avoid imprisonment. According to local NGO's the Government does not assist victims of trafficking with any special services and according to the UMUP and TAIS-Plus organizations, the Government does not provide funding to foreign or domestic NGO's for services to victims.

International NGO's that are involved in trafficking issues include the IOM and OSCE. The IOM has conducted a series of workshops for law enforcement officers and plans to operate a telephone hotline in Bishkek for victims of trafficking. TAIS-Plus is a local NGO that offers assistance (both medical and psychological) to women (including prostitutes) as well as instructs former prostitutes on their legal rights and conducts prevention projects for sexually transmitted diseases, HIV and AIDS. The NGO Sotsium provides rehabilitation programs to help individuals (including prostitutes) reintegrate back into society. It provides both legal and medical assistance and conducts support groups and consultations. SEZIM is another organization that provides rehabilitation services to victims of violence and serves as a crisis resolution center. It provides legal, social, and economic assistance to victims. The NGO, UMUT, provides temporary shelter and assistance (both medical and legal) to women who are at risk. Several media articles have raised public awareness of the problem. The Ministry of Interior had planned to establish a special police unit to combat trafficking but was unable to do so due to lack of funding.

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## LATVIA

Latvia is a parliamentary democracy. The Prime Minister, as chief executive, and the Cabinet are responsible for government operations. The President, as Head of State, is elected by the Parliament. The Parliament elected Vaira Vike-Freiberga to a 4-year term in June 1999. The October 1998 elections for the 100-seat Parliament and the national referendum to amend the Citizenship Law to meet European standards were free and fair. The Government generally respects the constitutional provision for an independent judiciary in practice; however, the judiciary is not well trained, efficient, or free from corruption.

The security apparatus consists of the national police and other services—such as the Special Immigration Police and the Border Guards—who are subordinate to the Ministry of Interior, municipal police who are under local government control, the military Counterintelligence Service and a protective service which are under the Ministry of Defense, and the National Guard—an element of the national armed forces—which also assists in police activities. Civilian authorities generally maintain effective control of the security forces. The Constitution Protection Bureau is responsible for coordinating intelligence activities. Members of the security forces, including police and other Interior Ministry personnel, committed human rights abuses.

The country has a population of approximately 2.5 million. Privatization essentially is complete, although some large utility companies remain in state hands including the national electric company, railroads, and shipping. The currency remained stable and was traded freely; unemployment was 7.7 percent, and annual inflation was 3 percent. Per capita gross domestic product was approximately \$3,013.

The Government generally respected the human rights of its citizens and the large resident noncitizen community; however, problems remained in certain areas. Members of the security forces, including the police and other Interior Ministry personnel, sometimes used excessive force and mistreated persons. In most instances,

the Government took disciplinary measures against those responsible. Prison conditions remained poor. Lengthy pretrial detention was a problem. The inefficient judiciary did not always ensure the fair administration of justice. Violence against women, including domestic violence, was a problem, and women were discriminated against in the workplace. There were some reports of discrimination on the basis of ethnicity. Child prostitution and abuse were problems. Trafficking in women and girls for the purpose of prostitution 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 committed by the Government or its agents.

On April 26, a conscript in the Army's Special Operations Unit died as a result of hazing by other conscripts. On May 11, the Prosecutor's Office charged 12 soldiers with hazing a total of 28 victims. The unit's commander subsequently was discharged; the cases were ongoing at year's end. In May the Ministry of Defense initiated a program to eliminate hazing. The Ministry also accelerated the establishment of a military ombudsman program to review conscript complaints.

*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 members of the security forces used excessive force and mistreated persons. In November the Council of Europe (COE) issued a report of its visit to detention facilities in 1999. According to the COE report, three cases of severe abuse occurred. All involved local police officials. The Government denied strongly the COE's allegations.

The Government has taken action against those responsible for the abuse of prisoners. In February 2000, the Prosecutor's office announced that it had initiated disciplinary cases against 30 law enforcement personnel for various violations and that 12 had been punished, including 2 who were dismissed and 2 who were demoted.

In conjunction with the Soros Foundation and the National Human Rights Office (NHRO), the Ministry of Interior continued its programs for educating police officers about human rights concerns. These programs form part of the basic curriculum for all police officers. In addition a continuing education program required for midlevel officers focuses on the use of force, firearms, and dealing with victims. The SOROS program emphasizes a "train the trainers" approach and has trained seven teaching staff. SOROS provided funding during the year to introduce a module on community policing. In 1999 a local nongovernmental organization (NGO) established a free legal advisory service for prisoners and others who believe that they were victims of police abuse (see Section 4).

Prison conditions remained poor, although some progress was made in renovating old and unsafe prison facilities, and the outdated Doebele Detention Facility was closed in March. Overcrowding remained a problem, particularly in those facilities that house prisoners awaiting trial, which were at 110 percent of capacity. In May the Government enacted "temporary regulations" designed to ease the conditions for those held in such detention facilities, including restrictions on the number of occupants per cell and the continuation of the physical rehabilitation of older prisons. According to government figures, regular prisons were filled to 85 percent of overall capacity. Despite efforts by the Central Prison Administration, inadequate sanitation facilities, a persistent shortage of medical care, and insufficient lighting and ventilation were common problems; all stem from a lack of resources. Prisoners launched a series of hunger strikes in April and May to protest new regulations prohibiting the delivery of outside foods parcels to both detainees and prisoners in remand facilities. These strikes ended peacefully on May 31. The NHRO records and investigates complaints of violations of the right to humane treatment and respect of dignity. During the year, 33 prisoners filed complaints against the police. The Government, as well as human rights groups, remained concerned regarding the high number of drug-resistant tuberculosis cases (there were 37 drug-resistant tuberculosis cases in the Riga Central Prison Hospital at year's end), and the Government has received assistance from several foreign organizations to address this problem. Although the number of cases continued to decrease, the Riga Central Prison Hospital remained overcrowded at more than 150 percent of capacity.

Despite its stated intentions, the Government moved very slowly with its efforts to improve the criminal code and provide additional resources to the prison system. The situation of juveniles being held for lengthy periods of pretrial detention was a problem (see Section 1.d.). In April the President visited the Brasas Detention Facility and publicly criticized the conditions under which the juveniles were being incarcerated and the length of their pretrial confinement. Juveniles are held sepa-

rately from adults. Overall 40 percent of all prisoners in the country were awaiting trial at year's end (see Section 1.d.). Unlike convicted criminals, persons in pretrial detention are not allowed to work or go to school, have limited contact with outside NGO's or family, and suffer from considerably worse living conditions than prisoners in general. Pretrial detainees are held separately from convicted criminals, and female prisoners are held separately from male prisoners.

The Government permits independent human rights monitors to visit prisons. Domestic groups, such as the Latvian Center for Human Rights and Ethnic Studies, closely monitored prison conditions during the year.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest and detention; however, at times the Government did not respect these prohibitions in practice. The law requires the Prosecutor's Office to make a formal decision whether to charge or release a detainee within 72 hours after arrest. Charges must be filed within 10 days of arrest. The courts have responsibility for issuing arrest warrants. Detainees have the right to have an attorney present at any time. These rights are subject to judicial review but only at the time of trial. According to credible reports, these rights are not always respected in practice, especially outside of Riga.

According to Ministry of Interior personnel, detainees awaiting trial spend an average of 2 years in prison, but in practice pretrial detention can last much longer. More than 40 percent of all inmates are in pretrial detention. By year's end, 62 percent of all juveniles in custody were awaiting trial (down from 70 percent last year). According to a human rights NGO, of the 192 minors held in pretrial detention in Brasas, 36 had been held for less than 6 months, 68 from 6 months to 1 year, 57 from 1 to 2 years, and 31 for more than 2 years. During 2000 94 prisoners filed complaints concerning their right to a fair and timely trial (see Section 1.e.).

The law prohibits forced exile, and there were no reports that the Government employed 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 courts must rely on the Ministry of Justice for administrative support, and the judiciary is poorly trained, inefficient, and corrupt.

The judicial structure is composed of district (city) courts, regional courts, which hear appeals from district courts, the Supreme Court, which is the highest appeals court, and the Constitutional Court. The Constitutional Court is a seven-judge panel that is authorized to hear cases regarding constitutional issues at the request of state institutions or individuals who believe that their constitutional rights were violated. For more serious criminal cases, two lay assessors join the professional judge on the bench at the district and regional levels.

The Government continued to reform the judicial system; however, corruption in the judicial system reportedly is widespread. In 1997 the judges appointed to preside over the trial of the president of the collapsed Bank Baltija, Aleksander Lavent, resigned from the case, citing alleged political pressure from the Government. The trial of Lavent and his alleged accomplices resumed briefly in 1999 and again in 2000, but was suspended due to the defendant's illness. In July 2000, Lavent filed a complaint with the European Court of Human Rights accusing the Latvian courts of violating his right to a fair and speedy trial. In October 2000, Lavent led a hunger strike with several other prisoners to protest lengthy pretrial detention. Further attempts to proceed with Lavent's case were unsuccessful due to his continuing claims of illness. The European Court of Human Rights did not hear the case by year's end.

Most judges have inadequate judicial training, and the court system is too weak to enforce many of its decisions. A major difficulty in enforcing court decisions is the continuing lack of an effective bailiff or sheriff system. The law allows for more alternative punishments, including community service; however, alternative punishments rarely are used by the courts.

Lengthy pretrial detention is a problem (see Section 1.d.). The NHRO reviewed 102 cases during the year regarding prisoner's rights; the majority concerned their right to a fair and timely trial. By year's end, a domestic human rights NGO recorded four complaints regarding the right to a fair and public trial within a reasonable time. An aging and time consuming judicial process, the lack of plea-bargaining, and a shortage of judges have overloaded the courts to the point where the average case takes 2 years to reach judicial review.

Court decisions are not published systematically, nor is there a centralized index for those that are published. Trials may be closed if state secrets might be revealed or to protect the interests of minors. All defendants have the right to hire an attorney, and the State will lend funds to indigent defendants for this purpose. Defendants have the right to read all charges, confront all witnesses, and may call wit-

nesses and offer evidence to support their case. They also may make multiple appeals.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions, and the Government generally respects these prohibitions in practice. The law requires that law enforcement authorities have a judicial warrant in order to intercept citizens' mail, telephone calls, or other forms of communication. The laws protecting privacy apply to citizens and noncitizens equally. There were no credible reports of the unsanctioned wiretapping of 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 respects these rights in practice. The Press Law prohibits censorship of the press or other mass media; however, the Law on the Media contains a number of restrictive provisions regulating the content and language of broadcasts. At least 51 percent of television broadcasts must be of European origin of which 40 percent should be in the Latvian language; however, these provisions are not always implemented. In addition foreign investment may not exceed 20 percent of the capital in electronic media organizations.

Both Latvian and Russian language newspapers publish a wide range of political criticism and viewpoints. Most newspapers and magazines are owned privately. A large number of independent television and radio outlets broadcast in both Russian and Latvian, and the number of persons receiving satellite television broadcasts continued to increase.

The Government generally does not restrict access to the Internet.

The Government generally respects academic freedom.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly, and the authorities may not prohibit public gatherings; however, organizers of demonstrations must provide advance notice to local authorities, who may change the time and place of public gatherings for such reasons as fear of public disorder. The law also requires protesters to remain specified distances from foreign diplomatic missions, the Parliament, the Prosecutor's Office, and certain other public institutions. Independent human rights organizations argue that the law's provisions are contradictory and confusing. Nevertheless, numerous demonstrations took place peacefully and without government interference during the year.

The Constitution provides for freedom of association, and the Government generally respects this right in practice; however, the Law on Registering Public Organizations bars the registration of Communist, Nazi, or other organizations whose activities would contravene the Constitution. Noncitizens can join and form political parties, but there must be at least 200 citizens in the party, and at least half of the total membership must be citizens (see Section 3). More than 40 political parties are registered officially.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, bureaucratic problems for minority religions persisted. There is no state religion; however, the Government distinguishes between "traditional" (Lutheran, Roman Catholic, Orthodox, Old Believers, Baptist, and Jewish) and "new" religions.

Although the Government does not require the registration of religious groups, the law accords religious organizations certain rights and privileges when they register, such as status as a separate legal entity for owning property or for other financial transactions, as well as tax benefits for donors. Registration also eases the rule for public gatherings. By law any 10 citizens or permanent residents over the age of 18 may apply to register a church. Congregations functioning in the country for the first time that do not belong to a church association already registered must reregister each year for 10 years. Ten or more congregations of the same denomination having permanent registration status may form a religious association. Only churches with religious association status may establish theological schools or monasteries. A decision to register a church is made by the Minister of Justice.

According to Ministry of Justice officials, most registration applications are approved eventually once proper documents are submitted; however, the law does not permit simultaneous registration of more than one religious union (church) in a single confession and the Government has denied applications on this basis. The Ministry has registered over 1,000 congregations; however, because of this provision, the Government cannot register any splinter groups, including an independent Jewish congregation, the Latvian Free Orthodox Church, and a separate Old Believers group.

Visa regulations require that religious workers present either an ordination certificate or evidence of religious education that corresponds to a Latvian bachelor's degree in theology. The visa application process still is cumbersome; however, difficulties in this area diminished, and Citizenship and Migration Department officials have worked to ease the situation. The Government has cooperated to resolve several difficult visa cases in favor of missionary workers.

Foreign evangelists and missionaries are permitted to hold meetings and to proselytize, but the law stipulates that only domestic religious organizations may invite them to conduct such activities. Foreign religious denominations have criticized this provision.

The law provides that religion may be taught to students in public schools on a voluntary basis only by representatives of the Evangelical Lutheran, Roman Catholic, Orthodox, Old Believers, Baptist, and Jewish religions. The State provides funds for this education. Students at state-supported national minority schools also may receive education on the religion "characteristic of the national minority" on a voluntary basis. Other denominations may provide religious education in private schools only.

Property restitution has been substantially completed. The status of the remaining properties is unclear and is the subject of complicated legal and internal bureaucratic strife.

Citizens' passports indicate the ethnicity of the bearer. Jews are considered an ethnic group and are listed as such rather than as Latvian, Russian, or other.

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

The law stipulates that registered permanent resident noncitizens enjoy the right to establish and change residences, travel abroad, and return to the country; however, certain rights are denied to noncitizen residents (see Section 3). They are prohibited from working as armed guards or criminal trial attorneys. Noncitizens may own land only under complex procedures but may not purchase land in the border zones. The law also provides for the issuance of a noncitizen travel document that certifies these rights. The Government has readmitted noncitizens who claimed refugee status in a foreign country or who voluntarily abandoned their permanent residence and then decided to return to the country to live and work. Noncitizens who left the country as refugees during the Soviet era have no difficulty returning on foreign refugee travel documents for business reasons or for family visits. The Government also extends protections to noncitizen residents who travel abroad.

The law provides for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. Special immigration police and border guard units help prescreen asylum requests. Decisions of the Citizens and Migration Affairs Office may be appealed to the Asylum Appeals Board in the Ministry of Justice. The issue of provision of first asylum did not arise during the year. According to statistics provided by the immigration police, 655 aliens were detained for questioning during the year. Of those 148 were deported, and 131 departed voluntarily. The Government has approached Russia and Belarus about concluding refugee readmission agreements, the lack of which poses a major barrier to effective control of the eastern border. However, by year's end, these agreements had not yet been concluded.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Free and fair elections for Parliament were held in 1998; candidates from 6 of the 21 participating parties, representing a broad political spectrum, won seats in Parliament, and 72 percent of eligible voters participated. In June 1999, the Parliament elected the President.

The election law prohibits persons who remained active in the Communist Party or various other pro-Soviet organizations after January 13, 1991, or who worked for such institutions as the former Soviet Committee for State Security, from seeking elected office. Noncitizens, most of whom are ethnic Russians, are not allowed to vote; however, many ethnic Russians are Latvian citizens and can vote (see Section 5). Noncitizens can join and form political parties, but there must be at least 200 citizens in the party and at least half of the total membership must be citizens (see Section 2.b.).

In December 1999, the Supreme Court upheld a regional court decision that Tatyana Zhdanok, an extreme Russian nationalist of the Equal Rights Movement and a Riga city council deputy, was not eligible to run for public office due to her pro-Soviet activities after January 13, 1991. In June 2000, after the Riga City Council formally annulled her election, Zhdanok sued the Government for \$50,000 in the European Court for Civil Rights. The case had not been heard by year's end.

The percentages of women or minorities in government and politics does not correspond to their percentages in the population. There are 20 women in the 100-member Parliament. Two women are in the 15-member Cabinet of Ministers. For the first time, the President of the country is a woman. There are no ethnic restrictions on eligibility to hold political office. Nonethnic Latvians, including ethnic Russians and the first Roma deputy in the Parliament, serve in various elected bodies.

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

There are a growing number of domestic and international NGO's devoted to research and advocacy on human rights issues, including prison conditions and women's and children's rights, which generally operate without government restriction. Several organizations deal with issues of concern to local noncitizens and other non-ethnic Latvians and present such concerns to the courts and the press. The Government engages in dialog with NGO's working on human rights issues and is generally responsive to their views. A number of NGO's provide assistance to those who wish to complain about police abuse or abuse in prisons (see Section 1.c.).

The NHRO is an independent governmental institution with a mandate to promote human rights, provide information on human rights, investigate individual complaints, and initiate its own investigations into alleged violations. The office acts as a general ombudsman on social issues and handles a variety of individual complaints, primarily concerning problems with receiving social benefits.

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

According to the Constitution, all citizens are equal under the law. Amendments to the Constitution passed by Parliament in 1998 provide for the protection from discrimination due to race, sex, religion, language, or disability; however, discrimination against women in the workplace is a problem.

*Women.*—Although no overall statistics are available, observers report that domestic violence against women, often connected with alcohol abuse, is significant and underreported. Police do not compile figures for domestic violence as a distinct category. Instead, episodes are placed under more general categories such as assault or battery. During the year, 112 rape cases were reported. Women who are victims of abuse often are uninformed about their rights and are reluctant to seek redress through the justice system. Human rights groups assert that the legal system, including the courts, tends to downplay the seriousness of domestic violence and that the police are reluctant at times to make arrests in such cases.

There are no shelters designed specifically for battered or abused women. There is one shelter in Riga where homeless women with children may reside for up to 2 months. There are no specific rape or assault hot lines; however, two crisis hot lines are managed by NGO's.

Prostitution is widespread and often is linked to organized crime. The Government has estimated that 3,000 persons work as prostitutes. Prostitution is legal; however, procuring is not, but the NHRO reports that adult prostitutes have no legal protections. There are no state institutions to assist prostitutes; however, the private Latvian Center for Gender Problems provides medical help and social support for prostitutes. Trafficking in women for prostitution is a problem (see Section 6.f.).

Sexual harassment of women in the workplace, although illegal, reportedly is common. Cultural factors tend to discourage women from coming forth publicly with complaints of abuse.

Women possess the same legal rights as men. The Labor Code bans employment discrimination; however, in practice women frequently face hiring and pay discrimination, especially in the emerging private sector. The Labor Code also prohibits women from performing "hard jobs or jobs having unhealthy conditions," which are specified in a list agreed upon by the Cabinet and labor unions. According to the Central Statistics Bureau, the number of women in the lower income brackets exceeds the number of men by 75 percent, while men outnumber women two to one in upper income levels. The Ministry of Welfare has established a one-person office to deal with gender problems.

In June Parliament adopted a new labor law that is scheduled to take effect in 2002. The new legislation prohibits work and pay discrimination based on gender and requires employers to set equal pay for equal work. The new law also defines workplace gender-based discrimination.

Women's advocacy groups are growing in size and number. They are involved in finding employment for women, lobbying for increased social benefits, and assisting victims of domestic abuse.

*Children.*—The law on the rights of the child and constitutional provisions on children provide for various protections, including health care and legal protections against physical abuse; however, these provisions are not enforced fully in practice. Schooling is mandatory through the 9th grade, between the ages of 7 and 16, and free through the 12th grade, or age 18. Despite the existence of laws on mandatory education, truancy is widespread and growing. There is a national Center for the Protection of the Rights of the Child. A few children's advocacy groups are active, particularly in lobbying for legislation to protect children's rights and for increased welfare payments for children.

Law enforcement authorities have won court suits to remove children from abusive parents and secured convictions in child molestation cases; however, evidence suggests that abandonment and child abuse, including sexual abuse, are relatively widespread, as is child prostitution. An estimated 12 to 15 percent of prostitutes are between the ages of 8 and 18. Although in theory the Constitution and the law protect children, these rights are enforced only sporadically in the case of child prostitutes. Trafficking in young girls for prostitution abroad is increasing (see Sections 6.c. and 6.f.).

On April 4, the Dardedze Center Against Abuse, a government-supported organization, was opened in Riga. The center offers multidisciplinary treatment and rehabilitation to victims of child abuse and their families. The center also has a forensic interview room where victims can be interviewed in a secure environment and their testimony directly transmitted to a courtroom.

*Persons with Disabilities.*—The Constitution provides for the protection of persons with disabilities against discrimination; the law provides for their right of access to public facilities. Provisions in the Labor Law and other laws aim to protect persons with disabilities from bias in the workplace and from job discrimination. There is no governmental or societal bias against persons with disabilities. In 1998 the Cabinet adopted a framework document entitled "Equal Opportunity for Everyone," which was designed to coordinate the efforts of all branches of Government in assisting persons with disabilities; however, lack of funding has limited its effectiveness. The Government supports special schools for persons with disabilities.

The law requires buildings to be accessible to wheelchairs; however, the Government does not enforce the law uniformly and most buildings are not wheelchair accessible. However, some larger cities, including Riga and Ventspils, have undertaken an extensive wheelchair ramp building program at intersections.

*Religious Minorities.*—Relations between the various religious communities were generally amicable. Ecumenism still is a new concept in the country, and traditional religions have adopted a distinctly reserved attitude towards the concept. Although government officials encouraged a broader understanding of and acceptance of newer religions, suspicions remained towards newer nontraditional faiths.

*National/Racial/Ethnic Minorities.*—Approximately 1 million persons are of non-Latvian ethnicity, including more than 700,000 ethnic Russians, 100,000 ethnic Belarussians, almost 64,000 ethnic Ukrainians, and more than 60,000 ethnic Poles. More than 74 percent of the country's inhabitants are citizens, including nearly 400,000 persons who belong to national or ethnic minorities. There are approximately 583,000 resident noncitizens, of whom an estimated 68 percent are Russian; 12 percent, Belarussian; 9 percent, Ukrainian; and smaller percentages of Poles, Lithuanians, Jews, Roma, Germans, Tatars, Estonians, and Armenians. Owing to the Russification policy pursued during the Soviet era, ethnic Latvians constitute only 56 percent of the population, and 78 percent of citizens. Ethnic Latvians constitute less than 40 percent of the population in three of the country's seven cities, including the capital city of Riga.

Ethnicity is identified in the passport of citizens but not in the passports of non-citizen residents. Groups such as Roma and Belarussians have complained that, because the passport is a basic form of identification, they are subject to various forms of discrimination based on ethnicity, because of this requirement.

A small right-wing publisher, Aivars Garda, attempted to foment animosity towards the Russian-speaking minority through a series of antiethnic Russian publicity stunts. In each instance, the President and Prime Minister denounced his actions.

Following the restoration of independence in 1991, citizenship was accorded immediately only to those persons who were citizens of the independent Latvian Republic in 1940 and their direct descendants. After independence the status of approximately 670,000 persons, mostly ethnic Russians, changed from citizens of the Soviet Union to noncitizen residents in Latvia. Since 1995 about 46,700 persons have become citizens, 14,000 were naturalized in 2000; and an additional 9,000 were naturalized during the year. To facilitate the naturalization process, the Government reduced significantly the naturalization fee and accepts high school level language certificates as sufficient for naturalization purposes. In November, in order to increase the rate of naturalization, the Latvian Naturalization Board also implemented an advertising campaign in cooperation with the Organization for Security and Cooperation in Europe (OSCE), the U.N. Development Program, and other international donors.

The Citizenship Law includes a Latvian language and residence requirement for those seeking to naturalize, as well as restrictions on the naturalization of former Soviet intelligence and military personnel. The law also requires applicants for citizenship to renounce previous non-Latvian citizenship, to have knowledge of the Constitution and Latvian history, and to pledge allegiance to the country. According to Naturalization Board figures, nearly 95 percent of applicants pass the citizenship tests on the first attempt. Children of noncitizens born after August 1992 are entitled to citizenship upon application. International observers, including the resident OSCE mission, have credited the Government with establishing a competent and professional Naturalization Board with offices throughout the country to implement the law and generally applying the law fairly. However, international experts, government officials, and domestic human rights monitors have agreed that the country must continue to place high priority on and devote sufficient resources to implementing the citizenship law in a fair and impartial manner, as well as seek ways to expedite naturalization and promote social integration.

In December 1999, the Parliament passed a revision of the Language Law, which went into effect on September 1, 2000. The Language Law regulates the uses of language that affect public safety, health care, protection of the consumer, and labor rights. The law requires that documents submitted to the Government be translated into Latvian, except in cases of emergency, including company reports and records. If a public event is coorganized by the State, one of the working languages must be Latvian. Labels and user instructions for goods sold must be in Latvian, although other languages can be present as well. However, the implementation of this law remains a matter of public debate and continued international attention.

The Government financially supports education in both Latvian and Russian, as well as in eight other minority languages. However, under the revised Education Law, the Government continued to implement a bilingual education program at the elementary school level. The goal of this program is to facilitate the eventual transition to Latvian-language secondary schools by 2004. Although all non-Latvian-speaking students in public schools are supposed to learn Latvian and to study a minimum number of subjects in Latvian, there is a shortage of qualified teachers. State-funded university education is in Latvian, and incoming students whose native language is not Latvian must pass a language entrance examination. However, several private institutions offer higher education in Russian.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law stipulates that workers, except for the uniformed military, have the right to form and join labor unions of their own choosing, and the Government generally respects this right in practice; however, the Government's ability to protect the right to organize in the private sector is weak. Union membership is approximately 240,000 out of a workforce of 800,000. Free elections for union leadership are held every 4 years.

The law does not limit the right to strike, but there were no major strikes during the year. The law bans the dismissal of employees who have invoked the right to strike. No cases of such dismissals were reported.

Unions are free to affiliate in confederations, and there is one such confederation in the country. Unions also are free to affiliate internationally and have established contacts with European labor unions and international labor union organizations.

*b. The Right to Organize and Bargain Collectively.*—Labor unions have the right to bargain collectively and are generally free of government interference in their negotiations with employers. Collective bargaining agreements are common, and are negotiated by industry or company. The law prohibits discrimination against union members and organizers. While not widespread, discrimination occurs within individual companies.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor; however, trafficking in women for prostitution is a problem (see Section 6.f.). Inspectors from the Ministry of Welfare's State Labor Inspection Board or Inspectorate are responsible for enforcing the law.

The law prohibits forced and bonded labor by children; however, trafficking in young girls for prostitution is a problem (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The statutory minimum age for employment of children is 15 years, although children between the ages of 13 and 15 years may work in certain jobs outside of school hours. The law restricts employment of those under the age of 18; for example, by banning night shift or overtime work. State authorities are lax in their enforcement of child labor laws.

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

The law prohibits forced and bonded child labor; however, trafficking in young girls for prostitution is a problem (see Section 6.f.).

*e. Acceptable Conditions of Work.*—The monthly legally mandated minimum wage is approximately \$98 (60 lats), far below the amount that trade union officials describe as the bare minimum necessary for survival; it does not provide a decent standard of living for a worker and family. The actual average monthly minimum wage (the calculation of which includes wages of part-time employees and agricultural workers) is \$260 (164 lats).

The Labor Code provides for a mandatory 40-hour maximum workweek with at least one 42-hour rest period weekly, 4 weeks of annual vacation, and a program of assistance to working mothers with small children. The laws establish minimum occupational health and safety standards for the workplace; however, these standards frequently are ignored. Workers have the legal right to remove themselves from hazardous work situations without endangering their continued employment; however, these standards also frequently are ignored in practice.

*f. Trafficking in Persons.*—There is no law that specifically prohibits all forms of trafficking, although in May 2000, the Criminal Code was revised to make it illegal to send forcibly a person to a foreign country for the purpose of sexual exploitation. Trafficking in women for the purpose of prostitution was a problem.

Latvia is primarily a country of origin and transit for trafficked victims rather than a destination, although no exact statistics are available. The main countries of destination are Germany, Switzerland, Denmark, Spain, Greece, Italy, and the United Kingdom, and to a lesser extent Cyprus and Israel. Statistics released by European police services indicate that the number of Latvian women involved as victims of trafficking increased. In 2000 273 women (not all necessarily involved in trafficking) were deported back to the country. According to authorities in Germany, Switzerland, Sweden, and Denmark, Latvian women make up a disproportionately high number of the women engaged in prostitution in those countries as well as a high number of trafficked women in those countries in general. There is evidence that trafficking in women (including minors) for prostitution abroad is increasing. Traffickers, primarily organized criminal groups, usually lure victims through offers of false employment in European countries. A large number of victims are drawn from the economically depressed areas of eastern Latvia. Other victims are recruited through job advertisements, modeling agencies, travel agencies, and nightclubs.

During the year, there were 11 criminal cases for trafficking, involving 18 suspects, and these cases were under investigation at year's end. There were no prosecutions of traffickers by year's end.

Over the last 2 years, the Government allocated more resources towards combating trafficking in persons. There is a high-level working group on trafficking, and the Ministry of Interior, which includes the State Police and the Citizenship and Migration Department, is the principal government ministry involved in the trafficking problem. Also participating in the working group are representatives from the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Welfare, and the National Center for the Protection of the Rights of the Child. The Government has allocated funds to increase the number of police officers tasked with fighting prostitution and trafficking. However, there is concern among NGO's that the Government has not developed a strategy for focusing on the problem.

There are virtually no trafficking victims assistance programs in the country. Upon returning to the country, victims of trafficking are not singled out for governmental or societal abuse or mistreatment, and they can return home. Genders is the primary NGO involved in working with prostitutes, and two NGO's have begun operations to educate adolescents regarding trafficking issues. On December 10, the Council for Latvian Youth (a Latvian NGO) and the International Organization for

Adolescents held a seminar in the town of Dubulti to inform other youth-oriented NGO's about trafficking.

## LIECHTENSTEIN

The Principality of Liechtenstein is a constitutional monarchy and a parliamentary democracy. The reigning Prince is the head of state; all legislation enacted by the popularly elected Parliament (Landtag) must have his concurrence. The Parliament elects and the Prince appoints the members of the Government and of the independent judiciary.

The Interior Ministry effectively oversees the regular and auxiliary police forces, which are responsible for internal and external security. There is no standing military force.

Liechtenstein has a prosperous, highly industrialized, free-enterprise economy with a vital service sector. It participates in a customs union with Switzerland and uses the Swiss franc as its national currency. As a member of the European Economic Area (EEA), its 32,863 citizens enjoy a very high standard of living. The gross domestic product in 1998 was approximately \$730 million (1.2 billion Swiss francs), which provides citizens with a high standard of living. Unemployment remained low, around 1.1 percent, during the year.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. There were instances of violence against women. The Government continued to work to eliminate societal discrimination against women.

### RESPECT FOR HUMAN RIGHTS

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

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

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

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

Prison conditions generally meet international standards. Men and women are held separately. Facilities are available to house juveniles separately from adults in a pretrial detention facility, but there were no cases of juvenile imprisonment during the year. If a juvenile were to be convicted of a crime requiring imprisonment, the juvenile also could be transferred to a juvenile facility in Austria. Pretrial detainees are held separately from convicted criminals.

The Government permits visits by independent human rights monitors. A Council of Europe group visits the prison every 2 years; the last visit occurred in 2000.

*d. Arbitrary Arrest, Detention, or Exile.*—The law prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions. Within 24 hours of arrest, the police must bring suspects before an examining magistrate, who must either file formal charges or order release. The law grants suspects the right to legal counsel of their own choosing; counsel is provided at government expense to indigents. Release on personal recognizance or bail is granted unless the examining magistrate has reason to believe that the suspects are a danger to society or will not appear for trial.

Neither the law nor the Constitution prohibits forced exile, but the Government does not use it.

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

The judicial system has three tiers: Lower court; high court; and Supreme Court. The court of first instance is the National Court. In addition an Administrative Court hears appeals against government decisions. The State Court protects the rights accorded by the Constitution, decides conflicts of jurisdiction between the law courts and the administrative authorities, and acts as a disciplinary court for members of the Government.

The Constitution provides for the right to a fair public trial, and an independent judiciary generally enforces this right. Citizens have the right to appeal, ultimately to the Highest Court (Oberste Gericht). Trials involving minor offenses are heard by a single judge, more serious or complex cases by a panel of judges, and the most serious cases (including murder) by a public jury.

The Constitution authorizes the Prince to alter criminal sentences or pardon offenders. However, if the offender is a member of the Government and is sentenced for a crime in connection with official duties, the Prince may take such action only if the Parliament requests it.

There were no reports of political prisoners.

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

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice. An independent press, an effective judiciary, and a democratic political system combine to ensure freedom of speech and of the press. A law to maintain and promote diversity in the media took effect in 2000; the Parliament appointed an independent media commission to decide how to distribute approximately \$600,000 (1 million Swiss francs) in government subsidies to the media.

Two daily newspapers are published, each representing the interests of one of the two major political parties, as is one weekly newsmagazine. One state and one private television station broadcast, along with a private radio station, and residents receive radio and television broadcasts from neighboring countries. An information bulletin also is issued by the third party (Freie Liste) represented in Parliament. There are no restrictions on access to the Internet.

Academic freedom is respected.

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

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respects this right in practice.) The Constitution establishes the Roman Catholic Church as the official state church of the country, and its finances are integrated directly into the budgets of the national and local governments. However, the relationship between the State and the Roman Catholic Church was being redefined. As an interim solution, the State's financial contributions for 1999, 2000, and during the year were paid into a special account. When a new agreement is reached, the agreed upon amount is to be released to the Catholic Church. The Government gives money not only to the Catholic Church but also to other denominations. The budget is allocated proportionately according to membership numbers. All religious groups enjoy tax-exempt status.

Roman Catholic or Protestant religious education is compulsory in all schools, but the authorities routinely grant exemptions for children whose parents request them.

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

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government provides first asylum; however, the country's lack of an airport or international train station means that it receives few requests. Although the number of asylum requests increased in 1999 and 2000 following passage of the 1998 asylum law, asylum requests during the year dropped to 199.

The Government signed a trilateral readmission agreement with Switzerland and Austria that came into effect on January 1: Persons who enter from Austria or Switzerland without permission are returned to the respective Swiss or Austrian authorities.

By October 2000, 505 of the 748 Kosovars admitted in 1998 and 1999 had left the country voluntarily, 481 of whom agreed to be repatriated before a May 31, 2000, deadline and thus benefited from government financial and material assistance in coordination with Switzerland's refugee repatriation program. Beginning in June 2000, 19 Kosovars were repatriated forcibly, but only 1 was repatriated under police escort. To avoid repatriation, 92 Kosovars disappeared. An additional 36 Kosovars were repatriated during the year. At year's end, 117 Kosovars, whose asylum requests were not approved, remained in the country. Most of those remaining were members of ethnic minorities in their home regions or had health problems.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The country is a constitutional monarchy and a parliamentary democracy. The monarchy is hereditary in the male line. The 25-member unicameral legislature is elected every 4 years. Suffrage is universal for adults over age 18, and balloting is secret. Political parties operate freely. Citizens regularly vote on initiatives and referendums.

On August 15, in his National Day Address, Prince Hans-Adam II announced that after months of intensive negotiations a compromise in the debate on constitutional reform had been reached. On September 13, Prime Minister Otmar Hasler confirmed to Parliament that his Government was drafting a bill for Parliament based on the compromise reached between the Prince and the Citizens' Forum. The draft bill, which would increase the executive powers of the monarch, went before Parliament for a first reading in November. Possible further revisions must be discussed with Prince Hans Adam before the bill moves forward for a second reading in Parliament, which had not happened by year's end. If approved by Parliament, the bill then would be presented to voters in a referendum.

The percentage of women in government and politics does not correspond to their percentage in the population, although a growing number of women are active in politics. One of the 5 members of the Cabinet—the Minister for Education, Transport and Communication, and Justice—is female, and 3 other women were elected to the 25-member Parliament in February. Women serve on the executive committees of the major parties.

The Government has taken several steps to promote greater participation by women in politics. Prior to the February parliamentary elections, the Government ran two billboard campaigns to promote female candidates, one encouraging women to run for office, and another calling on voters to support female candidates. In addition the Government organized a series of workshops for female parliamentary candidates. In 2000 following a 1999 convention of women's organizations and political parties, the Government's Bureau for the Promotion of Equal Rights for Women and Men published an action plan, the implementation of which the bureau later discussed with representatives of Government, the political parties, industry, and the media.

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

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

The sole local human rights organization, *Justitia et Pax*, is an informal group of approximately 10 members who monitor prison conditions and assist foreign workers with immigration matters.

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

The law prohibits discrimination on the basis of race, sex, language, or social status, and the authorities enforce these provisions. The law also prohibits public incitement to violence or public agitation or insult directed against a race, people, ethnic group, or state.

*Women.*—According to the police, there were 11 reported cases of violence against women during the year. The law prohibits all forms of domestic violence, and the Government vigorously enforces the law. In December 2000, Parliament adopted legislation that in cases of domestic violence gives law enforcement agents the right to expel an assailant from the family home and to prohibit the aggressor from reentering the premises. The "Protection from Domestic Violence" law entered into force on February 1. The State may file charges without a complaint from the victim. A women's shelter provided refuge for 23 women and 34 children during the year. The shelter provides refuge for noncitizens as well, and only 6 of the 23 women who used the shelter were citizens. Annual government financing for the shelter was approximately \$150,000 (240,000 Swiss francs). Nongovernmental organizations (NGO's) assume that, as in neighboring countries, trafficking in women occurs; however, no specific cases were documented during the year (see Section 6.f.).

Societal discrimination continued to limit opportunities for women in fields traditionally dominated by men. Men earn more than women, and women generally do not receive equal pay for equal work. In accordance with a 1992 constitutional

amendment mandating equality for women, Parliament amended a significant number of laws to provide for equality of treatment, including the citizenship law, the employment law, the law on labor conditions, the tax law, and the divorce law. In 1999 Parliament passed legislation on equal opportunity for women and men that is designed to eliminate discrimination and sexual harassment in the workplace and create conditions that allow both men and women to combine work and family. In 2000 Parliament adopted legislation on the division of retirement benefit claims in the case of divorce, under which the benefit claims accrued during the time of marriage are split between the parties, whether they worked outside the home or not. The new law entered into force on January 1.

The Government has taken additional steps to end discrimination against women. Every year in the spring, the Government adopts an action plan to promote equal opportunity for both women and men, and each fall the Government's Bureau for the Promotion of Equal Rights for Women and Men publishes a progress report. The 2000 action plan concentrated on the education and training of women and on the reintegration of women into working life. From September to November, the Government's Bureau for the Promotion of Equal Rights for Women and Men coordinated an information campaign on the 1999 Equal Opportunity Law. In addition to billboard advertisements and radio spots, the Government published two brochures on the law, one targeted at companies and another aimed at female employees—the latter was sent to all households. No case of gender discrimination had been brought to court under the 1999 Equal Opportunity Law by year's end.

In 1999 the Government signed the optional protocol to the U.N. Convention on the Elimination of All Discrimination Against Women. It ratified the protocol on October 24, and the protocol was scheduled to take effect in January 2002.

Three women's rights groups were active. Their chief concerns were public affairs, information, legal counseling, lobbying, and other political activities.

*Children.*—The Government is strongly committed to children's rights and welfare; it amply funds a system of public education and health care. The Government provides compulsory, free, and universal primary school education for children of both sexes for 9 years, normally until the age of 16. It provides free health care for children under the age of 16.

The Government supported programs to protect the rights of children and matched contributions made to the four NGO's that monitor children's rights. A children and youth service belonging to the Office for Social Services oversaw the implementation of government-supported programs for children.

In February a revision of the Penal Code entered into force that makes the possession of child pornographic material a statutory offense and extends the statute of limitation for sexual offenses against children. In March a special police unit on computer crime that monitors child pornography on the Internet began operations. One instance of illicit possession of child pornography was under investigation by year's end.

In 2000 the Government established a Commission for the Coordination of Professionals in Cases of Sexual Offenses Against Children. The group consists of experts from different backgrounds and focuses on assisting professionals (counselors, therapists, and physicians) who deal with sexual offenses against children. There is no societal pattern of abuse against children.

*Persons with Disabilities.*—Although the law does not prohibit expressly discrimination against persons with disabilities, complaints of such discrimination may be pursued in the courts. In December 2000, Parliament amended the law to provide for compensatory payments by the Government to companies that employ persons with disabilities. The new law increases opportunities for their integration into the workforce and promotes their right to be self-dependent. Persons with disabilities are not subject to discrimination in the provision of state services; nor is there societal discrimination against them.

The Government requires that buildings and government services be made accessible, and new public buildings generally meet these provisions; however, some older buildings do not yet fulfill these requirements.

*National/Racial/Ethnic Minorities.*—In its 1998 security report, the Government confirmed the existence of a small number of rightwing extremists, consisting of approximately 20 skinheads between the ages of 20 and 30, and approximately 20 followers of a slightly younger age. A 1999 government survey of 700 young persons indicated that approximately 20 percent of youths expressed ambivalence toward or sympathy for extremist views, while 4 percent supported extremist views. According to the survey, incidents of violence increased in 1999. Rightwing extremists were not publicly active during the year. An October 2000 police report concluded that the problem of rightwing extremists had decreased slightly over previous years.

The law makes it a crime to produce or distribute racist propaganda, deny or trivialize genocide and crimes against humanity, engage in racist or religious discrimination, deny services to a particular group, or support racist organizations. Violations are punishable by a maximum 2-year prison sentence.

In 2000 voters approved a referendum that changed naturalization requirements to facilitate the naturalization of long-term residents, but it required that applicants relinquish their citizenship in other countries.

*Section 6. Worker Rights*

*a. The Right of Association.*—The law provides that all workers, including foreigners, are free to associate, join unions of their choice, and select their own union representatives, and workers exercised these rights in practice. Due to the country's small size and population, there is only one trade union, which represents approximately 13 percent of the work force; however, the union protects the interests of nonmembers as well.

Workers have the right to strike except in certain essential services. No strikes were reported during the year. The law does not provide specific protections for strikers. Employers may dismiss employees for refusing to work; such dismissals may be contested in the Federal Court (Landesgericht).

Unions are free to form or join confederations and may affiliate with international bodies. The only union is a member of the World Confederation of Labor but is represented on an ad hoc basis by a Swiss union.

*b. The Right to Organize and Bargain Collectively.*—The law provides for the right of workers to organize and bargain collectively. However, collective bargaining agreements usually are adapted from those negotiated by Swiss employers and unions. In accordance with EEA guidelines, domestic labor law requires that employers consult with unions in cases of projected mass dismissals and submit employment contracts in written form.

The law encourages the formation of unions but does not specifically prohibit antiunion discrimination. Instead it states that antiunion discrimination should be avoided.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, and there were no reports that it occurred. NGO's assume that trafficking in women occurs; however, there were no reports of specific cases (see Section 6.f.).

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

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The law generally prohibits the employment of children under 16 years of age. However, exceptions may be made for the limited employment of youths age 14 and over and for those who leave school after completing 9 years of compulsory education (see Section 5). Children ages 14 and older may be employed in light duties for not more than 9 hours a week during the school year and 15 hours a week at other times.

The Government devoted adequate resources and oversight to child labor policies. The Department for Worker Safety of the Office of the National Economy effectively supervised compliance with the law. Inspections by the Department for Worker Safety were adequate. No employers have been fined or imprisoned for violations of the law.

The Government has not ratified International Labor Organization Convention 182 on the worst forms of child labor.

The Government does not prohibit specifically forced and bonded labor by children, but such practices are not known to occur (see Section 6.c.).

*e. Acceptable Conditions of Work.*—There is no minimum wage. In 2000 a total of 47 households depended on public welfare to obtain a yearly minimal income—set at \$10,700 (17,720 Swiss francs) for a 1-person household—and were considered working poor. A total of 443 households received public assistance in 2000.

The law sets the maximum workweek at 45 hours for white-collar workers and employees of industrial firms and sales personnel, and 48 hours for all other workers. The law provides for mandatory rest periods, and with few exceptions, Sunday work is not allowed. Workers over the age of 20 receive at least 4 weeks of vacation; younger workers receive at least 5 weeks.

The law sets occupational health and safety standards, and the Department for Worker Safety of the Office of the National Economy effectively enforces these provisions. The law provides for a hearing in cases in which workers remove themselves from dangerous situations. The law provides for the right of workers to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment.

*f. Trafficking in Persons.*—The law does not prohibit trafficking in persons; NGO's assume that, as in neighboring countries, trafficking in women occurs, but there were no specific reports of trafficking cases during the year. Seven cases of trafficking in persons (assistance with illegal immigration) were reported in 2000; in most of the cases, the traffickers were relatives of illegal immigrants.

## LITHUANIA

Lithuania is a constitutional parliamentary democracy. The Constitution establishes a 141-member unicameral Parliament; a directly elected president; and a government whose ministers are nominated by the Prime Minister, appointed by the President, and approved by the Parliament. The Government exercises authority with the approval of the Parliament and the President. The Government generally respects the constitutional provisions for an independent judiciary.

A unified national police force under the jurisdiction of the Interior Ministry is responsible for law enforcement. The State Security Department is responsible for internal security and reports to Parliament and the President. The police committed a number of human rights abuses.

The country has a population of 3.491 million. Since its independence in 1990, Lithuania has made steady progress in developing a market economy. The Government continued to move forward with the privatization of large-scale enterprises, such as energy, gas, airline, and railroad companies; most housing and small businesses have been privatized. The largest number of workers (17.7 percent) remained employed in agriculture, but this number has been decreasing gradually. Major exports include mineral products, textiles, machinery, and electronic appliances. Inflation during the year was 2 percent. Per capita gross domestic product (GDP) was \$3,440 (13,773 litas). Real GDP reportedly increased by 5.7 percent. At year's end, unemployment was 12.9 percent (16.5 percent according to a labor market survey conducted in May).

The Government generally respected the human rights of its citizens; however, problems remained in some areas. Police at times beat or otherwise physically mistreated detainees and misused detention laws. The Government made some progress in holding the police accountable for abuses. Prison conditions remained poor, and prolonged pretrial detention remained a problem. There were some restrictions on privacy rights. Violence and discrimination against women and child abuse were serious problems. There were some limits on workers' rights, and there were reports of forced labor. Trafficking in women and girls for the purpose of prostitution 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 committed by the Government or its agents during the year.

The Government continued to support the International Commission to Investigate the Crimes of Nazi and Soviet Occupation Regimes in Lithuania. The commission, which includes historians, human rights representatives, representatives of international Jewish organizations, and lawyers from Lithuania and a number of foreign countries, produced its first reports in the spring. The reports criticized the Ribbentrop-Molotov Pact, named the killers of Soviet prisoners of war during the Nazi occupation, and described the destruction of the independent Lithuanian Army by the Soviets in 1940–41.

In February an appeals court reduced the sentences of two of six persons guilty of complicity in the January 1991 coup attempt, and they were released shortly thereafter. In December the Supreme Court rejected the appeals of all six. The defendants were former leaders and officials of the Lithuanian Communist Party who were convicted of crimes that included premeditated acts of murder and inflicting serious bodily harm.

On September 27, 2000, alleged war criminal Aleksandras Lileikis, the former head of the security police in the Vilnius district under Nazi control, died at age 93 without trial; his trial had been postponed several times due to his poor health. On February 14 a court found Kazys Gimzauskas, Lileikis' deputy, guilty of genocide during the Nazi occupation. The court closed the case but did not sentence Gimzauskas, who was judged to be mentally ill.

In 1999 the Prosecutor General's Office of Special Investigations filed genocide charges against Vincas Valkavickas, who returned to Lithuania in June 1999. In November the office temporarily suspended the case, pending additional information from the Israeli authorities. In 1999 a similar case was initiated against Petras Bernotavicius, a resident of the United States, who returned to Lithuania during the year. Also in 1999, a genocide case was initiated against Antanas Gudelis, an Australian citizen; however, he died in August 2001, and the case was closed in October. Also in 1999, the prosecutor launched an investigation into the role of Kazys Ciurinskas in a separate war-related criminal case but during the year determined that there was not enough evidence to bring charges against him. On March 26, the Justice Ministry asked the United Kingdom to extradite genocide suspect Antanas Gecevicius (Gecas), a resident of Edinburgh. A case against Gecevicius was brought in 1987 by Soviet authorities in Lithuania but was dropped the same year. It was reopened in 2000, when additional evidence came to light about his alleged participation in genocide in Lithuania and Belarus during World War II. Scottish authorities declined to extradite Gecas because of his poor health, and he died in September.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution specifically forbids torture; however, at times police beat or otherwise physically mistreated detainees. Press reports indicated that incidents of police brutality had decreased, and that victims were more willing to bring charges against police officers.

The Office of Inspector General (established in 1999) and the Internal Investigation Division at the Police Department investigate, on the orders of the Minister of Interior, abuses committed by the police. Prosecutors and the Parliament controller carry out independent investigations. During the first half of the year, the controllers investigated 86 complaints (37 of them deemed justified) about the activities of Interior Ministry personnel and the police (63 such complaints were found to have merit during the first half of 2000). In five cases of alleged police brutality, criminal charges were filed against police officers (compared with four such cases in 2000), and in a number of other cases, the controllers proposed to relevant institutions that they take action or amend laws. However, according to the Ministry of Interior, from January 2000 to July 2001, no police officers were convicted for abuse of power.

Noncommissioned military personnel committed human rights abuses by hazing recruits, despite efforts to end the practice, which was inherited from the former Soviet armed forces; however, as living conditions improved for military personnel, human rights violations committed by noncommissioned officers declined. From January to July, five criminal cases were filed for breach of discipline involving violence, compared to four cases in 2000. The Seimas Controller investigated two complaints of abuse of power in the armed forces and rejected them (in the same period of 2000, two out of seven investigated complaints were rejected). According to the Ministry of National Defense, most trauma inflicted on conscripts is psychological rather than physical. The Ministry believed that a lack of professionalism among noncommissioned officers—rather than ethnic, regional, or social factors—was a primary factor in cases of hazing, and it continued to work to improve their skills and judgment. In 1999 the Parliament approved a disciplinary statute for the armed forces, and the military police created by a 1998 law are charged with maintaining discipline. The disciplinary statute sets procedures for the investigation of disciplinary offences, provides for the right to appeal, and lists the types of punishments.

Prison conditions were poor and life threatening. During the year, 27 prisoners died (13 of natural causes, 13 by suicide, and 1 was killed, apparently by another prisoner) compared with 33 prison deaths in 2000. From January to October, prisoner complaints constituted a quarter of all complaints received by the Parliament controllers. The majority of complaints by detainees in police detention facilities were found to be justified. During the first half of the year, the Parliament controller investigated 53 complaints about abuses by Prisons Department personnel and found that 15 complaints were valid. During the year, there were 273 self-inflicted injuries (often to escape abuse from guards or fellow inmates), compared with 239 in 2000. The number of criminal offenses committed in correctional institutions increased from 30 in 2000 to 34 during the year. Due to limited resources, 9 out of 14 correctional institutions were overcrowded, especially pretrial detention facilities. In 2000, as a result of the funding shortfall and overcrowding, Parliament passed a law on amnesty that reduced the number of prisoners and detainees from 15,000 to 12,730, while the sentences of 4,851 prisoners were reduced. At year's end, there were 11,566 prisoners, including 489 women, 295 juvenile men, and 4 juvenile women. The prisoner figure included 1,811 detainees, of whom 126 were women, and 170 were juveniles. Women and men are held separately; juveniles are held sep-

arately from adults; and pretrial detainees are held separately from convicted criminals.

Few prisoners were involved in meaningful activities: 30 percent of them perform paid labor, and 12 percent are involved in education. The law states that every prisoner must work, but jobs are few, and only those on good behavior and those willing to work receive this opportunity. As means of promoting future social integration, convicts can choose to work at nine companies and four production outlets set up at correctional institutions. They manufacture furniture, shoes, and electric appliances (mostly for the domestic market). The law also allows the employment of prisoners for cleaning prison premises as a disciplinary sanction, and allows the employment, as prison general service workers, of criminals convicted for the first time or for minor offense or for gross offenses for up to 3 years. These prisoner-workers live separately from other inmates and enjoy freedom of movement on the prison grounds. In October the director of Vilnius maximum security prison said that 93 prisoners (out of 1,579) worked as cooks, plumbers, and electricians.

The conditions in the poorly maintained police detention facilities also had not much improved (in 1999, the Parliament controller found that hygiene was poor and that individual's rights were violated in 40 out of 49 facilities).

Following a visit to confinement facilities in early 2000, the Council of Europe's Committee for the Prevention of Torture stated in October that a significant number of detainees reported mistreatment, abuse, violence, and even some cases of torture (mostly in the early phases of the detention process). Their living conditions were described as inhuman and degrading. The committee noted the significant role that public prosecutors and judges play in fighting torture and abuse and welcomed the fact that detainees have the right to inform a close relative of their situation, the right of access to a lawyer, and the right to health care.

The Government is attempting to reform the prison system with international assistance; however, progress has been very slow. The Prison Department at the Justice Ministry manages the correctional system. Funding covered only minimal needs (approximately \$0.60 or 2.23 litai) for 3 meals per prisoner per day; during the year, the budget allotted 4.55 percent less money for running 14 correctional institutions than in 2000. In September 2000, the Parliament adopted a new Criminal Code, which is expected to enter into force in 2003; together with the Code of Criminal Procedure and Code of Penal Enforcement, it aims to reduce the number of punishments that involve incarceration. The Government is reconstructing 2 additional correctional facilities, which are scheduled to house approximately 550 prisoners starting in 2004. The Government also was improving the living conditions of prisoners who committed offenses in correctional institutions and those sentenced for life.

In July the European Court of Human Rights (ECHR) awarded compensation to former prisoner Juozas Valasinas, who was sentenced in 1994 to 9 years in prison for taking part in the theft of firearms. The court ruled that the Government had violated the confidentiality of his correspondence and conducted degrading body searches. The court also found that Valasinas' needs and health were protected at the correctional institution, and the general conditions there conformed to the circumstances of his case. In order to investigate this case, representatives of the court visited Lithuania in May 2000.

The Government permits visits to prisons by independent human rights monitors, and there were such visits during the year.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions; however, there were instances of prolonged pretrial detention.

Under the law, police temporarily may detain suspects for up to 48 hours, based upon reliable evidence of criminal activity and approval by an investigator or prosecutor. Pretrial detention applies only in the case of felonies and when it is impossible to prevent flight or to allow unhindered investigation. A local judge, acting on a prosecutor's request, may order longer pretrial detention, which can last up to 6 months and may be extended by a district judge using the same procedure for periods not to exceed 18 months in total (see Section 1.e.). On average detainees awaited trial for 5 months. In August there were no persons whose summary pretrial detention exceeded 18 months; however, there were 28 persons whose summary preverdict detention exceeded 18 months. Their detention was extended by court every month. Bail in theory is available, but it is not used widely. It is expected that the parole and probation system will start to work when the new Criminal Code enters into force. The Constitution provides for the right to an attorney from the moment of detention (see Section 1.e.).

In June the amended 1997 Law on the Prevention of Organized Crime entered into force. Under the law, the court no longer may restrict certain freedoms (for ex-

ample, personal contacts, contact places, and change of residence without prior notice) without “sufficient evidence” that a person is related to an organized crime group and is able to commit felonies.

In previous years, the ECHR ruled against the Government in several cases involving various breaches of conventions, laws, and regulations concerning arbitrary detention. In October the ECHR ruled that the Government had restricted the right to freedom of Arminas Grauzinis, convicted for hooliganism (he was released after serving his term). The ECHR also found that the Government unlawfully held Algis Grauslys, accused of financial swindling, and also stated that his right to investigation of action within a reasonable period of time was breached. In November 2000, the court also announced that it would try the case of businessman Arvydas Stasaitis, charged with large-scale financial crime, who complained that his entire period of detention (1996–2000) may have been unjustified.

The Constitution prohibits forced exile, and the Government does not use it.

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

The Constitution and the 1994 Law on Courts provide for a four-tier court system: The Supreme Court; the Court of Appeals; district courts; and local courts. The local courts are tribunals of first instance for all cases that are not assigned to some other court by law. The Constitution also provides for a Constitutional Court and specialized courts for administrative, labor, family, and other purposes.

The Constitutional Court, at the request of the President, members of the Parliament, the Government, or the judiciary, reviews the constitutionality of laws and other legal acts, as well as that of actions by the President and the Cabinet.

The main function of administrative courts is to investigate the legality and validity of administrative acts and conflicts in public administration and taxation. Administrative courts may perform judicial review of documents regulating the implementation of laws, except decisions by the Cabinet of Ministers. The creation of administrative courts in 1999 was a significant part of the reform of the judicial system; however, the reform remained incomplete. The Ministry of Justice continued to move towards a system of specialization of judges in district and local courts according to the types of cases.

There are no special family courts, but judges in the district courts hear juvenile criminal cases and cases related to children’s rights (e.g., domestic adoption and paternity matters). The juveniles’ criminal justice implementation program (1999–2002) works to make the juvenile punishment system more humane.

If the ECHR determines that Lithuanian courts have violated the European Convention on Human Rights, the Supreme Court Chairman may order a retrial of a case by the Supreme Court.

In July a new Civil Code entered into force that complies with the requirements of the European Convention on Human Rights and takes into account the jurisprudence of the ECHR. A new Criminal Code was scheduled to enter into force simultaneously with a Code of Criminal Procedure, which remained under preparation at year’s end.

The Law on Commercial Arbitration provides for the establishment of arbitration institutions. The law provides for private dispute resolution by an arbitration tribunal, either organized by a permanent arbitration institution or by the parties themselves.

The Prosecutor General exercises oversight responsibility for the whole judiciary through a network of district and local prosecutors who work with investigators to prepare evidence for the courts.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforces this right. The Constitution provides for the right to legal counsel for defendants. In practice the right to counsel is abridged by the shortage of trained lawyers, who find it difficult to cope with the burgeoning numbers of criminal cases brought before the courts. The law provides for legal assistance for indigent persons, but in practice such legal assistance is not always available. By law defense advocates have access to government evidence and may present evidence and witnesses. The courts and law enforcement agencies generally honor routine, written requests for evidence. By law a judge may decide to hold a closed trial in a limited number of circumstances.

The parliamentary ombudsman reported that there were many cases of prolonged pretrial detention without a judge’s decision in violation of the law (see Sections 1.c. and 1.d.). According to the ombudsman, in a typical case, judges and prosecutors wrongly interpret the law to mean that pretrial detention can be extended automatically when a case is submitted to a court of law. For example, the pretrial detention of Parliamentarian Audrius Butkevicius, a former Minister of Defense who was charged in 1997 with several counts of corruption allegedly on the basis of false in-

formation from the State Security Department, was prolonged without the decision of a judge. In 1999 the Supreme Court rejected Butkevicius's appeal of his 1998 conviction. Butkevicius's lawyers appealed to the ECHR, and in September 2000 the Court agreed to review the case; but it had not been resolved by year's end. Butkevicius was released on March 20, 2000, after serving two-thirds of his 5½-year jail term. He resumed his seat in the Parliament. However, the court decided that he had not completed the sentence at least 65 days before election day, and he was not allowed to be a candidate for the parliamentary elections in October 2000.

In October the ECHR found that the Government had denied the right of Henrikas Daktaras to an unbiased trial because the Chairman of the Supreme Court assumed the role of prosecutor in this case. In a separate development, Daktaras was released from prison a short time later, after serving more than 5 out of 7½ years for extortion and victim intimidation.

In November the ECHR found that the Government had violated the right of former Prime Minister Adolfas Slezevicius to a speedy trial. Slezevicius was accused of abusing his position as Prime Minister when he withdrew his personal funds from a Lithuanian bank just before it failed. The criminal case against Slezevicius, which was started in 1996, had not reached trial after 4 years because of legal deficiencies and was dropped in April 2000.

In November 2000, the ECHR agreed to hear the case of former Kaunas police commissioner Satsys Sipavicius. Sipavicius spent 10 months in custody before his trial on charges of abusing his powers in a major smuggling case. He was sentenced to the 10 months served for neglecting his duties and released in court. Sipavicius complained that the charges against him suddenly were changed and that he had not had sufficient time to prepare a defense against the new charges.

In March approximately 11,500 farmers signed a letter to the ECHR stating that they had not received a fair court hearing on their complaint that the Government did not pay them subsidies that it was obliged to pay by its own regulations.

The prison department faulted a slow justice system that cannot bring cases to trial expeditiously for the pretrial detention problems. The Government continued to address concerns that periods of detention were excessive. The Prosecutor General continued to monitor the investigation of cases, and additional and better-qualified judges were hired. During the year, prosecutors began to monitor pretrial detention conditions.

Government rehabilitation of over 50,000 persons charged with anti-Soviet crimes during the Stalin era led to reports in 1991 that some persons who allegedly were involved with crimes against humanity during the Nazi occupation had benefited from this rehabilitation. A special judicial procedure was established in 1997 to examine each case in which an individual or organization raised an objection that a rehabilitated person may have committed a crime against humanity. During the first 8 months of the year, the Supreme Court overturned the rehabilitation of 28 persons (18 were overturned in 2000), thus making them ineligible for social welfare benefits.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such actions; however, there were reports that the Government did not respect these provisions in practice. The authorities did not engage in indiscriminate or widespread monitoring of the correspondence or communications of citizens; however, with the written authorization of a prosecutor or judge, police and security service personnel may engage in surveillance and monitoring activities on the grounds of national security. Except in cases of hot pursuit or the danger of disappearance of evidence, police must obtain a search warrant signed by a prosecutor before they may enter private premises.

It is assumed widely that law enforcement agencies have increased the use of a range of surveillance methods to cope with the expansion of organized crime. In July in the case of Juozas Valasinas v. Lithuania (see Section 1.c.), the ECHR found that officials in his correctional institution were reading his correspondence without the approval of the court. During the first half of the year, the Parliament controller confirmed a violation of prisoner's correspondence rights. Pursuant to a change in the law, since April prisoners' complaints to courts, the Parliament controller, and human rights groups have not been censored, and censorship of their private correspondence has been subject to stricter control by prison authorities.

Local media reported that the security services monitored the activities of the nongovernmental organization (NGO), Collegiate Association for the Research of the Principle, Jehovah's Witnesses, and a visiting member of the Russian Vissarion Church.

In May a member of the Parliament complained that a government agency had monitored his cell phone calls in 2000, when he was not yet a member of the Par-

liament; a printout of his calls were published in a national daily newspaper during a political dispute. In February a court began investigating two cases filed by a former prosecutor and a tax inspector who were fired from their positions due to their confessed collaboration with the KGB (the European Convention on Human Rights prohibits the retroactive application of the 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 respects these rights in practice.

The censorship of either print or broadcast media and restrictions on disclosure are prohibited by the Constitution, unless the Government determines that national security is involved. Under the media law, the media created a special ethics commission and an ombudsman to address complaints and seek conciliation in potential libel cases. The Parliament established and funded the Ombudsman's Office.

The independent print media continued to flourish and included a wide range of newspapers and magazines. Radio and television included a mix of state and private stations. National television and radio were in the process of being transformed into an entirely public entity; however, attempts to make it independent financially from the Government lagged.

Academic freedom is respected.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for the freedoms of assembly and association, and the Government generally respects these rights in practice; however, the Communist Party of Lithuania and other organizations associated with the former Soviet regime continued to be banned.

*c. Freedom of Religion.*—The Constitution provides for religious freedom, and the Government generally respects this provision in practice. The Constitution divides religious communities into state recognized traditional groups and others. However, in practice a four-tier system exists: Traditional, state recognized, registered, and unregistered communities. The law mentions nine religious communities that have been declared "traditional" and therefore are eligible for governmental assistance: Latin Rite Catholics; Greek Rite Catholics; Evangelical Lutherans; Evangelical Reformers; Orthodox; Old Believers; Jews; Sunni Muslims; and Karaites. The Law on Religious Communities and Associations stipulates that nontraditional religious communities may be granted state recognition if they are "backed by society" and have been registered in the country for at least 25 years. Both traditional and state recognized communities can receive state subsidies; they do not have to pay social and health insurance for clergy and other employees; their clergy and theological students are exempt from military service; and they are not subject to tax on such services as electricity, telephone, and heat. However, only traditional communities have the right to teach religion in state schools and buy land to build churches (other communities can rent it). Religious communities registered by the Ministry of Justice constitute the third status group; they do not receive subsidies, tax exemptions, social benefits, or military exemptions enjoyed by traditional and state recognized communities but can act as legal entities and thus rent land for religious buildings. There are also unregistered communities. They have no juridical status or state privileges, but there were no reports that any such groups were prevented from worshipping or seeking members.

In 1999 the Parliament amended the Law on Religious Communities and Associations to provide funding from the national budget for educational institutions of traditional religious organizations. The Government Department of European Law warned publicly that this amendment discriminates in favor of traditional religious communities versus nontraditional; nevertheless the law entered into force in September.

Traditional religious associations and communities are not required to register their bylaws with the Ministry of Justice in order to receive legal status. However, nontraditional religious communities must present an application, a founding statement signed by no less than 15 members, and a description of their religious teachings and their aims. The Ministry must review the documents within 6 months. Since 1995 the Ministry of Justice has turned down two applications, those of the Osho Ojas Meditation Center and the Lithuanian Pagans Community. Both were rejected because the authorities concluded that these groups were nonreligious. They were advised to register as NGO's instead; the Osho Center did not register as an association, while part of the Pagan Community did.

In July the Parliament granted state recognition to the Lithuanian Baptists' Union, the first religious community to be given this status.

A 1995 law grants property rights to prayer houses, homes, and other buildings to religious communities.

In 2000 the Government established a commission to coordinate the activities of governmental institutions in order to investigate whether the activities of religious, esoteric, or spiritual groups comply with the law. The commission was established following some parliamentarians' calls for increased control of "sects," following negative coverage of some religious groups in the media. It included representatives of the Ministries of Justice, Interior, Education, Health, Foreign Affairs, the General Prosecutor's office, and the State Security Department. The Minister of Justice appoints the chairman of the commission. At year's end, the commission had taken no action and made no statements affecting specific religious groups.

Local media reported that the security services monitored the activities of the NGO Collegiate Association for the Research of the Principle, Jehovah's Witnesses, and a visiting member of the Russian Vissarion Church. In 2000 the Ministry of Justice warned the Collegiate Association for the Research of the Principle to discontinue its religious activities (they were proselytizing on behalf of the Unification Church, an activity that was not described in their own statutes and thus violated the Law on Public Organizations).

Nontraditional foreign religious workers must obtain work permits, and in the past they faced difficult bureaucratic requirements in obtaining residence permits from officials who regard them as representatives of cults and sects; however, these problems were resolved during the year.

Under 1995 legislation on property restitution, the Catholic community has been more successful in having its property returned than the Jewish community. However, some religious property, including 26 synagogues, was returned to the Jewish community, mostly from 1993 to 1996. The law provides for the restitution of private property to individual citizens, but the deadline for filing claims has passed. A number of successful claims were made, and others remained pending. The lack of funds for compensation and protracted bureaucratic obstacles are the primary problems preventing the return of private property or compensation.

On April 18, the Vilnius First District Court ruled that the Vilnius City Council had violated the previous owners' and tenants' rights when returning four buildings to the Evangelical Lutheran Church in 1992 and 1993. The Court abrogated the decision of the Vilnius Council on Property Restitution. The Church appealed, asserting that it had owned the properties before they were nationalized in 1945 and that restitution had been carried out according to the law.

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

The law provides for the granting of asylum and refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In 2000 the Parliament abolished the Council of Refugee Affairs and established the Vilnius Administrative Court to hear asylum appeals. The Court receives assistance from the U.N. High Commissioner for Refugees (UNHCR). The Government cooperates with the office of the UNHCR and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum did not arise during the year. During the year, 425 persons (mostly from the Russian province of Chechnya and from Afghanistan) applied for asylum: 256 applied for refugee status and 169 for a residence permit on humanitarian grounds. During the year, 3 persons received refugee status, 266 were granted residence permits, 58 applications were rejected, and 97 cases were terminated. At year's end, 93 applications were pending.

In January the Government adopted new regulations on the living conditions of foreigners temporarily housed at the registration center for foreigners in Pabrade (89 individuals, including 15 children, lived there at year's end) and a refugee reception center for asylum seekers in the town of Rukla (which housed 140 persons, including 64 children, at year's end). Living conditions in both centers were good.

Over the last few years, irregular immigration decreased dramatically due to improved border control, stricter laws against human smuggling, and more effective detention and return of migrants to their countries of origin. During the year, the border police detained 107 illegal immigrants (compared with 100 in 2000). Over the same period, the border police reported 998 illegal border crossings, compared with 1,101 in 2000. During the year, the Border Police Department was reorganized into the State Border Protection Service under the Interior Ministry, which reduced the number of administrative personnel and military conscripts employed by the service.

However, illegal immigration from Afghanistan, India, and Sri Lanka increased during the year. The Government continued its efforts to stop illegal migrants by negotiating readmission agreements with Russia and Belarus, the two countries used by most migrants to reach Lithuania, but no progress had been made by year's end.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Of 141 seats in the Parliament, 71 are elected directly, and 70 are elected through proportional representation. Only those parties that receive more than 5 percent of the total ballots (or 7 percent for coalitions) are allowed representation in the Parliament.

In 1998 independent candidate Valdas Adamkus was elected President by a narrow margin. Presidential elections are held at least every 5 years. After the October 2000 general elections, Liberal Union Party leader Rolandas Paksas was sworn in as Prime Minister as part of a coalition Government; however, in June the coalition broke up. The new Union Party, the Liberals' major coalition partner, forged an alliance with the Social Democratic Party, and in July the leader of the Social Democratic Party and former President Algirdas Brazauskas was sworn in as Prime Minister.

The percentage of women in government or politics does not correspond to their percentage of the population, although there are no legal restrictions on their participation. There were 14 female parliamentarians in the 141-seat Parliament, elected in October 2000, compared with 24 in the previous Parliament. There are 3 female ministers in the new 14-member Cabinet, compared with 1 in the previous Cabinet.

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

A number of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are cooperative and responsive to their views. Unlike in the previous year, the Ministry of Interior released information on police brutality and statistics on corruption-related incidents. The Association for the Defense of Human Rights in Lithuania, the Human Rights Association in Lithuania, and the Lithuanian Center for Human Rights are the major human rights groups.

The Division of Human Rights of the Department of International Law and European Integration in the Ministry of Justice monitors law and legal practice to determine whether they are in accord with the country's international obligations. The European Law Department of the Government also reviews draft legislation.

There are three ombudsman institutions. Established in 1995, the Parliament's controllers investigate complaints of the abuse of power by public servants. The controllers have the right to forward their cases for prosecution, to initiate a reprimand or removal from office of public servants, to initiate a compensation claim, to propose changes in laws and rules, and to inform the Parliament and the President about their findings. The Office of the Equal Opportunities Ombudsman, founded in 2000, exercises similar functions for complaints of discrimination and sexual harassment. The Office of the Ombudsman for Children's Rights, established in 2000, controls the implementation of relevant laws, oversees local children's rights protections services, and investigates complaints of abuse.

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

The Constitution prohibits discrimination based on race, sex, religion, disability, or ethnic background; however, discrimination against women in employment and other areas persisted.

*Women.*—Violence against women, particularly domestic violence, reportedly is common, especially in connection with alcohol abuse by husbands. Official statistics on the incidence of abuse of women in the home are not reported separately from other categories of assault. Institutional mechanisms for coping with this problem are developing slowly, and the law does not criminalize specifically domestic violence. If such violence takes place in the home, the victim must file a complaint. Few such complaints are filed, because women prefer to avoid publicity and are not confident that the courts will punish their assailants. Seven women's shelters provide assistance to victims of violence. The law specifically prohibits rape. According to one sociological survey published in 1997, 20 percent of women reported experiencing an attempted rape, while another 33 percent reported having been beaten at least once in their lives. During the first 6 months of the year, 70 rapes were

registered, compared with 183 during the full year 2000. Persons convicted of rape generally receive sentences of from 3 to 5 years in prison.

Prostitution is illegal but not prohibited under the Criminal Code. The penalty for prostitution is limited to a fine of \$75–125 (300–500 litai) for a first offense. Trafficking in women for the purpose of prostitution is a problem (see Sections 6.c. and 6.f.).

The Constitution provides for equal rights for men and women; however, women continued to face discrimination. The Law on Equal Opportunities entered into effect in 1999. The Office of the Ombudsman for Equal Opportunities of Women and Men was established in May 2000, and the Parliament appointed lawyer Ausrine Burneikiene as ombudsman. The Ombudsman's Office is an independent agency, accountable to the Parliament, which oversees the implementation of the law and investigates complaints concerning violations of gender discrimination and sexual harassment. The ombudsman also has some enforcement powers in this regard, and the new Criminal Code contains criminal sanctions for discrimination or harassment.

Official policy specifies equal pay for equal work. Women make up about one-half of the employed population, and in the first quarter of the year, they received on average pay that was 82.2 percent that of male employees. Women are underrepresented significantly in some professions, business, and the managerial sector as a whole. Significant inequalities in society based on gender continued, and conservative views about the role of women persisted. In 1999 the Ministry of Education and Science abolished preferential university entrance criteria; since then the equal opportunities ombudsman has followed closely admission examinations to universities and found no violation of equal opportunity.

During the first 6 months of the year, the ombudsman received 33 complaints and initiated 8 investigations (during the same period in 2000, there were 41 complaints). Most of the complaints concern discrimination against men due to problems in legislation, and discrimination against women in the workplace. The ombudsman submitted amendments to the Labor Code and, together with women's organizations, launched a public awareness campaign late in the year. In 2000 the Government established a commission to coordinate policy on equal opportunities. During the year, the number of registered violations of the equal opportunities law by state institutions decreased substantially. However, enforcement of the law in private businesses remained a problem.

*Children.*—The Government is committed to children's rights and welfare; it amply funds a system of public education and medical care. The Government provides compulsory, free, and nearly universal education for children through the age of 15 or ninth grade. In 1999 the proportion of children in this age group not attending school was 4 percent. In 2000 the Government launched the "yellow bus" program to provide school transportation for children in the countryside. The Government provides low-cost health care for all children. The new Civil Code (which entered into force in July) addresses relations between parents and children; however, the Government's commitment to children's rights is not fully reflected in its legislation and policy.

In 2000 the Government established an ombudsman for children's rights, and appointed Grazina Imbrasiene as its head. The ombudsman controls the implementation of relevant laws, oversees local children's rights protection services, and investigates complaints. From January to July, the ombudsman received 68 complaints, mostly about the violation of foster family rules, improper activities of children's rights protection services, family matters, and violence against children. During the year, the ombudsman called for streamlining the children's rights protection system and mobilizing central government and local authorities to cope with growing juvenile delinquency and spreading drug addiction. In March the Government eliminated the Children's Rights Office in the Ministry of Social Security and Labor and divided its functions among the ombudsman's office and other services of the Ministry, including an adoption service. In 2000 the Ministry identified 36,856 children in abusive and dysfunctional families, a 44 percent increase since 1995. In July the head of a working team set up by the President in 2000 to improve the protection of children's rights called for the establishment of a central agency to oversee children's rights policy and coordinate central and local governments' efforts to combat child abuse; however, such an agency had not been created by year's end.

The introduction of stricter adoption procedures reduced the number of adoptions during 2000; however, they increased during the year, from 159 to 180, of which one-quarter were adoptions by foreigners. The system of state subsidies to foster families rather than to families adopting children increasingly was criticized. Approximately 7,000 children lived in institutions, and approximately 8,000 are in foster homes. In August the Parliament adopted a law on defending children against parental violence, which gives authorities the right to remove children from the fam-

ily and place them in the care of a temporary guardian. The Government continued to replace the Soviet-style orphanage schools with residential homes, which permit children to attend regular schools.

Child abuse was a problem, as was child abuse in some state-run correctional institutions for children that housed approximately 130 children who committed crimes. In December "a punishment cell" was eliminated in one of these care houses, and a psychologist's post and a relaxation room were set up.

Child abuse in connection with alcohol abuse by parents also was a serious problem. The prevalence of authoritarian values in family upbringing discouraged more active measures against child abuse; however, the press reported increases in cruelty to children, including sexual abuse, intentional starvation, beatings, and killings. Authorities reported that three children were killed by their parents during the first 6 months of the year, and six were killed during 2000. The penalties for violence and cruelty against underage persons are prison terms of 1 to 2 years. The Ministry of Social Security and Labor started collecting information on child abuse.

The Penal Code provides for up to 3 years' imprisonment for sexual abuse and from 1 to 4 years' imprisonment for exploiting children in the production of pornography. There is no official data on the exploitation of children in pornography cases. During the first half of the year, the police registered 14 cases of sexual abuse of children (compared with 49 cases in 2000). In August the Minister of Social Security and Labor set up a commission to implement the national program against commercial sexual exploitation of children and sexual abuse. A government-run children's rehabilitation center provides special care for sexually abused children.

In February the U.N. Committee on the Rights of the Child criticized the widespread use of corporal punishment in families.

It is believed that several thousand children live "on the street." Approximately 60 local children's rights protection services across the country routinely identify these children and, if they do not have parents or if their parents abused their parental obligations, place them in foster homes or care institutions. In November the Ministries of Social Security and Labor, Education and Science, and Interior established an interdepartmental task force group charged with developing an "integrated settlement of problems of socially neglected children."

Trafficking in girls for the purpose of prostitution was a problem (see Section 6.f.).

*Persons with Disabilities.*—The Law on Integrating Disabled People provides for a broad category of rights and public benefits for persons with disabilities. The Law on Support for the Unemployed provides additional job security for such persons, while the Law on Special Upbringing gives children with disabilities access to regular schools and universities. However, the implementation of this law for the unemployed was restricted due to a lack of money.

During 2000 there were 205,890 adults and 13,857 children with disabilities. Many of them live in poverty because the state pension for a person with disabilities is lower than the minimum wage. Every local government runs home help services for persons with disabilities, and the central Government finances a network of facilities for them, including daycare centers, state children care houses, and residential care homes for mentally ill adults. The Disabled Persons' Affairs Council, composed of members of disabled persons' organizations and the Government, grants government money to NGO's for various employment, education, rehabilitation, and other programs (\$5 million during the year).

Legal provisions for access to buildings for the disabled are in place but are not enforced widely; the vast majority of public buildings remain inaccessible.

*Religious Minorities.*—There are generally amicable relations among the various religious communities, although members of religious minorities occasionally are subjected to acts of intolerance, such as insults. A certain level of anti-Semitic sentiment persisted in the country, reflected in sporadic public incidents of anti-Semitism and the sensationalist exploitation of anti-Semitism for commercial gain. In March the Lithuanian Jewish Community Board asked the Prosecutor General to drop its case against the daily newspaper *Lietuvos Aidas* after the director and editor in chief of the daily apologized for a series of anti-Semitic articles they had published in 2000. The President, the Prime Minister, and the journalists' union publicly condemned the articles.

*National/Racial/Ethnic Minorities.*—Minority ethnic groups—including Russians, Poles, Belarusians, Ukrainians, Tatars, and Karaites—make up approximately 20 percent of the population. Members of the Polish Parliament criticized the Government in 2000 over alleged discrimination against the Polish minority (e.g., in school exams and the spelling of names). The Government has established a public center for the Romani community in Vilnius. In October Open Society Institute experts commended the government Program for the Integration of Roma into Lithuanian Society, 2000–2004, but said that the program had been developed without adequate

consultation with the Romani community and did not acknowledge or address the existence of discrimination against Roma. The government program focuses on eradicating illiteracy among Romani adults and teaching Romani children. Pursuant to the program, a community school was established.

The Penal Code provides for a sentence of from 2 to 10 years' imprisonment for the incitement of racial or national hatred or incitement of violence against foreigners. This law has been used to discourage racial and national hatred, such as in the Lietuvos Aidas case (see Section 2.a.). In November the State Security Department launched an investigation into activities of a group of young persons in Mazeikiai (North Lithuania) suspected of desecrating a Jewish cemetery, studying Nazi ideology, and attempting to create a pro-Nazi organization. However, in its report on minority rights in 10 European Union candidate states, the Open Society Institute stated that Lithuania does not have a comprehensive antidiscrimination law that expressly prohibits discrimination in specific areas of public activity.

Many nonethnic Lithuanian public sector employees by law are required to attain a functional knowledge of the Lithuanian language within several years, although the authorities have been granting liberal extensions to this requirement. In the first half of the year, 252 persons took the language portion of the citizenship test, and 221 persons passed. From January to August, 307 persons were naturalized (about the same number as in previous years). There was no documented evidence of job dismissals based on the language law. The authorities indicated that the intent of the law is to apply moral incentives to learn Lithuanian as the official language of the State; they asserted that no one would be dismissed solely because of an inability to meet the language requirements.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution and the Law on Trade Unions recognize the right of workers and employees to form and join trade unions, and workers exercise this right in practice. The Law on Trade Unions extends this right to members of the police and the armed forces. In May the Parliament ratified most but not all articles of the European Social Charter, including the right to organize. Lithuania did not ratify the clause recognizing the right to submit collective complaints to the Secretary General of the Council of Europe.

According to the law, unions, in order to be registered, must have at least 30 founding members in large enterprises or have a membership of one-fifth of all employees in small enterprises. Individuals employed in places where there is no trade union are free to join an established regional trade union, but this practice is not widespread.

From 10 to 20 percent of all enterprises have trade unions, and approximately 10 to 15 percent of the workforce is unionized. There are four major trade union associations: The Lithuanian Trade Union Center (LTUC, with approximately 100,000 members), the Lithuanian Workers' Union (LWU, 50,000), the Association of Lithuanian Trade Unions (ALTU, 40,000), and the Lithuanian Work Federation (LWF, 15,000). They all work within the Trilateral Commission, which brings together labor groups with representatives of employers' organizations and the Government. The LTUC and the ALTU announced plans to merge, but had not done so by year's end.

The Constitution and the Law on Trade Unions provide for the right to strike, although public workers in essential services may not do so. During the year, there were 34 strikes, including 29 "warning" strikes (the corresponding figures for the full year 2000 were 56 and 21). Many of the strikes took place in the public service sector, mostly by teachers over back wages and employees of municipal transport companies over low wages. In March the Education and Science Ministry and the National Education Workers trade union formed joint teams to work out regulations governing labor relations, professional training, and the enforcement of civil service law.

There are no restrictions on unions affiliating with international trade unions, and some unions have affiliated with European Unions.

*b. The Right to Organize and Bargain Collectively.*—The Collective Agreements Law provides for collective bargaining and the right of unions to organize employees; however, it does not allow collective bargaining by government employees involved in law enforcement and security-related work. In October the Parliament amended the law and provided trade unions the right to negotiate nationwide, branch, and territorial collective agreements. However, collective negotiations regarding labor relations, including wages, are not very widespread. Workers often take their complaints directly to their employers. Wage negotiations are more common in enterprises that have trade unions.

In 2000 the Parliament passed the Law on Settlement of Labor Disputes, which establishes minimum conditions and procedures for investigating individual labor disputes. Trade union leaders claim that this law prevents unions from investigating labor disputes in the workplace. Difficulties commonly arise in state enterprises in which employees are represented by more than one union. LWU officials charge that managers in some companies discriminated against LWU organizers and dismissed employees in retribution for their trade union activities. The LWU also charged that the judicial system was slow to respond to LWU grievances regarding dismissals from work.

In general managers often determine wages without regard to trade union preferences, except in larger factories with well-organized trade unions. The Government periodically issues guidelines for state enterprise management in setting wage scales. The trade unions engage in direct collective bargaining over wages at the workplace level. Wage decisions are made mostly at the enterprise level. Trade unions supplement their bargaining activities with active lobbying of Parliament and the Government.

In February the International Confederation of Free Trade Unions (ICFTU) stated that the Government's plan to amend the employment contracts law (allowing wider application of fixed-term contracts, lower leave pay, and ability to fire employees without the consent of the trade union), if implemented, would violate the right of trade unions to bargain for collective agreements. Nevertheless the amendments came into effect in March. The LWU representatives also charged that the new Civil Code, effective since July, might strip trade union associations of legal status. They also stated that trade union lawyers cannot defend union members in labor cases, and that there are no special labor courts.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution specifically prohibits forced labor; however, trafficking in women and girls for the purpose of forced prostitution was a problem (see Section 6.f.). In addition during the first half of the year, the Parliament controller found that two complaints from prisoners about poor work conditions and forced unpaid work had merit (see Section 1.c.). In February the media reported that the local police had been ignoring complaints of several individuals who were forced to work for no pay at a rural farm.

The Constitution prohibits forced or bonded labor by children; however, trafficking in girls for the purpose of prostitution was a problem (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The legal minimum age for employment of children without parental consent is 16 years; with the written consent of parents it is 14 years. Complaints about the infringement of child labor regulations are referred to local prosecutors who investigate and take legal action to stop violations. Child labor problems appeared to be rare.

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

The Constitution specifically prohibits forced or bonded labor by children; however, girls were trafficked for the purpose of prostitution (see Sections 6.c. and 6.f.).

*e. Acceptable Conditions of Work.*—The legal minimum wage has been set at \$107.50 (430 litas) per month since June 1998; it does not provide a decent standard of living for a worker and family. Enforcement of the minimum wage is almost nonexistent, in part because the Government does not want to exacerbate unemployment. Every 3 months, the Council of Ministers and the Ministry of Social Security must submit their minimum wage proposals to the Parliament, which has the right to approve or revise the minimum wage level. According to the Ministry of Economy, the average gross wage in the first quarter of the year was \$260 (1,041 litas) per month, a 3 percent decrease since the corresponding period of 2000. For a majority of the population, living standards remained low. The poorest 10 percent of households spend approximately 64 percent of their income on food. The 40-hour workweek is standard by law, with at least one 24-hour rest period, and there are laws on overtime and vacation.

The Constitution provides that workers have the right to safe and healthy working conditions, and the State Labor Inspection Service is responsible for implementing the Labor Safety Law. During the first half of the year, the Labor Inspection Service received 1,965 complaints and declarations (3,529 in the year 2000), of which 65 percent were found to have merit. Of the issues addressed, 89 percent concerned abuses of labor laws (60 percent with merit), and 7 percent dealt with working conditions (47 percent with merit). The most numerous abuses included wage arrears, illegal employment (working without a written contract), the violation of labor contracts, time off and work time accounting, harmful working conditions, and the unsatisfactory investigation of accidents. Workers have the right in law and

practice to remove themselves from dangerous work environments without jeopardy to their continued employment.

In 2000 a new Law on Employees' Safety and Health entered into force that sets out the rights of workers facing hazardous conditions and provides legal protection for workers who file complaints. Also in October 2000, a new Law on Oversight of Potentially Dangerous Equipment was enacted. Both laws comply with European Union directives. In January the Government issued new regulations that gave labor inspectors greater authority in investigating accidents. In July the Government approved regulations on workers' safety when handling chemical substances and substances causing cancer and mutations.

The labor laws protect foreign workers.

*f. Trafficking in Persons.*—The Criminal Code prohibits trafficking in persons; however, trafficking in women and girls for the purpose of prostitution was a problem.

The country primarily is a country of origin, and to a lesser extent a transit country, and destination for trafficking in women and girls. Germany, France, Israel, the Netherlands, Denmark, and Austria were major destinations, based on the statistics of women subsequently deported from these countries to Lithuania. Women from Lithuania are trafficked mostly to Western Europe and the Middle East. Women and girls from Belarus, Russia (Kalingrad District), Latvia, and the Lithuanian countryside are trafficked to the major cities in Lithuania. From 1997 to 2000, approximately 80 percent of the 110 young females returned to Lithuania (who passed through the NGO Missing Persons Families' Support Center) were victims of trafficking, and approximately one-quarter of them were under 18. Some victims were trafficked farther to Western Europe and elsewhere.

A number of women, some underage, have been enticed or forced into prostitution and sold abroad by organized crime figures. Traffickers particularly target the socially most vulnerable groups: Young females from poor, asocial, or unstable families. Many are lured by deceptive offers of jobs such as household helpers, bar dancers, or waitresses. Women also are tricked into prostitution through false marriage advertisements. Victims' compliance is ensured via threats and the withholding of their documents. Their families often are unaware of their predicament and believe that they have been kidnaped. However, it is difficult to determine what percentage were enticed or coerced and how many departed voluntarily.

A 1998 law criminalizes trafficking in persons for purposes of sexual abuse: The penalty is 4 to 8 years' imprisonment. The penalty is increased from 6 to 12 years if the crime was repeated, premeditated, and committed by a dangerous criminal or against juveniles. Additional punishment, such as confiscation of property, may also be applied. During the year, the police investigated 14 cases of trafficking in persons (4 cases in 2000). In 2000 two cases had reached the courts: In one case the suspect fled; in the other, the court ordered the trafficker committed to psychiatric care. In the former case, a young woman was lured abroad by the promise of better pay in foreign hotels and bars but was forced to work as a prostitute in Spain. She was the first victim to sue the traffickers and to speak out about the problem in public. Several other victims were witnesses in the case.

NGO experts consider government efforts to prevent trafficking in persons and search for missing persons to be inadequate. A limited number of police agents are involved in investigating trafficking cases. An interministerial commission is scheduled to coordinate the implementation of the antitrafficking program for 2002–04, and a higher level committee will deal with a broader range of trafficking-related issues. Five officers from the Office of Criminal Business Investigation at the Organized Crime Investigation Service of the Police Department and the Ministry of Interior are directly involved in antitrafficking activity. These services also exchange relevant information with the Border Police, Customs, the Prosecutor General's Office, Special Investigation Service, State Security Department, and the Ministry of Defense. In July 2000, the border police were instructed to pay more attention to young persons, particularly females, traveling abroad. Since 2000 the Government has collected statistics on deported persons. There is no direct evidence that government authorities or individual members of government forces facilitate, condone, or otherwise are complicit in human trafficking activities. However, the customs and border guards are believed to be very corrupt, and human right groups blame them for neglecting the fight against trafficking.

There are no specific government assistance programs for victims of trafficking; however, the police offer protection for witnesses. Government agencies and NGO's encourage victims to file civil suits or to seek legal action against traffickers. There has been no prosecution of trafficking victims for violations of other laws, such as those governing immigration or prostitution, but the law does not guarantee safety for victims in this regard.

In October the International Organization for Migration (IOM) launched an information campaign to raise awareness and help prevent trafficking in women. According to the IOM, approximately 9 percent of Lithuanian youth have directly or indirectly been exposed to the trade in women and trafficking of persons abroad to work as prostitutes.

The Pedagogic Psychology Center of the Education Ministry conducts preventive work among potential victims of sexual abuse and trafficking. The Ministry prepared informational material on sexual abuse against children for teachers and parents. Problems of trafficking are discussed during ethics and religion classes in the schools. Over the past several years, a number of antitrafficking campaigns were carried out by NGO's, such as the Missing Persons Families' Support Center and Praeities Pedos (Footsteps of the Past), and the media. Starting in 1997, the support center has organized annual conferences on trafficking, sponsored and supported by the Government, the European Union, local and foreign associations, and NGO's. Praeities Pedos made an antitrafficking video, which was shown in schools across the country, and carried out several research projects on trafficking in women.

The Government and foreign donors provided financial assistance for the support center, which has branches in several cities in addition to Vilnius. In June the support center opened a shelter and helps victims to access legal and psychological services via a network of volunteers, monasteries, and orphanages. The support center is the only NGO providing assistance and counseling for victims of trafficking. The NGO Demetra provided medical assistance in Vilnius for women engaged in prostitution.

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## LUXEMBOURG

Luxembourg is a constitutional monarchy with a democratic, parliamentary form of government. The role of the Grand Duke is mainly ceremonial and administrative. The Prime Minister is the leader of the dominant party in the popularly elected Parliament. The Council of State, whose members are appointed by the Grand Duke, serves as an advisory body to the Parliament. The Government respects the constitutional provisions for an independent judiciary in practice.

Civilian authorities maintain effective control of the only security forces, the Grand Ducal Police.

Luxembourg, with a population of approximately 443,000, has a prosperous market economy with active industrial and service sectors. The standard of living and the level of social benefits are high.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Domestic violence was a problem. Women were trafficked for sexual exploitation.

### RESPECT FOR HUMAN RIGHTS

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

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

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

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

Prison conditions generally meet international standards. Men and women are held separately in prisons. Juveniles and adults at times are held together, in the case of minor crimes. Pretrial detainees are not held separately from convicted criminals.

From December 1999 to May 2000, 6 inmates committed suicide at the penitentiary in Schrassig, which houses 330 inmates. A report commissioned by the Government cited poor management, rampant drug use, and an insufficient number of trained personnel at the prison to cope with the inmates' medical and psychological problems. In October 2000 the Minister of Justice appointed a new prison director and allocated \$1.3 million (LUF 60 million) to fund antidrug programs at the penitentiary. In December a local NGO reported that the prison's problems persist.

The Government permits prison visits by independent human rights monitors, although no such visits were requested during the year.

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

Judicial warrants are required by law for arrests except in cases of hot pursuit. Within 24 hours of arrest, the police must lodge charges and bring suspects before a judge. Suspects are given immediate access to an attorney, at government expense for indigents. The presiding judge may order release on bail.

The Constitution prohibits forced exile, and the Government does not employ it in practice.

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

The judiciary is headed by the Supreme Court, whose members are appointed by the Grand Duke. One of the country's three Justices of the Peace has jurisdiction over minor criminal, civil, and commercial cases, and one of two District Courts hears more serious cases. The Youth and Guardianship Court rules on matters concerning the protection of young persons. An administrative court system reviews citizen challenges to legislation.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforces this right. Defendants are presumed innocent. They have the right to public trials and are free to cross-examine witnesses and to present evidence. Either the defendant or the prosecutor may appeal a ruling; an appeal results in a completely new judicial procedure, with the possibility that a sentence may be increased or decreased.

There were no reports of political prisoners.

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

*Section 2. Respect for Civil Liberties, Including:*

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

A total of six daily and two weekly newspapers are published. While independent, all but one have an editorial line slanted toward a major political party. One domestic radio and television station, partially owned by the State, broadcasts in the country.

In 2000 judicial police searched Socialist Party offices in an attempt to implicate party members of collaboration with a journalist who in 1998 had alleged corruption on the part of the Interior Minister. There were no reports of such activity by the Government during the year.

Internet access is widely available and unrestricted.

*b. Freedom of Peaceful Assembly and Association.*—The law provides for the freedoms of assembly and association, and the Government generally respects these rights in practice. The Government requires and routinely issues permits for public meetings and demonstrations.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. There is no state religion, but the State provides financial support to some churches. Specifically it pays the salaries of Roman Catholic, some Protestant, Orthodox, and Jewish clergy, and several local governments maintain sectarian religious facilities. The Government has not acted on longstanding Anglican and Islamic requests for government funding.

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

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and provides first asylum.

In March the Government invited certain persons residing in the country without legal status to legalize their situations. In December the Government reported that it had processed one-half of the 1,544 applications and granted legal status to 1,070 persons. The Government refused legal status to 22 applicants, who were to remain in the country until the Government returned them to their countries of origin. The remaining applications were pending at year's end. In the summer, the Government pledged to expel several thousand refugees from Montenegro who reportedly did not qualify for asylum status, although it had not done so by year's end.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. National parliamentary elections are held at least every 5 years.

The percentage of women in government or politics does not correspond to their percentage of the population, although they are active in political life. Of 60 members of Parliament, 10 were female, and there were 4 female members of the 12-member Cabinet.

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

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

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

The law prohibits racial, sexual, or social discrimination, and the Government enforces these provisions.

*Women.*—Domestic violence is a problem. In 2000 shelters provided refuge to 362 women and 413 children. The law does not specifically prohibit domestic violence. Information offices set up to respond to women in distress reported that they received 3,724 telephone calls in 2000, a decrease from 1999 levels. The Government funds organizations that provide shelter, counseling, and hot lines. Women were trafficked for sexual exploitation (see Section 6.f.).

Women enjoy the same property rights as men under the law. In the absence of a prenuptial agreement, property is divided equally upon the dissolution of a marriage. The law mandates equal pay for equal work, and the Ministry for the Promotion of Women has a mandate to encourage a climate of equal treatment and opportunity; however, according to government reports, women were paid 20 to 30 percent less than men for comparable work. The Government cites the interruption in the careers of women caused by childbirth and their maternal roles as one reason for the disparity. There have been no work-related discrimination lawsuits. Women constitute 33 percent of the work force.

*Children.*—The Government is strongly committed to children's rights and welfare; it amply funds a system of public education and health care. The law mandates school attendance from the ages of 4 through 15, and school attendance is universal through that age. Schooling is free through the secondary level, and the Government provides some financial assistance for postsecondary education.

There is no societal pattern of abuse of children. A physicians' organization estimated that approximately 200 cases of child abuse are treated in hospitals each year that result in legal proceedings. The Government's hot line for young persons in distress received 641 calls during the year.

A 1999 law increased penalties for adults who traffic in children, facilitate child prostitution, or exploit children through pornography. The law also extends the country's criminal jurisdiction over citizens and residents who engage in such activities abroad. No such activities were reported during the year.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, and the provision of other state services. The Government helps persons with disabilities obtain employment and professional education. Businesses and enterprises with at least 25 employees by law must fill a quota for hiring workers with disabilities and must pay them prevailing wages. The quotas are fixed according to the total number of employees; employers who do not fulfill them are subject to sizable monthly fines. The Government provides subsidies and tax breaks for employers who hire persons with disabilities. There have been no known complaints of noncompliance with the disability laws.

However, despite strong legal protections, the Government acknowledged that laws establishing quotas for businesses that employ over 25 persons are not applied or enforced consistently, and there is a particular problem in the case of persons with mental disabilities.

The law does not directly mandate accessibility for persons with disabilities, but the Government pays subsidies to builders to construct "disabled-friendly" structures. Despite government incentives, only a small proportion of buildings and public transportation vehicles are modified to accommodate persons with disabilities.

*Section 6. Worker Rights*

*a. The Right of Association.*—All workers have the constitutional right to associate freely and choose their representatives, and they exercise this right in practice. Of the working population, 57 percent belong to a trade union. Membership is not mandatory. Unions operate free of governmental interference. The two largest labor federations are linked to, but organized independently of, major political parties.

The Constitution provides for the right to strike, except for government workers who provide essential services. Legal strikes may occur only after a lengthy conciliation procedure between the parties. The Government's National Conciliation Office must certify that conciliation efforts have ended for a strike to be legal. No strikes, legal or illegal, occurred during the year. The law prohibits discrimination against strike leaders, and a labor tribunal deals with complaints.

Unions maintain unrestricted contact with international bodies.

*b. The Right to Organize and Bargain Collectively.*—The law provides for and protects collective bargaining, which is conducted in periodic negotiations between centralized organizations of unions and employers. Enterprises having 15 or more employees must have worker representatives to conduct collective bargaining. Enterprises with over 150 employees must form joint works councils composed of equal numbers of management and employee representatives. In enterprises with more than 1,000 employees, one-third of the membership of the supervisory boards of directors must be employee representatives.

The law provides for the adjudication of employment-related complaints and authorizes labor tribunals to deal with them. A tribunal can fine an employer found guilty of antiunion discrimination, but it cannot require the employer to reinstate a worker fired for union activities.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor; however, women were trafficked for sexual exploitation (see Section 6.f.).

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

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The law prohibits the employment of children under the age of 16. Apprentices who are 16 years old must attend school in addition to their job training. Workers under the age of 18 have additional legal protection, including limits on overtime and the number of hours that can be worked continuously. The Ministries of Labor and Education effectively monitor the enforcement of child labor laws.

In March the Government ratified the International Labor Organization's Convention 182 on the worst forms of child labor.

The law prohibits forced and bonded labor by children, and such practices are not known to occur (see Section 6.c.).

*e. Acceptable Conditions of Work.*—The law provides for minimum wage rates that vary according to the worker's age and number of dependents. The minimum wage for a single worker over the age of 18 is \$6.34 (LUF 285) per hour. The minimum wage is not sufficient to provide a decent standard of living for a worker and family; however, most employees earned more than the minimum wage.

The law mandates a maximum workweek of 40 hours. Premium pay is required for overtime or unusual hours. Employment on Sunday is permitted in continuous-process industries (steel, glass, and chemicals) and for certain maintenance and security personnel; other industries have requested permission for Sunday work, which the Government grants on a case-by-case basis. Work on Sunday, allowed for some retail employees, must be entirely voluntary and compensated at double the normal wage; employees must be given compensatory time off on another day, equal to the number of hours worked on Sunday. The law requires rest breaks for shift workers and limits all workers to a maximum of 10 hours per day including overtime. All workers receive at least 5 weeks of paid vacation yearly, in addition to paid holidays.

The law mandates a safe working environment. An inspection system provides severe penalties for infractions. The Labor Inspectorate of the Ministry of Labor and the Accident Insurance Agency of the Social Security Ministry carry out effective inspections. No laws or regulations specifically provide workers the right to remove themselves from dangerous work situations without jeopardy to their continued employment; however, every worker has the right to ask the Labor Inspectorate to make a determination regarding workplace safety, and the inspectorate usually does so expeditiously.

Foreign workers are protected equally by law.

*f. Trafficking in Persons.*—The law prohibits trafficking in persons; however, trafficking in women for sexual exploitation reportedly was a problem. Luxembourg is

a destination country for trafficked women. Most women trafficked into the country come from Russia, Ukraine, Hungary, and Romania and work in "cabarets."

The Penal Code provides for 5 years' imprisonment for trafficking. However, by year's end, no one had been arrested or prosecuted on trafficking charges. In February the Chamber of Deputies debated the Government's policy that grants limited entry visas and special work permits to nearly 1,000 women a year, mainly from Eastern Europe, to work as performers in cabarets. However, no reforms had been passed by year's end.

There were no government prevention campaigns, and there were no government services for victims. During the year, the Green Party initiated a trafficking awareness campaign that consisted of several media interviews and the first-ever public conference on the issue in Luxembourg. No local NGO's deal with the problem.

### **MACEDONIA, FORMER YUGOSLAV REPUBLIC OF**

Macedonia, which became independent in 1991 following the breakup of Yugoslavia, is a parliamentary democracy with multiethnic party representation and a popularly elected president. In multiparty parliamentary elections held in 1998, opposition parties defeated parties of the governing coalition in elections that international observers concluded were conducted fairly and reflected the will of the electorate. President Boris Trajkovski was elected in 1999 in elections that were characterized by international observers as having some irregularities, including numerous incidents of ballot stuffing. In May in response to an ethnic-Albanian insurgency that began in February, all major parties represented in Parliament joined a national unity government. The Government generally respects the Constitutional provisions for an independent judiciary, although at times the judiciary was inefficient.

In February armed ethnic-Albanian extremists launched a violent insurgency near the Kosovo border. A group of Kosovar and Macedonian ethnic Albanians, calling themselves the "National Liberation Army" (NLA), purporting to fight for greater civil rights for ethnic Albanians in Macedonia, seized territory and launched attacks against government forces. Many observers ascribed other motives to the NLA, including support for criminality and the assertion of political control over affected areas. The insurgency spread through northern and western Macedonia. In June the insurgents occupied Aracinovo, a village five kilometers from the capital, Skopje. After a government offensive failed to remove them, and at the Government's request, the North Atlantic Treaty Organization (NATO) negotiated the insurgents' withdrawal and escorted them out of the Aracinovo area. On July 5, with international facilitation, the Government and the insurgents negotiated a cease-fire, and on August 13, the ruling ethnic-Macedonian and ethnic-Albanian party leaders signed the Framework Agreement and its annexes, which laid the groundwork for the preservation of a peaceful, unitary, multiethnic state with improved civil rights for minority groups. The Agreement called for the implementation of constitutional and legislative changes. On September 26, under the terms of the demilitarization agreement, NLA combatants completed a voluntary hand-over of weapons to NATO troops and announced their disbandment. The Framework Agreement was ratified by Parliament in a series of three sets of votes; in the final vote on November 16, Parliament amended the country's Constitution, as required by the peace agreement, to better protect citizens' civil rights.

The Ministry of Interior, which oversees the uniformed police, the criminal police, the border police, the police reservists, and the state intelligence service, is under the control of a civilian minister; a parliamentary commission oversees operations. The Ministry of Defense shares with the border police responsibility for border security. The security forces committed serious human rights abuses.

The economy has experienced multiple problems since independence. After several years of slow growth, the economy made broad-based gains during 1999 and 2000, with gross domestic product (GDP) growing by 2.7 percent and 4.3 percent respectively; during the year, GDP decreased by 4.6 percent due to the conflict. In 2000, GDP was \$3.34 billion; per capita GDP was \$1,823. During the year, the budget deficit was 6.5 percent. Due to the insurgency, the Government redirected economic development funds to support new security measures. Combined with the global economic slowdown during the year, this resulted in extremely reduced foreign investment. According to the National Bureau of Statistics, at the end of November, unemployment was at 39.1 percent. There is a large unofficial economy. Inflation was fairly stable and averaged 5.5 percent during the year.

The Government's human rights record significantly worsened during the year in the context of the ethnic-Albanian insurgency led by the NLA. Police conduct during

the conflict in particular deteriorated significantly and resulted in serious human rights abuses, and the human rights performance of undisciplined and untrained police reservists, who formed paramilitary groups, was poor. Police committed extrajudicial killings and killed civilians during combat operations; in most cases, the Government took insufficient steps, or no steps at all, to investigate and discipline responsible officers. Police often severely beat—at times, fatally—and otherwise abused suspects and prisoners, in particular ethnic Albanians and Roma. Arbitrary arrest and detention were serious problems. Police continued to compel citizens to appear for questioning, in spite of a 1997 law that requires that police first obtain a court order. The Government restricted privacy rights, and police deliberately destroyed and looted homes during the conflict. Police beat and intimidated journalists, and the Government restricted ethnic-Albanian media. The Government placed some limits on religious freedom by restricting the establishment of places of worship. The Government restricted freedom of movement, and thousands of persons were displaced from their homes by the internal conflict. The Government at times limited reporting on abuses during the conflict by nongovernmental organizations (NGO's).

Violence and discrimination against women (particularly in the ethnic-Albanian community) remained problems. Societal discrimination against minorities, including Roma, ethnic Albanians, ethnic Turks, and ethnic Serbs, remained a problem, and ethnic-Albanian leaders cited widespread discrimination as the principal cause of the NLA's insurgency. The August 13 Framework Agreement contained broad constitutional and legislative reforms focussed on greater minority rights, as well as increased minority participation in the police force and other governmental institutions. Trafficking in women and girls for prostitution was a problem.

NLA insurgents also committed serious abuses against the civilian population, including killings, beatings, looting, and "ethnic cleansing."

#### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—The Government committed extrajudicial killings. Police beat at least two ethnic-Albanian detainees to death.

During combat operations associated with the ethnic-Albanian insurgency, police killed several civilians.

There were deaths in police custody. On June 9, ethnic-Albanian journalists claimed that police beat Metush Ajeti to death in a Skopje police station. Ajeti's body was found in the street. However, the Ministry of the Interior allegedly denied that Ajeti had been arrested by police. On August 13, police severely beat four ethnic-Albanian men at the Skopje hospital reportedly after finding weapons in the trunk of their car. Following the beatings at the hospital, police took the men to the police station, beat them, and threatened to kill them. One of the men, Nazmi Aliu, died from the injuries he sustained.

No investigations were pursued in cases of deaths in police custody from previous years, including the January 2000 death of Sabri Asani, which officially was called a drug overdose, although some press reports and family members claimed that he was shot in the head; the February 2000 death of a detainee who reportedly committed suicide while in police custody; and the May 2000 death of an ethnic Albanian in a Skopje prison.

During combat operations associated with the ethnic-Albanian insurgency, security forces killed several civilians. On March 15, military gunfire killed a civilian in the mountains around Tetovo. On May 21, in Runica, a mortar shell launched by Macedonian security forces killed one villager and wounded six others (see Sections 1.c. and 1.f.). Villagers denied that there was an NLA presence in Runica; however, this was not verified. Security forces reportedly killed a 16-year-old boy near Tetovo (the Ministry of Defense claimed that he was an NLA member trying to infiltrate a village; other groups claimed he just was returning to his village to tend his livestock).

From August 10 to 12, Macedonian police shot and killed six persons and burned 22 civilian buildings during a military operation at Ljuboten, according to Human Rights Watch and other international monitors who visited the site. Although some or all of those killed may have been NLA combatants, at least two—Sylejman Bairami and Muharrem Ramadani (age 68)—appeared to have been civilians who were killed after police removed them from the basement in which they were hiding. A powder burn on Bairami's head indicated that he had been shot at close range. Macedonian vigilantes reportedly beat unconscious three ethnic-Albanian men who later fled Ljuboten as police stood by and watched. Police shot one man, Atulah Qaini, in the head while he fled from the vigilantes. According to Human Rights

Watch, family members of Atulah Qaini recovered his badly bruised body from the Skopje morgue, shortly after he had been taken into police custody at Ljuboten. There are allegations that Interior Minister Ljube Boskovski was present in Ljuboten and directed the operations on August 12. An internal police investigation of the incident summarily dismissed accusations of police wrongdoing.

On August 7, police killed five NLA members in a house in an ethnic-Albanian neighborhood of Skopje. Interior Ministry officials claimed that the men had resisted arrest; however, according to NGO reports, there was no sign of an exchange of fire, and there was evidence that the victims were shot from above as they lay on the floor.

The NLA also killed civilians during the conflict (see Section 1.g.). For example, on August 26, NLA members killed two Macedonian employees in a bomb explosion at a Macedonian-owned restaurant.

The NLA killed a number of security force members. On April 28, the NLA ambushed a mixed Macedonian police-army patrol at Vejce (near Tetovo), killing eight security force members. The only survivors were those who were able to escape the scene of the ambush. Five of those killed had been shot in the head at close range, in addition to having received other wounds. The attending pathologist concluded they had been killed at close range, after being wounded and rendered defenseless. Three of the eight cadavers had been badly burned, although it was unclear whether the burns were suffered during combat or afterward. This incident sparked riots in Bitola. On June 6, NLA combatants ambushed a Macedonian Army ambulance near Slupcane and killed five soldiers; in retaliation ethnic-Macedonian civilians attacked ethnic Albanians in Bitola (see Section 5). On August 8, NLA members killed 10 government soldiers in an ambush on the road between Skopje and Tetovo, sparking a riot in Prilep in which ethnic Macedonians burned down the local mosque (see Section 1.f.).

On November 10 and 11, Interior Minister Ljube Boskovski deployed special forces called the "Lions"—poorly-trained and poorly-disciplined paramilitaries associated with the police—to areas formerly held by the NLA. Police arrested seven ethnic Albanians, allegedly members of the NLA. Shortly after the arrests, members of the Albanian National Army (ANA)—a small residual group of armed extremist ethnic Albanians—took responsibility for the ambush of a police convoy near Trebos, a village northeast of Tetovo, which killed three police officers and wounded others.

On June 12, unknown gunmen shot and killed ethnic-Albanian activist Naser Hani as he resisted their efforts to abduct him in Struga, a town close to Lake Ohrid, where the peace plans were being discussed. There was no information about an investigation into this case at year's end.

*b. Disappearance.*—Several persons disappeared during the conflict, possibly for political reasons or due to conflicts among organized crime groups. Authorities and the local press frequently addressed the status of 12 ethnic Macedonians and, less frequently, 6 ethnic Albanians, all of whom disappeared during the conflict. Former NLA leaders denied knowledge of the whereabouts of the 12 ethnic Macedonians who disappeared from their villages around Tetovo. The Government accused the NLA of having killed them, and the Public Prosecutor and the Minister of Interior claimed that their bodies were buried northeast of Tetovo. However, an exhumation of the suspected gravesite conducted by the Ministry of the Interior from November 22 to 25 was inconclusive at year's end.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits such treatment and punishment; however, since the beginning of the conflict, police frequently used excessive force during the apprehension of criminal suspects and often tortured and abused prisoners, especially members of the ethnic-Albanian minority. Police beatings of ethnic-Albanian males were common and frequently were conducted with implements such as wooden bats, batons, iron bars, and steel cables; such beatings occasionally resulted in the death of the victims (see Section 1.a.). Police forced detainees to sign confessions under torture implicating themselves and others in NLA-related activities. Police often released detainees without charges after beating them.

On February 9, police arrested Murtezan Saiti, an ethnic-Albanian citizen of Macedonia, who was suspected of hiding weapons used in a lethal January 21 attack on the Tearce police station. During his 24-hour detention, police severely beat Saiti, drove him to a site near his home, and threw him out of a car. Saiti was admitted to a local hospital's intensive care unit for treatment. Two days after the beating, the Ministry of Interior's Office of Professional Responsibility, acting on orders from then-Interior Minister Dosta Dimovska, suspended five officers of the Security and Counterintelligence Agency, including Ljupco Andonovski, the agency's chief officer in Skopje. A criminal investigation was recommended by the Ombudsman but not undertaken.

According to Amnesty International, on April 6, police stopped 28 ethnic-Albanian men at a checkpoint near Tetovo, handcuffed them, and forced them to enter a truck. According to NGO reports, police beat the men in the truck, then brought them to the Tetovo police station, where they questioned them about their alleged contacts with the NLA. Also in April, NGO's reported that police arbitrarily arrested and severely beat approximately 30 men from Poroj; 6 of the men reportedly were hospitalized due to their injuries.

Following the NLA's April 28 ambush of Macedonian security forces (see Section 1.a.), police in several Skopje locations stopped vehicles with Tetovo license plates and beat ethnic-Albanian male occupants in the presence of onlookers. Those beaten offered no resistance and posed no risk to police. After further questioning and harassment, police released all without charges.

In May government forces began an offensive against NLA members who had seized control of villages around Kumanovo. Large numbers of civilians remained in the NLA territory, and according to Human Rights Watch, government forces systematically separated ethnic-Albanian males evacuated or fleeing from the conflict areas from their female relatives and beat them at police stations. For example, in May police severely beat 11 ethnic-Albanian civilians who were fleeing a combat area near Kumanovo. Police beat the civilians at the checkpoint where they were detained, during transport to the Kumanovo jail, and at the jail. Reportedly police severely beat these detainees on the soles of their feet, hands, buttocks, arms, and heads for extended periods. Police questioning of the civilians was only superficial; they were released without charges. On May 25, police beat 10 ethnic-Albanian men during police raids in Dzepciste and Poroj. On May 21, police severely beat, kicked, and threatened several civilian inhabitants of the ethnic-Albanian village of Runica and destroyed their homes (see Section 1.f.).

The Organization for Security and Cooperation in Europe (OSCE) reported that security forces assaulted and verbally abused a group of persons who withdrew from Vaksince during a combat engagement. The group included women, children, and the elderly as well as males of fighting age.

According to Amnesty International, on June 10 in Skopje, police arrested an ethnic-Albanian officer of the Macedonian army and allegedly beat him with metal bars and wooden bats while in custody. The police reportedly moved the officer two times and beat him in different locations before releasing him 48 hours later.

In August international human rights groups accused police of severely beating approximately 100 ethnic-Albanian men and boys who were detained following operations at the town of Ljuboten (see Section 1.a.). Many suffered broken bones, and some reportedly were disabled permanently. At year's end, 24 of the men reportedly remained in police custody.

During the year, the Interior Ministry received 117 citizen complaints regarding the excessive use of police force or other improper conduct. In 82 of these cases, the Ministry lodged disciplinary actions. In nine cases, criminal charges were lodged: in five of these cases, police officers were dismissed from service, and in four cases they were suspended and penalized with fines.

In January police physically abused an ethnic Macedonian from Kumanovo who was accused of setting fire to a factory where he was employed. An internal police investigation resulted in the temporary suspension and fining of the responsible officers; however, court proceedings into the police conduct initiated at the recommendation of the Ombudsman had not produced any results by year's end.

There were credible reports of occasional police violence against Roma, including beatings during arrest and while in detention (see Section 5). Roma rights organizations also complained of police harassment of Roma and accused the police of reinforcing patterns of societal discrimination by consistently siding with ethnic-Macedonian citizens in any disputes involving Roma. For example, in July the European Roma Rights Center reported that police in Skopje beat a Romani man during questioning. The man filed a complaint with the Ombudsman's Office; however, the Ombudsman's Office decided not to pursue action against the officer involved.

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

Police were involved in trafficking in persons (see Section 6.f.).

Following the killing of three police officers outside Aracinovo on January 11, 2000, police beat numerous ethnic Albanian residents and destroyed property. One of the three suspects arrested in connection with the killings died in police custody (see Section 1.a.). Human Rights Watch reported that nine other suspects were arrested and beaten in custody and that some were forced to sign confessions. An investigation by the Office of the Ombudsman during the year found that the police had used excessive force in Aracinovo and recommended an internal investigation. Although some families were compensated for damage to their property, the Government otherwise has not punished the police responsible for the abuse.

Ethnic-Macedonian paramilitary groups, whose members included many police reservists, assaulted, harassed, and intimidated ethnic Albanians (see Section 1.f.). For example, on September 15, five members of the so-called Red Berets, a paramilitary group, kidnaped Muharen Ibrahim, an ethnic Albanian who worked for a local humanitarian NGO, and attempted to kill him by throwing him into the Vardar River. In June a group calling itself "Macedonian Paramilitary 2000" circulated a pamphlet warning ethnic Albanians to leave the country or the group would kill them and burn their homes and shops. The pamphlet threatened that for every ethnic-Macedonian police officer killed, the group would kill 100 ethnic Albanians who did not have citizenship or who had received citizenship after 1994.

The NLA beat, threatened, and otherwise mistreated civilians during the conflict. On May 24 and 25 in Matejce, NLA members detained for 4 days four elderly ethnic-Serb men in the village mosque and reportedly beat them with their fists and guns, and kicked them. The NLA members also detained a second group of ethnic Serbs for 4 days and beat some of them. On August 7, NLA members abducted five ethnic-Macedonian road workers on the Tetovo-Skopje highway. They beat the workers, mutilated them with knives, and forced them to perform sexual acts on each other. The workers were then released. There were persistent, unconfirmed rumors that the NLA threatened to kill elected ethnic-Albanian political leaders and journalists if they publicly opposed the insurgency (see Section 2.a.).

Prison conditions generally meet international standards, and prisons meet basic needs of food, hygiene, and access to medical care. The Ministry of Justice reported two deaths in custody as due to natural causes. Men and women are held separately. While juveniles also are supposed to be held separately, limited facilities at times result in older juveniles being confined with adults. Pretrial detainees are held separately from convicted criminals.

The Government permits prison visits to prisoners by independent human rights monitors and the Human Rights Ombudsman. In February the Government signed an agreement allowing the ICRC to visit and register convicted prisoners under procedures that the ICRC reported were acceptable.

*d. Arbitrary Arrest, Detention, or Exile.*—Arbitrary arrest and detention were serious problems. Although the law requires warrants for arrests, this provision frequently was ignored, and it was common for a warrant not to be issued until some time after an arrest. The Constitution states that a person must be arraigned in court within 24 hours of arrest. The accused is entitled to contact a lawyer at the time of arrest and to have a lawyer present during police and court proceedings. However, according to human rights observers and criminal defense attorneys, police at times violated the 24-hour time period within which a suspect must be arraigned, and denied detainees immediate access to an attorney.

The maximum length of pretrial detention is 180 days. Pretrial detention was a problem, and detainees frequently were held based on weak evidence. There were cases of pretrial detainees held for 2 to 3 months before being tried. The Government denied international community members, including the ICRC, access to pretrial detainees without a government representative present.

During the conflict, police frequently and arbitrarily detained ethnic-Albanian males, particularly at roadblocks and checkpoints (see Section 2.d.). According to international human rights observers, police at times placed plastic garbage and other bags over the heads of ethnic-Albanian detainees to conceal their identities as they moved the detainees from one police station to another in efforts to circumvent the 24-hour detention rule. Many detainees were beaten severely and then released without charges. For example, in April NGO's reported that police arbitrarily arrested and severely beat approximately 30 men from Poroj (see Section 1.c.). During the year, brief arbitrary police detentions of foreign nationals increased, under pretexts, including the need for protective custody to check identification. These detentions continued throughout the year; for example, on November 28, police detained four performers from Albania.

Police continued to compel citizens to appear at police stations through an "invitation" for "informative talks," despite a law passed in 1997 that states that police cannot force citizens to appear without a court order. There were continued credible reports that police used this practice. During the year, police detained journalists, at times for "informative talks" (see Section 2.a.).

There were credible reports that the police arbitrarily arrested and detained Roma.

The police continued a pattern of selective enforcement of various laws and regulations against individuals and businesses linked with the political opposition.

On August 13, concurrent with the Framework Agreement, President Trajkovski signed a declaration of immunity for the NLA. In October under the NATO-NLA demilitarization agreement, President Trajkovski elaborated on immunity from

prosecution and detention for former NLA combatants who disarmed by September 26. The immunity does not cover persons suspected of war crimes subject to the jurisdiction of the International Criminal Tribunal for the former Yugoslavia (ICTY) at the Hague, such as torture, murder, ethnic cleansing, and demolition of religious buildings. In December the Government pardoned 64 persons out of 88 detained for crimes committed as members of the NLA insurgency. The Government did not issue a statement explaining why it did not release the remaining 24 persons who were eligible for pardon.

At year's end, approximately 100 criminal cases against former NLA members based on indictments brought prior to the September 26 disarmament and disbandment of the NLA remained outstanding; however, the Government stated that it would not detain the indictees, and none of the indictees were in detention at year's end. Although the Government stated that in practice the indictments were frozen, the indictments technically remained in the processing stage. Former NLA members, ethnic-Albanian party leaders, NGO observers, and members of the international community argued that these provisions were insufficient and pressed the Government to draft and pass an amnesty law; however, no law had been drafted by year's end. Most of the 700 ethnic Albanians who evaded military service (either their initial draft obligation or reserves activation during the conflict) were not detained. However, 20 Jehovah's Witnesses who refused to serve in the military were fined or jailed.

The NLA frequently and arbitrarily detained ethnic Macedonians, and in at least one instance, ethnic Serbs, in areas under its control. Most were released unharmed shortly after their detention. According to Human Rights Watch, on May 24, NLA elements detained four ethnic-Serb men—all reportedly fathers of Macedonian policemen—from the village of Matejce and allegedly tortured them for 4 days before they released them (see Section 1.c.). On June 29, NLA insurgents detained three ethnic Macedonians, including one foreigner. On August 26, the NLA released the three men to the ICRC.

On November 10 and 11, Interior Minister Ljube Boskovski had deployed special forces, the "Lions," to areas formerly held by the NLA (see Section 1.a.). In response, armed ethnic-Albanian groups detained approximately 70 ethnic Macedonians in surrounding villages who were later released.

The Constitution prohibits forced exile, and the Government does not practice it.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government respected this provision in practice, although the court system was still developing and at times was inefficient and slow.

The court system is three-tiered and is comprised of municipal courts, district courts, and a Supreme Court. A Constitutional Court deals with matters of constitutional interpretation. The judiciary is generally weak and was influenced by political pressure and corruption, in part due to low salaries; however, there were not widespread reports of abuse or systemic corruption. The Constitutional Court has a mandate to protect the human rights of citizens but has not taken action in any case in this area.

Trials are presided over by judges appointed by the Republican Judicial Council (an independent agency) and confirmed by Parliament. The judges are assisted by two community-member consulting jurors, although the judge makes the final decision. The Constitution provides for a public attorney to protect the constitutional and legal rights of citizens when violated by bodies of state administration and other agencies with public mandates: the Office of the People's Ombudsman was created and became functional in 1997 (see Section 4).

The Framework Agreement states that the judiciary should better reflect the ethnic composition of the population and states that one-third of the judges on the Constitutional Court, the Ombudsman, and three members of the Judicial Council will be chosen by the Parliament, including a majority of the ethnic-minority Members of Parliament.

The law provides for the right to a fair trial, the presumption of innocence until proven guilty by a court, the right to a lawyer in pretrial and trial proceedings, and the right to an appeal, and the judiciary generally enforced these rights. Court hearings and the rendering of verdicts are open to the public except in some cases, such as those involving minors and those in which the personal safety of the defendant is of concern. Trials cannot be televised, pursuant to the Criminal Procedure Code, although the court in certain cases can authorize the presence of television and film cameras.

Under the NATO–NLA demilitarization agreement, President Boris Trajkovski in October further elaborated on immunity from prosecution and detention for former NLA combatants who disarmed by September 26 (see Section 1.d.).

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.

Opposition political leaders accused the Government of wiretapping their telephones and released many alleged transcripts of telephone conversations during the year. Many employees of the Ministry of Interior who illegally had recorded the conversations subsequently were fired, but were not prosecuted. An investigation into the charges was ongoing at year's end. In August observers alleged that the Government wiretapped telephone conversations between Branko Crvenkovski of the Social Democratic Union (SDSM) and Arben Xhaferi of the Democratic Party of Albanians (DPA), and leaked the conversation to a television station that reported that the two were engaged in a conspiracy against national interests. The Albanian newspaper Fakti claimed that the Government wiretapped its telephones (see Section 2.a.).

In July Minister of Transportation and Communication Ljupco Balkovski agreed to temporarily halt the destruction of illegally constructed homes. The law allows authorities to demolish properties constructed without prior government permission. However, the law was selectively enforced: most buildings demolished during the year were built or owned by persons affiliated with opposition political parties, or built or owned by ethnic Albanians.

During the conflict, police burned and looted homes and other property. For example, police caused extensive damage to civilian property during an April combat offensive near Kumanovo. In the ethnic-Albanian village of Lukare, police destroyed or badly damaged 18 of 24 homes, the local school, and the local electrical infrastructure. Police also burned animal feed stocks. In nearby Brest, police destroyed half of the homes in the village and two schools. In neighboring Gosince, police damaged several homes as well as local water and electrical infrastructure. No known disciplinary action was taken in response to any of these actions. On May 21, in Runica, in the Kumanovo area, government forces burned down approximately 50 homes, the local mosque, and the school in retaliation for earlier NLA strikes (see Sections 1.a. and 1.c.). In August in Ljuboten, police burned numerous houses (see Section 1.a.).

On April 30 and May 1, following the funeral of four soldiers and four policemen from Bitola who were killed in the conflict, ethnic Macedonians burned ethnic-Albanian businesses in Bitola (see Section 5). In response to the riots, many ethnic-Albanian residents fled the city. Following the funeral of the five soldiers—three from Bitola—killed in an NLA attack on an ambulance near Slupcane on June 6, bands of Macedonian civilians attacked ethnic Albanians in Bitola, destroyed several dozen homes and approximately 100 shops, and vandalized a mosque and adjacent Muslim cemetery (see Section 2.c.). Ethnic-Macedonian policemen did not act to stop the rampage, and there were reports that some participated in it.

On June 11, the NLA burned ethnic-Macedonian homes and an Orthodox Church in southern Matejce. On July 28, members of the NLA reportedly set fire to ethnic-Macedonian homes in Tearce to discourage returns of ethnic Macedonians to their villages; an NLA rebel commander claimed that the fires were caused by electrical problems from downed power lines.

*g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.*—From February to July, the Government fought to contain an ethnic-Albanian insurgency. In the course of Macedonia's internal conflict, the police, ethnic-Macedonian paramilitaries associated with the police, and the NLA committed numerous, serious abuses. There were no reported violations by the Macedonian Army; however, some abuses occurred in areas patrolled by both police and military forces. Macedonia's civil conflict resulted in low numbers of ethnic-Macedonian casualties, including approximately 75 police officers, and an unknown number of ethnic-Albanian casualties. The Macedonian police, paramilitaries, and the NLA committed extrajudicial killings (see Section 1.a.). Macedonian forces often shelled NLA-occupied villages, sometimes killing or injuring civilians, including children (see Sections 1.a. and 5). NLA combatants sometimes used ethnic-Albanian civilians as human shields, forcing them to remain against their will in villages under artillery attack, thereby purposefully increasing the risk of civilian casualties. Both sides tortured, beat, and harassed civilians of the opposing ethnic group (see Section 1.c.). The NLA actively spread misinformation about the police, exaggerating the number and extent of their confirmed, serious abuses. Both the Macedonian police and the NLA arbitrarily arrested and detained persons (see Section 1.d.). Both sides destroyed homes and property (see Section 1.f.). The Government restricted ethnic-Albanian media access (see Section 2.a.). At its height, the country's internal conflict displaced approximately 170,000 persons from their homes, according to the U.N. High Commissioner for Refugees (UNHCR) (see Section 2.d.). In May NGO's reported that police, using violence, forced approximately 45 villagers from Opaе, near Kumanovo,

to leave their homes. The police moved the villagers at gunpoint and beat some of them. Police also reportedly forced the villagers to deface copies of the Koran and looted their homes.

Civilians were killed by landmine explosions, which the NLA laid on roads heavily traveled by civilians. On July 19, two European Union monitors and their interpreter were killed in western Macedonia when their vehicle hit a landmine that allegedly was laid by the NLA. On July 29, an NLA landmine explosion on the Lesok-Zelce road north of Tetovo killed two ethnic-Macedonian civilians. Landmines planted by the NLA also killed security forces, including two members of the security forces on March 4. At year's end, no statistics were available on persons killed or injured by landmine explosions.

The NLA reportedly attacked the ethnic-Albanian village of Malina Maala with mortars when villagers disobeyed NLA instructions to evacuate the settlement.

The NLA at times engaged in "ethnic cleansing" campaigns in areas under its control. Threatening violence, the NLA forced thousands of ethnic Macedonians from their homes in northern and western Macedonia. The Framework Agreement called for safe conditions under which displaced persons could return home, and much progress had been made toward that goal by year's end.

The NLA cut off the water supply to the city of Kumanovo in June for approximately 11 days, causing serious health and humanitarian problems for civilians in the city. A cease-fire was negotiated in June by the national security advisor and the NLA, which allowed ethnic-Macedonian water engineers to reopen the water valves.

*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, there were reports that the Government intimidated media that was critical of the Government.

Several daily newspapers were published in Skopje, as well as numerous weekly and monthly publications. Most towns and municipalities have local newspapers. Government-subsidized newspapers in Albanian and Turkish were published and distributed nationally. The Government subsidizes some other newspapers and magazines. The process of granting media subsidies is not transparent, leading to charges of political bias in government support for the media. Several privately owned publications have a wide distribution throughout the country. The media that remained partially state-owned were government-oriented but generally provided coverage of the major opposition parties. The leading newspaper publisher remained partially government-owned and controlled one of only two modern, high-speed printing facilities in the country, as well as many newspaper kiosks, and is subject to government influence.

Distributors of foreign newspapers and magazines must obtain permits from the Ministry of Interior. There were no known reports of such requests being turned down during the year. Foreign newspapers, including those from neighboring countries, were available throughout the country.

State-run radio and television was in countrywide competition with two private television stations and one private radio station. The state broadcast media also faced competition from dozens of small independent local radio and television stations throughout the country. The Broadcast Council issued licenses to broadcasters; the Government, through the office of the Prime Minister, had influence over the process. License fees collected from private broadcasters are supposed to help subsidize the state-run system, but collections were inconsistent. Dozens of illegal, "pirate" radio and television stations operated without licenses and paid no fees.

The outbreak of internal hostilities had a significant and negative impact on all media, particularly on media objectivity. A few outlets attempted to present unbiased reporting, but criticism from listeners, viewers, or readers stifled objectivity. After the July cease-fire and the formulation of the Framework Agreement, press objectivity improved, with the exception of reporting on ethnic issues which remained biased.

Individuals and opposition political groups criticized the Government; however, during the year, media complaints arose over alleged intimidation of newspapers and television companies critical of the Government. There were incidents of law enforcement action against the media companies and their financial backers in areas such as tax collection and checks of building permits, areas in which there is widespread noncompliance among private companies. For example, the Government suspended operations of the independent daily *Makedonija Dnevnik* because it did not pay taxes.

The Government restricted, both directly and indirectly, the work of the ethnic-Albanian media. Police denied ethnic-Albanian journalists access to conflict areas.

For example, ethnic-Albanian journalists were denied access to report on conflicts in the majority ethnic-Albanian village of Aracinovo and were not granted access until months after their ethnic-Macedonian colleagues had been granted access. High-level authorities at times invited only ethnic-Macedonian journalists to press events that they organized, and seldom granted invitations to ethnic-Albanian journalists to join state delegations on visits abroad. In August the Government ordered that only translations of programs prepared by ethnic-Macedonian editors could be broadcast on state television; the ethnic-Albanian language bureau rejected the order, resulting in a 3-week interruption of Albanian-language television broadcasts.

After the crisis began, many cases were reported in the ethnic-Albanian media of ethnic Albanian journalists being detained by the police and held for “informative talks.” For example, in June police reportedly arrested Veton Latifi, an ethnic-Albanian journalist, and held him in detention for 2 hours and allegedly threatened him verbally. On June 11, police searched the homes of a number of journalists of the Albanian-language Skopje newspaper, Fakti. The editor-in-chief of Fakti complained to the Ministry of Interior; however, the Ministry did not respond to Fakti’s complaints. Fakti also claimed that the Government tapped its office telephones, the editor’s telephone, and phones of other journalists (see Section 1.f.).

On June 9, police reportedly beat and detained an Agence France-Press reporter, Colin Neascu, and his interpreter in the Skopje police station.

In 2000 the Government proposed a draft law on information to replace existing regulations from the Communist era. Local journalists and international press groups strongly criticized the draft law and provisions that would require local journalists to obtain government-issued press accreditation. The draft law remained pending at the end of the year.

The OSCE reported that the editor of a leading ethnic-Albanian newspaper received death threats after publishing an article criticizing the NLA.

The Government generally respected academic freedom; however, because government-recognized higher education in fields other than pedagogy has only been available in the Albanian language since November 2000, when the private Southeast European University opened in Tetovo (see Section 5), some ethnic Albanians claimed that they do not have complete academic freedom. They demanded that the Government grant the unaccredited Albanian-language Tetovo University legal status.

*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.

Advance notification of large meetings is optional. Religious gatherings, if they occur outside of specific religious facilities, must be approved in advance by the Ministry of Interior and can only be convened by registered religious groups (see Section 2.c.).

Numerous protests, many of them violent, occurred during the year. On June 25, reserve policemen and soldiers, some in uniform and bearing service weapons, joined a demonstration of internally displaced persons (IDP’s) who attacked the Parliament. The parliament building suffered light damage. Authorities took no disciplinary action against the reservists. On July 24, hundreds of young men joined ethnic-Macedonian IDP’s in another violent protest at the parliament building. The angry mob attacked Skopje stores, burned 10 OSCE and U.N. vehicles, and attacked three foreign embassies.

Political parties and organizations are required to register with a court. A few organizations were denied registration, including the DPA—one of the leading ethnic-Albanian parties—which was denied registration under that name because the court assessed that its political platform was contrary to the Constitution. Kastriot Hadjiredja’s party, the National Democratic Party (NDP), was denied for the same reason. More than 40 political parties are registered, including ethnically-based parties of Albanians, Turks, Serbs, and Roma.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, the law places some limits on religious practice by restricting the establishments of places of worship and restricting where contributions may be made. While the Macedonian Orthodox Church is mentioned specifically in the Constitution, it does not enjoy official status. The constitutional article on religion was amended per the Framework Agreement to reflect the country’s religious diversity.

The Government requires that religious groups be registered. The 1997 Law on Religious Communities and Religious Groups contained a number of specific requirements for the registration of religious groups that were struck down by the Constitutional Court in 1999. Subsequently there was considerable confusion over which procedures still applied, and several foreign religious groups experienced

delays in their efforts to register. The process remained slow and cumbersome. Only one international Protestant church was granted legal registration during 2000, however, several international Protestant churches were granted legal registration during the year. One Islamic group withdrew its 1998 application for registration but continued to operate openly without taking further steps toward legal registration, and the Government has not taken any enforcement actions against the group. The Government no longer keeps a count of registered religious groups and communities.

The Law on Religious Communities and Religious Groups places some restrictions on the establishment of places of worship. It provides that religious rites and religious activities "shall take place at churches, mosques, and other temples, and in gardens that are parts of those facilities, at cemeteries, and at other facilities of the religious group." Provision is made for holding services in other places, provided that a permit is obtained at least 15 days in advance. No permit or permission is required to perform religious rites in a private home. The law also states that religious activities "shall not violate the public peace and order, and shall not disrespect the religious feelings and other freedoms and rights" of persons who are not members of that particular religion. The Government does not actively enforce most of these provisions of the law but acts upon complaints when they are received.

The Law on Religious Communities and Religious Groups also places some limitations on the collection of contributions by restricting them only to places where religious rites and activities are conducted.

The 1997 Law on Religious Communities and Religious Groups specifically allows for foreign citizens to carry out religious activities, but only at the request of a registered religious body. Only a citizen may establish a religious group. The law also stipulates that anyone carrying out religious work be registered with the Government's Commission on Religious Communities and Groups.

Several registered Protestant groups have been unable to obtain building permits for new church facilities due to normal bureaucratic complications that affect all new construction. Churches and mosques often are built without the appropriate building permits. The Government has not taken any actions against religious buildings that lack proper construction permits.

The issue of restitution of previously state-owned religious properties has not been resolved fully. Many churches and mosques had extensive grounds or other properties that were expropriated by the Communist regime. Virtually all churches and mosques have been returned to the ownership of the appropriate religious community, but that is not the case for many of the other properties. Often the claims are complicated by the fact that the seized properties have changed hands many times or have been developed. In view of the country's very limited financial resources, it is unlikely that religious communities can expect to regain much from the expropriated properties.

Forces on both sides of the conflict targeted and in some cases destroyed religious buildings. On June 16, during combat operations, police fired at the mosque at Stracini, although the NLA was not using it as a combat position. In June during anti-Albanian riots in Bitola (see Section 1.f.), local police reportedly did not take any action to stop rioters from vandalizing a city mosque and its adjacent Muslim cemetery. According to nongovernmental observers, some witnesses claimed that a few police officers participated in the riots.

The NLA used religious sites—both Orthodox and Muslim—as military bases and firing positions, in an attempt to deter security forces from attacking. During the spring, NLA fighters used the St. Bogorodica Orthodox Church near Tetovo as a base and caused significant damage to it; the NLA also used the Arabati Baba Teke Dervish monastery near Tetovo as a base. The NLA also attacked Orthodox buildings. On June 3, NLA combatants attacked and defaced the Orthodox Christian monastery at Matejce, near Kumanovo. On August 21, the NLA destroyed the church within the Orthodox Christian monastery at Lesok.

On December 8, arsonists, allegedly former NLA members, destroyed the Sveti Gjorgija (St. George) Church in the village of Golema Recica near Tetovo, the night before St. George's Day. The next night, on December 9, the mosque in Bitola caught fire. Police claimed that the fire was due to faulty electrical wiring, but most observers believed that the fire was intentionally set in response to the St. George Church fire.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The law provides for these rights; however, as a result of the internal crisis the Government restricted freedom of movement.

The army and police set up many checkpoints on roads and in villages in the northern and eastern parts of the country, which restricted freedom of movement for some persons, especially young ethnic-Albanian males. Police at times harassed

and assaulted ethnic-Albanian civilians at checkpoints or arbitrarily detained them (see Sections 1.c. and 1.d.). Police also at times harassed international monitors and journalists at checkpoints and pointed weapons at them (see Section 4). Since February the Government also has restricted access to militarily sensitive areas due to the security situation.

At numerous times during and after the conflict, ethnic-Macedonian civilians blocked roads, preventing ethnic Albanians from returning to their homes. Ethnic-Albanian civilians also constructed roadblocks on several occasions during and after the conflict.

On several occasions, the NLA detained or kidnaped persons, particularly ethnic Macedonians, at illegal roadblocks, particularly in towns around Tetovo. In July the NLA detained four to six armed ethnic-Macedonian civilians as they attempted to return to their homes, from which they had been forced by the NLA in an "ethnic cleansing" campaign. The NLA released the civilians shortly thereafter, but did not permit them to return to their homes. There were reports that the NLA charged ethnic Albanians fleeing the town of Slupcane a "departure tax."

Approximately 170,000 persons were displaced from their homes as a result of the conflict; approximately 35,000 were ethnic Macedonians, and most of the remainder were ethnic Albanians. Approximately 70,000 of these persons crossed into Kosovo and became refugees; the remaining were displaced within the country. A majority of the IDP's took refuge within host family accommodations, and many refugees in Kosovo found shelter with friends or family. At year's end, approximately 50,000 refugees had returned to Macedonia—35,000 returned to their homes; approximately 20,000 remained as IDP's. At year's end, approximately 2,870 IDP's remained in collective centers maintained by the Government, the UNHCR, the ICRC, and other international relief organizations.

While most persons displaced abroad were able to return to Macedonia with minimal documentation, there was a period in July and August during which entry was only permitted to those persons with a valid Macedonian passport. Since that time, under instructions from the Ministry of Interior, persons holding a government photo identification card—or children with a birth certificate traveling with parents with photo identification—were able to enter the country. For adults with no photo identification, there was a verification process facilitated by the UNHCR with the Ministry of Interior. During the fall, border guards were more lenient about persons entering without proper documentation.

With the adoption of the Constitution in November 1991, any Yugoslav citizen who had legal residence in Macedonia could acquire citizenship by simple application. The Law on Citizenship adopted in November 1992 established new procedures for conferring citizenship, including a 15-year residency requirement for naturalization. In 1997 Macedonia became a signatory to the European Union (EU) Convention on Citizenship, but the ratification bill had not yet been implemented by year's end. A bill on citizenship, which lowers the residency requirement to 10 years and makes other changes in accordance with EU standards, was scheduled to become law during the year but was delayed because of the conflict. A total of 2,158,756 persons have established citizenship since independence. Of these, more than 141,000 persons have gained citizenship since 1992. About 2,000 persons apply for citizenship each year.

The law provides for the granting of asylee or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees. The Government provides first asylum.

During the 1999 crisis in Kosovo, more than 360,000 Kosovars found refuge in Macedonia. Following the conclusion of the crisis, the great majority of those refugees still in the country returned to Kosovo; the exception were the Roma, who feared returning because of dramatically deteriorated relations with ethnic-Albanian Kosovars. During the year, the overall number of refugees continued to decrease, and at year's end, only 4,500 registered refugees remained. In addition officials estimated that approximately 2,000 additional unregistered individuals remained. Of the registered refugees, approximately 60 percent were Roma. The largest number of registered Roma refugees (approximately 1,200) reside in the Suto Orizani collective center. Roma also reside in collective centers at Dare Bombol, Llubanci, Saraj, and Struga. Ethnic-Albanian refugees all reside at the Radusa collective center. Approximately 2,100 of the total registered refugee population reside in centers; however, the remaining 5,500 live with host families or in rental accommodations. During the year, there were several Roma protests about living conditions and food at the collective centers, although international donors and administrators judged that conditions met generally accepted standards.

Continued tensions in the Presevo region of southern Serbia also generated potential for refugee flows during the year, but by year's end, only a small number of Presevo residents had chosen to come to the country; they did not enter as refugees, but rather as temporary visitors.

The 1992 Law on Citizenship does not provide any privileges to refugees or stateless persons, however, the pending legislation recognizes refugees and stateless persons as eligible for citizenship after 8 years of residency.

There were no reports of persons being returned to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The unicameral Parliament governs the country. The Prime Minister, as head of government, is selected by the party or coalition that produces a majority in the Parliament. The Prime Minister and the other Ministers may not be Members of Parliament. The Prime Minister is appointed formally by the President, who is head of state, Chairman of the Security Council, and commander-in-chief of the armed forces.

In May in a display of unity in response to the insurgency, all major political parties—including ethnic-Albanian parties—joined a coalition government. The ethnic-Macedonian SDSM party left the coalition in November.

A national census was planned for October, and was specifically called for in the Framework Agreement; however, leaders of all major ethnic-Macedonian and ethnic-Albanian political parties agreed to postpone it until April 2002. As grounds for their decision, they cited large numbers of displaced persons and refugees absent from their homes, lack of adequate preparation, and continuing security concerns in areas of conflict. Ethnic Albanians and other minorities claim the 1994 census undercounted their numbers. International monitoring of the next census is planned.

During the year, the Government drafted two new election bills and presented them to Parliament for consideration in September; however, the bills do not reflect changes that are mandated by the Framework Agreement and were not scheduled for debate until early 2002.

The country's third parliamentary elections were held in 1998 and resulted in an opposition victory and a peaceful change of government. The country's fourth parliamentary elections, scheduled to be held in January 2002, according to the Framework Agreement, were postponed. As of December, Parliament had not decided whether they would be held per the regular schedule in October 2002, or at some earlier date.

The first round of balloting in the presidential election was held in October 1999; there were six candidates on the ballot, representing every major political party, including both ethnic-Albanian parties. International observers reported that the conduct of the first round was satisfactory, and the candidates who received the most votes advanced to the second round. The ruling Internal Macedonian Revolutionary Organization (VMRO) candidate, Trajkovski, gained the majority of the votes cast in round two on November 14, but the opposition Social Democratic Alliance of Macedonia (SDSM) candidate claimed fraud and appealed the results. International observers agreed that irregularities occurred in some areas of the country in the second round, and the Supreme Court ruled that round two should be rerun in 230 polling precincts, all of which were predominantly ethnic Albanian. The voting held on December 5, 1999, was as flawed as the previous round, according to international monitors, who reported numerous incidents of ballot stuffing and other problems in some polling stations. Trajkovski again gained the majority of votes cast, and the SDSM filed a list of complaints of irregularities. Claiming that the Government was incapable of conducting a fair vote in the contested precincts, the SDSM later withdrew those complaints and did not press for another repeat of the voting. President Trajkovski was sworn into office on December 15, 1999.

The percentage of women in government or politics does not correspond to their percentage of the population. The Government has two female ministers. In the Parliament, only eight of 120 members are female, a slight increase from four women in the previous Parliament. In Muslim communities, especially among more traditional ethnic Albanians, some women are disenfranchised due to the practice of family/proxy voting through which men vote on behalf of the women in their families (see Section 5).

The percentage of minorities in government or politics does not correspond to their percentage of the population. A number of political parties represent the inter-

ests of minorities, including ethnic Albanians, ethnic Turks, ethnic Serbs, and Roma. Two ethnic-Albanian parties and the Roma party have members in Parliament; the ruling government coalition includes one of the two major ethnic-Albanian parties, as well as the Romani party. The Parliament includes 25 ethnic-Albanian members, 1 Macedonian Muslim, 1 Rom, and a small number of Vlachs. However, minorities maintained that political structures continued to be biased against them. Partly to address these concerns, the electoral law includes provisions for proportional representation. A total of 35 of the 120 parliamentary members are chosen on the basis of proportionality, while the other 85 members are elected in single-member districts. Some ethnic Albanians and Roma reported that discrimination against them in citizenship decisions effectively disenfranchises them (see Section 2.d.).

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

A number of international and domestic human rights groups in general operated without government restriction, investigating and publishing their findings on human rights cases; however, reporting on human rights abuses committed during the conflict by local NGO's was limited and at times one-sided. Government officials were not always responsive to the views of human rights groups.

The Government requested OSCE and EU monitoring missions to assist with implementation of the Framework Agreement, and in September NATO deployed "Task Force Fox" to the country to support their efforts. Both the OSCE and EU missions remained concerned about human rights problems, among other issues. Macedonian security forces were unable to save the lives of two EU monitors and their interpreter when their vehicle struck an NLA landmine in western Macedonia in July, but responded quickly in an attempt to do so (see Section 1.g.). There were isolated incidents against NATO forces; on August 26, a group of teenagers threw a concrete block at a NATO vehicle, killing a British soldier. Local authorities arrested ethnic-Macedonian teenagers for the crime but due to lack of evidence they were released. The Kosovo crisis and the NLA insurgency led many international NGO's to establish new offices in the country, staffed by many international workers; many of these organizations have a strong interest in human rights issues.

At checkpoints security force members at times harassed and pointed weapons at OSCE monitors and international aid workers (see Section 2.d.). At times they prohibited international personnel from entering conflict areas on unfounded suspicions that the aid workers and monitors were supplying the NLA, and at times they impeded their movement across the Macedonia-Kosovo border. For example, in May Macedonian police refused Human Rights Watch access to a hospital in Kumanovo and to the ethnic-Serb village of Umin Dol.

The Office of the Ombudsman, established in 1997, processes approximately 1,200 complaints each year but only approximately half of its recommendations to the state administration are accepted. It receives and responds to a disproportionate number of requests from ethnic Macedonians, as compared with those from minorities. In 2000 for the first time, the Ombudsman's office presented the Parliament with a list of its recommendations that had not been accepted or implemented by state bodies. The Parliament responded by passing a resolution ordering the state administration to implement these recommendations; however, little was done to enforce this resolution. The Framework Agreement calls upon the Government to substantially strengthen the powers of the Ombudsman. The Ombudsman is to be granted access to all official documents, the power to suspend execution of an administrative act if he determines that the act may be prejudicial to an individual's fundamental rights, and the right to challenge the constitutionality of laws; however, implementation of these provisions had not begun by year's end.

Carla del Ponte, the Chief Prosecutor for the ICTY, stated that she intends to investigate claims of war crimes committed by both sides during the insurgency. In November the Government hosted a visit by del Ponte, and began cooperating with the ICTY, including in an investigation of events in Ljuboten.

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

The Constitution provides for equal rights for all citizens regardless of their sex, race, color of skin, national or social origin, political or religious beliefs, property, or social status. The Framework Agreement states that "The principle of non-discrimination and equal treatment of all under the law will be respected completely. This principle will be applied in particular with respect to employment in public administration and public enterprises, and access to public financing for busi-

ness development.” However, societal discrimination against ethnic minorities persisted, and the protection of women’s rights remained a problem.

*Women.*—Domestic and other violence against women was a persistent and common problem. Legal recourse is available to rape victims, including victims of marital rape. However, cultural norms discourage the reporting of such violence, and criminal charges on the grounds of domestic violence were very rare. Public concern about violence against women was not evident in the media, although some women’s groups were working to raise awareness of the issue. Shelters for victims of spousal abuse were operated by NGO’s. A hot line remained open, but had limited hours. The Government offers some limited support for victims of domestic violence, but relies heavily on international donor support to maintain a hot line and shelter.

Trafficking in women and girls for prostitution and pornography was a problem (see Section 6.f.).

Sexual harassment of women in the workplace was a problem, but no statistics were available to indicate its scope.

The Constitution extends the same legal rights to women as to men; however, society, in both the Muslim and Christian communities, is patriarchal and the advancement of women into nontraditional roles was limited. Women remained underrepresented in the higher levels of the government and private sectors, although some professional women are prominent. Women from some parts of the ethnic-Albanian community do not have equal opportunities for employment and education, primarily due to traditional and religious constraints on their full participation in society and schools. In some traditional, rural ethnic-Albanian communities, some women are disenfranchised due to the practice of family/proxy voting through which men vote on behalf of women family members (see Section 3).

Maternity benefits include 9-months’ paid leave, and benefits are received in practice. Women also retain the right to return to their jobs for 2 years after giving birth.

Women’s advocacy groups include the Humanitarian Association for the Emancipation, Solidarity, and Equality of Women; the Union of Associations of Macedonian Women; and the League of Albanian Women.

*Children.*—The Government is committed to the rights and welfare of children; however, it is limited by resource constraints. The Office of the Ombudsman contains a special unit for children, partially funded by UNICEF. Education is compulsory through the eighth grade, or to the age of 15 or 16. Primary and secondary education is free, although students must provide their own books and other materials. At both the primary and secondary levels, girls in some ethnic-Albanian communities remained underrepresented in schools, and only approximately half of ethnic minority students go on to high school. This is due in part to lack of available classes in minority languages at the secondary level, and in part to many rural, ethnic-Albanian families’ conviction that girls should be withdrawn from school at 14 years of age. According to Romani community leaders, up to 10 percent of Romani children never enroll in school, and of those who do, 50 percent drop out by the fifth grade, and only 35 to 40 percent finish the eighth grade. The Ministry of Education encourages ethnic-minority students, especially girls, to enroll in secondary schools. Medical care for children is adequate but is hampered by the generally difficult economic circumstances of the country and by the weak national medical system.

New legislation addressing shortfalls in the juvenile justice system and reforming existing law to meet international standards was put forward for Government review in December. The new juvenile criminal code is expected to strengthen social services and to emphasize re-education, rehabilitation, and reintegration of minor delinquents into society.

Like other civilians, children were caught in the country’s internal conflict. Thousands of children were displaced from their homes and schools, and a small undetermined number were killed. Despite government cease-fires to permit their departure and ICRC-provided transport to safe points, some ethnic-Albanian parents elected to remain in their homes with their children in conflict areas during combat operations, and at least one child was killed by artillery fire as a result.

There is no societal pattern of abuse against children.

Trafficking in girls for prostitution and pornography is a growing problem (see Section 6.f.).

*Persons with Disabilities.*—The law prohibits discrimination on the basis of disability; however, in practice this provision is not enforced. Social programs to meet the needs of persons with disabilities exist to the extent that government resources allow. No laws or regulations mandate accessibility to buildings for disabled persons. There is societal discrimination against persons with disabilities.

*Religious Minorities.*—There are a number of ethnic-Macedonian Muslims and Bosnian Muslims in the country. Some ethnic-Macedonian Muslims contend that

they are identified too closely with ethnic Albanians, most of whom are also Muslim, and with whose policies the ethnic-Macedonian Muslims often disagree.

While religion has not been a focus of the conflict, both sides occasionally have targeted religious buildings due to the linkage between religion and ethnicity in the country.

In April and June, two significant anti-Albanian riots occurred in Bitola, which displayed anti-Muslim attitudes. In June rioters vandalized a Bitola mosque, breaking windows, setting fire to the mosque interior, and breaking open several graves in the adjacent cemetery. Rioters also sprayed swastikas and anti-Albanian graffiti on the mosque. On August 7, in Prilep, an angry group of ethnic Macedonians burned down the local mosque (see Section 1.f.).

*National/Racial/Ethnic Minorities.*—The population of approximately 2.2 million is composed of primarily ethnic Macedonians, with a large ethnic Albanian minority, and with much smaller numbers of Turks, Roma, Serbs, and Vlachs. According to the last census, in 1994, ethnic Albanians comprised approximately 23 percent of the population, but ethnic Albanian claims that they comprise around 30 percent were credible. Due to the high number of displaced persons and refugees and a lack of preparation, ethnic-Macedonian and ethnic-Albanian leaders agreed to postpone a new national census—originally scheduled for October—until April 2002.

All citizens are equal under the law, and the Constitution provides for enhanced protection of the ethnic, cultural, linguistic, and religious identity of minorities, including state support for education in minority languages through secondary school. The Framework Agreement reaffirms these rights. However, some governmental institutions, particularly the police, discriminate on the basis of ethnicity. Ethnic tensions and prejudices were a regular feature of society. Widespread discrimination was the principal reason the ethnic-Albanian insurgency attracted broad support among ethnic Albanians in Macedonia.

On April 30 and May 1, following the funeral of four soldiers, and four policemen from Bitola who were killed in action, ethnic-Macedonian civilians burned ethnic-Albanian businesses in Bitola. On August 7, after NLA rebels killed ten Macedonian soldiers, several of whom were from the town of Prilep (see Section 1.a.), an angry ethnic-Macedonian group rioted and vandalized shops belonging to ethnic Albanians or other Muslims, and burned down the local mosque.

Underrepresentation of ethnic Albanians in the military and police is a major grievance in the community, and in the case of the police, actively was being redressed with the assistance of the international community. However, the police force remained overwhelmingly ethnic Macedonian, even in areas where the ethnic-Albanian population is a local majority. In 2000 members of ethnic minorities constituted 8.7 percent of the law enforcement officers of the Ministry of the Interior; in the primarily ethnic-Albanian cities of Tetovo and Gostivar the respective figures were 17 percent and 12 percent. The Government for several years has set a recruiting quota of 22 percent for enrolling minority students at the police secondary school, but attrition has kept the graduating classes from retaining that percentage of ethnic minorities. To raise the percentage of ethnic-minority police officers, the Framework Agreement calls on the international community to train 1,000 new ethnic-minority police officers by July 2003, and for the Macedonian police to incorporate these new recruits into ethnically diverse units. In September training of these new police officers by international community trainers began, with later training to be conducted by the OSCE.

The military continued efforts to recruit and retain minority officers and cadets. The military is composed mostly of short-service conscripts, drawn from all ethnic groups. The proportion of ethnic Albanians in the ranks was estimated to be approximately 25 percent, but the proportion was significantly lower in the officer corps. Minorities constituted approximately 12 percent of the total of officers, non-commissioned officers, and professional soldiers; about 15 percent of the cadets at the military academy were from ethnic minorities. Ethnic minorities constituted approximately 11 percent of Ministry of Defense civilian employees.

The constitutional amendments proposed in the Framework Agreement provide that Albanian is to be recognized as a second, official language in areas in which it is spoken by more than 20 percent of the population (as would be any other language which meets that standard). In such areas, citizens will be able to communicate with local offices of the central Government in Albanian and receive responses in the same language. In addition, in areas in which Albanian is used as an official language, Albanian-speaking citizens will be able to receive personal documents in Albanian, and those accused of crimes have the right to translation at state expense of all relevant judicial proceedings and documents. The Framework Agreement stipulates that: "the local authorities will decide democratically on the use [of other minority languages] in public bodies."

Ethnic Macedonians held approximately 85 percent of civil service posts; ethnic Albanians held approximately 10 percent; and other minorities held approximately 5 percent. Ethnic minorities all complained that they were disproportionately assigned to lower-ranking positions.

The Constitution provides for primary and secondary education in the languages of the ethnic minorities, and this provision was reaffirmed in the Framework Agreement. Primary education is available in Macedonian, Albanian, Turkish, and Serbian. Albanian-language education remained a crucial issue for the ethnic-Albanian community; it is seen as vital for preserving Albanian heritage and culture. Almost all ethnic-Albanian children receive 8 years of education in Albanian-language schools. The number of ethnic minority students who receive secondary education in their native languages continued to increase; it was approximately 15 percent in 1999.

At the university level, ethnic minorities remained underrepresented, although there has been progress in increasing the number of minority students. There are eased admission requirements for minorities at the universities in Skopje and Bitola for up to 23 percent of entering places, although the quota has not always been filled. Most university education is conducted in the Macedonian language; until 2001 there was Albanian-language university education only for students at Skopje University's teacher training faculty. However, in 2000 a Law on Higher Education authorized private institutions of higher learning and, during the year, under an OSCE-sponsored and internationally-financed plan, a new institution, Southeast Europe University was created with classes conducted in Albanian, English, and Macedonian. Classes commenced in November. Under the Framework Agreement, the Government committed to "provide for university level education in languages spoken by at least 20 percent of the population of Macedonia."

On July 2, police detained Fadir Sulejmani, the rector of Tetovo University, the unofficial ethnic Albanian university, for questioning for several hours for inciting unrest; ethnic Albanians protested his arrest. Sulejmani claimed that masked policemen forced him off of a bus and that he was handcuffed to a table and questioned for 10 hours.

Ethnic Turks, who make up approximately 4 percent of the population, also complained of governmental, societal, and cultural discrimination. Their main concerns center on the lack of Turkish-language education and media. One continuing dispute has been over the desire of parents who consider themselves Turkish to educate their children in Turkish despite the fact that they do not speak Turkish at home. The Education Ministry refuses to provide Turkish-language education for them, noting that the Constitution provides for education in the native languages of minorities, not in foreign languages. Some parents have hired teachers of their own, although this kind of private education is not authorized legally.

According to the 1994 census, Roma comprised 2 percent of the population, but Romani leaders claim that the actual number of Roma is much higher. There were credible reports of occasional police violence and harassment against Roma (see Section 1.c.). Roma rights organizations accuse the police of reinforcing patterns of discrimination by consistently siding with ethnic Macedonian citizens in disputes involving Roma (see Section 1.c.). Optional Romani-language education has been offered at several primary schools since 1996, but there has been limited demand and no pressure for a more extensive curriculum. There is some Romani-language broadcasting.

There were incidents of societal violence against Roma during the year (see Section 1.c.). In 1999 approximately 6,000 Roma fled Kosovo and took up residence in the country in response to both the Kosovo conflict and the hostility of ethnic Albanian Kosovars, who widely consider the Roma to have supported the Serbs and to have committed theft and other crimes against ethnic Albanians during the crisis. The presence of these Romani refugees was not popular among Macedonia's ethnic Albanians, who largely share the view of the ethnic-Albanian Kosovars concerning both Roma and Serbs. Ethnic Macedonians also expressed irritation at the new arrivals, many of whom settled in Skopje, and some of whom frequented busy traffic intersections to beg, wash car windows, or sell small items. The Roma tend to occupy the lowest economic position of society, and the new arrivals have added to the number of Roma in the ranks of the very poor.

The Framework Agreement provides for ethnic-minority groups to display their national emblems, next to the emblem of the Republic of Macedonia, on local public buildings in municipalities in which they are a local majority.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides for the right to form trade unions; however, this right is not extended to members of the military, police, and

civil service. Independent trade unions have been allowed to organize since 1992, when an Association of Independent and Autonomous Unions was formed, although there is still a national trade union. The Federation of Trade Unions of Macedonia (SSM) is the successor organization to the former Communist labor confederation; it is the Government's main negotiating partner on labor issues, along with the Chamber of the Economy. Although its officers tend to oppose strikes, the Federation reportedly is independent of the Government and committed to the interests of the workers it represents. The only other federation of unions is purportedly independent but in practice is closely linked to the ruling VMRO political party. Over 50 percent of the legal workforce is unionized, and unions are particularly strong in the garment industry.

During the year, there were a total of 100 to 150 strikes, which included many protest work stoppages of a few hours or less. The reasons for the strikes included demands for overdue pay, workers' objections to government changes in management personnel at some state-owned entities, and objection to various decisions related to privatization. Strikes typically were small and confined to company grounds; however, on May 29 the SSM staged a country-wide protest, with approximately 15,000 protesters who blocked several main roads throughout the country. Most strikes were calm and well organized and took place without serious incident.

Unions may affiliate freely with international labor unions and many do so.

*b. The Right to Organize and Bargain Collectively.*—The Constitution implicitly recognizes employees' right to bargain collectively; however, implementing legislation in this area had not been passed, and the concept of collective bargaining remained in its infancy. Collective bargaining takes place, but in the country's weak economic environment employees have very little practical leverage.

The law prohibits antiunion discrimination; however, it exists in practice. Workers at times were fired for participating in union activities, and because of the slow pace of the court system, it at times took 2 to 3 years to legally regain employment.

There were no export processing zones (EPZ's); the Government cancelled plans to develop an EPZ with Taiwanese businesses.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced and bonded labor; however, trafficking of women for prostitution and pornography was a growing problem (see Section 6.f.).

The law prohibits forced and bonded labor by children; however, trafficking of girls was a problem (see Sections 6.d. and 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The Constitution sets the minimum age for employment at 15 years. Children legally may not work nights or more than 40 hours per week. The Ministry of Labor and Social Welfare is responsible for enforcing laws regulating the employment of children; however, the authorities were reluctant to enforce these laws. Reported violations of child labor laws increased during the year; child labor is used in the "gray economy" and illegal small businesses. The country has not ratified ILO Convention 182 on the worst forms of child labor.

The law prohibits forced or bonded labor by children; however, trafficking in girls for prostitution, pornography, and begging was a problem (see Section 6.f.).

*e. Acceptable Conditions of Work.*—The average monthly wage in July was approximately \$155. The minimum wage does not provide a decent standard of living for a worker and his family. The minimum wage is by law two-thirds of the average wage; however, an average month's supply of food for a family of four exceeds average incomes by about 20 percent, forcing multiple members of many households to work. In addition, many persons take on supplemental work, often in the "gray market." The Government Statistics Office estimated that 22.3 percent of the population lives below the poverty line.

The country has an official 42-hour workweek with a minimum 24-hour rest period and generous vacation and sick leave benefits. However, high unemployment and the fragile condition of the economy lead many employees to accept work conditions that do not comply with the law. Small retail businesses in particular often require employees to work far beyond the legal limits.

The Constitution provides for safe working conditions, temporary disability compensation, and leave benefits. Although there are laws and regulations on worker safety, they are not enforced strictly. The Ministry of Labor and Social Welfare is responsible for enforcing regulations pertaining to working conditions. Under the law, if workers have safety concerns, employers are obliged to address dangerous situations. Should an employer fail to do so, employees are entitled to leave the dangerous situation without losing their jobs; however, this right is not respected in practice.

*f. Trafficking in Persons.*—The law does not specifically prohibit trafficking, although traffickers can be prosecuted under other laws; trafficking in women and

girls, particularly for prostitution and pornography, was a serious and growing problem. The Ministry of Interior estimated that there are approximately 2,000 victims of trafficking in Macedonia at any given time, and that between 8,000 and 18,000 women and girls are trafficked to or through the country per year.

The country is a transit country and a destination country for trafficked persons. Traffickers recruit women from other countries, especially Moldova, Romania, Bulgaria, and Ukraine, to work as prostitutes in several Macedonian towns. Women are also trafficked through the country on their way to Albania and Kosovo, and then to Italy and other European countries.

Some trafficking victims are recruited through advertisements of work abroad, such as waitressing, and are then forced into prostitution. While the majority of women and girls trafficked from other countries transit the country on their way to other countries, some women considered by traffickers as less desirable in Western Europe are left in the country without money and forced to work as prostitutes. Trafficking to and through the country is reportedly linked to organized crime groups. Trafficked victims work in brothels and nightclubs in the country. Victims are subject to violence, including rape and assault, and intimidation.

Instances of corruption and involvement of police in trafficking in persons occurred on the local level. At least two law enforcement officials have been dismissed for accepting bribes from traffickers.

There was no specific law prohibiting trafficking, although traffickers could be prosecuted under laws prohibiting slavery, kidnaping, illegal entry, and alien smuggling. Trafficking in persons for the purpose of illegal immigration was not prohibited specifically by law but is covered by immigration regulations. Victims were encouraged to provide information about their traffickers for criminal prosecution; however, there was no witness protection legislation to protect victims. At least three traffickers were convicted on rape, kidnaping, or illegal border crossing charges during the year.

The Government routinely cooperated with neighboring governments in trafficking cases. Despite budgetary limitations, the Government has devoted significant resources to antitrafficking programs, including an interministerial working group devoted to legal reform, the creation of a special police unit dedicated to anti-trafficking efforts, and the establishment of a shelter for victims. The Interior Ministry's Department on Organized Crime has the lead on antitrafficking efforts and devotes two persons to the issue full-time.

Traditionally victims of trafficking were detained, fined, and deported, and police insensitivity was a problem; however, sensitivity training for police was slowly changing attitudes at year's end. The Government does not provide funding to NGO's to support victims' services. Most services are provided by the International Organization for Migration (IOM) through foreign donors. The Government cooperated with IOM to provide shelter and limited medical and psychological assistance to trafficked women on an ad hoc basis. Public awareness of the problem is low and there have been only limited public awareness campaigns to highlight prevention of the problem.

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## MALTA

Malta is a constitutional republic and a parliamentary democracy. The chief of state (President) appoints as the head of government (Prime Minister) the leader of the party that gains a plurality of seats in the quinquennial elections for the unicameral legislature. The judiciary is independent.

The appointed commissioner who commands the police is under the effective supervision of the Government and may be either a civilian or career member of the force.

The country has a population of approximately 391,000. The economy is a mixture of state-owned and private industry, with tourism and light manufacturing as the largest sectors, and it provides residents with a moderate to high standard of living. In 2000 the gross national product was \$3,295 million (1,491.5 million liri).

The Government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of dealing with individual instances of abuse. Violence against women was a problem, and societal discrimination against women persisted, but the Government has taken steps to address both issues.

## RESPECT FOR HUMAN RIGHTS

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

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

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

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

Prison conditions generally meet international standards. Male prisoners are held separately from female prisoners, juvenile offenders are held separately from adult criminals, and pretrial detainees are held separately from convicted prisoners.

The Government permits visits by independent human rights monitors. In May the European Committee for the Prevention of Torture (CPT) visited the country's main detention facilities; however, a report on the committee's findings and recommendations had not been released by year's end.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution and the law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions. The police may arrest a person for questioning on the basis of reasonable suspicion but within 48 hours must either release the suspect or file charges. Arrested persons have no right to legal counsel during this 48-hour period. Persons incarcerated pending trial are granted access to counsel. Bail normally is granted. New detention cells, which were extensively refurbished and upgraded, are in use at police headquarters.

In August the Government published a white paper on police law that proposed forming a police board composed of members of the public to investigate complaints about police behavior with independent investigating powers. Several public advocacy institutions and members of the media made favorable comments regarding the white paper, and the Government continued to evaluate the report's proposals during the year.

In 2000 the European Court of Human Rights ruled that the Government had violated articles 5/3 and 5/4 of the European Convention on Human Rights by holding a Tunisian citizen in custody for 2 years prior to trial, thereby denying the accused prompt due process. The Tunisian citizen was released in 1997, and the white paper cited the case as a justification for reforms.

The Constitution prohibits forced exile, and the Government does not use it.

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

The President, on the advice of the Prime Minister, appoints the Chief Justice and 16 judges. Judges serve until the age of 65, and magistrates serve until the age of 60. The highest court, the Constitutional Court, interprets the Constitution and has original jurisdiction in cases involving human rights violations and allegations relating to electoral corruption charges. The two courts of appeal hear appeals from the civil court, court of magistrates, special tribunals, and the criminal court, respectively. The criminal court, composed of a judge and nine jurors, hears criminal cases. The civil court first hall hears civil and commercial cases that exceed the magistrates' jurisdiction; the civil court's second hall offers voluntary jurisdiction in civil matters. The court of magistrates has jurisdiction for civil claims of less than \$2,227 (1,000 liri) and for lesser criminal offenses. The juvenile court hears cases involving persons under 16 years of age. In March the Cabinet approved a reform in the administration of courts, which strengthens both legal and administrative management, and creates additional judicial staff for magistrates and judges; however, the reform had not been implemented by the year's end.

The Constitution provides for the right to a fair public trial before an impartial court, and an independent judiciary generally enforces this right. Defendants have the right to counsel of their choice or, if they cannot pay the cost, to court-appointed counsel at public expense. Defendants enjoy a presumption of innocence and may confront witnesses, present evidence, and have the right of appeal.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such actions, the Government generally respects these prohibitions in practice, and violations are subject to effective legal sanctions. Police officers with the rank of inspector and above may issue search warrants based on reasonable grounds for suspicion of wrongdoing. Under the law, special powers such as telephone tapping are available to the security services only under specific written authorization of the Minister for Home Affairs or the Prime Minister; it is permitted only in cases related to national security, including combating organized crime. A special commission and security committee examines these authorizations; the

Prime Minister, the leader of the opposition, and the Ministers for Home and Foreign Affairs sit on this committee and oversee the service's work.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice; however, the law bans foreign participation in local politics during the period leading up to elections, although this provision rarely is used. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

Diverse views are expressed in four daily newspapers, and nine weeklies, including five Sunday editions. A total of 6 television stations, a commercial cable network, and 19 radio stations function freely. Internet access is available and generally unrestricted.

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

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. The Constitution establishes Roman Catholicism as the State religion.

The Government and the Catholic Church participate in a foundation that finances Catholic schools. While religious instruction in Catholicism is compulsory in all state schools, the Constitution establishes the right not to receive this instruction if the student (or guardian, in the case of a minor) objects.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for these rights, and the Government generally respects them in practice. During the year, a court order prohibiting the departure from the country of anyone who was the subject of a formal complaint that alleged nonfulfillment of a legal obligation, such as the nonpayment of a debt or nonsupport of an estranged spouse, was repealed.

The Refugee Act of 2000 provides for the granting of refugee or asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR). The law provides for refugee status, access to free social services and education, residence permits, and travel documents. Work permits for refugees are issued on a case-by-case basis. In October a new refugee law entered into force that expanded due process and the protection available to refugee applicants and formalized what had been a system of ad hoc refugee status. The law provides for a Refugee Commission. In October a Commissioner for Refugees and an appeals board composed of three members as well as a substitute was appointed to comply with the law; during the year, it met with UNHCR officials to set up a local refugee eligibility procedure.

During the year, there were 130 applications for refugee status. Of the 76 cases that were decided between the UNHCR and the Refugee Commission, 16 were recognized and granted refugee status, and 60 were rejected. There were 8 withdrawals, and 46 other cases were pending at year's end.

Authorities expel or repatriate those determined to be ineligible for refugee status; however, there were no reports of the forced return of any persons to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The percentage of women in government or politics does not correspond to their percentage of the population. In the September 1998 elections, six women were elected to Parliament, three in each party, and one received a ministerial post. The Government has taken steps to include more women in civil service and other government positions. Of senior government officials, 8 to 10 percent are female, and an additional 11 women were serving as chairpersons on appointed government boards 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 in general operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are cooperative and responsive to their views.

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

The Constitution and law prohibit discrimination based on race, place of origin, political opinion, color, creed, or sex, and the Government generally respects this prohibition. Alleged victims of job discrimination may apply directly for relief to the Employment Commission of the first hall of the Civil Court in the appropriate jurisdiction.

*Women.*—Domestic violence against women was a problem. As of October, 168 cases of domestic violence were reported to the Police Domestic Violence Unit. A special police unit and several voluntary organizations provide support to victims of domestic violence. There is a hotline to assist victims of abuse through counseling and through referrals to legal assistance shelters. The Government also maintains an emergency fund and subsidizes shelters. During the year, 59 women used the shelters, and another 93 used a church-run shelter that received financial assistance from the Government. In 1998 the Government set up a committee to review existing family legislation and propose amendments dealing with domestic violence, and in 2000, the committee presented a bill concerning domestic violence that was under consideration by the Government at year's end.

Prostitution is a serious offense under the law, and stiff penalties are reserved for organizers. Although exact figures were not available, there were some prosecutions during the year. Rape and violent indecent assault carry sentences of up to 10 years' imprisonment. The law treats spousal rape in the same manner as other rape. Divorce is not legal.

The Constitution provides that all citizens have access, on a nondiscriminatory basis, to housing, employment, and education; however, while women constitute a growing portion of the work force, they are underrepresented in management. Cultural and traditional employment patterns often direct women either into traditional "women's jobs" (such as teachers or nurses) or into better paying jobs in family-owned businesses or select professions (academia or medicine); as a result women generally earn less than their male counterparts.

Women's issues are handled by the Department of Women's Rights under the Minister of Social Policy, who is also the Deputy Prime Minister and the Nationalist Party's deputy leader. Women enjoy equality in matters of family law, and the Government promotes equal rights for all persons regardless of sex. The Government has taken steps to provide gender-neutral legislation, and redress in the courts for sexual discrimination is available.

*Children.*—The Government is committed strongly to children's rights and welfare; it funds public education and health care. It provides compulsory, free, and universal education and free health care for children through age 16. The Government addresses concerns for children's rights and welfare within family law.

There is no societal pattern of abuse of children, and the number of reported cases of child abuse decreased over the previous year. During the first 6 months of the year, 566 cases of child abuse were reported. A "helpline" telephone number exists for reports of suspected cases of child abuse.

*Persons with Disabilities.*—The law provides for rights for persons with disabilities. The 2000 Persons with Disabilities Act built on provisions in the public employment and accessibility laws and requires the private sector to apply equal employment guarantees already in place in the public sector. For example, private development project plans must include access for persons with disabilities. Efforts continued during the year to provide children with disabilities with access to mainstream schools as opposed to segregated schools. The Employment Training Corporation has responsibility for registering unemployed persons with disabilities to insure compliance with the law, which requires that every company employing more than 20 persons hire at least 2 percent of its workforce from the Register for Unemployed Disabled Persons.

*National/Racial/Ethnic Minorities.*—Approximately 2,000 persons of North African origin are married to citizens. This community has a mosque and a separate school.

Owners of some bars and discos periodically discouraged or prohibited darker-skinned persons, especially of African or Arab origin from entering their establishments.

*Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides workers with the right to associate freely, and workers exercise this right in practice. There are 38 registered trade unions, representing about 63 percent of the work force, a 13 percent increase over the previous year. Although all unions are independent of political parties, the

largest, the General Workers' Union, generally is regarded as having close informal ties with the Labor Party.

Under the law, the responsible minister may refer labor disputes either to the Industrial Tribunal (a government-appointed body consisting of representatives of government, employers, and employee groups) or to binding arbitration. The International Labor Organization (ILO) Committee of Experts for many years has criticized a provision of the law that permits compulsory arbitration to be held at the request of only one of the parties, but neither unions nor employers appear to object to this provision. Workers have the right to strike, and the Government generally respects this right in practice. Only noncivilian personnel of the armed forces and police are prohibited from striking. In practice a striking union can ignore an unfavorable decision of the Industrial Tribunal by continuing the strike on other grounds. During the year, there were seven industrial actions, all of which were resolved before the Industrial Tribunal by the year's end.

There is no prohibition on unions affiliating internationally.

*b. The Right to Organize and Bargain Collectively.*—Workers are free, in law and practice, to organize and bargain collectively. Unions and employers meet annually with government representatives to work out a comprehensive agreement regulating industrial relations and income policy.

Under the law, an employer may not take action against any employee for participation or membership in a trade union. Complaints may be pursued through a court of law, through the Industrial Tribunal, or through the Tribunal for the Investigation of Injustices (presided over by a judge of the Superior Court); however, most disputes are resolved directly between the parties. Workers fired solely for union activities must be reinstated; however, there were no reports of such firings during the year.

There are no export processing zones.

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

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

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The law prohibits the employment of children younger than age 16. The Department of Labor enforces the law effectively, but it is lenient in cases of summer employment of underage youths in businesses run by their families; some underage children were employed as domestics, restaurant kitchen help, or vendors.

In June the Government ratified ILO Convention 182 on the worst forms of child labor.

The Government prohibits forced and bonded labor by children, and such practices were not known to occur (see Section 6.c.).

*e. Acceptable Conditions of Work.*—The weekly minimum wage is \$103 (45.75 liri) for persons under age 17; \$106 (46.97 liri) for 17-year-olds; and \$112 (49.88 liri) for persons age 18 and over. Additionally a mandatory bonus of \$110 (50 liri) per week is paid. This minimum wage structure provides a decent standard of living for a worker and family with the addition of government subsidies for housing, health care, and free education. Wage Councils, composed of representatives of government, business, and unions, regulate work hours; for most sectors the standard is 40 hours per week, but in some trades it is 43 or 45 hours per week.

Government regulations provide for a daily rest period, which is normally 1 hour, and 1 day of rest per week. The law mandates an annual paid vacation of 4 workweeks plus 4 workdays. The Department of Labor effectively enforced these requirements.

Enforcement of the Occupational Health and Safety (Promotion) Act was uneven, and industrial accidents remained frequent. Workers may remove themselves from unsafe working conditions without jeopardy to their continued employment.

*f. Trafficking in Persons.*—The law does not specifically prohibit trafficking in persons, although other laws can be used to prosecute trafficking; there were no reports of trafficking in persons.

The White Slave Traffic Ordinance and the Criminal Code prohibit procurement for prostitution, pornography, sexual offenses, defilement of minors, illegal detainment, unlawful carnal knowledge, and indecent assault. Traffickers also may be prosecuted under the Immigration Act for unlawful entry or unregulated status. During the year, the Government proposed amendments to the Criminal Code that address the offense of trafficking in human beings and substantially increase the penalty for their illegal transportation; however, the proposed amendments had not been passed by year's end.

**MOLDOVA**

The Constitution of Moldova, adopted in 1994, provides for a multiparty representative government with power divided among a president, cabinet, parliament, and judiciary. Parliament amended the 1994 Constitution in July 2000 by voting to transform the country into a parliamentary republic and changing the presidential election from a popular to a parliamentary vote. In December 2000, after several tries, Parliament was unable to elect a president, and then-President Petru Luchinschi dismissed the Parliament. On February 25, parliamentary elections were held, which resulted in a new communist-majority Parliament and Government. International observers considered the parliamentary elections to be generally free and fair; however, the authorities in the separatist Transnistria region on the left bank of the Nistru River interfered with the ability of residents there to vote. On April 4, Parliament elected Communist Party leader Vladimir Voronin as President. The Constitution provides for an independent judiciary; however, observers believe that judges remained subject to outside influence and corruption.

In 1991 separatist elements, assisted by uniformed Russian military forces in the area and led by supporters of the 1991 coup attempt in Moscow, declared a "Dniester Republic" in the area of the country that is located between the Dniester River and Ukraine. Fighting flared briefly in 1992 but ended after Russian forces intervened, and a truce has held since, although agreements to normalize relations have not been honored. Mediators from Russia, Ukraine, and the Organization for Security and Cooperation in Europe (OSCE) have encouraged the two sides to reach a settlement that preserves the nation's sovereignty and independence while granting a measure of autonomy to Transnistria. Progress in resolving the ongoing conflict has been blocked by the separatists' continuing demands for statehood and for recognition by the Chisinau leadership of a country consisting of a confederation of two equal states: Transnistria and right-bank Moldova. In 1997 the Transnistrian authorities signed a memorandum of understanding with the Government. Further negotiations have been inconclusive. Upon his election, President Vladimir Voronin promised that the resolution of the Transnistrian problem would be one of his priorities, conducted an active campaign to win international support for a settlement, and conducted monthly direct negotiations with Transnistrian leaders until September.

The Ministry of Internal Affairs has responsibility for the police. The Information and Security Service (ISS) controls the other security organs, except for the Border Guards, which are a separate agency. The Constitution assigns to Parliament the authority to investigate the activities of the Ministry of Internal Affairs and the ISS, and to ensure that they comply with existing legislation. In June Parliament dissolved the special committee that had been created in 2000 to oversee the ISS and placed it under a permanent Parliamentary Committee on National Security. The ISS has the right to investigate crimes but not to arrest individuals. There were reports that the security forces committed some human rights abuses.

The country has a population of approximately 4.5 million. The Government is engaged in a program of privatization; agriculture, the most important economic activity, largely has been privatized. The majority of manufacturing sector enterprises are owned privately, but small equity positions (even 5 to 10 percent) give the Government disproportionate influence in the affairs of these enterprises. Most small shops and virtually all service sector businesses are owned privately. The leading exports are foodstuffs, wine, tobacco, clothing, and footwear. The per capita gross domestic product for the first 11 months of the year was \$406 (5,330 Moldovan lei), but this figure may be considerably underestimated because of activity in the large shadow economy (which accounts for approximately two-thirds of the economy) and underreporting for tax purposes. According to government statistics, approximately 82 percent of the population lived below the officially designated "subsistence minimum."

The Government generally respected the human rights of its citizens; however, there were problems in some areas, and the human rights record of the Transnistria authorities was poor. Citizens have the right to change their government, although this right is restricted severely in Transnistria. There were some unconfirmed reports by inmates that guards beat them. Prison conditions remained harsh, with attempts to improve them hampered by lack of funding. The judicial system, while underfunded and subject to outside influences and corruption, continued to demonstrate independence from the Government and Parliament. It is believed widely that security forces monitored political figures, used unauthorized wiretaps, and at times conducted illegal searches. There were some restrictions on freedom of the press, including defamation and calumny laws that encourage self-censorship. There

were legal limits on freedom of association. Religious practice generally was unrestricted; however, a few religious groups encountered difficulties in obtaining official registration. On several occasions, individuals who claimed asylum were detained in the transit zone at the airport without access to legal counsel or to the U.N. High Commission for Refugees (UNHCR). Violence and societal discrimination against women persisted, as did societal discrimination against Roma. There were some limits on workers' rights. Trafficking in women and girls was a very serious problem.

The Transnistrian authorities reportedly used torture and continued to engage in arbitrary detention. Prison conditions in Transnistria remained harsh, and three ethnic Moldovans, members of the Iliascu group, remained in prison despite charges by international groups that their trials were biased and unfair. Human rights groups were not permitted to visit prisoners in Transnistria. The Transnistrian authorities harassed independent media, restricted freedom of association and of religion, and discriminated against Moldovan/Romanian speakers.

#### RESPECT FOR HUMAN RIGHTS

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

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

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution forbids torture and other cruel, inhuman, or degrading treatment or punishment; however, there were some unconfirmed reports by inmates that prison guards beat them.

In April 2000, violent clashes took place in Chisinau between police and students protesting the municipal decision to cancel their free public transport privileges. Press reports alleged that Ministry of Interior police used excessive force against the students. An unspecified number of students suffered injuries and approximately 400 were detained; however, no official charges were filed and the students were released subsequently. The Chisinau municipal Prosecutor's Office was investigating the incident at year's end.

There have been unsubstantiated reports by local nongovernmental organizations (NGO's) of involvement by government officials in the trafficking of women and girls (see Section 6.f.).

The Helsinki Committee reported that the authorities used torture in Transnistrian Prison Number Two during a military training exercise there from August 24 to 29. According to the Helsinki Committee, approximately 50 convicts sustained injuries during these so-called "lessons in behavior." Transnistrian authorities and part of the Transnistrian press denied that soldiers tortured the prisoners.

Conditions in most prisons in both Transnistria and Moldova remained harsh, with serious overcrowding. Cell sizes do not meet local legal requirements or international standards. Conditions were especially harsh in prisons used to hold persons awaiting trial or sentencing. As of September 1, 3,374 individuals, including 198 minors, were awaiting trial (see Section 1.d.). These prisons suffer from overcrowding, bad ventilation, and a lack of recreational and rehabilitation facilities. Conditions for those serving sentences were only marginally better. The incidence of malnutrition and disease, especially tuberculosis, was high in all prison facilities. The medical section of the Department of Penitentiaries released figures at year's end showing that 1,150 inmates had active tuberculosis and 178 had HIV/AIDS. The Ministry of Justice administers the prison system. Attempts to improve prison conditions continue to be frustrated by a lack of financing. Abuse of prisoners by other prisoners or by jailers themselves, ostensibly for disciplinary reasons, has been reduced by the dismissal or retirement of some of the worst offending guards; however, the practice likely continued at diminished levels.

Female prisoners are housed separately from male prisoners. According to UNICEF, the country has only one small facility, similar to a detention camp, for juveniles convicted of crimes, and one women's prison has a small section for juvenile girls. There is no juvenile justice system (see Section 1.e.). Children accused of crimes usually are tried by the criminal courts and, if sentenced, sent to prisons with adults. During the year, as part of the country's celebration of 10 years of independence, President Voronin declared an amnesty for 1,500 prisoners, mainly war veterans and pensioners.

In general both government and independent human rights monitors were permitted to visit prisons. The Moldovan Center for Human Rights made regular prison visits during the year. The Government has cooperated with the International Com-

mittee of the Red Cross (ICRC) in the past, permitting visits to prisoners from the 1992 conflict; however an ICRC request for permission to visit the Iliascu Group, imprisoned in Transnistria, was denied. The OSCE visited the Iliascu Group (see Section 1.d.).

*d. Arbitrary Arrest, Detention, or Exile.*—The Soviet Code on Penal Procedure, which prohibits arbitrary arrest and detention, remained in force with some amendments, and the authorities generally respected its provisions. Judges issue arrest warrants based on cases presented by prosecutors. As a result of a constitutional change which took effect on August 8, a suspect may be detained without charge for 72 hours, an increase from 24 hours. The suspect normally is allowed family visits during this period. If charged a suspect may be released on personal recognizance pending trial. No system of bail exists, but in some cases, in order to arrange release, a friend or relative may be allowed to give a written pledge that the accused will appear for trial. Suspects accused of violent or serious crimes generally were not released before trial.

Under the Constitution, detainees must be informed immediately of the reason for their arrest and must be made aware of the charges against them as quickly as possible. The accused has the right to a defense attorney throughout the entire process (see Section 1.e.), and the attorney must be present when the charges are brought. Many lawyers point out that access to a lawyer generally is granted only after a person has been detained for 24 hours.

The Constitution permits pretrial detention for an initial period of 30 days, which, as a result of an amendment adopted on July 12, may be extended by a court to 12 months. Detentions of several months were fairly frequent. Parliament may approve the extension of pretrial detention on an individual basis to 12 months. The accused has the right, under the Constitution, to a hearing before a court regarding the legality of his arrest. At year's end, according to figures provided by the Ministry of Justice, 1,890 persons of a total prison population of 10,632 were held in confinement awaiting trial.

On several occasions, individuals who claimed asylum were detained in the transit zone at the airport without access to legal counsel or to the UNHCR (see Section 2.d.).

At times during the year, the Transnistrian authorities used a "state of emergency" decree that they promulgated in 1994, and imposed a state of emergency in Transnistria that allowed law enforcement officials to detain suspects for up to 30 days, reportedly without access to an attorney. Such arbitrary detention procedures usually have been applied to persons suspected of being critical of the regime and sometimes last up to several months. According to a credible report by Amnesty International, many pretrial detentions in Transnistria fit this description. The decree was lifted on October 5.

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

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however, many observers believe that arrears in salary payments make it difficult for judges to remain independent of official pressure and free from corruption.

The judiciary consists of lower courts of the first instance, five appellate courts (tribunals), a Higher Court of Appeals, and a Supreme Court. The Supreme Court supervises and reviews the activities of the lower courts and serves as a final court of appeal. A separate Constitutional Court has authority exclusively in cases regarding the constitutionality of draft and final legislation, decrees, and other government acts.

The Constitutional Court showed signs of independence during the year. It reviewed 72 cases, including 33 laws, 3 decisions of Parliament, 20 government decisions, 6 interpretations of the Constitution, and 5 approvals for constitutional review. In the period following a July 2000 constitutional amendment enacted by Parliament that made the country a parliamentary republic, the court issued a number of rulings on the interpretation of the amendment and subsequent implementing legislation. On October 10, 2000, the Court ruled that legislation requiring political parties be registered for 2 years before participating in elections was unconstitutional. The Court's decisions generally have been regarded as fair and objective.

The Constitution provides that the President, acting on the nomination of the Superior Court of Magistrates, appoints judges for an initial period of 5 years. This provision for judicial tenure is designed to increase judicial independence. Beginning in 2000, judges being considered for reappointment have been required to take a specialized training course at the Judicial Training Center. At the end of this training, they are subject to tests, which are evaluated by the Superior Council of Judges; the results are considered when making reappointment decisions. This process was designed to increase the professionalism of the judges.

The Prosecutor General's office is an autonomous office within the judiciary branch and answerable to Parliament. Since 1997 prosecutors have had the right to open and close investigations without bringing the matter before a court, which gives them considerable influence over the judicial process. In its July 2000 session, Parliament decided that the Prosecutor General's office would no longer supervise the implementation of laws; its function was restricted to criminal prosecution, the presentation of formal charges before a court, and the overall protection of the rule of law and civil freedoms.

There is no juvenile justice system (see Section 1.c.). Children accused of crimes usually are tried by the criminal courts. In September UNICEF and the SOROS foundation sponsored a training program by the NGO, Association of Women Lawyers, to help the country begin to create a juvenile justice system.

By law defendants in criminal cases are presumed innocent. In practice prosecutors' recommendations still carry considerable weight and limit the defendant's actual presumption of innocence. Trials generally are open to the public. Defendants have the right to a lawyer and the right to attend proceedings, confront witnesses, and present evidence. If the defendant cannot afford an attorney, the State requires the local bar association to provide one. Because the State is unable to pay ongoing legal fees, defendants often do not have adequate legal representation. Defense attorneys are able to review the evidence against their clients when preparing cases. The accused enjoys a right to appeal to a higher court. The Constitution provides for the right of the accused to have an interpreter both at the trial and in reviewing the documents of the case. If the majority of the participants agree, trials may take place in Russian or another acceptable language instead of Moldovan/Romanian. Prosecutors occasionally used bureaucratic maneuvers to restrict lawyers' access to clients.

Due to a lack of funding for adequate facilities and personnel, there is a large backlog of cases at the tribunal and Higher Appeals Court levels. The Justice Minister stated that in the first 6 months of the year, only 67 percent of all court rulings and been carried out. He cited as reasons the economic crisis, a lack of judicial and prosecutorial resources and the absence from the country of many working-age individuals against whom judgments have been levied.

There continued to be credible reports that local prosecutors and judges extorted bribes for reducing charges or sentences. For example, in 1999 a judge in the Chisinau economic court was arrested and sentenced to 10 years in prison for accepting a bribe. In September, the Prosecutor General reportedly asked the Superior Council of Magistrates to dismiss one judge so he would lose immunity and could be prosecuted; the judge had freed an alleged leader of an organized crime group specializing in targeted killings and kidnappings, reportedly for a large bribe. No further information was available on this case by year's end.

In Transnistria three ethnic Moldovans, members of the Iliascu Group, remained in prison following the May release of their leader. They were convicted of murder in 1993 in a trial that international human rights groups considered biased and unfair. Local organizations alleged that they were prosecuted solely because of their membership in the Christian Democratic Popular Party (PPCD), a political party that, at that time, favored unification with Romania. In April 1999, wives of the Iliascu Group filed a case with the European Court of Human Rights (ECHR) against the Government of Moldova and the Russian Federation. In spite of the release of Ilie Iliascu in May, they have not withdrawn the case, which was being considered by the ECHR at year's end. Iliascu, who subsequently became a Romanian parliamentarian, is pressing the Government of Romania to work toward the release of his former colleagues. He has also met with President Voronin asking for the Government's support for their release. International organizations continued to pressure the Transnistrian authorities to release the remaining members of the Iliascu Group or retry them in a proper court under international monitoring. The ICRC has been denied visitation to these prisoners since 1994. The ICRC requested permission to visit the Iliascu Group during the year, but the Transnistrian authorities did not permit the visit (see Section 1.c.).

There were no reports of political prisoners apart from those in Transnistria.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such actions; however, the Government did not respect these prohibitions in practice.

Prosecutors issue search warrants and there is no judicial review of search warrants; however, it is believed widely that the security agencies conduct illegal searches without proper authorization. Courts do not exclude evidence that was obtained illegally. The Constitution specifies that searches must be carried out "in accordance with the law" but does not specify the consequences if the law is not respected. The Constitution also forbids searches at night, except in the case of fla-

grant crime, and this prohibition generally is respected. By law the prosecutor's office must authorize wiretaps and may do so only if a criminal investigation is underway; however, in practice the prosecutor's office lacks the ability to control the security organizations and the police or to prevent them from using wiretaps illegally. It is believed widely that security agencies continue to monitor residences and telephones electronically. The head of the ISS denies this charge.

Following the September 11 terrorist attacks in the United States, police reportedly informed persons of Middle Eastern origin that they were being monitored carefully, and ISS asked the rectors of universities with large Muslim foreign student populations to inform such students that they also were being monitored carefully. The ISS reportedly also conveyed the same message, by unspecified means, to popular gathering places of Muslim students.

*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, there are some restrictions on these rights. The Government generally did not limit freedom of speech; however it has used provisions of the electoral law, and a calumny law, against some critics, and journalists practice some self-censorship. Nevertheless there is an active independent media.

Although the Constitution restricts press freedoms and some speech by forbidding "disputing or defaming the State and the people," these restrictions lack implementing legislation and are not invoked. However, a calumny law prohibits defaming high-level public officials. In the past, criticism of public figures resulted in a number of lawsuits. As a consequence, journalists practiced self-censorship to avoid lawsuits. The Supreme Court in 1999 overturned an article in the Civil Code that allowed public figures to sue for defamation without distinguishing between their public and private persons. Under the Court's 1999 ruling, parties filing lawsuits must prove that the information was false and defamatory and published recklessly or with intentional malice. Since the 1999 decision, plaintiffs generally have lost in cases in which suits have been filed against journalists and media organs. The Prosecutor General is investigating and prosecuting the former head of the Department to Combat Corruption and Organized Crime, General Nicolae Alexei, under the calumny law. Alexei has become a parliamentary deputy and a member of the opposition Christian Democratic Party, and many observers believe that this affiliation is the real reason he is being charged. The Prosecutor General's office has declined to release further information on his investigation.

Article 34.5 of the Constitution prohibits censorship and generally the Government does not censor books, films, or any other media officially; however, members of Parliament and other government officials often contact a media outlet with complaints about their reporting, which usually results in the criticism being toned down.

Although the number of media outlets that are not owned and operated publicly by the State or a political party is growing, most of these independent media remained in the service of, and secure large subsidies from, political movements, commercial interests, or, until July, foreign governments or ethnic interests. In July Parliament amended the Press Law to prohibit funding or support of Moldovan publications by foreign governments. Observers presumed that the amendment was aimed at Romanian government support for opposition groups; however, the new prohibition also may apply to publications funded as part of international aid programs, and potentially could hinder human rights groups, foreign donors, sponsors of democratization projects, and other nonpolitical organizations.

The Government charged an independent publication, *Kommersant Moldovy*, with being a danger to state security for its alleged support for the separatist Transnistria regime and closed it on November 30 on the grounds that it was having financial troubles.

The Government does not restrict foreign publications. However, Western European and American publications do not circulate widely since they are very expensive by local standards. Russian newspapers are available, and some publish special Moldovan weekly supplements.

The print media expressed a wide variety of political views and commentary. National and city governments subsidize a number of newspapers. Political parties and professional organizations, including trade unions, also publish newspapers. Most newspapers have a circulation of fewer than 5,000 copies.

There are several independent radio stations, including one religious station, with some stations rebroadcasting programs from Romania and Russia. Three independent television stations operate in the Chisinau area and one in the city of Balti. The Chisinau licensed stations mostly rebroadcast programs from other stations, along with local news shows and some of their own programs. The Government

owns and operates several radio stations and a television station that covers most of the country. Some local governments, including the government in Gagauzia, operate television and radio stations.

During the year, the state radio dropped a popular Romanian-sponsored radio program, "the Hearth," allegedly under government pressure, in addition to dropping two other minor radio spots from Romania. "The Press Club," a popular television show in which journalists at times interviewed controversial political figures, was removed from state television because it could not pay for broadcasting time; an earlier administration originally subsidized it as a public service program. The program subsequently went to a cable station, but has since dropped from its offerings. The Audio-Visual Council (AVC) requires cable television companies to carry state television shows. In February Catalan-TV, a deeply indebted independent station that was in arrears for nonpayment of its station license fees, ceased operations after its operating license was withdrawn by the AVC, ostensibly because of the arrears. However, observers noted that despite repeated warnings, Catalan had continued broadcasting materials during the parliamentary elections that were in violation of the electoral law, which limits broadcasting time to each party. The stations themselves, to be in compliance, are tasked with monitoring and allowing a party to use only its allotted time; there has been controversy over whether or not the appearance of a party or a spokesperson for a party in another context, such as in a news-cast or as a discussion program guest, is counted towards this allotted time. Although Catalan-TV was not the only station to violate the law, it was the most frequent violator and allegedly lacked the protection available to some of the other offenders, who had better political connections.

A 1995 law requires that a minimum of 65 percent of broadcasting be in the state (Moldovan/Romanian) language. In August 2000, the AVC issued citations to several radio and television channels, and threatened to revoke their licenses for their failure to respect this requirement. This action led to renewed controversy over the status of the Russian and Moldovan/Romanian languages (see Section 5). In October 2000, following protests from both domestic and foreign groups, Parliament approved an interpretation of the law that 65 percent of locally produced content, rather than 65 percent of total airtime, had to be in the state language. On July 20, Parliament also eliminated the legal requirement that all advertisements be accompanied by a translation in the state language, and allowed advertisers to use any language. In the February parliamentary elections, the Communist Party faction in the Parliament proposed making Russian a second official language and on December 25 sent a draft constitutional amendment on the issue to the Constitutional Court (see Section 5). Shortly after its election in February, the new Government followed the practice of its predecessors and replaced the directors of the television and radio units within the Moldova State Radio-Television Company. The Government also dissolved the Press Concern, an institution that provided space for a number of independent media and journalists' organizations, including the Moldpress news agency; the Government turned over control of the Press Concern's building to the State Chancellery to run on a for-profit basis. Independent media and journalists' unions, many of which are not financially self-supporting, feared that they would lose their space to more profitable non-media enterprises. By year's end, they reportedly had reached satisfactory arrangements with the new management, but some feared that they could lose their space if they were too critical of the Government.

The country receives television and radio broadcasts from Romania, France, and Russia. A small number of cable subscribers receive a variety of other foreign television programs, including news programs. Few residents have satellite television. Parliament has prohibited the use of locally based foreign media outlets for political campaigning.

In 2000 legislation was passed giving the public access to information from government organizations; however, few individuals know of this right, and government organizations largely did not comply with the law. Government organizations claimed they did not have the resources to fulfill such requests.

Internet access is not limited by the Government. As a result of low wages, private Internet accounts are prohibitively expensive; however, Internet cafes are plentiful in major cities.

Of the two major newspapers in Transnistria, one is controlled by the separatist authorities and the other by the Tiraspol city government. There is one independent weekly newspaper in Benderi and another in the northern Transnistrian city of Ribnitsa. At times the independent newspapers criticized the Transnistrian regime and in response were harassed by separatist authorities. Other print media in Transnistria do not have a large circulation and appear only on a weekly or monthly basis; some of them also criticize local authorities. Most Moldovan newspapers did

not circulate widely in Transnistria although they were available in Tiraspol. The independent newspaper in Benderi has suffered confiscation of equipment and repeated confiscation of its press run by the Transnistrian authorities since its founding in 1998; however, no such confiscations occurred during the year. The newspaper was under continual political pressure during the year. It has few resources and a circulation of only approximately 4,000 copies. One of the editors of this newspaper attempted to run for the "presidency" of Transnistria in December, but was not allowed to register (see Section 3). In November the authorities shut down the newspaper of the leftwing organization, For Power to the People, For Social Justice, and confiscated a full run of the newspaper.

Academic freedom is respected.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly, and the Government generally respected these rights in practice. Mayors' offices issue permits for demonstrations and may consult the national government if a demonstration is likely to be extremely large; permits are issued routinely and without bias. There were peaceful demonstrations in Chisinau against the Communist Party victory, the enhanced protection of Russian language usage, and a border agreement between the country and Ukraine that ceded a small piece of territory. Demonstrations against this agreement also took place in the border town affected. These demonstrations took place without interference from the police and there was no repetition of the violent clashes that took place in 2000 between police and demonstrators.

The authorities began an investigation of violence that occurred during the April 2000 student demonstration (see Section 1.c.), but declined to release the results.

The Transnistrian authorities usually do not permit free assemblies, and on those occasions when they do issue permits, they often harass organizers and participants. Unregistered religious groups are not allowed to hold public assemblies, such as revival meetings (see Section 2. c.). The authorities at times organized mass rallies in their own support, and termed them "spontaneous rallies by the people."

The Constitution provides for freedom of association and states that citizens are free to form parties and other social and political organizations; however, the controversial Article 41 of the Constitution states that organizations that are "engaged in fighting against political pluralism," the "principles of the rule of law," or "the sovereignty and independence or territorial integrity" of the country are unconstitutional. Small parties that favor unification with neighboring Romania have charged that this provision is intended to impede their political activities; however, no group has been prevented from forming as a result of this provision. Private organizations, including political parties, are required to register, but applications were approved routinely. There were 31 parties at year's end.

Transnistrian authorities restricted freedom of association by intimidation and prosecution for alleged offenses or on invented charges. In March the authorities began legal proceedings against two leftist political parties—For Power to the People, For Social Justice, and People's Rule—and a leftwing Komsomol youth organization, all allegedly for undermining Transnistrian sovereignty by voicing support for the Moldovan Communist party in the February 25 parliamentary elections in Moldova. At year's end, court proceedings against People's Rule still were ongoing and had reached the Transnistrian "Supreme Court." In November a Transnistrian court closed the Komsomol youth organization.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, the law includes restrictions that inhibit the activities of some religious groups. There is no state religion; however, the Moldovan Orthodox Church receives some special treatment from the Government. For example, the Metropolitan of Chisinau and All Moldova has a diplomatic passport. Other high-ranking Orthodox Church officials also reportedly have diplomatic passports issued by the Government.

The law requires that religious groups register with the Government. The procedures for registering a religious organization are the same for all groups. Under the Law on Religions, an organization wishing to register must submit a request to the Cabinet. The Department of Religions examines the required statutes and organization chart of the religious body, determines if the officers of the central authority of the Moldovan branch of the religion are citizens (as required by law), and examines whether its beliefs contravene the Constitution or any other laws of the country. The final recognition or rejection is accomplished by Government decree, signed by the Prime Minister and printed in the Official Gazette. The Government had recognized 20 religious organizations by year's end. However, in some cases the Government, citing Article 15 of the Law on Cults, has not recognized what it terms "schismatic movements" of a particular religion. This Article seems to be applied only to schismatic movements of the country's main religion, as both the Seventh-

Day Adventist Church and the Reform Movement Seventh-Day Adventist Church are recognized as separate religions. Unregistered religions cannot buy land or obtain construction permits for churches or seminaries. Members of unregistered religions hold services in homes, NGO offices, and other locations.

The Government continued to deny recognition to the Bessarabian Orthodox Church, citing unresolved property claims and stating that the Bessarabian Church is a “schismatic movement.” The Bessarabian Orthodox Church was formed in 1992 when a number of priests broke away from the Moldovan Orthodox Church, which was subordinate to the Moscow Patriarchate. The Bessarabian Orthodox Church considers itself to be the legal and canonical successor to the pre-World War II Romanian Orthodox Church in Bessarabia (a historical and geographical designation generally applied to the area bounded by the Danube, Nistru, and Prut Rivers, and the Black Sea). It is subordinate to the Bucharest Patriarchate of the Romanian Orthodox Church. The issue has political as well as religious overtones, as it raises the question as to whether the Orthodox Church should be united and oriented toward Moscow, or divided with a branch oriented toward Bucharest. The Bessarabian Church appealed the case to the ECHR. The Government responded in 2000, arguing that registering the Bessarabian Church would interfere with an internal matter of the Moldovan Orthodox Church. The ECHR heard the case on October 2 and issued its decision on December 13, stating that the Government had violated the human right of freedom of religious belief. At year’s end, the Government had neither registered the Bessarabian Church nor filed its appeal with the ECHR, although officials indicated it would do so.

The Government continued to uphold its denial of registration to the Church of the True Orthodox of Moldova, a branch of the Russian Overseas Orthodox Church. On August 10, an appellate court decided in favor of the Church and ordered the Government to register it; however, the Government had not done so by year’s end, and had filed an appeal to the Supreme Court of Justice.

The Church of Jesus Christ of Latter-Day Saints (Mormons), which first applied for registration in 2000, continued to face bureaucratic difficulties in the registration process.

In November 2000, the Government refused to register the Spiritual Organization of Muslims in Moldova (Muslims). The Muslims took their case to the Supreme Court of Appeals in February; in May the Supreme Court sent the case back to the Court of Appeals. The Supreme Court advised both the Muslims’ representatives and the Government’s representatives to follow the strict procedures of the law, since not all of these had been followed during the registration process. On October 8, the Court of Appeals ruled against the Muslims on October 8 and they appealed to the Supreme Court of Justice. The Muslim organization also asserted that it was discriminated against because some members are Afghan and Chechen refugees.

The law on religion as amended to legalize proselytizing—in principle bringing the legislation in line with the European Convention on Human Rights—went into effect in June 1999; however, the law explicitly forbids “abusive proselytizing,” which is defined as “an attempt to influence someone’s religious faith through violence or abuse of authority.” The Government has not taken legal action against individuals or organizations for proselytizing.

The law provides for restitution to politically repressed or exiled persons whose property was confiscated during the successive Nazi and Soviet regimes. This regulation has been extended in effect to religious communities; however, the Moldovan Orthodox Church has been favored over other religious groups in this area. The Church had little difficulty in recovering nearly all of its property and, in cases where property was destroyed, the Government offered alternative compensation. However, property disputes between the Moldovan and Bessarabian Churches have not been resolved. The Jewish community has had mixed results in recovering its property. The Baptist Church has only one remaining property restitution claim. In May the Molocans appealed to the Parliament to hear their property restitution case, but the Parliament denied their request, voting that the case was not within their jurisdiction.

In February 2000, Parliament passed a decree making “moral and spiritual” instruction mandatory for primary school students and optional for secondary and university students. The Ministry of Education had planned for the instruction to begin in September 2000; however, difficulties arose in establishing the nature of this religious instruction. These difficulties, combined with the chronic financial problems of the country’s schools, delayed indefinitely the implementation of the decree on a national level. There are two public schools and a kindergarten open only to Jewish students. These schools receive the same funding as the state schools, and are supplemented by financial support from the community. Jewish students are not re-

stricted to these schools. There are no comparable schools for Orthodox believers and no reports of such schools for other religious faiths.

The law in Transnistria prohibits renting houses, premises of enterprises, or “cultural houses” for prayer meetings. Unregistered religious groups are not allowed to hold public assemblies, such as revival meetings. Evangelical religious groups meeting in private homes have been told that they do not have the correct permits to use their residences as churches.

On December 25, Transnistrian authorities threatened to demolish a house in which the Baptists had been meeting, although this threat had not been carried out by year’s end.

In 1998 authorities in Transnistria canceled the registration of members of Jehovah’s Witnesses. Repeated attempts by Jehovah’s Witnesses to reregister have been denied or delayed. Transnistrian officials regularly confiscate religious tracts from members of Jehovah’s Witnesses because the group is not registered properly. The Methodist Church was denied registration in late 2000. The Church of the Living God has been denied registration in five towns in Transnistria. The Baptist community, which also has been refused registration, was harassed and threatened during the last 3 months of the year. In the past, they and other non-Orthodox groups complained that they generally were not allowed to rent property and often were harassed during religious services.

*d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.*—The Government does not restrict travel within the country, and there are no closed areas. Citizens generally are able to depart from and return to the country freely; however, there are some restrictions on emigration. Close relatives who are dependent on an applicant for material support must give their concurrence. The Government also may deny permission to emigrate if the applicant had access to state secrets; however, such cases are very rare, and none were reported during the year. It generally is accepted that a large number of citizens are working in foreign countries without having legal status in those countries. Figures on emigration from a variety of official sources are inconsistent and based largely on anecdote; government estimates claim that between 600,000 and 800,000 citizens were working outside the country, the vast majority of them illegally. The majority worked in Russia, Romania, Ukraine, and Bulgaria.

Travel between Transnistria and the rest of the country was not prevented, and the Government maintained that Transnistria is an integral part of a single state, although with a status yet to be determined. There are regularly scheduled buses and trains to and from Transnistria. The separatist authorities often stop and search incoming and outgoing vehicles. In 1999 the Government established fixed and mobile “fiscal posts” to control smuggling of untaxed goods from Transnistria. In September the new administration announced that it would remove these posts and began to make plans to set up joint customs posts with Ukraine on its border with Transnistria; however, implementation proved difficult and had not been completed by year’s end. The Government also issued new customs seals and stamps and, unlike its predecessors, did not give them to the Transnistrian authorities. Officials assert that this is to prevent contraband from flowing through Transnistria. Transnistrian leaders charge that Moldova has put an “economic blockade” around its territory to pressure it politically. Late in the year, the Transnistrian authorities increasingly impeded OSCE travel to the region (see Section 4).

On November 23, the Government ratified the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; the Convention entered into force on December 11. However, the amendments to domestic law necessary to bring it into compliance with the Convention had not been enacted by year’s end. The Government has no processing procedures for potential refugees resident in the country, although a new department was established in the Ministry of Justice to coordinate Government actions addressing refugees. According to a representative of the UNHCR, 10 to 15 persons a month arrive in the country seeking refuge. Many originate in Chechnya, Iraq, Sudan, Afghanistan, Nigeria, and other African countries. The Government cooperates in some respects with the office of the UNHCR and other humanitarian organizations in assisting refugees. While individuals who are already in the country generally have access without restrictions to the UNHCR and are processed for refugee status under its mandate, those arriving at the airport as a rule are denied entry and held incommunicado until they can be returned to their place of embarkation. On several occasions, individuals who claimed asylum were detained in the transit zone at the airport without access to legal counsel or to the UNHCR. In August a group of six Somalis asked to meet UNHCR officials. Border Guard officials denied this request and returned the asylum-seekers to their port of embarkation in Syria. Chechens (who are Russian speakers and physically resem-

ble resident Moldovans), and individuals assisted by smugglers, are more successful in gaining admission.

The arrival of approximately 60 to 100 Chechen refugees in the course of 2000 led to controversy between the Government and the UNHCR over the extent of legal protection refugees should receive. According to a UNHCR representative, the authorities frequently failed to inform the UNHCR of the arrival of refugees or disregarded UNHCR guidance and advice. At the urging of the UNHCR, the Government accelerated the submission of a law on refugees to the Parliament. It was passed on first reading on May 10, but it had not been passed by year's end.

Although the Constitution provides the right to asylum, the issue of the provision of first asylum never has arisen formally. All persons approaching the UNHCR for refugee status also apply to the President for political asylum but invariably receive the response that the application can not be processed due to the absence of any refugee or asylum law. Those who are granted refugee status under the UNHCR's mandate lead a precarious existence with no possibility to legalize their status or to access the labor market. This leads to spontaneous departures or extended maintenance programs for destitute persons. Voluntary repatriation and cases of family reunification are infrequent. The most vulnerable individuals are considered for resettlement to other countries.

There were no official reports during the year of the forced return of persons to a country where they feared persecution; however, in 2000 Amnesty International reported a case in which such a forced return took place. According to Amnesty International, on July 13, 2000, a Kurdish Turk was seized by unidentified men in Chisinau and flown to Turkey where he faces charges that could carry a death sentence. Local human rights organizations charge that the Government failed to follow correct procedures in this case. There are allegations that national security officers were involved; however, the authorities deny them.

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

Citizens have the right to change the government peacefully and exercise this right in practice in most of the country; however, this right is restricted in Transnistria. Citizens have voted in multiparty presidential elections in 1996 and parliamentary elections in 1996, 1998, and during the year. International observers considered these elections to be free and fair, but Transnistrian authorities have interfered with their residents' ability to vote in these elections.

The Constitution adopted in 1994 provided for the division of power among a popularly elected president, a cabinet, a parliament, and a judiciary. In July 2000, Parliament voted to amend the 1994 Constitution to transform the country into a parliamentary republic and change the presidential election from a popular vote to a parliamentary vote. In formal terms, the amended Constitution changes only the method of election of the President. Under its provisions, the President, as Head of State, appoints the Prime Minister, who names the Cabinet. The Prime Minister and the Cabinet are then approved by the Parliament, and if approved the Prime Minister functions as the head of Government. The President may dismiss a cabinet minister at the request of the Prime Minister. In September 2000, after a protracted political struggle, Parliament passed implementing legislation. According to this legislation, a three-fifths vote in Parliament is required to elect a Presidential candidate, and the vote must be held by secret ballot. If Parliament, after multiple votes, proves unable to elect a candidate, the sitting President may dissolve Parliament.

In a series of parliamentary votes in December 2000, two candidates competed for the position of President: Communist Party leader Vladimir Voronin and Constitutional Court President Pavel Barbalat. Parliament failed to elect a president under its new implementing legislation, and then-President Petru Luchinschi dissolved Parliament and scheduled parliamentary elections for February 25. Those elections, which international observers considered to be generally free and fair, resulted in a new Communist-majority Parliament and Government; the Communist Party received 49.9 percent of the vote. The Braghis Alliance (a very loose coalition of mainly centrist political figures, government members, and independent Deputies under the nominal leadership of then-Prime Minister Dumitru Braghis) received 13.4 percent of the vote. The rightwing Popular Christian Democratic Party received 8.3 percent of the vote. All other parties and candidates failed to pass the electoral thresholds of 6 percent for parties and 3 percent for independent candidates. The Communist Party won 71 seats in the 101 seat Parliament; the Braghis Alliance received 19 seats; and the Popular Christian Democratic Party received 11 seats. The Communist Party therefore gained sufficient votes in Parliament to elect the president, pass laws, overturn presidential vetoes, and change the Constitution. On

March 20, Communist Deputy Eugenia Ostapciuc became Speaker of Parliament. On April 4, Parliament elected Communist Party leader Vladimir Voronin as President. On April 19, Voronin appointed businessman Vasile Tarlev as Prime Minister. Tarlev appointed a Government composed of Communists and "technocrats."

A total of 31 parties met the requirement of a 1998 law requiring 5,000 members and were registered officially.

In October 2000, the Constitutional Court ruled that an amendment to this law, which required that parties must have been registered for at least 2 years before taking part in elections, was unconstitutional (see Section 3). Parties registered for less than 2 years therefore were allowed to participate in the February elections.

Fulfilling a Communist Party election pledge, the Parliament enacted legislation in December to revise the Administrative Territorial Reform Law and the Law on Public Administration by increasing the number of districts and to provide for early local elections. The legislation also changed the method of selecting mayors from a popular vote to appointment by local councils. This legislation awaited President Voronin's signature at year's end. The Parliament also passed a law giving prefects, the local representatives of the central government, control over county budgets. President Voronin promulgated the law; however, he refused to sign the provision which would apply the law to the city of Chisinau.

A Christian Turkic minority, the Gagauz, enjoys local autonomy in the southern part of the country. The Gagauz elected a new governor and 35 deputies to their Popular Assembly in free and fair elections in September 1999. The Gagauz complained frequently that the central Government does not abide by the terms of the agreement giving Gagauzia autonomous status and that it enacts laws that directly contradict both Gagauz legislation and national legislation establishing Gagauz autonomy. On May 10, Parliament appointed a special commission to work on harmonizing laws between Gagauzia and the rest of the country; however, the special commission has experienced conflict and has been largely ineffective.

The country remains divided, with mostly Slavic separatists controlling the Transnistrian region along the eastern border with Ukraine. Upon his election, President Voronin promised that the resolution of the Transnistrian problem would be one of his priorities. He conducted an active campaign to win international support for a settlement, and conducted monthly direct negotiations with Transnistrian leaders until September when the two leaders suspended the talks due to conflict that was blamed on Moldova's introduction of new customs stamps and seals (see Section 2.d.).

Citizens' right to change their government is restricted severely in Transnistria. Elections for "President," of the unrecognized state took place on December 9 and the incumbent, Igor Smirnov, was declared the winner. In the period prior to the elections, the authorities shut down a political party and a youth group, closed a leftist party newspaper, and seized a press run. The authorities refused to register the candidacy of a potential political candidate and dismissed another from his job as mayor of Benderi prior to the election. The regime reportedly threatened workers with job loss and students with expulsion from their universities if they did not vote for Smirnov. Internationally recognized election monitors refused to observe the December 9 "presidential" election to avoid validating Transnistria's claim of statehood. Local observers reported that the actual voting was unfair, with considerable ballot box stuffing. Officials in the northern region of Kamenka reported that 103.6 percent of their voters cast ballots for Smirnov.

The percentage of women in government and politics does not correspond to their percentage of the population; however, there are no restrictions in law or practice on the participation of women in political life. Women hold 11 of 101 parliamentary seats. Speaker of Parliament Eugenia Ostapciuc occupies the highest political position in the country attained by a woman.

Russian, Ukrainian, Bulgarian, and Gagauz minorities are represented in Parliament, with deputies elected from nationwide party lists rather than local districts. Debate takes place in either the Moldovan/Romanian or Russian language, with translation provided.

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

There are a number of domestic and international human rights groups which operate in general without government restriction, investigating and publishing their findings on human rights, except in the Transnistrian region. The local Helsinki Watch Organization maintains contacts with international human rights organizations, as does the Helsinki Citizens Assembly. Amnesty International maintains a satellite office in Chisinau and is active in the country, although the authorities in Tiraspol impede its activities in the Transnistrian region. Both Helsinki Watch and

Amnesty International produce yearly human rights reports on the country. In 2000 Amnesty, a local human rights NGO unaffiliated with Amnesty International, registered in Transnistria despite bureaucratic delays, police harassment, and threats by local and Transnistrian authorities.

Citizens may appeal to the ECHR in Strasbourg if they believe their rights have been violated or that national laws are not in accordance with the European Convention on Human Rights. In the first half of the year, citizens filed 50 cases with the ECHR. The majority of the cases concerned the lack of social protection, and salary and pension arrears accumulated by the Government. At year's end, none of the cases had been resolved. Most citizens are unaware of the Convention and their rights to legal remedies in general.

The Government supports the work of the OSCE, which has had a mission in the country since 1993 to assist in efforts to resolve the separatist conflict. The OSCE participates in the Joint Control Commission—which includes Moldovan, Russian, Ukrainian, and Transnistrian members—that reviews violations of the cease-fire agreement. The mission generally enjoyed access, under a long-established agreement with the Transnistrian authorities, to the security zone along the river dividing the separatist-controlled territory from the rest of the country. However, late in the year, the Transnistrian authorities increasingly impeded OSCE travel to the region.

Under the law there are three parliamentary advocates (Ombudsmen), and an independent center for human rights, the Moldovan Human Rights Center. Parliament appointed the three advocates, with equal rights and responsibilities, in February 1998 for 5-year terms (one subsequently was replaced). Parliamentary advocates may be removed from office only by a two-thirds vote of Parliament, a provision that gives them substantial independence. Parliamentary advocates are empowered to examine claims of human rights violations, advise Parliament on human rights problems, submit legislation to the Constitutional Court for a review of constitutionality, and oversee the operation of the Moldova Human Rights Center. Center personnel provide training for lawyers and journalists, visit jails, make recommendations on legislation, and conduct seminars and training programs for police, penitentiary personnel, judges, prosecutors, public administration officials, and law students. The majority of complaints received by the center involve private property violations, labor rights, access to justice, personal security, right to life, and personal dignity. The Human Rights Center received 902 written petitions signed by 2,651 persons. An additional 2,668 persons submitted complaints orally, either at the Center's offices or during visits throughout the country by Center staff.

Since the December 9 "presidential" elections, the regime in Transnistria reportedly has attempted to gain more control over NGO's in the region by having the security officials "invite" NGO leaders to their offices to discuss their registration and by pressuring landlords not to renew office space leases for some NGO's.

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

The Constitution states that persons are equal before the law regardless of race, sex, disability, religion, or social origin; however, discrimination against women and some ethnic minorities, particularly Roma, persisted. There are remedies for violations, such as orders for redress of grievances, but these are not enforced in all cases.

*Women.*—Spousal violence occurs; although the Government does not keep official data on incidences of domestic violence, human rights advocates assert that it is widespread. The Criminal Code does not specifically address crimes of domestic assault and there is no law on spousal rape; however, women abused by their husbands have the right to press charges under its general assault laws. Husbands convicted of such abuse may receive prison sentences (typically up to 6 months). In practice the Government rarely prosecutes domestic assault crimes. The Ministry of Internal Affairs reported 48 cases of spousal abuse cases during the first 8 months of the year, including 27 resulting in serious bodily injury, 21 attempted murders, and 8 murders. There is no law on spousal rape. The Ministry of Internal Affairs recorded 139 cases of rape in the first 9 months of the year, a 13 percent decrease from the same period in 2000. Women's groups believe that the numbers of rapes and incidents of spousal abuse are underreported.

The Country's then-First Lady and the mayor of Chisinau initiated a project in October 1999 to open a women's shelter in Chisinau; however, it still was under construction at year's end. The Government supports educational efforts, usually undertaken with foreign assistance, to increase public awareness of this problem and to train public officials and law enforcement officials in how to address domestic violence. On September 1, the International Organization for Migration (IOM) opened

a women's shelter, mainly for victims of trafficking. Private organizations operate services that provide support to abused spouses, including a hot line for battered women.

Trafficking in women was a serious problem (see Section 6.f).

The law provides that women and men enjoy equal rights, and under the law and in practice women receive pay equal to that of men for equal work; however, they do not hold high-paying jobs in the same proportion as men. The Government provides extended paid maternity leave. There are significant numbers of female managers in the public sector and in banking. The president of the country's largest bank is a woman. Women make up approximately 50 percent of the workforce.

*Children.*—There is extensive legislation designed to protect children, and the Government provides supplementary payments for families with many children. According to the Constitution, the Government provides free, compulsory, education for 9 to 10 years, which may be followed either by technical school or other further study; the requirement can vary at the discretion of the Minister of Education. However, many inadequately funded schools, particularly in rural areas, charge parents for school supplies. While not technically illegal, such charges run counter to the educational platform of the Government and result in many children being kept at home by their parents. Government statistics state that 4,678 school-age children are not in school. The Minister of Education stated that more than 7,000 students did not show up for the first day of classes in the autumn; however, press reports cited a Ministry of Education estimate that 25 percent of students in rural schools did not attend school. The health system devotes a large portion of its limited resources to childcare, but childcare professionals consider it to be inadequate.

Various laws contain provisions against neglect of children. There are no statistics on child abuse, but it is believed to be widespread in families. Although there is legislation forbidding corporal punishment in schools, corporal punishment is common. Observers allege that women begging on the streets of Chisinau often sedate their babies in order to spend long hours begging without having to take time out to attend to their babies' needs.

Trafficking in girls for prostitution between 15 and 18 years of age is a very serious problem (see Sections 6.c. and 6.f.).

The situation of children in the country's orphanages is generally very poor. Official statistics indicate that there are 13,500 institutionalized children. An additional 5,000 children live in adoptive homes, 4,500 more live in foster homes or with legal guardians, and an unknown but large number live with one or more grandparents. Not all of the institutionalized children are orphans; the number of children entrusted to the State by needy parents, or parents leaving the country in search of work, reportedly is growing. NGO's estimate that up to 30,000 children are in institutions, including foster homes. Among the major problems in children's institutions are inadequate food, "warehousing" of children, lack of heat in the winter, and disease. Most of these problems are caused by lack of funding. One orphanage director lost his job for selling the food earmarked for the children on the black market. He also was rumored to have sterilized forcibly a teenage girl in his care.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities; however, there are no laws providing for access to buildings, and there are few government resources devoted to training persons with disabilities. The Government provides tax advantages to charitable groups that assist persons with disabilities.

*Religious Minorities.*—The dispute between the Moldovan and Bessarabian Orthodox Churches continued (see Section 2.c.). In several towns where there is a True Orthodox congregation, opponents have taken signed petitions to local governments and courts stating that citizens oppose the existence of a True Orthodox-Moldova Church in their town and claim it would violate their human rights. When legal representatives for the Church examined these petitions, they reportedly found many names of incarcerated persons and the deceased among the supposed signatories. The priest of the first True Orthodox-Moldova Church reportedly has been harassed and threatened. Local church member volunteers reportedly sleep in his house to protect him.

The independent press occasionally writes very negative articles about religions other than the Orthodox Church. One example was an article in the National Journal on April 10 entitled "Sects in Moldova Recruit Followers by Promising Them Everything, After Which they Separate Them from God Forever." Several representatives of religious groups complained that this article was biased, especially in the way that it focused on the less mainstream groups. They also complained that the article linked their religions with other, more extreme groups. A June 8 article in Dialog, a weekly newspaper, was entitled "Snares of the Sects." It alleged that foreign religions disguise themselves by registering as humanitarian or cultural orga-

nizations in order to hide their church activities. This article specifically cited the Muslims and the followers of Reverend Moon.

In April and July, small bombs were thrown into a synagogue in Transnistria, causing minor damage. Transnistrian authorities arrested several "skinhead" youths, who also were accused of earlier vandalism of a Jewish cemetery. There were no other reports during the year of attacks against religious minorities.

*National/Racial/Ethnic Minorities.*—According to the 1989 census, approximately 65 percent of the population are ethnic Moldovans. Ukrainians (14 percent) and Russians (13 percent) are the two largest minorities. A Christian Turkic minority, the Gagauz, lives primarily in the southern regions of the country. The Gagauz speak Russian and Gagauz, a Turkic language. They represent approximately 3.5 percent of the population. Official statistics put the Roma population at 11,600, although estimates from the OSCE and Roma NGO's range from 50,000 to 200,000. The Government announced in 2000 that it would allocate money from the budget to conduct a national census in 2001; however, no action had been taken by year's end.

Minority rights and the language question are related closely, particularly in the perceptions of the Russian speaking minority and the Moldovan/Romanian speaking majority. Moldovan/Romanian was declared at independence to be the state language; however, Russian has been designated as a language for interethnic communication. After coming to power in February, the new Communist majority in Parliament amended several laws that strengthened the use of Russian without making it an official language. According to the law, a citizen has the right to choose which language to use in dealing with government officials or commercial entities. Accordingly, officials are required to know both Russian and Moldovan/Romanian "to the degree necessary to fulfill their professional obligations." Many Russian speakers, including well-educated professionals, either do not speak Moldovan/Romanian, or do not speak it well, while most educated Moldovans speak both languages. Representatives of the Russian speakers argued for a delay in the implementation of the law in order to permit more time to learn the language. Russian speakers are not discriminated against in practice, and the law has not been used to deny them work as state officials. The Constitution provides parents with the right to choose the language of instruction for their children. On August 7, the Minister of Education issued a decree that Russian would be a compulsory subject starting in the second grade (it previously had been compulsory starting in the fifth grade). In December the President implemented the decree, indicating that he had heard no protests from parents. On December 25, the Communist faction in Parliament submitted to the Constitutional Court a proposed law making Russian the second official language of Moldova; the Court had not issued a ruling by year's end.

The 1990 citizenship law offered an equal opportunity to all Soviet citizens residing in the country at the time of independence to adopt Moldovan citizenship. In August 2000, a law permitting dual citizenship went into effect. According to this law, dual citizenship can be obtained through birth, marriage, on the basis of a bilateral agreement (although no such agreements are in effect), or if it is provided by an international accord to which the country is a party. Naturalization requirements of the new law include a "sufficient knowledge" of the state language and constitution. On October 18, Parliament passed an amendment to the Citizenship Law permitting the President to withdraw citizenship from any individual without the right to a court hearing. The law went into effect on October 19. On October 23, the President withdrew citizenship, without specifying a reason, from a Lebanese national who earlier had been granted Moldovan citizenship by then-President Lucinschi. The individual reportedly was involved with a terrorist organization.

Parliament has postponed indefinitely the implementation of language testing, which was called for in the 1989 language law and was to have begun by 1994.

There is no official discrimination against Roma in education employment, access to social services, or treatment by the police; however, other citizens regard Roma, who are concentrated in the northern town of Soroca on the Ukrainian border and a few other villages, unfavorably. Some Moldovan Roma complain of police harassment; however, the authorities claim that many in the Roma community are engaged in smuggling from Russia and other nearby countries. Roma are the poorest of the ethnic groups, although there is a small core of relatively wealthy Roma.

In the separatist Transnistrian region, discrimination against Moldovan/Romanian speakers continued. State schools are required to use the Cyrillic alphabet when teaching Moldovan/Romanian. (Cyrillic script was used to write Romanian/Moldovan until 1989, since "Moldovan," as it was then called, officially was decreed during the Soviet era to be a different language from Romanian, which is written in the Latin alphabet.) However, many teachers, parents, and students objected to this requirement, believing that it disadvantages pupils who wish to pursue higher

education opportunities in the rest of the country or in Romania. The 1989 language law reinstated obligatory use of the Latin script. However, Transnistrian authorities refused to abide by the law. As a result of an agreement between the Government and the separatist authorities, eight schools in the separatist region use the Latin alphabet, and the salaries of teachers and textbooks are supplied by the Moldovan Ministry of Education. These schools are considered private schools by the local authorities. They must pay rent for their facilities and meet local curriculum requirements, building codes, and safety standards. The Government of Moldova has no budgetary provisions to pay the high rents of such facilities. As a result, classes were held in local homes or run in shifts in the few available buildings.

After delaying its opening and threatening to keep it closed, separatist authorities allowed the Romanian Language School (Latin alphabet) in Tiraspol to open in 1999 without restriction from the authorities. The Ministry of Education and the Romanian Government supplied books to the school and the UNHCR provided furniture and vehicles. The school continued to run three to four shifts per day to accommodate the number of students who desire this form of education.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution states that any employee may found a union or join a union that defends workers' interests. The Trade Union Law passed in 2000 provides for independent trade unions, and other laws give citizens the right to form all kinds of social organizations. However, although some groups of workers have attempted to establish alternate trade unions independent of the General Federation of Trade Unions (GFTU)—the successor to the Soviet trade union system—none of these attempts have succeeded. Virtually all employed adults are members of a union in the GFTU. The GFTU's continuing role in managing the state insurance system and its retention of former official union headquarters and vacation facilities provide an inherent advantage over other groups who might wish to form a union. Dissatisfaction within GFTU has resulted in several splits within the organization; however, the resulting splinter groups have been unsuccessful in forming new independent unions.

Neither government workers nor those in essential services such as health care and energy have the right to strike. In practice, other unions may strike if two-thirds of their members vote in a secret ballot to do so. No general or country-wide strikes took place during the year, although local strikes by teachers and doctors occurred in some areas.

Unions may affiliate and maintain contacts with international organizations. The GFTU is a member of the International Confederation of Trade Unions.

*b. The Right to Organize and Bargain Collectively.*—The law provides for collective bargaining, and the Government generally respects this right in practice. Wages are set through a tripartite negotiation process involving government, management, and unions. The three parties meet and negotiate national minimum wages for all categories of workers. Each branch union representing a particular industry negotiates with management and the government ministries responsible for that industry. They may, and often do, set wages higher than the minimum set on the national level, especially if the industry in question is more profitable than average. At the enterprise level, union and management representatives negotiate directly on wages. In this case also, they may set wages higher than negotiators on the industry level.

The law prohibits discrimination against workers for union membership or activities and there were no reports of actions taken against union members for engaging in union activities. The 2000 Trade Union Law provides that union leaders may not be fired from their jobs while in leadership positions without the consent of their superior union, and there were no reports of such firings during the year.

Labor disputes typically are settled in the workplace by a workplace arbitration committee. If an arbitration committee fails to settle the dispute, it is taken to the Courts of First Appeals. Court decisions involving the restitution of salary or a position are not implemented in all cases.

There were no export processing zones (EPZ's), although legislation passed on July 27 provided for converting former free enterprise zones into EPZ's. By year's end, work had begun to convert the four free enterprise zones in rural areas to EPZ's.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced and compulsory labor, however trafficking in women was a problem (see Section 6.f.).

The Government specifically prohibits forced and bonded labor by children; however, trafficking in girls for the purpose of prostitution was a very serious problem (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for unrestricted employment is 18 years. Employment of those between the ages of 16 and 18 is permitted under special conditions, including shorter workdays, no night shifts, and longer vacations. The Ministry of Labor and Social Protection has primary responsibility for enforcing these restrictions but does not do so actively. The Ministry of Health also has a role. However, children often are sent to work in the fields or to find other work in violation of the child labor laws. Children living in rural areas often assist in the agricultural sector. The Government has not ratified International Labor Organization (ILO) Convention 182 on the worst forms of child labor.

The Government specifically prohibits forced and bonded labor by children; however trafficking in girls was a serious problem (see Section 6.f.).

*e. Acceptable Conditions of Work.*—The legal minimum monthly wage is \$9 (100 Moldovan lei) for those employed by the state and \$12.75 (150 Moldovan lei) for those employed by private firms. Neither minimum wage provides a decent standard of living for a worker and family. A minimum of \$2.50 (18 Moldovan lei) continued to be used as a basis for calculating pensions, scholarships, and fines. The officially reported median salary for the first 11 months was \$39 per month (433 Moldovan lei) in the public sector and \$57 (738 Moldovan lei) in the private sector. The highest salaries for the same period were in the financial sector, at \$183 (2,362 Moldovan lei) and the lowest were in health care and social services, at \$26 (331 Moldovan Lei). Due to severe budgetary constraints, the Government and private sectors often do not meet payrolls for employees.

The Constitution sets the maximum workweek at 40 hours, with extra compensation for overtime, and the Labor Code provides for at least 1 day off per week.

The State is required to set and check safety standards in the workplace. The unions within the GFTU also have inspection personnel who have a right to stop work in a factory or fine an enterprise if safety standards are not met; however, this right is exercised rarely. Workers have the right to refuse to work, and they may continue to draw their salaries if working conditions represent a serious threat to their health. In practice the depressed economy has led enterprises to economize on safety equipment and show little concern for worker safety problems. Workers often do not know their rights in this area. The Ministry of Labor reported 59 serious industrial injuries in 2000, affecting 42 persons, 38 of them resulting in death during the year. The Ministry of Labor announced that it would publish a new statistical report on labor standards in April, but had not done so by year's end.

*f. Trafficking in Persons.*—Pursuant to July amendments, the law prohibits trafficking in persons; however, trafficking in women and girls was a very serious problem. Although no official statistics are available, the country is a major country of origin for women and girls who are trafficked abroad for prostitution. There have been unsubstantiated reports by local NGO's of involvement by government officials; however, no official charges have been made.

Women and girls are trafficked to various locations, including Turkey, Cyprus, Greece, Italy, Hungary, Bulgaria, Slovakia, Bosnia, Macedonia, and Yugoslavia for prostitution. There also were reports that women were trafficked to Lebanon, Syria, Israel, Saudi Arabia, the United Arab Emirates, Portugal, France, Thailand, the United Kingdom, Spain, and Australia. Women and girls reportedly were trafficked to Italy and Greece through Romania, Serbia-Montenegro, and Albania. The IOM reported that more than 50 percent of the women working in prostitution in Kosovo were from Moldova. The Government of Turkey deports approximately 2,500 Moldovan women for prostitution yearly. A prominent women's rights activist and Member of Parliament stated that more than 10,000 Moldovan women were working as prostitutes in other countries.

According to the NGO Partners for Community, the target population for traffickers is young women, often minors, in rural areas. Women and girls typically accept job offers in other countries, ostensibly as dancers, models, nannies, or housekeepers. In many areas, friends or acquaintances approach young women and offer them help to get good jobs abroad. This "friend of a friend" approach most often is used in the countryside. Save the Children and the Association of Women in Law report that many of the traffickers are women who target young girls in their own localities. Once they have arrived at their destinations, traffickers take their passports, require them to "repay" sizeable sums, and force them into sexual bondage. Traffickers commonly recruit women from rural villages, transport them to larger cities, and then traffic them abroad.

Another pattern of trafficking involves orphans who must leave orphanages when they graduate, usually at 16 or 17 years of age, and have no source of funds for living expenses or continuing education. Allegedly, traffickers know when orphan girls are to be turned out of their institutions and are waiting for them. This pattern

has become so well known that one foreign adoption service registered as an NGO and organized a "foster-an-orphan" program in order to help curb the practice. Individuals from abroad send money to support individual orphaned girls from age 16 or 17 until they reach the age of 18 and can work legally (see Section 6.d.). However, this sponsorship program is small compared to the number of orphan girls who become victims of traffickers each year.

The salaries of border guards and migration officials are low and frequently not paid regularly, making them vulnerable to bribery. The large profits of the trafficking industry finance the corruption of officials. According to a report by Save the Children, the Government does not want to stop any form of overseas employment that is contributing to the economy with much-needed remittance money. The Moldovan Center for Strategic Study and Reforms charges that there is corruption at all levels.

In July Parliament passed amendments to the law prohibiting trafficking and set severe penalties. For trafficking the penalty is 10 to 15 years in prison and confiscation of property. For repeated or serious offenses, such as trafficking of groups, minors, or pregnant women; trafficking through kidnaping, trickery or abuse of power; trafficking with violence; trafficking in body parts; or trafficking by a criminal organization; the penalty is 15 to 25 years in prison and confiscation of property. Five criminal cases were opened during the year. There were no convictions as of year's end.

The Government has taken some steps to prevent the trafficking of women or to assist victims and only is beginning to address the problem slowly. In April NGO's active in antitrafficking issues asked the Government to form a government antitrafficking working group, as the previous Government had done; the Government formed such a group in October, which developed a national plan of action to combat trafficking and a timetable to accomplish its goals. The former working group created a special law enforcement unit within the Ministry of Internal Affairs, which continued to operate. The Government provided specialized training to trafficking investigators through the Ministry of Internal Affairs and the Ministry of Labor, funded by the OSCE and the Council of Europe. The country participates in a Southeast European Cooperative Initiative. Human Trafficking Task Force. The Government has cooperated with Belarus, Ukraine, and Russia in investigating trafficking cases. The country also cooperated with Interpol in trafficking cases in Yugoslavia. There are no government-operated assistance programs for victims.

Several NGO's made efforts, with foreign assistance, to combat the problem through information campaigns and job training for women. The Swiss Agency for Cooperation and Development sponsored the production of a play about trafficking, which opened in Chisinau on September 1, entitled *A Sapetia Kafana* (A Bar in Kosovo). The play employed direct quotations of trafficked women who have been repatriated. It was performed subsequently throughout the country. The NGO Save the Children works with trafficking victims, especially repatriated girls. Local NGO's operate public school programs to educate young women about the dangers of prostitution and in April the NGO Association of Women Lawyers established, with the support of a foreign government, an antitrafficking center. It produced antitrafficking educational material, provided counseling to victims, and maintained a hot line for those in need of advice. On September 1, the local branch of the NGO *La Strada* established another hotline. In 2000 the IOM established an office in Chisinau, and during the year the IOM began to receive funds from a foreign source which it has used for informational programs and training for journalists about the dangers of trafficking. On September 1, the IOM, with foreign government support, opened a women's shelter and launched a campaign to educate young women about the dangers of trafficking. This campaign included the use of large billboards, informational spots on television and radio, and pamphlets.

## MONACO

Monaco is a constitutional monarchy in which the sovereign Prince plays a leading role in governing the country. The Prince appoints the four-member Government, headed by a Minister of State chosen by the Prince from a list of candidates proposed by France. The other three members are the Counselor for the Interior (who is usually French), the Counselor for Public Works and Social Affairs, and the Counselor for Finance and the Economy. Each is responsible to the Prince. Legislative power is shared between the Prince and the popularly elected 18-member National Council. There also are three consultative bodies whose members are appointed by the Prince: The 7-member Crown Council; the 12-member Council of

State; and the 30-member Economic Council, which includes representatives of employers and trade unions. Under the constitution the Prince delegated his judicial powers to a judiciary, which is generally independent.

In addition to the national police force, the "Carabiniers du Prince" carry out security functions. Government officials effectively control both forces.

The population was approximately 32,000, and the principal economic activities are services and banking, light manufacturing, and tourism. The economy provides residents with a high standard of living.

The Government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of dealing with individual instances of abuse. Authority to change the Government and initiate laws rests with the Minister of State. The Penal Code prohibits public denunciations of the ruling family. The Constitution distinguishes between those rights that are provided for all residents and those that apply only to the approximately 7,000 residents who hold Monegasque nationality. Some remnants of legal discrimination against women persist, particularly with regard to the transmission of citizenship.

#### RESPECT FOR HUMAN RIGHTS

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

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

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

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

Prison conditions generally meet international standards. Women are detained separately from men, and juveniles are detained separately from adults. The Government permits visits by human rights monitors; however, there were no such visits during the year.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions. Arrest warrants are required, except when a suspect is arrested while committing an offense. The police must bring detainees before a judge within 24 hours to be informed of the charges against them and of their rights under the law. Most detainees are released without bail, but the investigating magistrate may order detention on grounds that the suspect either might flee or interfere with the investigation of the case. The magistrate may extend the initial 2-month detention for additional 2-month periods indefinitely. The magistrate may permit family members to see detainees.

The Government does not use forced exile.

*e. Denial of Fair Public Trial.*—Under the Constitution, the Prince delegated his judicial powers to the judiciary, which generally provides citizens with a fair and efficient judicial process. The law provides for a fair, public trial, and an independent judiciary respected these provisions in practice. The defendant has the right to be present and the right to counsel, at public expense if necessary. As under French law, a three-judge tribunal considers the evidence collected by the investigating magistrate and hears the arguments made by the prosecuting and defense attorneys. The defendant enjoys a presumption of innocence and the right of appeal.

There were no reports of political prisoners.

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

##### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights; however, the Penal Code prohibits public denunciations of the ruling family, a provision that the media respects in practice.

Several periodicals are published. There are no domestically published daily newspapers. Foreign newspapers and magazines circulate freely, including French journals that specifically cover news in the Principality. Foreign radio and television are received without restriction. There are no restrictions on access to the Internet. Stations that broadcast from the Principality operate in accordance with French and Italian regulations.

Academic freedom is respected.

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

Outdoor meetings require police authorization, but there were no reports that police withheld authorization for political or arbitrary reasons. Formal associations must be registered and authorized by the Government, and there were no reports the Government withheld registration for political or arbitrary reasons.

*c. Freedom of Religion.*—The law provides for freedom of religion, and the Government generally respects this right. Roman Catholicism is the state religion.

No missionaries operate in the principality and proselytizing is strongly discouraged; however, there is no law against proselytizing by religious organizations that are formally registered by the Ministry of State. In the past, organizations regarded as religious “sects” routinely have been denied such registration. However, there were no reports of religious organizations being denied registrations during the year.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The law provides for these rights, and the Government generally respects them. Residents move freely within the country and across its open borders with France. Nationals enjoy the rights of emigration and repatriation; they can be deprived of their nationality only for specified acts, including naturalization in a foreign country. Only the Prince can grant or restore nationality, but he is obliged by the Constitution to consult the Crown Council on each case before deciding.

In light of its bilateral arrangements with France, the Government does not grant political asylum or refugee status unless the request also meets French criteria for such cases. The number of such cases was very small.

The law provides for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

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

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

Authority to change the government and to initiate laws rests with the Prince. The 1962 Constitution cannot be suspended, but it can be revised by common agreement between the Prince and the elected National Council. The Prince plays an active role in Government. He names the Minister of State (in effect, the Prime Minister) from a list of names proposed by the French Government. He also names the three Counselors of Government (of whom the one responsible for the interior is usually a French national). Together the four constitute the Government. Each is responsible to the Prince. The principal political parties are L'Union Nationale et Democratique, La Liste de Campora, and La Liste de Medecin.

Only the Prince may initiate legislation, but the 18-member National Council may propose legislation to the Government. All legislation and the adoption of the budget require the Council's assent. Elections for National Council members, which are held every 5 years, are based on universal adult suffrage and secret balloting. The 1998 National Council elections were free and fair. Two political parties are represented on the Council. There is one independent member.

The Constitution provides for three consultative bodies. The seven-member Crown Council (composed exclusively of Monegasque nationals) must be consulted by the Prince on certain questions of national importance. He may choose to consult it on other matters as well. The President and three members of the Crown Council are chosen directly by the Prince for 3-year terms. The three other members are proposed by the National Council, also for 3-year terms; the Prince then ratifies their selection.

The 12-member Council of State, which is not restricted to Monegasque citizens, advises the Prince on proposed legislation and regulations. The Council of State is presided over by the Director of Judicial Services, usually a French citizen. The Director and other members are nominated by the Minister of State; their nominations are ratified by the Prince.

The 30-member Economic and Social Council advises the Government on social, financial, and economic questions. The 30 members of the Economic and Social Council are nominated by the Minister of State and approved by the Prince; they serve for 3 years. Ten members are chosen directly by the Minister; 10 members are chosen by the Minister from a list of 20 persons who are proposed by the Confederation of Labor Unions; and 10 members are selected by the Minister from a list of 20 names proposed by the Council of Business.

The percentage of women in government and politics does not correspond to their percentage of the population; however, women are active in public service. The Mayor of Monaco, one member of the Crown Council, four members of the National Council, and four members of the Economic Council are women.

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

While the Government imposes no restrictions on the establishment or operation of local groups devoted to monitoring human rights, no such groups have been formed. Foreign groups have not sought to investigate human rights conditions in the country.

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

The Constitution provides that all nationals are equal before the law. It differentiates between rights that are accorded to nationals (including preference in employment, free education, and assistance to the ill or unemployed) and those accorded to all residents, for example, freedom of religion and inviolability of the home.

*Women.*—Reported instances of violence against women are rare. Marital violence is prohibited strictly, and any wife who is a victim may bring criminal charges against her husband.

Women are represented fairly well in the professions; however, they are represented less well in business. Women receive equal pay for equal work, and there were no reports of sexual harassment.

The law governing transmission of citizenship provides for equality of treatment between men and women who are nationals by birth; however, women who acquire Monegasque citizenship by naturalization cannot transmit it to their children, whereas naturalized male citizens can.

*Children.*—The Government is committed fully to the protection of children's rights and welfare and has well-funded public education and health care programs. The Government provides compulsory, free, and universal education for children up to the age of 16.

There was no societal pattern of abuse of children.

*Persons with Disabilities.*—There is no governmental or societal discrimination against person with disabilities. The Government mandated that public buildings provide access for persons with disabilities, and this goal largely has been accomplished.

*Section 6. Worker Rights*

*a. The Right of Association.*—Workers are free to form unions, but fewer than 10 percent of workers are unionized, and relatively few workers, unionized or non-unionized, reside in the Principality. Unions are independent of both the Government and political parties.

The Constitution provides for the right to strike in conformity with relevant legislation; however, government workers may not strike. Strikes are rare, and there were none during the year.

The Monegasque Confederation of Unions is not affiliated with any larger labor organization but is free to join international bodies.

*b. The Right to Organize and Bargain Collectively.*—The law provides for the free exercise of union activity, and workers exercise this right in practice. Agreements on working conditions are negotiated between organizations representing employers in a given sector of the economy and the respective union. Collective bargaining is protected by law; however, it is used rarely.

Antiunion discrimination is prohibited. Union representatives can be fired only with the agreement of a commission that includes two members from the employers' association and two from the labor movement. Allegations that an employee was fired for union activity may be brought before the Labor Court, which can order redress, such as the payment of damages with interest.

There are no export processing zones.

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

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

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for employment is 16 years; those employing children under that age can be punished under criminal law. Special restrictions apply to the hiring, work times, and other conditions of workers 16 to 18 years old.

The Constitution prohibits forced and bonded labor by children, and such practices are not known to occur (see Section 6.c.).

*e. Acceptable Conditions of Work.*—The legal minimum wage for full-time work is the French minimum wage plus 5 percent, which is approximately \$6.30 (45.91 French francs) per hour. The 5 percent adjustment was intended to compensate for the travel costs of the three-quarters of the workforce who commute daily from France. The minimum wage provides a decent standard of living for a worker and family. Most workers receive more than the minimum. The legal workweek is 39 hours. The Government allows companies to reduce the workweek to 35 hours if they so choose. Health and safety standards are fixed by law and government decree. These standards are enforced by health and safety committees in the workplace and by the government Labor Inspector. Workers have the right to remove themselves from dangerous work situations.

*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.

## THE NETHERLANDS

The Netherlands is a constitutional monarchy with a parliamentary legislative system. Executive authority is exercised by the Prime Minister and the Cabinet representing the governing political parties (traditionally a coalition of at least two major parties). The bicameral Parliament is elected through free and fair elections. The Government respects the Constitutional provision for an independent judiciary.

Regional police forces are primarily responsible for maintaining internal security. The police, the Royal Constabulary, and investigative organizations concerned with internal and external security generally are under effective civilian authority.

The country has a total population of approximately 16.1 million. The market-based economy is export oriented and features a mixture of industry, services, and agriculture. Key industries include chemicals, oil refining, natural gas, machinery, and electronics. The agricultural sector produces fruit, vegetables, flowers, meat, and dairy products. Living standards and the level of social benefits are high with a per capita gross national product of \$28,245. Unemployment is approximately 2 percent, with an additional 10 percent of the workforce on full or partial disability. Long-term unemployment, particularly among ethnic minorities, remained a problem.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. Violence and discrimination against women existed, as did child abuse. Discrimination and some violence against minorities continued to be a concern. Trafficking in women and girls for prostitution was a problem. The Government took steps to deal with all of these problems.

Aruba and the Netherlands Antilles are two autonomous regions of the kingdom; they also feature parliamentary systems and full constitutional protection of human rights. In practice respect for human rights in these islands generally is the same as that in the European Netherlands; however the islands' prison conditions remained substandard.

### RESPECT FOR HUMAN RIGHTS

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

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

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

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

The Government took steps in 1999 to facilitate the filing of complaints about police behavior, to create uniform complaint procedures, and to ensure that complaints are assessed by independent district committees; statistics from these committees are not centrally registered.

There were incidents of rightwing and racist violence against religious and ethnic minorities (see Section 5).

Prison conditions in the Netherlands generally meet international standards. Male and female prisoners are held separately. In addition juvenile prisoners are held separately from adults and pretrial detainees are held separately from convicted criminals. The Government permits visits by independent human rights monitors, but no such visits occurred during the year.

The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has urged the Governments of the Netherlands, the Netherlands Antilles, and Aruba to improve the "inhuman" conditions in Curacao's Koraal Specht prison and in cell blocks at the police stations on the islands of St. Maarten, Bonaire, and Aruba. The CPT's criticism focused on overcrowding, extremely poor sanitary conditions, poor food, and insufficient ventilation. The Committee also criticized widespread corruption and the mistreatment of prisoners by guards at Koraal Specht. In 2000 the CPT specifically criticized the Government for not doing enough to prevent outbursts of violence among prisoners, including sexual assaults, and the use of riot police to guard prisoners at the Koraal Specht prison. The Justice Minister set up the Kibbelaar committee early in the year. In September it found that prison guards on Curacao and St. Maarten routinely smuggled drugs and firearms into the prison and allowed breakouts and sexual assaults to occur. The Justice Minister suspended 175 of the 202 guards, and put the regular police in charge of guarding the prisons.

The Dutch Government repeatedly has provided financial assistance to the Government of the Netherlands Antilles for the construction of a new juvenile wing, a maximum-security facility, and other improvements at Koraal Specht. The Government also sent experts on prison organization and the training of guards. Steady progress has been made in improving conditions (prisoners have mattresses, hygiene and food have improved, and construction began on a new wing to relieve overcrowding). The Government of the Netherlands Antilles was renovating the entire prison complex, and in April a new cellblock was renovated; the prison's name was changed from Koraal Specht to Bon Futuro. When the entire complex is renovated, it is expected to hold 700 prisoners. At the request of the Antillean Government and with funds from the Dutch Government, a private foreign company supplied expert personnel who reorganized prison management and trained mid-level staff for a period of a year beginning on September 1, 2000.

The Governments of the Netherlands Antilles and Aruba allow access by independent human rights monitors to prisons; however, no such visits occurred during the year.

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

Criminal investigations are conducted by police officers, who act under the authority of the public prosecutor. Arrests must be ordered by a prosecutor or senior police officer. Arrests may be made without such authorization upon the discovery of any crime in progress or for crimes that carry a statutory prison sentence of 4 years or more. Police officers may question suspects for a maximum of 6 hours. An additional period of 6 hours may be ordered if needed to establish the suspect's identity. After the initial police questioning, the suspect may be detained up to 6 days upon an order of the public prosecutor. Thereafter detention must be authorized by the investigative judge.

Police officers must make a written record of their activities, which is forwarded to the prosecutor, who decides what action to take. If the prosecutor considers that an investigation is necessary, he must request that the investigative judge open a preliminary judicial inquiry. The investigative judge then assumes responsibility and authority over the investigation. Defense attorneys have the right to be present during the questioning of the suspect, witnesses, and experts by the investigative judge.

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

The judicial system is based on the Napoleonic Code. A pyramidal system of cantonal, district, and appellate courts handles both criminal and civil cases. The Supreme Court acts as the highest appellate court and ensures the uniform interpretation of the law.

The law provides for the right to a fair trial, and an independent judiciary generally enforces this right with vigor. In April both the judiciary and the public prosecutor introduced procedures whereby complaints can be filed for perceived impolite or rude treatment by either a judge or prosecutor. The law instructs that defendants be fully informed at every stage of criminal proceedings. In criminal trials, the law provides for a presumption of innocence and the right to public trial, to counsel (virtually free for low-income persons), and to appeal.

There were no reports of political prisoners.

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

*Section 2. Respect for Civil Liberties, Including:*

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

There are dozens of national and local newspapers and magazines, 3 public and 6 commercial television stations, and 5 public and 12 commercial radio stations. The media is independent. Access to the Internet is unrestricted.

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

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. The Government provides state subsidies to religious organizations that maintain educational facilities.

The courts and the Equal Opportunity Committee have addressed repeatedly the issue of whether headscarves can be worn by Muslim women and girls. The prevailing decisions have held that the wearing of headscarves may be banned only on narrow grounds, such as a concern for safety or inconsistency with an official government uniform.

In other areas, antidiscrimination boards have rebuked publicly employers for failure to allow non-Christians to take leave from work on their religious holidays, for objecting to Sikhs wearing turbans, Muslim women wearing headscarves, or to observance of food requirements on religious grounds.

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

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees, and other humanitarian organizations in assisting refugees. The Government does not provide first asylum as such; however, most asylum seekers (84 percent in 2000), except those who obviously came from a “safe country of origin” or stayed for some time in a “safe third country,” are permitted to apply for resident status. In 2000 the Government turned down 83 percent of the asylum requests that were processed. However, up to 30 percent of those whose applications were denied nonetheless were permitted to stay in the country temporarily on humanitarian grounds or as long as their country of origin was considered unsafe.

The Government’s asylum policy is designed to protect genuine refugees while excluding economic migrants and illegal immigrants. The number of asylum seekers rose from 41,306, to 43,895 in 2000. A series of harsher rules entered into force in April, and they aim to discourage economic migrants at all stages of the asylum process through a stricter intake, the accelerated processing of asylum requests, limited appeal procedures, and a denial of social assistance to asylum seekers who are rejected.

The Justice Ministry estimated that half of all asylum seekers came to the country via alien smuggling organizations.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. These constitutional rights also apply to the Netherlands Antilles and Aruba.

The percentage of women in government and politics does not correspond to their percentage of the population; however, no restrictions in law or in practice hinder the participation of women and minorities in government and politics. A total of 52 of the 150 members of the second chamber of Parliament are female, as are 4 of the 15 cabinet ministers. The two Deputy Prime Ministers are women. The Government pursues an active policy to promote the participation of women in politics and public administration.

Although they are a minority, women also hold positions in the Parliaments and Cabinets of the Netherlands Antilles and Aruba.

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

Several domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are very cooperative and responsive to their views.

In view of its longstanding tradition of hosting international legal tribunals, the Government facilitated the trial of two Libyans accused of the 1988 bombing of Pan American flight 103, which killed 270 persons. By agreement among the parties, the Government provided to the United Kingdom an extraterritorial venue for the trial, which began in 1999 and was conducted under Scottish law. On January 31, the trial ended with one conviction and one acquittal. The convicted individual filed an appeal; the appeal hearings began in October in the Netherlands and were ongoing at year's end. The Government also hosts the International Criminal Tribunal for the Former Yugoslavia and the headquarters of the International Criminal Tribunal for Rwanda. It also has been selected to host the proposed International Criminal Court, although that Court had not been created by year's end.

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

The Constitution bans discrimination on the basis of any of these factors or political preference, and the Government generally is effective in enforcing these provisions. Under the Equal Treatment Act, complainants may take offenders to court under civil law.

*Women.*—Violence against women is a problem. A report released during the year by the Social Affairs Ministry showed that each year approximately 200,000 women, particularly ethnic minorities, are victims of violence by their former or present spouses or partners. Each year approximately 50,000 women suffer from serious violence, (defined as battering, physical and mental abuse, manslaughter, and sexual violence), and 60 to 80 die of domestic violence. Marital rape is a crime and carries the same penalty as nonmarital rape, a maximum of 8 years' imprisonment. Spousal abuse carries a one-third higher penalty than ordinary battery. Fewer than 10 percent of victims of domestic violence report to the police; most cases are not reported out of fear, shame, or guilt. Per year approximately 800 men are prosecuted for battering their partners.

The Government supports programs to reduce and prevent violence against women. There is a network of 48 government-subsidized shelters offering the services of social workers and psychologists to battered women. In addition battered women who leave their domestic partners become eligible for social benefits, which include an adequate basic living subsidy as well as an allowance for dependent children. In addition to helping victims of sexual abuse, the Government has pursued an active prevention campaign through commercials and awareness training of educators. Nongovernmental organizations also advise and assist women who are victims of sexual assault.

Prostitution is legal, and since 2000 the law no longer treats "organizing the prostitution of somebody else" as a crime when done with the consent of the prostitute. However, it is illegal to force a person into prostitution (see Section 6.f.). All brothels require licenses issued by local governments with strict conditions to be observed by brothel owners. The Government believes that by decriminalizing prostitution, licensing brothel operators, and improving working conditions and health care for prostitutes, while at the same time prohibiting the employment of minors and illegal immigrants, prostitution will be less susceptible to criminal organizations trafficking in women and children. In addition the licensing system in theory makes prostitution more transparent and easier for the police to monitor. However, between 20,000 and 30,000 individuals are employed in prostitution, and it is estimated that half of all prostitutes originate in non-European Union countries and are residing in the country illegally. In addition trafficking in women for the purpose of prostitution remained a problem, despite Government efforts to combat it (see Section 6.f.).

The law requires employers to take measures to protect workers from sexual harassment; however, research shows that approximately 245,000 women, or 6.6 percent of the female working population, are intimidated sexually in the work place each year. The Government funds an ongoing publicity campaign to increase awareness of the problem. As the largest employer, the Government has taken measures to counter harassment among civil servants, including in the police force.

Women increasingly are entering the job market, but traditional cultural factors and an inadequate number of day care facilities tend to discourage women—especially women with young children—from working; one-third of women stop working after the birth of their first child. During the year, 52 percent of women participated

in the labor market. The Government has taken steps to raise this figure to at least 65 percent by 2010 through various measures, including an expansion of child care facilities and special leave programs. The social welfare and national health systems provide considerable assistance to working women with families. Women are eligible for 16 weeks of maternity leave with full pay. The Parental Leave Law allows parents to take unpaid full-time leave for 3 months and to extend that leave for more than 6 months to care for children up to 8-years old. Persons working fewer than 20 hours per week also are entitled to parental leave.

Nevertheless women often are underemployed and have less chance of promotion than their male colleagues. Approximately 42 percent of women hold part-time jobs. They often hold lower level positions than men, mostly because of their part-time status. According to the Ministry of Social Affairs and Employment, in 2000 the average hourly earnings of men exceeded those of women by 23 percent; however, some women continued to make steady progress by moving into professional and high-visibility jobs. According to the Ministry of Social Affairs and Employment, women working in the private sector on average earn 23 percent less than men, although when 'corrected' to take into account the level of experience and expertise required for the jobs, this differential is reduced to 7 percent.

In 1988 the Government started affirmative action programs for women. Collective labor agreements usually include one or more provisions to strengthen the position of women. Legislation mandates equal pay for equal work, prohibits dismissal because of marriage, pregnancy, or motherhood, and provides the basis for equality in other employment-related areas. A legislatively mandated Equal Treatment Commission actively pursues complaints of discrimination in these areas as well as allegations of pay discrimination.

*Children.*—The Government works to ensure the well being of children through numerous well-funded health, education, and public information programs. Mandatory attendance at school ends at age 16, or after at least 12 years of education. Education is free for children between 4 and 16, although schools may ask for a voluntary contribution from parents. Vocational education is also free, except for the cost of books and materials. Approximately 10 percent of students leave secondary school before attaining a certificate.

According to the Child Abuse Reporting and Advisory Center, an estimated 40,000 to 80,000 children are victims of child abuse each year, although only approximately 20,000 formal reports of child abuse are registered. As a result of abuse, 40 to 50 children die each year. The U.N. Commission on Children's Rights in 1999 expressed concern about the Government's performance in this area, in particular, the long waiting list for assistance to abused children. Approximately 7,000 abused children were on the waiting list at year's end. The Council for the Protection of Children, operated through the Ministry of Justice, enforces child support orders, investigates cases of child abuse, and recommends remedies ranging from counseling to withdrawal of parental rights. The Government also maintains a popular hot line for children and a network of pediatricians who track suspected cases of child abuse on a confidential basis.

The age of consent is 16. Sexual intercourse with minors under age 12 always constitutes a criminal offense; in cases involving minors between the ages of 12 and 16, an interested party must file a complaint. The law imposes penalties on prostitution activities involving minors; maximum penalties vary between 6 years' imprisonment for sex (in the context of prostitution) with minors under age 18, 8 years for sex with minors under 16 years of age, and 10 for sex with minors under 12 years. International sex tourism involving the abuse of minor children is prosecutable. In past years, several Dutch citizens have been tried and convicted for the abuse of minors in other countries; however, there were no such convictions reported during the year. Trafficking in girls for the purpose of prostitution was a problem (see Section 6.f.).

The maximum penalty for child pornography is 4 years' imprisonment and 6 years' in the event of financial gain. The law allows for provisional arrest, house searches, and criminal financial investigations. The possession of child pornography is punishable, but exemptions are made for scientific or educational use. However, these exemptions have caused some problems; for example, in the past owners claimed that child pornographic collections were of historic value. In May a bill submitted by the Justice Minister raised the age at which minors are allowed to act in pornographic movies from 16 to 18, which corresponds to the age requirement in the ILO Convention against the (sexual) exploitation of children, as well as corresponding to the national minimum age for working in the prostitution sector.

The Government has begun a national offensive against child pornography on the Internet.

*Persons with Disabilities.*—There is no discrimination against persons with disabilities in employment, education, or in the provision of other state services. According to the Dutch Council for Chronic Patients and the Handicapped, persons with disabilities suffer from discrimination in public access. For example, public buildings and public transport often are not easily accessible.

*Religious Minorities.*—There were incidents of anti-Semitic discrimination. Most involved the use of swastikas, distributing neo-Nazi propaganda, and making the Hitler salute. The Center for Information and Documentation on Israel (CIDI) reported that Jewish cemeteries, monuments, synagogues, and buildings were on 50 occasions the target of vandals. The number of incidents of physical or verbal intimidation of Jews sharply increased in 2000, as did the painting of anti-Semitic slogans on walls. CIDI registered 32 incidents of verbal abuse, 6 incidents of targeting synagogues, 2 incidents of defiling cemeteries, and 6 incidents of verbal or physical assault. CIDI noted that there was a clear link between these incidents and events that occurred during the year, including the restitution of Jewish assets and the violence between Israel and Palestine. For example, ethnic Moroccans were involved in 13 major incidents of anti-Semitism in 2000. There also were a number of complaints about anti-Semitism on Internet sites set up by citizens. Of the 550 complaints registered by the Discrimination in Internet Registration Center, 203 concerned anti-Semitic incidents.

The National Association of Anti-Discrimination Bureaus registered over 90 incidents against Muslims in the aftermath of the September 11 terrorist attacks on the United States. Anti-Muslim incidents included vandalism, arson, the defacing of mosques or Islamic institutions, harassment, and verbal abuse in public places, directed particularly at women wearing headscarves.

*National/Racial/Ethnic Minorities.*—The traditionally homogeneous nature of society has changed in recent decades due to the influx of immigrants and asylum seekers who make up approximately 9 percent of the population.

Government policies that are broad in scope and intent promote the integration of racial and ethnic minorities, and in general citizens are averse to discrimination and unequal treatment and support integration; however, integration remained a problem, and immigrant groups faced some discrimination. Various NGO's, some of which are funded by the Government, monitor violations.

Immigrant groups face some discrimination in housing and employment. The Government has worked for several years with employers' groups and unions to reduce minority unemployment levels to the national average. These actions have significantly reduced unemployment among ethnic minorities but the level is still three times higher than among the ethnically Dutch workforce. The Act on the Stimulation of Labor Participation by Ethnic Minorities is intended to increase job opportunities for ethnic minorities; it requires employers with a work force of over 35 persons to register their non-Dutch employees, and employers are to strive for a composition of their work force that reflects the regional working population. They must submit their annual social action plans, including recruitment targets, to the regional labor bureaus. The Labor Inspectorate oversees implementation of the law. In 2000 the U.N. Committee on the Elimination of Racial Discrimination criticized the Government for not doing enough to prevent discrimination in hiring and recommended that the Government take steps to reduce segregation in schools and create a police force whose composition reflects the entire population.

In 2000 several ministries, government job centers, and the Dutch Small Business Association pledged to find jobs for some 20,000 persons from ethnic minorities before May 2001. Their efforts were successful, and by year's end, more than 30,000 persons were employed as a result of the program.

The Government pursued an active campaign aimed at increasing public awareness of racism and discrimination. According to the latest statistics, the courts addressed 284 discrimination cases in 1997 and ruled in 232 cases. Of these cases, 75 percent concerned racist defamation; 11 percent distribution of racist material; 8 percent discrimination in the exercise of a profession or office; and 7 percent incitement to hatred, discrimination or violence. There were convictions in approximately 90 percent of the cases.

In 2000 the Chief Public Prosecutor set up the National Expertise Center on Discrimination to improve the prosecution's handling of discrimination cases.

In May the penalty for structural forms of discrimination (defined as repeated or systematic expressions of a discriminatory nature) was increased to a maximum imprisonment of 2 years, and a maximum fine of \$10,100 (25,000 guilders).

In June the Council of Chiefs of Police agreed to a series of measures designed to improve police alertness to incidents of discrimination. These measures included the appointment of a contact person for discrimination cases in each of the 25 regional police forces; the establishment of a National Bureau for Discrimination

Cases (which acts a clearing house and database for the entire police and is a part of the police structure); and the establishment of a national registration system of cases of racism and discrimination to provide a comprehensive picture of the situation. By year's end, it appeared that most of these measures had not yet been implemented due to organizational problems.

The council also has agreed to a uniform national registration system of cases of racism and discrimination. A central government organization was set up in 1999 to fight racial discrimination and to collect nationwide statistics on incidents of discrimination, but it has yet to work out a uniform system. The 29 local antidiscrimination bureaus together registered 3,416 complaints in 1999, the latest year for which statistics were available. Many complaints concern discrimination in the workplace.

In 1999 the Equal Opportunities Committee, an NGO passed judgment in 118 cases relating to racial or national discrimination. Later statistics were not available. Most complaints concerned the labor market, including denial of promotion, discrimination in the work place, unequal pay, and dismissal.

Each year the University of Leiden, in collaboration with the Ministry of Internal Affairs and the Anne Frank Foundation, investigates the extent of rightwing and racist violence against minorities. In December it published its report on 2000, and which indicated an increase in registered incidents from 313 in 1998 to 406 in 2000. Figures for 2000 included 83 incidents of physical abuse and 157 incidents of painting objectionable slogans. The survey assumed that many incidents were not reported. Most of the racist violence was committed by youths often under the influence of alcohol. Police rarely are able to identify or arrest perpetrators. The 2000 report showed that racism was directed increasingly against asylum seekers and Jewish persons. Minorities were increasingly responsible for these acts of racism.

With the proliferation of Internet web sites, the dissemination of racial and discriminatory material on Internet also has increased. The privately run Discrimination on the Internet Registration Center received 550 complaints in 2000, compared to 181 in 1999. The center also investigates web sites and home pages. Over 70 percent of such statements are removed voluntarily at the center's request. NGO's have criticized judicial authorities for not actively tracking down offenses on the Internet. Authorities investigate offenses only when a complaint has been filed. There have been only two convictions in the past few years for offenses committed on the Internet.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—Workers are entitled to form or join unions of their own choosing without prior government authorization, and workers exercise this right. Membership in labor unions is open to all workers including armed forces personnel, the police, and civil service employees. Unions are free of control by the Government and political parties. Union members may and do participate in political activities. Approximately 28 percent of the work force is unionized; however, union-negotiated collective bargaining agreements usually are extended to cover approximately three-quarters of the work force. The white-collar unions' membership is the fastest growing. There are three trade union federations. The largest is the FNV Trade Union Federation (FNV), with approximately 1.22 million members, followed by the Christian Trade Union Federation (CNV), with approximately 354,000 members, and the MHP Trade Union Federation for staff and managerial personnel, with approximately 214,000 members. Unions are free of government and political party control.

All workers have the right to strike, except for most civil servants who have other institutionalized means of protection and redress. Industrial relations are very harmonious, and strikes are infrequent. In 2000 some 9.4 out of 1,000 labor days were lost, mostly over union demands for higher pay and a 36-hour workweek. By law retribution against striking workers is prohibited, and the Government generally respects this prohibition in practice.

Unions are free to affiliate with national and international trade union federations. The three union federations are active internationally, without restriction.

*b. The Right to Organize and Bargain Collectively.*—The Constitution provides for the right to organize and specific laws guarantee the right to collective bargaining; workers exercise this right. Collective bargaining agreements are negotiated in the framework of the "Social Partnership" developed between trade unions and private employers. Representatives of the main union federations, employers' organizations, and the Government meet each year to discuss labor issues, including wage levels and their relation to the state of the economy and to international competition. The discussions lead to a central accord with social as well as economic goals for the coming year. Under this umbrella agreement, unions and employers in various sec-

tors negotiate sectoral agreements, which the Government usually extends to all companies in the sector.

Antiunion discrimination is prohibited, and there were no reports that it occurred. Union federations and employers' organizations are represented, along with independent experts, on the Social and Economic Council. The council is the major advisory board for the Government on policies and legislation regarding national and international social and economic matters.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor; however, trafficking in women for the purpose of prostitution was a problem (see Section 6.f.).

The Constitution prohibits forced or compulsory labor by children; however, trafficking in girls for the purpose of prostitution was a problem (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for employment is 16 years. Those in school at the age of 16 may not work more than 8 hours per week. The law prohibits persons under the age of 18 from working overtime, at night, or in areas dangerous to their physical or mental well being. These laws are enforced effectively by the tripartite Labor Commission, which monitors hiring practices and conducts inspections.

Holiday work and after school jobs are subject to very strict rules, which are set in the Work Time Act, the Child Labor Regulation (for children under age 16), and the Working Conditions Decree. Observance of the rules is overseen by the Social Ministry's Labor Inspection Office. Although child labor is banned, an increasing number of children work for pay during holidays. The parents of such children are to be reported officially by labor inspectors, and the Public Prosecutor may decide to prosecute the parents for violating the ban on child labor. In 2000 the labor inspections showed that one-third of companies violated the regulations applying to holiday work, including by employing children under the age of 13.

The Constitution prohibits forced or compulsory labor by children; however, trafficking in girls for the purpose of prostitution was a problem (see Section 6.f.).

*e. Acceptable Conditions of Work.*—The minimum wage for adults is established by law and may be adjusted every 6 months to reflect changes in the cost-of-living index. Over the last few years, the statutory minimum wage has been pegged to the average wage in collective labor contracts. The gross minimum wage is approximately \$1,050 (2,601 guilders) per month. For workers earning the minimum wage, employers pay \$2,400 a year (6,000 guilders) in premiums for social security benefits, which includes medical insurance. The legislated minimum wage and social benefits available to minimum wage earners provide an adequate standard of living for a worker and family. Only 3 percent of workers earn the minimum wage because collective bargaining agreements, which normally are extended across a sector, usually set a minimum wage well above the legislated minimum. The Government, unions, and employers have taken measures to increase the number of minimum wage jobs and to decrease employers' social payments in order to lower the cost of hiring new workers and to create more jobs, especially for the long-term unemployed.

A reduced minimum wage applies to young persons under the age of 23—one of the groups with the highest rate of unemployment—and is intended to provide incentives for their employment. This wage ranges from 34.5 percent of the adult minimum wage for workers 16 years of age to 85 percent for those 22 years of age.

Although the law sets a 40-hour workweek, the average workweek for those with full-time jobs is 37½ hours. Anyone working more than 4½ hours per day is entitled to a 30-minute break. This workweek is the result of agreements reached in collective bargaining on shorter workweeks, often in conjunction with more flexible working hours. This combination makes it possible to adapt shorter working hours to the specific situation in a particular business or branch of industry. The law prohibits employers from treating part-time workers differently from those in full-time jobs.

Working conditions, including comprehensive occupational safety and health standards set by law and regulations, are monitored actively and enforced effectively by the tripartite Labor Commission. The Ministry of Labor and Social Affairs also monitors standards through its Labor Inspectorate. Workers may remove themselves from dangerous work conditions without jeopardizing their continued employment.

*f. Trafficking in Persons.*—The law specifically criminalizes alien smuggling and trafficking in persons; however, women and girls were trafficked into the country for prostitution. The country is a major destination for trafficked women from countries around the world, including Colombia, the Dominican Republic, Hungary, Lithuania, Poland, Slovenia, Albania, Romania, and the Federal Republic of Yugoslavia,

China, the Philippines, Thailand, and Africa (Nigeria.) There are no reliable figures available; however, the Foundation Against Trafficking in Women estimates that each year approximately 3,000 women and girls are trafficked into the country for the purpose of prostitution.

African women, in particular those from Nigeria, make up a sizeable portion of foreign women working illegally as prostitutes. According to the authorities, the most widely used method for trafficking African women is the fraudulent use of special asylum procedures for minors, who are virtually ensured entry. Although most women trafficked from Africa are not actually under the age of 18, all claim to be. Once at the asylum center, they remain for a few days and then disappear, only to turn up later as prostitutes in the country or elsewhere in Europe. Most of these women are under extreme pressure to work as prostitutes. According to the Terre des Hommes organization, their families have signed contracts with trafficking organizations, often sanctioned by "voodoo" priests; the girls strongly believe in the magical power of voodoo.

A Dutch study of prostitutes from central and eastern Europe shows that five out of six, "liberated" from trafficking organizations in the Netherlands, knew that they were to be employed in the sex industry when they accepted the offer of their recruiters; however, upon their arrival, they often were treated as slaves, physically abused, intimidated, threatened, and locked up. In addition, traffickers withhold money and documentation, and they threatened to have the women deported.

There is also a problem with so-called "loverboys," primarily young Moroccans or Turks living in the country who seduce young, second-generation immigrant girls into prostitution. Local governments have initiated in-school campaigns to warn girls of the danger of loverboys.

The maximum sentence for trafficking in persons is 6 years. In cases involving minors, severe physical violence, or organized trafficking, the maximum sentence is 10 years. The maximum sentence for alien smuggling is 8 years. With the introduction of the new prostitution law, which prohibits the employment of prostitutes in the country illegally, the Government seeks to intensify the fight against criminal organizations trafficking in women and children (see Section 5). The Government actively investigates and prosecutes traffickers. In 2000 authorities prosecuted 68 trafficking cases of which 34 resulted in convictions.

The Government has an active policy to combat trafficking in persons. The Ministries of Justice, Internal Affairs, Foreign Affairs, Welfare and Health, and Social Affairs are involved in antitrafficking efforts. A number of police forces have established special units to deal with trafficking. In April 2000, the Government created the Bureau of the National Rapporteur on Trafficking in Persons, which is to report annually to the Government on the nature, extent, and mechanisms of trafficking, as well as on the effects of national policies. It is an independent government agency, led by a public prosecutor. The Bureau receives about \$600,000 (1.5 million guilders) per year from five different ministries (Justice, Internal Affairs, Foreign Affairs, Social Affairs, and Health.) Its first report will be submitted in the spring of 2002. The Government cooperates closely with other government on trafficking, and EUROPOL, established in the Hague, provides analytical support and administrative expertise to European Union member-state law enforcement agencies on trafficking matters. The Justice Ministry also cofinances the La Strada program, aimed at preventing trafficking in women in central and eastern European countries.

Under the law, illegal residents, who may have been victims of trafficking, may not be deported before investigations are completed. Victims are allowed 3 months to consider pressing charges, and victims who do so are allowed to stay in the country until the judicial process is completed. During this period, victims receive legal, financial, and psychological assistance. In special circumstances, residence permits are granted on humanitarian grounds. After completion of the judicial process, illegal prostitutes returning to their native countries are eligible for temporary financial assistance.

The Government subsidizes NGO's working with trafficking victims, including the Dutch Foundation Against Trafficking in Women, which is an independent organization offering social support, legal advice, medical aid, shelters, and counseling to victims of trafficking.

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## NORWAY

Norway is a parliamentary democracy and constitutional monarchy with King Harald V as the Head of State. It is governed by a prime minister, cabinet, and a

165-seat Parliament (Storting) that is elected every 4 years through free and fair election; it cannot be dissolved. The judiciary is independent.

The national police have primary responsibility for internal security; however, in times of crisis, such as internal disorder or natural catastrophe, the police may call on the armed forces for assistance. In such circumstances, the armed forces are under police authority. The civilian authorities maintain effective control of the security forces.

The country has a population of approximately 4.5 million and is an advanced industrial state with a mixed economy combining private and public ownership that provides a high standard of living for residents. The per capita gross national product during the year was \$34,310 (312,197 Kroner). The key industries are oil and gas, metals, engineering, shipbuilding, fishing, and manufacturing (including fish processing equipment). The leading exports are oil and gas, manufactured goods, fish, and metals. In 2000 80.6 percent of workers were in the service sector, and 13.3 percent were in the manufacturing sector. During the year, 31.3 percent of workers were employed in the public sector. The economy is characterized by low unemployment and labor shortages in many sectors.

The Government generally respected the rights of its citizens, and the law and the judiciary provided effective means of dealing with individual instances of abuse. Violence against women and abuse of children existed. There were reports of trafficking in persons.

#### RESPECT FOR HUMAN RIGHTS

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

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

In January police arrested five neo-Nazi's for the killing of an African boy; their trial began in December (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 there were no reports that government officials employed them.

Prison conditions generally meet international standards. Men and women are held separately. Juveniles are not held separately from adults; however, it is extremely rare for juveniles to be held in prison. Juveniles generally are cared for by social welfare authorities. Pretrial detainees are held separately from convicted prisoners.

The Government permits visits by independent human rights monitors, although there were no such visits during the year.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions; however, in the past, the Government has been criticized for its practice of indefinite detention, often in solitary confinement with restricted communications, for suspects during the investigation of criminal cases. Restrictions were used at times to pressure prisoners to be more cooperative during investigations.

In response to international criticism, the Government reevaluated its practices and made some changes. For example, in September 2000, the Government tightened the requirements for restricting communications and visitation rights of prisoners and detainees. In the spring, Parliament adopted a bill by the Ministry of Justice relating to the execution of sentence; among other provisions, the new law strengthens children's right of access to parents who are in prison.

The Government does not use forced exile.

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

The court system consists of the Supreme Court, the Supreme Court Appellate Court, superior courts, county courts for criminal cases, magistrate courts for civil cases, and claims courts. Special courts include the Impeachment Court (composed of parliamentarians), the labor court, trusteeship courts, fishery courts, and land ownership severance courts.

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

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution and the law prohibit such actions, the Government generally respects these prohibitions, and violations are subject to effective legal sanction.

*Section 2. Respect for Civil Liberties, Including:*

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

There are 177 newspapers, 5 national television stations, and 6 national radio stations in the country. In addition there are numerous regional and local newspapers, and television and radio stations. Two television channels and five radio channels are state-owned. Access to the Internet is widely available and unrestricted.

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

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

The state church is the Evangelical Lutheran Church of Norway, which is supported financially by the State and to which 87 percent of the population nominally belong. The Constitution requires that the King and one-half of the Cabinet belong to this church. There was increased public debate on the relationship between church and state during the year. Other denominations operate freely.

A religious community is required to register with the Government only if it desires state support, which is provided to all registered denominations on a proportional basis in accordance with membership.

In 1995 the Parliament introduced the subject “Religious Knowledge and Education in Ethics” into the national school system. The class covers all religions and religious philosophy and promotes tolerance and respect for all religious beliefs; however, Christianity receives the most coverage. All children must attend this mandatory class, and there are no exceptions for children of other faiths; on special grounds students may be exempted from participating in or performing specific religious acts such as church services or prayer, but they may not forgo instruction in the subject as a whole. Organizations for atheists as well as Muslim communities have contested the legality of forced religious teaching. During the year, the subject was evaluated by external education experts and a report was presented to Parliament. Based on the reports, Parliament concluded that steps should be taken to make it easier for parents to request that their children be exempted from parts of the class. In June the Parliament directed the Ministry of Education to draft a standard form for this purpose, which was sent to all schools. Schools were instructed to implement the use of the form. The Norwegian Humanist Association contested the teaching of this class in the courts on the grounds that it is a breach of freedom of religion and parents’ right to make choices for their children. In August the Supreme Court unanimously rejected the claims from the association.

In 1998 the Government suspended two priests in the Church of Norway and asked the courts for approval legally to terminate their priesthood due to insubordination and disloyalty. The priests had refused openly to accept religious and spiritual guidance from their bishop, with whom they were in disagreement on a number of social issues. In January 2000, the Alta county court ruled that the two local priests could not be fired on charges of insubordination and disloyalty. The Minister of Church Affairs appealed the decision to the Haalogaland District Court. The Haalogaland District Court ruled against the two priests; one of the priests accepted the ruling and has left his position, but the other priest appealed his case to the Supreme Court. In 2000 the Supreme Court rejected the case.

The Workers’ Protection and Working Environment Act permits prospective employers to ask applicants for employment in private or religious schools and day care centers whether they will respect and teach Christian beliefs and principles.

Muslims have encountered some difficulties in obtaining local permission to build mosques in areas where they are concentrated. Since 1975 the town council in Drammen regularly has denied applications to build a mosque.

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

The law provides for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government grants first asylum. In 2000 the Government granted protective residency (which entails the granting of permanent residence permits) to 8,231 persons. The total included: Political asylum for 97 persons; temporary collective residency permits for 2,019 Iraqi Kurds; individual residency permits for 2,856 persons; and asylum as U.N. quota refugees for 1,485 persons. Immigration authorities rejected

4,899 applications for protective residency. In addition 1,778 persons received residency status through a family reunification program.

The collective 1-year residency permits that were granted to Kosovar Albanians in 1999 expired in August 2000, and all members of this group were encouraged to return to Kosovo voluntarily. The Government gives financial aid for repatriation to all Kosovar Albanians who choose to do so. In 1999 the Government granted temporary collective protection and 1-year residence permits to 8,000 Kosovar Albanians, 1,500 of whom returned voluntarily to Kosovo in 2000. Of those who had returned to Kosovo, 1,200 came back to Norway as refugees later in 2000. Kosovar Albanians remaining in the country were required to apply for asylum, and most did; however, very few have met the requirements for asylum. At the beginning of the year, 4,500 Kosovar Albanians were awaiting the processing of their asylum applications. In October 2000, all Kosovar Albanian families with small children were granted postponed implementation of deportation based on advice from U.N. agencies, which noted that there was a lack of suitable winter housing in Kosovo.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The percentage of women in government and politics does not correspond to their percentage of the population; however, women were increasingly well represented at all levels of government. No restrictions in law or practice hinder women's participation in government and politics. Women head 8 of the 19 government ministries (42 percent), hold 57 of the 165 seats in Parliament (34.5 percent), chair 5 of 15 standing committees in Parliament, and head 2 of the 6 main political parties.

In addition to participating freely in the national political process, the Norwegian Sami (formerly known as Lapps) elect their own constituent assembly, the Sameting. Under the law establishing the 39-seat body, the Sameting is a consultative group, which meets regularly to deal with "all matters, which in [its] opinion are of special importance to the Sami people." In practice the Sameting has been most interested in protecting the group's language and cultural rights and in influencing decisions on resources and lands where Sami are a majority.

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

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

In 2000 the Prime Minister transferred the human rights portfolio from the Ministry of Development, Cooperation, and Human Rights to the Ministry of Foreign Affairs and reversed the previous government's decision to appoint a minister for human rights issues. This change has not had any negative consequences. In 1999 the previous government presented a white paper to the Parliament on human rights, which addressed how the country can improve the state of human rights both domestically and internationally. In November 2000, the Parliament's Committee on Foreign Affairs supported the previous government's proposal and stressed the importance of incorporating human rights into law and society in general, and Parliament passed the white paper. It then was sent to the respective ministries for implementation.

Based on the principle that each cabinet minister is responsible for promoting human rights in his or her field, the Government established a separate committee of state secretaries to follow up on the plan of action for human rights contained in the White Paper that was debated by Parliament in 2000. The committee is responsible for ensuring that human rights issues receive political emphasis and attention. The parliamentary plan addresses political and civil rights and economic, social, and cultural rights. The plan comprises 325 projects and initiatives to improve the human rights situation in the country.

There is a parliamentary ombudsman for public administration who also is responsible for promoting human rights through his work on individual cases.

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

The Constitution prohibits discrimination based on race, sex, religion, disability, language, or social status, and the Government generally enforced this prohibition

in practice; however, violence and sexual harassment against women remained problems.

*Women.*—Violence against women, including domestic violence, was a problem. During the year, 653 rapes were reported as compared to 555 in 2000. The police believe that increases in reported rapes and domestic abuse in recent years have been due largely to greater willingness among women to report these crimes. The police investigate and prosecute such crimes with vigor. In 2000 there were 25 convictions for rape. The average prison sentence for rape in 2000 was 24 months. Police also have instituted special programs to prevent rape and domestic violence and to counsel victims. In 2000 a plan of action comprising measures to prevent domestic violence against women entered into force. The Government initiated a pilot project, including the establishment of the Resource Center for Assistance to Victims of Violent Crime, which is expected to continue until the end of 2002. Public and private organizations run several shelters that give battered women an alternative to returning to a violent domestic situation. Each of the country's 19 counties have a number of such shelters. In 2000 the country's shelters registered 44,498 overnight stays.

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

The equal rights ombudsman processes complaints of sexual discrimination. In 2000 there were 266 complaints and 417 telephone inquiries to the ombudsman; women filed 50 percent of the complaints, men filed 25 percent, and organizations filed 25 percent. The ombudsman's office directly filed 24 cases.

An amendment to the Working Environment Act provides that "employees shall not be subjected to harassment or other unseemly behavior." Employers that violate these provisions, including the harassment clause, are subject to fines or prison sentences of up to 2 years, depending on the seriousness of the offense.

The law protects the rights of women. According to the law, "women and men engaged in the same activity shall have equal wages for work of equal value;" however, according to the equal rights ombudsman's office, which monitors enforcement of the law, women generally receive 10 to 15 percent less pay and benefits than men for work of "equal value."

*Children.*—The Government is committed strongly to children's rights and welfare; it amply funds systems of education and medical care. The Government provides free education for children through the postsecondary level. Education is compulsory for 10 years, or through the ninth grade; most children stay in school at least until the age of 18. There is no difference in the treatment of girls and boys in education or health care services. An independent Children's Ombudsman Office, within the Ministry of Children and Families, is responsible for the protection of children under the law.

Abuse of children was a problem. During the year, 697 sexual assaults by non-family members and 120 assaults by family members were reported, compared to 191 reported sexual assaults on children by nonfamily members and 96 assaults by family members in 2000. Children's rights advocates have expressed concern that authorities have not pursued investigations in some legitimate cases of child abuse. The Government continued to examine this problem. In 2000 welfare services assisted 31,900 abused or neglected children; of these children, 6,147 were taken from their homes and placed in Government institutions or in respite homes.

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

*Indigenous People.*—The Government has taken steps to protect the cultural rights of the indigenous Sami by providing Sami language instruction at schools in their areas, radio and television programs broadcast or subtitled in Sami, and subsidies for newspapers and books oriented toward the Sami. A Deputy Minister in the Ministry of Local Government and Regional Affairs deals specifically with Sami issues. The royal family has supported the Sami through their interest in Sami culture and by visiting Sami areas.

*National/Racial/Minorities.*—In January a 15-year-old boy with an African father was killed in Oslo. Police arrested five neo-Nazis for the killing, which is believed to have been racially motivated; their trial began in December and was ongoing as year's end. The police closely monitor neo-Nazi groups. The killing received considerable attention in the media, and several antiracism associations mobilized marches and other demonstrations against racism a few days after the killing. In Oslo 40,000 persons marched, including politicians and members of the royal family. Other cities also organized public marches against racism. Authorities charged three young persons with aiding and abetting voluntary manslaughter for their role in the killing;

all three were linked to a neo-nazi organization. The case opened in Oslo City court in December.

*Section 6. Worker Rights*

*a. The Right of Association.*—The law provides workers with the right to associate freely. With membership totaling approximately 60 percent of the workforce, unions play an important role in political and economic life, and the Government consults them on important economic and social problems. Although the largest trade union federation is associated with the Labor Party, all unions and labor federations are free of party and government control.

Workers have the right to strike; however, the Government has the right, with the approval of the Parliament, to invoke compulsory arbitration under certain circumstances. Compulsory arbitration was last invoked in 1995. There were no notable strikes during the year.

In 1995 the Supreme Court ruled that rules on compulsory arbitration do not violate international commitments; the case was under appeal in the international court of human rights in Strasbourg at year's end.

A Government-appointed committee with representatives from all employer organizations and employee unions—created to examine the practice of using compulsory arbitration in especially difficult labor conflicts—presented its proposal on April 1. Its main proposition was to introduce a mechanism to require employee unions to vote on solutions offered by the arbitration tribunal in order to reach agreements in wage negotiations. The major unions have all rejected the proposal.

Unions are free to form federations and to affiliate internationally; unions maintain strong ties with such international bodies as the International Confederation of Free Trade Unions.

*b. The Right to Organize and Bargain Collectively.*—All workers, including government employees and military personnel, have and exercise the right to organize and bargain collectively. Collective bargaining is widespread, and most wage earners are covered by negotiated settlements, either directly or through understandings that extend the contract terms to workers outside the main labor federation and the employers' bargaining group.

The law prohibits antiunion discrimination. The Labor Court deals with complaints of antiunion discrimination; however, there were no such complaints during the year.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor; however, there were reports of trafficking in women (see Section 6.f.). The Directorate of Labor Inspections (DLI) is responsible for compliance with the law.

The Government prohibits forced and bonded labor by children, and in general it is not known to occur; however, there have been reports of children being trafficked into the country (See Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—Children 13 to 18 years of age may be employed part-time in light work that will not affect adversely their health, development, or schooling. Minimum age rules are observed in practice and enforced by the DLI.

The Government prohibits forced and bonded labor by children, and in general it is not known to occur; however, there have been reports of children being trafficked into the country (See Section 6.f.).

*e. Acceptable Conditions of Work.*—There is no specified minimum wage, but wages normally fall within a national scale negotiated by labor, employers, and the Government. The Government changed the wage negotiating process in 1996, shifting negotiations from the national to the local and company level. The average income, not including extensive social benefits, provides a decent standard of living for a worker and family.

Normal working hours are mandated by law and limited to 37½ hours per week. The law also provides for 25 working days of paid leave per year (31 days for those over age 60). A 28-hour rest period is mandated legally on weekends and holidays.

The law provides for safe and physically acceptable working conditions for all employed persons. Specific standards are set by the DLI in consultation with non-governmental experts. According to the law, environment committees composed of management, workers, and health personnel must be established in all enterprises with 50 or more workers, and safety delegates must be elected in all organizations. Workers have the right to remove themselves from situations that endanger their health. The DLI effectively monitors compliance with labor legislation and standards.

*f. Trafficking in Persons.*—No law specifically criminalizes trafficking in persons, although existing labor and immigration statutes may be used to prosecute trafficking cases; however, although such cases are rare, Norway is a destination for women trafficked for the purpose of prostitution, particularly from Russia, according to a 1999 OSCE report. There also have been occasional reports of children from Russia being trafficked into the country to work in petty theft rings.

Cases of possible trafficking generally may be prosecuted under general laws concerning labor, indentured servitude, immigration, and sexual assault; however, there were no prosecutions for such offenses during the year. Immigration and law enforcement authorities have begun to pay attention to the problem of trafficking. The Ministry of Children and Family Affairs coordinates an interministerial working group, which has developed a plan of action to combat trafficking. The working group also is responsible for implementing resolutions and recommendations from the U.N. and the European Council on trafficking. During the year, the working group published a report on government measures to combat trafficking.

Victims of trafficking in the country had the same legal rights as other foreigners to apply for residency, asylum, welfare, social aid, and emergency health care. The Ministry of Children and Family Affairs is responsible for assisting possible victims of trafficking; however, most asylum requests by victims have been denied.

## POLAND

Poland is a multiparty parliamentary democracy in which executive power is shared by the Prime Minister, the Council of Ministers, and to a lesser extent, the President. Alexander Kwasniewski was reelected President in free and fair elections held in October 2000. The Parliament is bicameral (Senate and Sejm). Free and fair parliamentary elections held in September resulted in a change in Government. The social democratic (post-Communist) Democratic Left Alliance (SLD) formed a majority coalition government with the Union of Labor (UP) and the Polish Peasant Party (PSL). The Government respects the constitutional provisions for an independent judiciary; however, the judiciary is inefficient.

Internal security forces consist of local police, a national office of investigation, and city guards, who are uniformed, unarmed officers. The armed forces are subject to effective civilian control by the Government. Since 1996 the civilian Minister of Defense has had clear command and control authority over the military chief of the general staff as well as oversight of military intelligence. Civilian control was reinforced further by a restructuring of the Ministry of Defense and general staff undertaken as part of the country's entry into NATO in April 2000. Security forces committed a few abuses.

The country's population is approximately 39 million. After several years of strong growth in the mid-1990's, the economy slowed starting in 1998 as a result of the Russian financial crisis and economic slowdown in the country's largest export markets in Europe. Gross domestic product (GDP) growth dropped to 4.0 percent in 2000. In 2000 the per capita gross national product was \$4,200. Inflation dropped to 8.5 percent in December 2000 and decreased to 3.6 percent by year's end. The ongoing process of restructuring and increasing numbers of youths entering the labor force as a result of the postmartial law baby boom have increased unemployment. By year's end, the official unemployment rate was 17.4 percent. Since 1989 most small- and medium-sized state-owned enterprises have been privatized, and the Government launched privatizations of major state-owned enterprises such as insurance, telephone, airline, power generation, petroleum refining, steel, coal, and banks. Significant reforms continued in other areas as well, including pensions, health, decentralization of government, and education. Still to be addressed are the agricultural sector, a major part of the economy (employing more than 25 percent of the labor force), and lagging development in rural areas.

The Government generally respects the human rights of its citizens; however, there were problems in some areas. There were reports that police mistreated persons in refugee camps. Prison conditions remained generally poor. A cumbersome legal process, poor administration, and an inadequate budget hamper the court system, and court decisions frequently are not implemented. Lengthy pretrial detention occurred occasionally. The Government restricted the right to privacy. There were a few restrictions in law and in practice on freedom of speech and of the press. Violence against women continued to be a problem. Women continued to experience serious discrimination in the labor market and were subject to various legal inequities. Child prostitution was a problem. There were incidents of desecration of graves in both Jewish and Catholic cemeteries, and anti-Semitic sentiments persisted.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions. Courts rather than prosecutors issue arrest warrants. The law allows a 48-hour detention period before authorities are required to bring a defendant before a court and an additional 24 hours for the court to decide whether to issue a pretrial detention order. During this period, access to a lawyer normally is limited. Once a prosecutor presents the legal basis for a formal investigation, the law provides for access to counsel. Bail is available, and most detainees are released on bail pending trial.

Detainees may be held in pretrial detention for up to 3 months and may challenge the legality of an arrest through appeal to the district court. A court may extend this pretrial confinement period every 3 months for up to 18 months until the trial date. The total time of temporary arrest until the first sentence rendered by the court of lower instance may not be more than 2 years. However, under certain circumstances, the 2-year period may be extended further by the Supreme Court.

The Constitution prohibits forced exile, and the Government does not employ it.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice; however, the judiciary remains inefficient and lacks resources and public confidence.

There is a four-tiered court and prosecutorial structure. The courts consist of regional, provincial, and appellate divisions, as well as a Supreme Court. These tiers are subdivided further into five parts: Military, civil, criminal, labor, and family. Regional courts are courts of first instance, while appellate courts are charged solely with appeals. Provincial courts have a dual responsibility, handling appeals from regional courts while enjoying original jurisdiction for the most serious types of offenses. Appellate courts handle appeals tried at the provincial level, and the Supreme Court only handles appeals about questions of law. The prosecutorial system mirrors the court structure with national, provincial, appellate, and regional offices. Criminal cases are tried in regional and provincial courts by a panel consisting of a professional judge and two lay assessors. The seriousness of the offense determines which is the court of first instance.

Judges are nominated by the national judicial council and appointed by the President. They are appointed for life and can be reassigned but not dismissed, except by a court decision. The Constitutional Tribunal rules on the constitutionality of legislation. Constitutional Tribunal decisions are final and binding.

The Government continued to restructure the court system in order to streamline and accelerate the legal process; however, the court system remained cumbersome, poorly administered, overstaffed, and underfunded. There are numerous inefficiencies, most notably the fact that many districts have more criminal judges than prosecutors. These factors contribute to a lack of public confidence. Many effective judges and prosecutors have left public service for the more lucrative private sector. Court decisions frequently are not implemented. Bailiffs normally ensure the execution of civil verdicts such as damage payments and evictions; however, according to some observers, they are underpaid, subject to intimidation and bribery, and have a mixed record of implementing court decisions. Civil and administrative rulings against public institutions such as hospitals often cannot be enforced due to a lack of funds. Simple civil cases can take as long as 2 to 3-years before resolution, and the pretrial waiting time in criminal cases can be several months. The backlog and the costs of legal action appear to deter many citizens from using the justice system at all, particularly in civil matters such as divorce. The long wait for routine court decisions in commercial matters is an incentive for bribery and corruption.

The law requires that disciplinary procedures be taken against those judges accused of violating judicial independence by issuing unjust verdicts between 1944 and 1989 at the request of the Communist authorities. Cases must be initiated before December 31, 2002. Such cases may be initiated by the Minister of Justice, the presidents of the appellate or regional courts, the National Judiciary Council, or individuals who felt wronged by court verdicts. According to the National Judiciary Council, 19 cases were filed against judges during the year.

All defendants are presumed innocent until proven guilty. At the end of a trial, the court renders its decision orally and then has 7 days to prepare a written decision. A defendant has the right to appeal within 14 days of the written decision. Appeals may be made on the basis of new evidence or procedural irregularities.

Once formal charges are filed, the defendant is allowed to study the charges and consult with an attorney, who is provided at public expense if necessary. Once the defendant is prepared, a trial date is set. Defendants are required to be present during the trial and may present evidence and confront witnesses in their own defense. However, prosecutors have the authority to grant witnesses anonymity at trial if they express fear of retribution from the defendant. This law, designed to help combat organized crime, impairs defendants' right to confront their accusers. Trials are

usually public; however, the courts reserve the right to close a trial to the public in some circumstances, such as divorce cases, trials in which state secrets may be disclosed, or cases whose content might offend "public morality" (see Section 1.f.). The courts rarely invoke this prerogative. A two-level appeal process is available in most civil and criminal matters.

In September 2000, the law was amended to allow for a defendant and a representative, in addition to the prosecutor, to be present for a provincial appellate court's examination of a verdict.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such actions; however, the Government does not always respect these prohibitions in practice. The Constitution provides for the general right to privacy; however, there is no legislation that provides for this right. In past years, politicians in the various opposition parties have reported that the secret service illegally collected information on them; however, these reports have not been confirmed, nor has there been an investigation into them.

The law forbids arbitrary forced entry into homes, and search warrants issued by a prosecutor are required in order to enter private residences. In emergency cases, when a prosecutor is not immediately available, police may enter a residence with the approval of the local police commander. In the most urgent cases, in which there is no time to consult with the police commander, police may enter a private residence after showing their official identification. There were no reports that police abused search warrant procedures.

A 1998 law prohibits the collection of information about a person's ethnic origin, religious convictions, health condition, political views, or membership in religious, political, or trade union organizations. The law allows for certain exceptions, specifically, the gathering of information without a person's permission by courts, hospitals, or organizations if the information pertains to their members. All exceptions are subject to some restrictions. Despite being illegal, a few restrictive practices such as a requirement to fill out "creed" or "nationality" items in some questionnaires continued. For example, some nongovernmental entities persisted in asking for such information; violators are prosecuted; if convicted they are subject to imprisonment for up to 3 years. The Ministry of Justice reports that from March 1998 to September 2000, the office of the prosecutor received 324 notifications of crimes pursuant to Articles 49 to 54 of the 1998 Law on Personal Data Protection. Of those, 304 have been closed; the office declined to prosecute 90 cases; 39 cases were referred to the court; and 170 cases were discontinued by the court. In nine cases, the prosecutor recommended conditional discontinuance. There is no record of a conviction obtained in any case.

The Government maintains, without judicial review or oversight, a large number of wiretaps. In June in response to the growing threat of organized crime and money laundering, the Government established the Financial Investigative Unit (FIU), a division of the Ministry of Finance. Inspectors collect information and examine suspicious transactions in excess of \$8,600 (36,201 PLN). Since the unit was established in June 2000, inspectors have initiated proceedings in approximately 300 cases and notified prosecutors in 10 more cases. In 37 cases, the value of suspicious transactions exceeded \$160 million. Parliament permitted the police and intelligence services to monitor private correspondence and to use wiretaps and electronic monitoring devices in cases involving serious crimes, narcotics, money laundering, or illegal firearm sales. Under the Criminal Code, the Minister of Justice and the Minister of Interior, both political appointees, must authorize these investigative methods. In emergency cases, the police may initiate an investigation that utilizes wiretaps or the opening of private correspondence at the same time that they seek permission from the ministers. Estimates on the number of wiretapping devices installed annually at the request of the police vary widely. There are unconfirmed reports that the total number of wiretaps rose from the years 1999 to 2000. After interventions by the Human Rights Ombudsman, the Prosecutor General curtailed the number of warrants for wiretapping.

Parliamentarians and human rights groups expressed concern about the lack of control over this type of surveillance. There is no independent judicial review of surveillance activities, nor is there any control over how the information derived from investigations is used. A growing number of agencies have access to wiretap information, and the Police Code allows electronic surveillance to be used for the prevention of crime as well as for investigative purposes. As is the case under the Criminal Code, police must obtain permission from the Ministers of Justice and Interior before initiating wiretap procedures.

The law on "lustration" or vetting, designed to expose government officials who collaborated with the Communist-era secret police, bans from office for 10 years

those persons caught lying about their past. The law requires officials to provide sworn affidavits concerning their possible cooperation with the secret police; the public interest spokesman (lustration prosecutor) then verifies the affidavits and brings suspected cases of misrepresentation before the lustration court, a special three-judge panel whose decisions may be appealed. In 2000 several high-profile cases came before the court, including that of a Deputy Defense Minister who was judged to have lied in his affidavit; in November the Supreme Court returned the case to the appellate court, and the appeal was pending at year's end. Many of these cases are closed to the public because they involve classified documents. Critics continue to voice concern that the procedure of vetting politicians may be unfair, in view of the likelihood that secret police records were subject to loss or tampering. In June 2000, Parliament agreed on a chairman for the Institute of National Remembrance, a body mandated by the lustration law to organize all Communist-era secret police files and eventually give citizens access to their files.

Men are not permitted to marry without parental permission until the age of 21, whereas women may marry at the age of 18 (see Section 5).

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respects this right; however, there are a few restrictions in law and practice.

The Criminal Code states that an individual who “publicly insults or humiliates a constitutional institution of the Republic of Poland” is subject to a fine or imprisonment of up to 2 years, while an individual who insults a public functionary is subject to a fine or imprisonment of up to 1 year.

During the year, a number of persons, including journalists, faced charges of slander. For example, in August a city council member from Zagan received a fine for slandering the police. In May Andrzej Lepper, the leader of the Samoobrona (Self-Defense) political party, was sentenced to 16 months' imprisonment for slandering President Kwasniewski, Leszek Balcerowicz, and former Deputy Prime Minister Tomaszewski; Lepper was accused of calling the politicians thieves and criminals. An appeals court subsequently changed the sentence to a fine of \$5,000 (20,000 PLN). In February supporters of the League of Polish Families received a \$375 (1,500 PLN) fine for “slapping in the face and slandering” the late Sejm Deputy Andrzej Urbanczyk.

In May 2000, the Warsaw district court ruled that the daily newspaper, *Zycie*, must apologize to President Aleksander Kwasniewski for publishing untrue information suggesting that the President had contacts with Russian spies. *Zycie* was appealing the court's decision at year's end. This provision of the Criminal Code also can be used by individual citizens and businesses “to protect their good name.” In December 1999, the trial began in Elblag in the case of Andrzej Lepper, who was accused of insulting Prime Minister Jerzy Buzek and state officials in January 1999; the case remained pending at year's end. The case against talk show host Wojciech Cejrowski, charged with publicly insulting President Kwasniewski, was decided against the defendant in April 1998; an appeal was pending at year's end. Also pending was a 1995 case against presidential candidate Leszek Bubel for violating a section of the Penal Code that prohibits acts that “publicly insult, ridicule, and deride the Polish nation, the Polish Republic, its political system, or its principal organs.” There was no progress during the year in the ongoing investigation into the case of Mikolaj Siwicki for attempting to publish a hate-mongering book that allegedly could damage the nation's interests. The Criminal Code stipulates that offending religious sentiment through public speech is punishable by a fine or a 3-year prison term. In 1995 a provincial court charged presidential candidate Leszek Bubel with violating this article by publishing a pamphlet containing anti-Semitic “humor”; however, observers believe that it is unlikely that the court would render a verdict on this case.

The law allows for the prosecution of citizens who publish or otherwise betray state secrets. Human rights groups have criticized this law, arguing that it restricts freedom of speech.

The Criminal Code regulates the protection of journalistic sources. The code grants news sources protection, except in cases involving national security, murder, and terrorist acts. Pursuant to the law, statutory provisions are applied retroactively if their terms are beneficial to the accused. Journalists who refused to divulge sources prior to the new code's enactment also can avoid sanctions by invoking “journalistic privilege.”

There is no restriction on the establishment of private newspapers or distribution of journals, and there are numerous private newspapers and magazines representing a wide variety of viewpoints. There was no progress in the ongoing privat-

ization of RUCH, a national network of newspaper kiosks. Books expressing a wide range of political and social viewpoints are widely available, as are periodicals and other publications from abroad.

The national radio and television broadcasting council (KRRiTV) has broad powers in monitoring and regulating programming on radio and television, allocating broadcasting frequencies and licenses, and apportioning subscription revenues to public media. In order to encourage the KRRiTV's apolitical character, the nine KRRiTV members are obliged legally to suspend any membership in political parties or public associations. However, they are chosen for their political allegiances and nominated by the Sejm, the Senate, and the President following political bargaining, thus raising potentially serious questions about the independence of broadcasting oversight from political influence.

The Government owns 2 of the 3 most widely viewed television channels and 17 regional stations. Center-right politicians, watchdog institutions, and commentators accused public TV of being influenced by politicians from the center-left SLD and PSL peasant parties. Members of these parties have majority seats in supervisory and management boards in public television and radio.

Although public television remains a major source of news and information, private broadcast television, satellite, and private cable services (domestic and foreign) are available across most of the country. Private television broadcasters operate on frequencies selected by the Ministry of Communications and auctioned by the KRRiTV. The TVP and its two channels remained the most widely viewed television in the country (with joint market shares of over 50 percent), but it has faced strong competition from the two private networks, TVN and Polsat, which draw viewers to their popular reality shows. During the parliamentary elections, TVN was the first commercial station to compete with TVP's traditional monopoly on election night coverage. The TVN also was the first station to launch a 24-hour news channel, TVN 24. The new broadcasting company, Catholic TV, is considered to present a far-right, conservative point of view, although the impact is marginal and viewership is below 1 percent. Cable television and various satellite services, as well as global frequencies, carry the main public and private television channels, as well as local and regional stations and a variety of foreign offerings to viewers throughout the country.

In 2000 the civil case concerning the 1997 Gdansk soccer riot ended; the court ordered Public TV to pay \$2,500 (10,000 PLN) and private TVN to pay \$1,250 (5,000 PLN). The stations were also ordered to apologize to the victim on their news programs (see Section 1.c.).

The Government owns 5 national radio networks. Private radio flourishes on the local, regional, and national levels alongside public radio. During the year, the KRRiTV renewed virtually all radio licenses. The three most popular nationwide radio stations are public Polish Radio Channel 1 and the private commercial stations Radio ZET and RMF FM. During the year, companies with shares in nationwide dailies began creating networks with local radio stations. As a result of the effects of the recession on the media market, small local radio stations have set up several networks for facilitating advertising and programming matters.

The Broadcasting Law stipulates that programs should not promote activities that are illegal or against state policy, morality, or the common good. The law, whose constitutionality has been confirmed by the Constitutional Tribunal, requires that all broadcasts "respect the religious feelings of the audiences and in particular respect the Christian system of values." This provision has never been used as a means of censorship, although the restrictions theoretically could be used as such.

The Broadcasting Law on radio and television also requires public television to provide direct media access to the main state institutions, including the presidency, "to make presentations or explanations of public policy." The President and the Prime Minister have complained occasionally of the other's abuse of the access privilege. Both public and private radio and television stations provide coverage of all ranges of political opinion.

The Internet is available widely and is not regulated or restricted.

Academic freedom is respected.

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

Permits are not necessary for public meetings but are required for public demonstrations; demonstration organizers must obtain these permits from local authorities if the demonstration might block a public road. For large demonstrations, organizers also are required to inform the local police of the time and place of their activities and their planned route. Every gathering must have a chairperson who is

required to open the demonstration, preside over it, and close it. Permits for public gatherings are issued on a routine basis.

Private associations need government approval to organize and must register with their district court. The procedure essentially requires the organization to sign a declaration that commits it to abide by the law; however, in practice the procedure is complicated and may be subject to the discretion of the judge in charge.

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

There are 15 religious groups in the country whose relationship with the State is governed by specific legislation and 141 other religious communities. The legislation outlines the internal structure of the religious groups, their activities, and procedures for property restitution.

Religious communities may register with the Government, but they are not required to do so and may function freely without registration. Registration requires that the group submit the names of 100 members as well as information regarding the group itself. This information on membership must be confirmed by a notary public, although the registration itself often appears to be a formality. Two new religious communities were registered during the year: The Independent Hebrew Religious Community in Poznan and the Church of the Mercy of Jesus. All churches and recognized religious groups share the same privileges, such as duty-free importation of office equipment and reduced taxes.

In March the Government established a department within the Ministry of Interior to monitor the activities of “new religious groups and cults”; by year’s end, the new department was not yet active, although personnel were undergoing training to deal with criminal activities by “sects”. The department has been criticized by Seventh-Day Adventist church leaders, who allege that the “antisept” training material gives a distorted picture of minority religions that could lead to discrimination against them.

The Criminal Code stipulates that offending religious sentiment through public speech is punishable by a fine or a 3-year prison term (see Section 2.a.).

Although the Constitution provides for the separation of church and state, a crucifix hangs in both the upper and lower houses of Parliament. State-run radio broadcasts Catholic mass on Sundays, and the Catholic Church is authorized to relicense radio and television stations to operate on frequencies assigned to the Church, the only body outside the KRRiTV allowed to do so.

Progress continued in implementing the laws that permit local religious communities to submit claims for property owned prior to World War II that subsequently was nationalized. The laws governing restitution of communal property allow for the return of churches and synagogues, cemeteries, and community headquarters, as well as buildings that were used for other religious, educational, or charitable activities.

The time limit for applications by the Catholic Church expired in December 1991. By the end of the year, 2,670 of the 3,050 claims filed by the Church had been concluded: 1,269 claims were settled by agreement between the Church and the party in possession of the property (usually the national or a local government); 882 properties were returned through decision of the Commission on Property Restitution, which rules on disputed claims; and 502 claims were rejected. Claims by the local Jewish community (whose deadline for filing claims under the law expires in May 2002) are being filed slowly, in part because ongoing disputes between the local Jewish community and representatives of international Jewish organizations have prevented reaching an accord between the two groups that could provide needed resources to the local community. By year’s end, 1,009 claims had been filed: The Commission on Property Restitution considered 926 cases; closed 198 cases, 102 of which were closed by an agreement between the parties. By year’s end, Lutheran claims for 1,200 properties had resulted in 560 cases being closed with the return of the properties in question (the deadline for filing such claims was July 1996) by an agreement between the parties.

Laws on religious communal property do not address the private property of any group. In February the Parliament passed a reprivatization law that included controversial provisions requiring claimants to have held Polish citizenship as of December 1999. In March President Aleksander Kwasniewski vetoed the bill, citing the likely cost of the proposed bill, as well as the need for any reprivatization law to be inclusive and eschew citizenship requirements. Claims continued to be filed and property returned throughout the country through an ad hoc process of local court rulings and private arrangements between contending parties.

The laws on communal property restitution also do not address the issue of communal properties to which third parties have title, leaving several controversial and complicated cases unresolved. In a number of cases over the years, buildings and

residences were built on land that included Jewish cemeteries that were destroyed during or after World War II. For example, a school for disabled children stands on the site of a completely destroyed Jewish cemetery in Kalisz. The existence of the school complicated the issue of returning the cemetery to the Jewish community. Efforts continued during the year to reach a resolution acceptable to all concerned.

Although the Constitution gives parents the right to bring up their children in compliance with their own religious and philosophical beliefs, religious education classes continued to be taught in the public schools at public expense. While children are supposed to have the choice between religious instruction and ethics, the Ombudsman's office states that in most schools, ethics courses are not offered due to financial constraints. Catholic Church representatives are employed to teach religious classes in the schools. Such classes constitute the vast majority of all religious education classes offered, since the population of the country is approximately 95 percent Catholic. However, parents can request religious classes in any of the religions legally registered, including the Protestant, Orthodox, and Jewish religions. Such non-Catholic religious instruction exists in practice, although it is not common; the Ministry of Education pays the instructors. Priests and other instructors receive salaries from the state budget for teaching religion in public schools, and Catholic Church representatives are included on a commission that determines whether books qualify for school use.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—Although the Constitution does not address freedom of movement, the Government generally respects these rights in practice. The Government does not restrict internal or foreign travel; under the law citizens cannot be refused the right to return to the country; and there are no restrictions on emigration.

The law provides for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Persons recognized as refugees under the Convention are granted permission to remain in the country permanently. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. In 2000 the Government received 4,588 petitions for refugee status, compared with 2,864 in 1999. Of the 4,588 applications received, 78 were approved. Between 1999 and 2000, the approval rate for refugee applications was 1.5 percent, which granted them refugee status in the country, while the vast majority remained in processing. The other cases were denied, discontinued, abandoned or were being processed at year's end.

The 1997 Aliens Act, amended during the year, addresses immigration issues. Human rights organizations generally view the Aliens Act as positive. The law gives all prospective refugees access to a procedure for adjudicating refugee status and established an independent board to which prospective refugees can appeal negative status decisions by the Ministry of Internal Affairs. Refugee advocates note that the board serves as an impartial and independent adjudicator of appeals. The amended Aliens Act created the Bureau of Repatriation and Aliens (BRA), which began operating during the year. This office controls the various Refugee Boards and agencies and has some political control over the border guards. The Border Guard Academy includes significant training on the handling of potential refugees.

The amended Aliens Act also creates an expedited system of refugee processing; however, the Government's implementation of the amendments has been slow and continued at year's end. Under the Act, aliens should receive an answer to their petition within 2 days. If denied they may appeal to the Refugee Board, which is required to respond within 5 days. If their claims are found to be "manifestly unfounded," they are denied and no further appeal is available to them. This is expected to represent a significant change from the old system, in which refugees could wait up to 3 months for the first answer and could then appeal all the way to the Supreme Court. Refugee rights groups have reported no significant improvement in processing time, which is reliably reported to range from 4 months to 2 years. According to the new amendments, a decision granting or denying asylum should be rendered within 6 months from the date of the initiation of the procedure. However, in practice decisions can take up to 2 years from the time of the application. Refugee rights groups have consistently complained about applicants living in legal limbo, unable to work legally, while awaiting decisions on their cases.

The law does not recognize the concept of first asylum or any other form of temporary protection. However, the Aliens Act as amended during the year includes the category of humanitarian assistance as a reason for resettling aliens. Previously the Government only had categories for asylum seekers and for refugees. The new category was created for those who do not qualify as refugees but who cannot be returned to their countries of origin; however, the law's practical implications were untested.

In 2000 the UNHCR expressed concern over the fate of unaccompanied children seeking asylum in the country. It urged that procedures and practices concerning the appointment and maintenance of supervisors and guardians for minors be improved. The safety of child refugee seekers is not assured because of a shortage of funds for supervision in the camps. At the Debak camps, there have been allegations of sexual assaults on children, one of which was confirmed. The refugee camp's educational facilities often are insufficient, and school supplies were unavailable. Camps were extremely crowded, and ethnic and cultural conflicts often occurred as a result.

Many of the problems that the Government faces in dealing with aliens present in the country center around funding. The Government receives significant European Union (EU) funds for upgrading its refugee processing system, which includes money for such things as fingerprinting equipment and running the refugee centers. However, the Government has very little money available to send aliens who have been denied status back to their country of origin. Most denied applicants simply receive a letter informing them that their petition has been denied and that they should leave the country. The Government does not have funds to help assimilate those persons who receive permission to permanently reside in the country. Refugees may receive the same subsidies given to citizens living below the poverty line, but no additional money is available to them. The approved petitioners receive funds from various NGO's, but this covers only basic living needs, and no services such as language training, medical care, or other social benefits.

The country is becoming a destination point for refugees, rather than simply a transit point. The UNHCR reports that significantly fewer persons are abandoning their refugee applications and that fewer persons are leaving the country after receiving status.

There were no reports of the forced return of persons to a country where they feared persecution; however, the UNHCR reported isolated incidents of border guards turning away potential refugees. In particular there were reports that Chechen asylum applicants encountered difficulties with admission to the country when arriving from Ukraine and Belarus. However, in October, the BRA stated that they no longer would use the internal flight alternative as a reason to deny Chechen asylum applications. The BRA estimated that approximately 4.5 to 5 percent of all asylum seekers receive refugee status, while 10 to 15 percent of all Chechen asylum applicants are granted refugee status. Afghan asylum seekers also encountered problems when arriving from Ukraine and Belarus.

There were reports of the harassment of refugee camp inhabitants by local persons and there were some reports of mistreatment by police. Several Belarussian and Chechen asylum seekers have alleged harassment ranging from verbal abuse to forcible removal from one location (usually refugee camps or shelters) to another. There were no formal investigations during the year; the allegations were attributed to moving asylum seekers from the cities to the countryside. Government officials have stated that any relocation was to improve conditions, not harassment.

The UNHCR and the Helsinki Foundation have been working with government officials, police, and hospital personnel to sensitize them to the plight of refugees and train them in better ways of handling refugees.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. All citizens 18 years of age and older have the right to vote and to cast secret ballots, and voting is voluntary. Multiple candidates from various political parties participated in the elections and had access to the media.

The country is a multiparty democracy. Executive power is divided between the President and a government chosen by the Sejm, or lower house of Parliament. There is also an upper house (the Senate). The Constitution provides for parliamentary elections at least once every 4 years. The President, elected for 5 years, has the right, in certain very limited cases and after seeking the opinion of the Speakers of the Sejm and the Senate, to shorten the Sejm's term of office. Whenever the Sejm's term of office is shortened, the Senate's term automatically is shortened as well. Parliament may impeach the President.

The Government formed after free and fair elections in 1997 was a two-party coalition composed of the center-right Solidarity Electoral Action (AWS) party anchored by the Solidarity Labor Union and the Centrist Freedom Union (UW), also with origins in Solidarity. In June 2000, the UW withdrew from the coalition, and the AWS

Government continued to function as a minority Government until the last elections held in September.

The percentage of women in government and politics does not correspond to their percentage of the population. During September elections, the number of females in Parliament increased from 63 to 94 (of 460), and from 19 to 22 (of 100) in the Senate. The new Government's Cabinet has 16 members, all from the ruling coalition; the Justice and Education Ministers are both females.

Two members of the German minority party are Members of Parliament (see Section 5). The electoral law exempts ethnic minority parties from the requirement to win 5 percent of the vote nationwide in order to qualify for seats in individual districts.

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

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

The Helsinki Foundation, a major NGO, conducts human rights investigations without government interference. Members of the foundation report that the Government displays a generally positive and helpful attitude towards human rights investigations.

The Office of the Commissioner for Civil Rights Protection (the Ombudsman) is the Government's watchdog for human rights. The Ombudsman's office is an effective, independent body with broad authority to investigate alleged violations of civil rights and liberties. The Ombudsman registers each reported case and files grievances, where appropriate, with the relevant government office. The Ombudsman has no legislative authority, no powers of enforcement, and is sworn to act apolitically. The Government cooperates with the Ombudsman.

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

The Constitution states that "no one shall be discriminated against in political, social, or economic life for any reason whatsoever," and the Government attempts to ensure that these provisions are observed; however, violence and societal discrimination against women and ethnic minorities persisted.

*Women.*—Violence against women continued to be a problem. There are no comprehensive surveys that document the problem adequately. According to the Women's Rights Center, 23 percent of women have been victims of domestic violence. According to the NGO La Strada 18 percent of married women admitted to being victims of physical abuse by their husbands. Women's organizations assert that the number of women suffering from domestic abuse is probably much higher due to the fact that battered women usually refuse to admit abuse even to themselves. Violence against women remains hidden, particularly in small towns and villages. Government and police statistics do not differentiate between male and female victims of violence. Physical abuse is illegal and spousal rape is treated in the same manner as other types of rape. Police intervene in cases of domestic violence. In 1998 the police, in cooperation with the State Agency for Solving Alcoholic Problems, introduced the "blue card," a record-keeping system designed to better document incidents of spousal abuse. Sentences for abuse of family members range from 3 months to 5 years, or from 2 to 10 years if the victim attempts suicide as a result of the abuse. However, statistics show that a large majority of convictions (83 percent) result in suspended sentences. According to a spokesman for the police, there were 23,987 cases of family abuse reported in 2000, with 213 of those being of particularly severe abuse. According to NGO's, the courts often treat domestic violence as a minor crime, pronounce lenient verdicts, or dismiss cases.

In 2000 there were 2,399 rape cases reported, compared with 2,029 in 1999, and according to police statistics, the frequency of rape further increased during the year. However, NGO's reported that women often are unwilling to report the crime and estimate that the actual number of rapes is 10 times higher than that reported.

According to the Women's Rights Center Report, there was significant progress in raising public awareness of the problem of violence against women. The topic received increasing coverage in the media during the year, most notably through a highly visible media and billboard campaign. In addition an increasing number of NGO's are addressing the problem. A total of 15 centers have been established to assist victims, to provide preventive treatment as well as resocialization counseling to perpetrators, and to train personnel working with victims of domestic violence. In July 2000, the Government established an Office of Victims' Rights Spokesman

at the Ministry of Internal Affairs and Administration. The main task of the office is to ensure that victims of violence are treated with respect by law enforcement and the judicial system. The office provides legal and psychological assistance for victims and their families.

The law has no provision for restraining orders to protect battered women against further abuse. For example, in divorce cases, courts frequently grant a divorce but do not issue a property settlement, forcing women to return to their abusive husbands. This problem is exacerbated by a lack of alternative housing in the country. Women's advocacy groups also have complained about the small number of state-supported shelters for battered women.

Paying for sexual activity is illegal, as is pimping; however, selling sex is not illegal. However, due to a crackdown on prostitutes who work along major thoroughfares and at truck stops, the prostitution industry has moved to brothels, massage parlors, or agencies offering escort services. Since 1997 the total estimated numbers of prostitutes declined by 45 percent; however, police believe the apparent decline in prostitution may be the result of much greater numbers of women working in brothels, or so-called agencies, who are not captured by the statistics. Police estimated that there are 770 agencies in operation, with an estimated 4,300 women working in them as prostitutes.

Trafficking in women for the purpose of sexual exploitation was a problem (see Sections 6.c. and 6.f.).

While there are no laws specifically addressing sexual harassment, social awareness of the problem continued to increase, and there are mechanisms to deal with the problem. For example, the Criminal Code states that whoever takes advantage of a position of power in a relationship to gain sexual gratification may be sentenced to up to 3 years in prison. According to a Supreme Court advisory opinion, such a relationship can occur between employers and employees, between supervisors and subordinates, or between teachers and students. However, this provision can be invoked only when alleged sexual harassment occurs between a supervisor and an individual in a subordinate position. Abuse of power cannot be claimed when harassment occurs between persons of equal rank. In August 2000, a prosecutor charged a former director of a hospital emergency ward of sexually harassing six nurses; the case continued at year's end.

The Constitution provides for equal rights regardless of gender and grants women equal rights with men in all areas of family, political, social, and economic life, including equal compensation for work of similar value. However, in practice women frequently are paid less for equivalent work, mainly hold lower level positions, are discharged more quickly, and are less likely to be promoted than men. According to the 1999 government statistical bulletin, men have a higher employment rate (54 percent) than women (45.9 percent), and women have a higher unemployment rate (13.5 percent) than men (11.7 percent). Despite a generally higher level of education, women earn on average 30 percent less than men. The law does not address equality in hiring practices (there are no legal penalties for discriminatory behavior in this area), and advertisements for jobs frequently indicate a gender preference. Although women have access to a number of previously forbidden careers since the Labor Code was modified in 1996, they still are prevented from working underground or in jobs that require heavy lifting. Apart from the Constitution, there is no other legal provision for equal rights for women. In 1999 the U.N. Human Rights Commission expressed its concern about the situation and agreed that women were discriminated against in the labor market.

Nevertheless women are employed in a wide variety of professions and occupations, and a number of women occupy high positions in government and in the private sector. Both men and women have the right to claim child sick care. The pension law requires mandatory earlier retirement for women at age 60 (age 65 for men), and as a result women get approximately 60 percent of the average pension that men receive. However, in December 2000, the Constitutional Tribunal ruled that the law setting retirement age at 60 for women and 65 for men is discriminatory, as it reduces women's chances for promotion and better pensions. Based on this verdict women can appeal to the labor court if employers insist that they retire at 60.

The Ombudsman for Human Rights monitors the rights of women within the broader context of human rights. Observers note that the broad scope of the office's mandate dilutes its ability to function as an effective advocate of women's issues. There are several women's rights NGO's. Among the most notable are the Polish Foundation for Women and Family Planning and the Women's Rights Center. These groups are active advocates of gender equality and advance their goals through research, monitoring, and publishing. There are several church-sponsored women's advocacy organizations, but their cooperation with other women's NGO's is limited.

*Children.*—The Constitution extends some state protection to the family and children, and the Sejm appointed an Ombudsman for Children's Rights in June 2000, although he resigned in August 2000. During the year, Parliament appointed a new Ombudsman. Education is universal and mandatory until age 18, and public schools are free. The Government sponsors some health programs targeted specifically at children, including a vaccination program and periodic checkups conducted in the schools; however, budget shortfalls prevent complete implementation of these programs. Although it occurs, there is no societal pattern of child abuse. The law prohibits violence against children. A provision of the Criminal Code provides that those who physically or psychologically abuse a juvenile may receive a prison sentence of 3 months to 5 years. If the victim attempts suicide the sentence is increased, as it is if the perpetrator is found to have acted with extreme cruelty. However, abuse rarely is reported, and convictions for child abuse also are rare. In addition there are no procedures in schools to protect children from abuse by teachers; the teachers' work code provides legal immunity from prosecution for the use of corporal punishment in classrooms.

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

The law prohibits child prostitution; however, child prostitution was a problem. The Penal Code states that anyone who, with the purpose of obtaining a material benefit, incites a minor to prostitution or facilitates such prostitution is subject to a sentence from 1 to 10 year's imprisonment.

Young men and women are treated unequally in terms of the age of majority. Men and women reach majority at the age of 18 under the Civil Code; however, a young woman can reach majority at the age of 16 if she has entered into marriage with the consent of her parents and the guardianship court. In addition men are not permitted to marry without parental consent until the age of 21, whereas women may do so at the age of 18. Lawmakers' rationale for this difference in treatment is the assumption that it is better that men entering compulsory military service not be encumbered with families.

*Persons with Disabilities.*—There is no discrimination against persons with disabilities in employment, education, or in the provision of other state services. There were approximately 5.5 million persons with disabilities in the country by year's end, and the number is expected to reach 6 million by the year 2010. In 2000 the Central Bureau of Statistics (GUS) reported that 17 percent of persons with disabilities able to work are unemployed, roughly equivalent to the national unemployment rate. Advocacy groups have claimed that the percentage is much higher. The law allows individuals from certain disability groups to take up gainful employment without the risk of losing their disability benefits. Statistics show that 48.7 percent of the persons with disabilities have no more than an elementary school education, compared with 33.7 percent of those without disabilities, and that only 4.2 percent have a university education, compared with 8.2 percent of persons without disabilities.

The law creates a state fund for the rehabilitation of persons with disabilities that derives its assets from a tax on employers of over 50 persons, unless 6 percent of the employer's work force are persons with disabilities. While the fund has adequate resources—in 2000 it had more than \$400 million (1.8 billion PLN) at its disposal—its management has encountered difficulties, including frequent changes in leadership. According to press reports, the fund had 4,000 grant applications pending at year's end. In addition by law the fund cannot be used to assist children with disabilities under 16 years of age.

There were reports of some societal discrimination against persons with disabilities.

The law mandates access to buildings for persons with disabilities; however, public buildings and transportation generally are not accessible to persons with disabilities. Implementation falls short of rights set forth in the legislation since the law provides only that buildings "should be accessible."

*Religious Minorities.*—Relations between the various religious communities are generally amicable; sporadic incidents of harassment and violence against Jews and occasional desecration of Jewish, and more often, Catholic cemeteries continued, mostly generated by skinheads and other marginal elements of society.

Although surveys have shown a continuing decline in anti-Semitic sentiment, anti-Semitic feelings persisted among certain sectors of the population, occasionally manifesting themselves in acts of vandalism and physical or verbal abuse. Sporadic and isolated incidents of harassment and violence against Jews continued to occur, often generated by skinheads and other marginal societal groups.

In October a group of youths beat some members of the Buddhist Center of Krakow and threw stones at the building. The police arrived quickly; however, the attackers escaped, and no arrests were made. This was similar to the attack on the

same center in Krakow, which is reportedly located in an unsafe neighborhood; a second center in Krakow has not been the target of such attacks. The legal proceedings against two persons who were arrested in connection with the attack on the Center in 2000 were ongoing at year's end.

During the year, a Lublin resident verbally attacked a group of tourists visiting the Majdanek death camp museum.

In April a controversial Gdansk priest, Henryk Jankowski, created in his church a replica of the barn in Jedwabne in which members of that town's Jewish community were burned to death in 1941. A sign near the display accused Jews of killing Christ and persecuting Poles. The local archbishop ordered the tableau removed. Religious and political leaders strongly criticized Jankowski for his action.

On November 11, during Polish Independence Day, approximately 400 Polish ultra nationalists who chanted anti-Semitic and anti-EU slogans marched through the heavily industrialized city of Katowice. The march culminated in a rally at which demonstrators burned the Israeli and EU flags. Local authorities initiated an official investigation to determine whether identifiable demonstrators should be charged with violating laws that prohibit displays of Fascist symbols and public insults to persons on the basis of national, ethnic or racial identity. The investigation was pending at year's end.

Occasional cases of cemetery desecration, including of both Jewish and Catholic shrines, also occurred during the year. In February 16 tombstones were knocked down in the Jewish cemetery in Wroclaw.

In May unknown perpetrators overturned 39 tombstones in a Jewish cemetery in Auschwitz. In May the March of the Living organizers organized a sister event, the March of Remembrance and Hope, that brought international youth groups of all religions to the country in promotion of religious tolerance. During the march, several hundred participants organized a clean-up of the cemetery in Auschwitz and restored the tombstones. In April 49 graves were damaged in Bytow, more than 120 tombstones were damaged in Catholic cemeteries in Bartoszyce, Markowice, and Siepc, and hundreds of crosses and crucifixes were stolen from a Catholic cemetery in Olawa. Government authorities consistently criticized such actions and made efforts to prevent similar acts from occurring in the future, for example, by increasing police patrols around Jewish sites. No arrests or prosecutions took place after any of these events.

In April during the 13th March of the Living from Auschwitz to Birkenau to honor victims of the Holocaust, several hundred citizens joined 2,000 marchers from Israel and other countries. In July the President presided over a ceremony commemorating the 1941 killing of several hundred Jews in the town of Jedwabne. President Kwasniewski acknowledged Polish participation and apologized in the name of the country and unveiled a new memorial. It replaced a plaque that stated Germans alone were responsible, which was removed several months earlier.

In April 2000, Opole University fired professor Dariusz Ratajczak for publishing a book denying the Holocaust. The firing followed the unsuccessful prosecution of Ratajczak in December 1999 for violating the law on the preservation of national remembrance, a provision of which criminalizes public denials of Nazi and Communist-era crimes. The University announced that Ratajczak had violated ethical standards and would be barred from teaching at other universities for 3 years.

Public concern persisted regarding the growth of groups perceived to be sects and the influence of nonmainstream religious groups.

*National/Racial/Ethnic Minorities.*—The law provides for the educational rights of ethnic minorities, including the right to be taught in their own language. There are an estimated 50,000 Lithuanians in the country, and the issue of Lithuanian minority rights including language instruction, is addressed routinely during governmental talks at the highest levels. There were 5 Lithuanian-language textbooks in use during the year. The Ministry of Education fully finances their publication and uses Lithuanian minority representation in the development of the texts.

The Romani community, numbering around 30,000, faced disproportionately high unemployment and was hit harder by economic changes and restructuring than were ethnic Poles, according to its leaders. Societal discrimination against Roma is commonplace, and some local officials discriminate against Roma in the provision of social services. Romani leaders complained of widespread discrimination in employment, housing, banking, the justice system, the media, and education. The central Government is cooperating with local governments to develop and finance programs to assist the poorest Roma. Some local governments are becoming more active in dealing with the problems of local Romani communities. In February the Government began a pilot project to help the Roma community in the Province of Malopolska. The goals of the program are to increase the number of Roma completing high school, help fight unemployment, and improve health care and safety

for Roma. However, implementation of the program was hampered by inadequate budgetary resources.

There have been occasional incidents of skinheads clashing with Roma and racially motivated violence directed at Roma. In August a group of Polish teenagers vandalized automobiles and other Romani vehicles at a resort camp where a Romani family was vacationing. Police arrested three suspects, and the case was pending at year's end.

In March several thousand students, journalists, and politicians removed vulgar and racist slogans from walls in the city of Lodz, a repeat of their efforts in 2000.

The small Ukrainian and Belarussian minorities occasionally experienced petty harassment and discrimination. Individuals of African, Asian, or Arab descent also reported isolated incidents of verbal, physical and other types of abuse. In June the Philadanco dance troupe, which was touring the country as part of the Eighth Annual International Dance Conference and Festival in Warsaw, Poznan, and Bytom, reported that in Bytom, some of the dancers were called "monkeys" and "animal" in English and had objects thrown at them. In Poznan the theater founder was refused service in a restaurant in what she perceived to be a racially motivated incident. In October 2000, African-American medical students in Poznan complained of sporadic verbal and, in at least one incident, physical harassment.

According to an August poll, attitudes toward other nationalities showed increase tolerance during the year: 56 percent viewed Romanians and Roma negatively (compared with 63 percent in 2000); 47 percent viewed Russians and Israelis negatively (compared with 57 and 47 percent in 2000); and 49 percent viewed Belarussians negatively (compared to 50 percent in 2000).

The German minority in Opole Province makes up one-third of the 1 million inhabitants of this area of the country that was part of Germany prior to World War II. Some members of the community continued to complain that not enough German is used in the province's schools.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides that all workers, including civilian employees of the Armed Forces, police, and frontier guards have the right to establish and join trade unions of their own choosing, and workers exercised these rights. The law sets minimum size requirements for establishing a trade union: 10 persons may form a local union, and 30 may establish a national union. Unions, including interbranch national unions and national interbranch federations, must be registered with the courts. A court decision refusing registration may be appealed to an appeals court. The existing law does not give trade unions the freedom to exercise their right to organize all workers. For example, workers on individual contracts cannot form or join a trade union. In state-owned enterprises, such as the health sector, water, and forestry, there have been cases in which workers have had their normal employment contract terminated and replaced by an individual contract that takes away the rights they used to enjoy as permanent employees.

In 2000 the number of officially registered national-level unions remained at approximately 360, about the same as in 1999. No precise data exists on work force unionization, although according to press reports, 7 percent of the total workforce are members of trade unions.

As a rule, newly established small- and medium-sized firms were nonunion, while union activity in most cases carried over into privatized (former state-owned) enterprises. In September Solidarity, the largest union in the country, established a local chapter in the Geant supermarket in Warsaw. The Independent Selfgoverning Trade Union (NSZZ) Solidarity has a verified regular dues-paying membership of approximately 1 million. Small spin-offs from mainstream Solidarity include the rival factions Solidarity '80 (250,000 members), August '80, and the Christian Trade Union Solidarity (Popieluszko). There are no reliable estimates of membership in the latter two unions.

The other principal national unions are those affiliated with the All-Poland Trade Union Alliance (OPZZ), the formerly Communist-aligned confederation established in 1984 as the sole legal alternative to then-outlawed NSZZ Solidarity, and its teachers' affiliate, the Polish Union of Teachers (ZNP). The OPZZ reports that its membership has grown to approximately 1.7 million, but this figure is unverified, and independent sociological surveys suggest that its regular dues-paying membership is considerably less than Solidarity's. A survey found that Solidarity represents approximately 7.6 percent of all Polish workers, while the OPZZ represents only 3.6 percent (one estimate put OPZZ membership at approximately 700,000 to 800,000 workers). According to a 1999 study by the State Labor Inspectorate, out of some 27,000 local union organizations, Solidarity had 13,000 organizations, the OPZZ had

11,000 organizations, and Solidarity '80 had 320 organizations. Numerous smaller unions also exist.

During the year, trade unions took a lower profile in politics. In May Solidarity withdrew from the then-ruling government coalition. In the September elections, significantly fewer union leaders ran for Parliament than in the 1997 parliamentary elections. Under the 1997 Constitution, trade unions themselves may no longer conduct political campaigns, although their members may run as political party candidates may.

Unions have the right to strike except in “essential services”—uniformed services, state administration, and local government—where they only have the right to protest; however, labor leaders complain that the 1991 Act on Collective Dispute Resolution prescribes an overly lengthy process before a strike may be called. Employers consider the law too lenient, since a vote of only one-quarter of the workforce can call a strike. As a result, a majority of strikes are technically “illegal” because one or both of the sides do not follow each step exactly as required by law. Labor courts act slowly on deciding the legality of strikes, while sanctions against unions for calling illegal strikes, or against employers for provoking them, are minimal. Arbitration is not obligatory and depends on the agreement of disputing parties. Unions allege that laws prohibiting retribution against strikers are not enforced consistently and that fines imposed as punishment are so minimal that they are ineffective sanctions to illegal activity. Workers who strike in accordance with the law retain their right to social insurance but not to pay. However, if a court rules a strike “illegal,” workers may lose social benefits, and organizers are liable for damages and may face civil charges and fines. The social partners (unions, employers, and the Government) continued to work out ambiguities in dispute resolution mechanisms provided for in the Labor Code.

There were 11 strikes during the year. In December 2000, the Sejm passed a bill giving a raise to the nurses who began a hunger strike earlier that year to protest the Government's failure to pay a wage increase. The nurses' wage was only 35 percent of the average national wage; the nurses requested a 60 percent raise. The State, their monopoly employer, offered a 12 percent raise. The nurses found the offer unsatisfactory, and demonstrated in the streets, occupied the labor ministry, and blocked transportation arteries. An agreement was reached; however, the nurses claimed that most health facilities had not met the provisions of the agreement by year's end and declared a strike alert.

Unions have the right by law to join labor federations and confederations and to affiliate with international labor organizations. Independent labor leaders reported that these rights were observed in practice. Solidarity is a full member of the International Confederation of Free Trade Unions (ICFTU), the World Confederation of Labor, and the European Trade Union Confederation.

*b. The Right to Organize and Bargain Collectively.*—The law provides for and protects enterprise-level collective bargaining over wages, and working conditions increasingly characterized the labor relations system. The Tripartite Commission (unions, employers, and the Government), chaired by Labor Minister Jerzy Hausner, is the main forum that determines national-level wage and benefit increases in such politically sensitive areas as the so-called budget sector (health, education, and public employees), while rendering opinions on pension indexation, energy pricing, and other important aspects of social policy. The Commission serves as an important forum in which the social partners air differences, discuss grievances, and often negotiate agreements before problems erupt into social conflict.

The law on collective bargaining does not require union membership figures to be verified or based on dues-paying members in order for unions to be considered “representative” negotiating partners for management and government. Solidarity protested some unions' (largely OPZZ affiliates) participation in negotiations with the Government on the grounds that their membership figures remain unproved.

Many disputes have arisen because of the weakness of the employer side of the union/employer/Government triangle. Key state sector employers (largely in heavy industry and the budget sector) remained unable to negotiate independently with organized labor without the extensive involvement of central government ministries to which they are subordinate, although the Government repeatedly stated that its intention was not to be drawn into labor disputes. This weakness complicated and politicized the Government's labor relations system. Claiming that the Government was refusing seriously to discuss labor issues with it, the OPZZ suspended participation in the commission in April 1999 and stayed away throughout the year; however, since the formation of the new Government in October, OPZZ has participated in the commission.

The law provides for parties to take disputes first to labor courts, then to the prosecutor general, and, in the last resort, to the Supreme Court. In a typical year, Soli-

arity takes several thousand cases to labor courts, several hundred to the Prosecutor General, and dozens to the Supreme Court for resolution. In an overwhelming majority of these cases, the courts ordered employers to correct practices or reinstate dismissed workers, or ordered unions to reimburse employers for activity found to be illegal. However, penalties are minimal and are not an effective deterrent.

The law prohibits antiunion discrimination; however, labor leaders report that employers discriminate against workers who attempt to organize or join unions, particularly in the growing private sector. The law also has not prevented employer harassment of union members for labor activity; there were unconfirmed reports that some employers sanction employees who try to set up unions. The ICFTU alleges that the sanctions provided in the law against acts of antiunion discrimination are not sufficiently dissuasive.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor; however, trafficking in women is a problem (see Section 6.f.).

The law prohibits forced and bonded labor by children; however, trafficking in children was a problem (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The law contains strict legal prescriptions about the conditions under which children may work. The Labor Code forbids the employment of persons under the age of 15. Those between the ages of 15 and 18 may be employed only if they have completed primary school and if the proposed employment constitutes vocational training and is not harmful to their health. The age requirement rises to 18 years if a particular job might pose a health danger.

The State Labor Inspectorate (PIP) reported that increasing numbers of minors work, and that many employers violate labor rules in employing them (by underpaying workers, paying them late). Inspectors found violations on stud farms, in restaurants, and, in some instances, in small private sector businesses and factories. Sanctions for the illegal employment of children range from warning letters to orders to cease the work of underage employees. These orders can be enforced through the police to demand the transfer of underage employees or shut down all or part of the offending workplace, or, working through the Ministry of Labor, to impose fines ranging from \$5 to \$125 (20 to 500 PLN) per offense. Cases may also be referred to an administrative tribunal, which can levy fines of up to \$1,250 (5,000 PLN). Jail sentences may be imposed if the infractions are serious enough; such cases generally involve serious injury or death. In 1999 the last year for which figures are available, the PIP conducted 1,494 investigations involving some 12,000 possible underage employees. Fines were levied in 417 of these cases, amounting to approximately \$35,000 (140,000 PLN).

The Government has not ratified the International Labor Organization Convention 182 on the Worst Forms of Child Labor.

The law prohibits forced and bonded child labor; however, trafficking in children was a problem (see Section 6.f.).

*e. Acceptable Conditions of Work.*—The Ministry of Labor, the unions, and employers' organizations negotiate a revised national minimum wage every 3 months. The minimum monthly wage in state-owned enterprises is approximately \$180.00 (760 PLN), which constitutes a 10 percent increase over 2000 figures. The national minimum wage does not provide a decent standard of living for a worker and family. A large percentage of construction workers and seasonal agricultural laborers from the former Soviet Union earn less than the minimum wage. The large size of the informal economy and the small number of state labor inspectors make enforcement of the minimum wage very difficult. As long as unemployment remains high, workers often agree to inferior working conditions and lower pay in order to find or keep their jobs.

The standard legal workweek is 42 hours, which allows 6- or 7-hour days, including at least one 24-hour rest period. The law requires overtime payment for hours in excess of the standard workweek.

The Labor Code defines minimum conditions for the protection of workers' health and safety. Provisions are strict and extensive; however, enforcement is a major problem because the PIP is unable to monitor the state sector sufficiently, or the private sector, where a growing percentage of accidents take place. In the 41,011 work-related accidents reported during the first 6 months of 2000, 277 individuals were killed and 602 seriously injured. The Government's Central Statistical Office reported that most accidents were in the public sector, while most serious accidents were in the private sector, where proportionally more deaths also occurred. Solidarity contends that the problem lies not in the law, which establishes safe standards, but in enforcement, because employer sanctions for illegal behavior are mini-

mal. Standards for exposure to chemicals, dust, and noise are exceeded routinely. In addition there is a lack of clarity concerning which government or legislative body has responsibility for enforcing the law. The PIP may shut down workplaces in which it finds unsafe conditions. In 1999, the last year for which figures are available, there were 16 shutdowns in workplaces. Workers may remove themselves from dangerous working conditions without losing their jobs, but there were reports that fears of such loss prompted some to stay on the job.

The National Unemployment Office estimates that as many as 100,000 to 150,000 foreigners are working illegally in the country. Other estimates range from 250,000 to 1.5 million persons, the majority working in jobs and for wages that are deemed unacceptable to citizens. Most of the illegal residents come from the countries of the former Soviet Union, Sri Lanka, and Afghanistan, although an increasingly larger number are coming from Southeast Asia, particularly Vietnam. The country's relatively strong economic growth and its status as an EU candidate country mainly are responsible for this phenomenon.

*f. Trafficking in Persons.*—The law prohibits trafficking in persons; however, Poland is a country of origin, transit, and destination for trafficked persons, primarily women and girls and to a lesser extent boys. Since statistics on prostitution do not distinguish victims of trafficking from those willfully engaged in prostitution, escort services, pornography and other aspects of the sex trade, the scope of the trafficking problem is difficult to define. The international NGO La Strada estimated that approximately 60 percent of foreign women who worked as prostitutes in the country are victims of trafficking.

Poland is a source, transit, and destination country for the trafficking of women and girls. Polish women and children are trafficked to western European countries such as Germany, the Netherlands, Belgium, and Switzerland for sexual exploitation. A press report from August 2000 states that each year several hundred Polish boys also are victims of trafficking.

Women and girls are trafficked into Poland from countries such as Ukraine, Bulgaria, Romania, Belarus, and Russia. Ukraine is the largest single source of foreign women trafficked in Poland. Women from Bulgaria tend to be from the Turkish and Roma minorities. Women and girls who are trafficked into Poland primarily from Eastern Europe are recruited from areas with low socioeconomic conditions, sometimes quite openly. Those women and girls from the lowest socioeconomic status are most vulnerable to trafficking and subjected to the worst conditions. For example, Roma and ethnically Turkish Bulgarians tend to be employed as prostitutes on highways. They may spend a few months in Poland before they are trafficked further west. In contrast women from other countries of Eastern Europe also are trafficked into agencies run as brothels. Educated Polish and Russian women are more likely than others to be employed voluntarily by escort services.

Victims are trafficked through such means as fake employment offers, arranged marriages, fraud, and coercive measures. Many believe that they are accepting employment as waitresses, maids, or nannies abroad. While they are en route to what they believe to be their destinations, their passports and identity papers are taken away from them. Stripped of their personal identity, the women and girls are kept under the control of the traffickers through fear and intimidation. They are required to serve a minimum number of clients each day in order to earn their keep. They are threatened with violence, and those who resist are raped or beaten. If they try to flee, their legs may be broken. There are also reports of victims being killed by their traffickers.

In the last few years, trafficking has become increasingly organized and has been associated with a rampant growth in document fraud. As many as 90 percent of the women and girls trafficked in the country have false travel documents, and the trafficking of a single woman usually involves a network of criminals. One criminal will recruit the woman; a second will provide false travel documents and traffic her across the border; and a third will supervise her work with clients, functioning as a pimp. In one example offered by police, one Bulgarian woman was detained several different times by police, each time with a new identity and passport. La Strada and police also reported large scale auctions of women held in Warsaw and other cities. Prices paid for women and girls who are trafficked reportedly start at \$1,500 (3,500 PLN). Victims usually are trafficked by nationals from the same source country; for example, Bulgarian women are trafficked by Bulgarians and Ukrainians by Ukrainians. Foreign traffickers systematically pay a percentage of their receipts to Polish traffickers operating out of the same region.

It is particularly difficult to estimate the extent to which children are victims of trafficking. Legal authorities deal with child traffickers more severely, in part because laws on statutory rape are easier to prosecute. As a result, the activity has been driven completely underground. Child prostitution is a crime, while prostitu-

tion of adults is neither banned nor regulated by law, making it more difficult for the police to pursue. The authorities do not always recognize trafficking in children since minors can be trafficked on false documents identifying them as adults. Of the 198 cases in 2000 initiated by prosecutors, 22 involved victims who were minors. In the first half of the year, prosecutors instituted proceedings in 4 cases involving minors. During the summer at a hotel outside of Warsaw, police raided an auction where women and children were being sold to a human trafficking ring for use in brothels and pornography production.

Several provisions in the Criminal Code specifically address the problem of trafficking. The law prohibits trafficking in human beings and pimping and imposes sentences of up to 10 years on those convicted. It also bans recruiting or luring persons into prostitution; penalties for this offense are also up to 10 years. The most severe sentences are reserved for individuals trafficking in children and those luring women into prostitution abroad. In 1998 statutes on trafficking were revised.

The scope of trafficking in the country is most likely much larger than the numbers reflected in prosecutions and arrests for specific violations of the criminal code. In 2000 the Government prosecuted 198 cases under Article 204, which prohibits luring persons into prostitution, and 13 cases under Article 253, which pertains to trafficking in persons and organizing adoptions for material benefit. In the first half of the year, the Government prosecuted 345 cases of luring persons into prostitution and 11 trafficking cases. As of August, the Government had prosecuted 345 cases for luring persons into prostitution and 11 trafficking cases. It is not clear whether this increase is due to a growth in the number of women trafficked or to greater activity by the authorities.

Since the border guards and police may regard trafficking victims as criminals who have violated passport laws, victims are afraid to turn to officials for help. Victims have no legal status, and there are no public resources available to assist them. Victims usually are deported as soon as possible in order to avoid any expenses connected with keeping them in detention.

Victims are not informed about their legal status or rights. Many are unaware and are not told that under Polish law prostitution is not a crime. When detained by the police, they may be deported to the border, where they are met by traffickers who quickly provide them with new travel documents and return them to the country. There is no provision to allow victims to remain in the country long enough to pursue legal action against their traffickers.

The Government provides small grants to NGO's for victim assistance programs. For example, in 2000, the NGO, La Strada received a grant from the Ministry of Internal Affairs Office of Victims' Rights of approximately \$3,850 (15,000 PLN) in order to provide a mobile phone hot line for victims, food, and a social worker to assist victims, for 4 months. La Strada is the only NGO in the country dealing specifically with trafficking but cooperates with shelters such as Caritas and other Catholic organizations, as well as the Center for Women's Rights shelter. La Strada provides several types of victim assistance. It operates a telephone hot line which victims can call, and it distributes stickers advertising its services in Polish, Russian, and Bulgarian. Once victims have contacted La Strada, the NGO puts them in touch with appropriate welfare offices. For instance, La Strada tries to help victims obtain safe accommodation, as well as therapy and psychological support. It also helps in contacts with police, prosecutors, and the courts. At times La Strada is able to put victims in touch with lawyers who are willing to provide free services. In other cases, La Strada may assist the victim in seeking employment or help the victim enroll in computer classes. In cases of underage victims, La Strada tries to facilitate the victim's return to school and tries to arrange for boarding school for victims who are afraid or unable to return to their families. La Strada also provides victims with information about how to contact their consulates in order to get new travel documents.

La Strada also provides training on prevention and victim support to professionals such as police, boarder guards, prosecutors, judges, social workers, teachers, and journalists. Its "Guardian Angel" program, developed in conjunction with the Helsinki Foundation, is aimed at training social workers to help victims with legal issues, so they can be advocates for the victims before the courts, police, and prosecutors. Various types of training sessions have been conducted by La Strada in Katowice, Bialystok, other areas near the border, Szczecin, Kielce, Zielona Gora, Przemysl, and Wroclaw, as well as Warsaw and Lodz.

## PORTUGAL

The Portuguese Republic is a constitutional democracy with a President, a Prime Minister, a Parliament freely elected by secret ballot in multiparty elections, and an independent judiciary.

Internal security is primarily the responsibility of the Ministries of Justice and Internal Administration. The Republican National Guard (GNR) has jurisdiction outside cities, and the Public Security Police (PSP) has jurisdiction in cities. The civilian authorities maintain effective control of the security forces; however, members of the security forces committed human rights abuses.

With a population of approximately 10 million, Portugal has a market-based economy. The service sector (with tourism playing a prominent role) is the leading source of employment, while employment in agriculture and industry continued to be static or declined. Manufacturing provides about 30 percent of total economic output. The principal exports are textiles, machinery, and vehicles. The standard of living has increased: per capita gross domestic product was \$10,518 (2.3 million escudos).

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Two police officers remained under investigation for killings. Credible reports continued that security personnel occasionally beat and otherwise abused detainees and prisoners. Prison conditions remained poor but improved slightly. Lengthy delays in holding trials led to hunger strikes by some pre-trial detainees. Violence against women was a problem, and the Government took steps to address it. Discrimination and violence against Roma, minorities, and immigrants also were problems. The Government took active steps to deal with the problem of child labor. Trafficking in foreign laborers and women also was a problem.

### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivations of Life.*—There were no reports of political killings; however, police shot and killed one person during the year. In July a PSP officer shot and killed Arturo Mendes Pereira during a nighttime operation against drug traffickers in suburban Lisbon. Authorities began investigating the case in July, but no one had been charged by year's end.

In January 2000 in Porto, Alvaro Rosa Cardoso, a member of the Roma community, died from internal abdominal bleeding after a violent encounter with police. The two officers alleged to be responsible were charged, but a court found the officers not guilty since it could not be determined whether the internal bleeding was due to the fight before the arrest or the alleged police mistreatment afterwards. Cardoso's family continued to blame the death on police mistreatment. The case remained on appeal in a Porto court at year's end.

Also in January 2000 in Porto, Paulo Silva died of internal bleeding which may have been caused by police mistreatment during an arrest. The case was reopened in October and remained under investigation at year's end.

Two police officers were convicted in 1999 of illegal abduction in the case of Olivio Almada, whose body was found in 1996. The two convicted officers were sentenced to a 1-year suspended prison term and were ordered to pay compensation to the family.

Three PSP officers were convicted in December 1998 on criminal charges related to the death in custody in 1996 of Carlos Araujo. In January 1999, the officers appealed the verdict a second time, and their case remained in the appeals process at year's end. Disciplinary proceedings against the officers were deferred until after the criminal case is resolved.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits torture, inhuman or degrading treatment or punishment, and the use of evidence obtained under torture in criminal proceedings; however, there were credible but infrequent reports that police and prison guards beat and otherwise abused detainees, particularly non-Europeans.

In December a PSP officer shot and injured an unarmed suspect, Paulo Moreira, who allegedly tried to run down the police in a car during a pursuit in Lisbon. An investigation was under way at year's end.

According to the nongovernmental organization (NGO) Amnesty International, a GNR infantry sergeant reported in August 1999 that in spite of the new regulations, the mistreatment of detainees was "virtually systematic." In November 1999, the General Inspectorate of Internal Administration (IGAI) opened an inquiry into the sergeant's allegations and began disciplinary proceedings against him personally, on

unrelated charges. However, the IGAI stated that these proceedings were not in response to the allegations he made. The GNR agents implicated by the sergeant were undergoing a criminal trial in a military tribunal in Coimbra at year's end.

In July the Council of Europe's Committee for the Prevention of Torture (CPT) published a report of one of its periodic visits in 1999. Comparing conditions with its 1992 and 1995 visits, the Committee found that, although some allegations of ill treatment persisted, few detainees complained of mistreatment by police. The report also noted sustained efforts by the authorities to improve the material conditions in police detention centers.

According to Amnesty International, police allegedly detained and beat Candido Coelho at the Damaia PSP station in December 2000. Of Mozambican origin, Coelho apparently suffers from a mental disability. He lodged a complaint against the PSP officers, but the case was closed by the IGAI, which found no evidence to prove Coelho's claims.

According to Amnesty International, police arrested Jorge Manuel da Conceicao Simoes in 1999 on suspicion of possessing drugs and allegedly beat him when he refused to sign a confession. The IGAI found that Simoes had been detained illegally but did not pursue the beating charge for lack of evidence. Amnesty International also reported that police allegedly beat Marco Fernandes in 1999 in Madeira with a pipe and a police radio. In January the IGAI disciplined the police officer involved by suspending him for 200 days' without pay. A police officer who used electroshock torture in Sintra in 1999 was fired from the force, and a criminal case against him was ongoing at year's end.

An independent ombudsman was chosen by the Parliament and the IGAI to investigate complaints of mistreatment by the police; however, NGO's have been critical of the slow pace of police investigations in general and internal investigations by the police in particular. In an attempt to respond to negative reports on the treatment of detainees and to consolidate alleged improvements in the system, legislation entitled "Regulations on the Material Conditions of Detention in Police Establishments" was adopted in 1999. The law provides detailed guidelines covering all aspects of arrest and custody. According to an NGO, the law has led to some improvements but has not completely eliminated abuses.

There were reports that citizens, particularly skinheads, committed violent acts against nonethnic Portuguese persons (see Section 5).

Credible information from independent reports and NGO's indicated that prison conditions remained poor; however, the Directorate General of Prison Services (DGSP) continued to take steps to improve them. Prison overcrowding remained a serious problem, but due to higher levels of funding and DGSP-led improvements, the rate of overcrowding went from a 1996 high of 57.5 percent (14,177 prisoners and 8,999 places) to 17 percent (13,500 prisoners and 11,371 places) at year's end. Men and women are housed separately. While there is a youth prison in Leiria, juveniles are at times held with adults. Pretrial detainees are held with convicted criminals.

Two prisons, Vale de Judeus and Pinheiro da Cruz, continued to have cells without proper hygiene facilities. Health problems such as hepatitis and drug abuse continued, and prisoners suffered from a high HIV infection rate. In 1999 the health services director of the Bureau of Prisons reported that 7 out of every 10 convicts entering the prison system were infected with HIV, Hepatitis B, or Hepatitis C. An estimated 20 percent of the total prison population was infected with HIV. Tuberculosis was also on the rise. Prison health services, although not adequately staffed, benefited from increased spending on health services, the use of local health care providers to help prison inmates, and the construction of new health care facilities in many prisons. The CPT in its report for the year commended prison authorities for their efforts to improve health care services.

There were persistent reports regarding the mistreatment of prisoners by prison guards, drug addiction in prisons, and a lack of heat in winter. An NGO reported that outside guards sometimes entered a prison at night, rounded up prisoners, and beat them in the infirmary. Prison authorities deny these reports and point to the existence of organized violence among inmates. During their visit, the CPT delegation received fewer allegations of mistreatment by prison staff than during their previous visit in 1995. However, according to the CPT report, some problems remained concerning verbal abuse and the use of batons. Accounts of prisoner mistreatment by fellow inmates also continued to be a significant concern. In addition the report mentioned the widespread availability of illicit drugs, especially at Custodias, the central prison in Porto. In a March letter to the Justice Minister, Amnesty International expressed concern about allegations of physical mistreatment in eight cases during 2000 at Linho Prison (Sintra) and of poor conditions at the prison. The DGSP responded that in many cases the prisoners in question had been

subjected to disciplinary measures. In one case, a guard was reprimanded. According to the DGSP, Linho Prison was being renovated during the year, although work was not completed by year's end. To help combat brutality by guards, the DGSP began using resources from Amnesty International; all guards participate in mandatory training conducted by Amnesty International on such topics as nonviolent control of prisoners and conflict resolution.

The ombudsman investigates complaints of mistreatment by the police and prison authorities. The IGAI also conducts internal investigations in cases of alleged mistreatment in prisons.

The Government permits visits by independent human rights monitors, such as the Council of Europe's Committee for the prevention of Torture.

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

Under the law, an investigating judge determines whether an arrested person should be detained, released on bail, or released outright. A person may not be held for more than 48 hours without appearing before an investigating judge. Investigative detention is limited to a maximum of 6 months for each suspected crime. If a formal charge is not filed within that period, the detainee must be released. In cases of serious crimes such as murder or armed robbery, or of more than one suspect, investigative detention may last for up to 2 years and may be extended by a judge to 3 years in extraordinary circumstances. A suspect in investigative detention must be brought to trial within 18 months of being charged formally. If a suspect is not in detention, there is no specified period for going to trial. A detainee has access to lawyers; the state assumes the cost if necessary; however, a July report issued by the CPT criticized the lengthy period during which many detainees remained in police custody before having access to a lawyer.

Excessively long periods of preventive detention continued to be a problem. Early in the year, prisoners went on a series of hunger strikes to protest, among other things, prolonged periods of preventive detention. The average number of prisoners returned to custody by court order ("remand") is high (approximately 30 percent). Judges argue that preventive detention is justified by the high incidence (40 percent) of repeat offenders.

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

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

The court system, laid out in the Constitution, consists of a Constitutional Court, a Supreme Court of Justice, and judicial courts of first and second instance. There is also a Supreme Court of Administration, which deals with administrative and tax disputes, and which is supported by lower administrative courts. An audit court is in the Ministry of Finance.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforces this right. All trials are public except those that may offend the dignity of the victim, such as in cases of sexual abuse of children. The accused is presumed innocent. In trials for serious crimes, a panel of three judges presides. For lesser crimes, a single judge presides. At the request of the accused, a jury may be used in trials for major crimes; in practice, requests for jury trials are extremely rare.

Critics point to a large backlog of pending trials resulting from the inefficient functioning of the courts. A law passed during the year aims to reduce the case backlog by increasing the number of judges. The bill also has provisions to reduce the time it takes a lawyer to become a judge. Another new law passed during the year provides that witnesses may testify in cases heard in distant jurisdictions via teleconference. The Ministry of Justice also implemented a plan to speed up the serving of subpoenas. Many factors contributed to the backlog problem, including the underutilization of technology (case folders are still sewn closed by a large number of "needlewomen"), the confusing and drawn out method of serving subpoenas, and the reluctance of the justice system to accept change.

In 2000 the European Court of Human Rights (ECHR) ordered the Ministry of Justice to pay a fine to three plaintiffs in three separate civil cases. The first case involved two sets of proceedings that lasted nearly 11 years. The second case was not resolved after 7 years, and the third case had continued for 4½ years. In April the ECHR ordered the Ministry of Justice to pay a fine to a corporate plaintiff in a case that had lasted over 17 years without a final resolution. Many similar examples of judicial delay and backlog are reported in the press.

There were no reports of political prisoners.

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

*Section 2. Respect for Civil Liberties, Including:*

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

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

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. The Roman Catholic Church is the dominant religion. Although the overwhelming majority of citizens are Roman Catholic, other religions practice freely.

In April the Government passed a religious freedom act that creates a legislative framework for religions established in Portugal for at least 30 years, or recognized internationally for at least 60 years. The act provides qualifying religions with benefits previously reserved for the Catholic Church: Full tax-exempt status, legal recognition for marriage and other rites, chaplain visits to prisons and hospitals, and respect for traditional holidays.

The Church of Scientology, although recognized as a religious association since 1986, does not benefit from the Religious Freedom Act, since it has not been established in the country for 30 years or recognized internationally for 60 years, as required under the law. The Church's leaders claim that they suffer no discrimination or opposition in the country. However, they are concerned that exclusion from the benefits accorded under the Act will have a negative impact on their ability to practice their faith.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution and laws provide for these rights, and the Government generally respects them in practice. The law provides for the granting of refugee and asylum status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. Persons who qualify as refugees are entitled to residence permits. The Government almost never rules that an asylum seeker has a "valid" claim and did not grant first asylum during the year. Immigration authorities attempt to distinguish among political, humanitarian, and temporary refugees, but the Government continued to maintain that the majority of asylum seekers are economic refugees using the country as a gateway to the other European Union countries.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections on the basis of universal suffrage. Portugal is a multiparty parliamentary democracy.

The percentage of women in government and politics does not correspond to their percentage of the population; however, women and minorities have full political rights and participate actively in political life. A woman heads the Ministry of Planning. There are 46 female members of the 230-member Parliament. Some political parties have adopted internal quotas for women. Race is rarely an issue in politics; persons of minority origin have achieved political prominence.

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

A number of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are cooperative; however, most groups complain of slow investigations or remedial actions.

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

The Constitution forbids discrimination based on ancestry, sex, language, origin, religion, political or ideological convictions, education, economic situation, or social condition; however, some discrimination against women and ethnic minorities persisted.

*Women.*—Domestic and other violence against women reportedly was a common but partially hidden problem for which few seek legal recourse. During 2000 police agencies recorded 11,765 cases of family violence. The major NGO providing services to victims handled 7,593 cases in which there were a total of 8,429 crimes of domestic violence. In these cases, 95 percent of the victims were women. Nearly 37 percent of the women were between the ages of 25 and 45. Although cases of domestic violence occurred throughout the country, the vast majority of cases came from the large urban centers of Lisbon and Porto. Domestic violence is particularly a problem in the Azores archipelago.

An NGO-operated, toll-free hot line for victims of domestic violence operated 24 hours a day, 7 days a week. Its success demonstrates an increased public awareness, which reportedly is helping to break down the social reluctance to report cases of domestic violence. The hot line was especially helpful to female victims who were illiterate. The NGO operating the hot line handled 5,575 cases of domestic violence during the first 6 months of the year.

The law provides for criminal penalties in cases of violence by a spouse, and the judicial system prosecutes suspects accused of abusing women; however, traditional societal attitudes still discourage many battered women from recourse to the judicial system. Parliament continued to address the problem of domestic violence through legislative initiatives. Under the law, perpetrators of domestic violence may be barred from contact with their victims, and in extreme cases, the police can order the immediate expulsion of a perpetrator from the victim's dwelling. The law also calls for the development of new programs to teach anger management to perpetrators and to assist victims with the professional development necessary to live independent lives. The law establishes a national support network and a system of compensation for victims of domestic violence, although by year's end such a system was not in place. Another law provided for the expansion of the system of shelters for victims. The Government also strengthened educational campaigns for the public and specialized training for the police.

In 2000 Parliament changed the legal definition of domestic violence to make it a public crime. This obliges the police to follow through on reports of domestic violence. The change gives police and the courts more leverage to prosecute such cases and removes from the victim some of the burden of bringing charges. Parliament also mandated the creation of domestic violence units in the police, and of a new domestic violence category in the Attorney General's report on crime; however, these changes had not yet been implemented by year's end. Parliament also changed the Penal Code to grant any interested party the ability to file charges in domestic violence cases.

Prostitution is legal, but procurement is not. Trafficking in women for the purposes of prostitution continued to be a problem (see Section 6.f.). Prostitution is linked closely to other types of organized crime, especially international narcotics trafficking. The Nest, an NGO, operates economic and social recovery programs for prostitutes.

Sexual harassment, a problem that continued to gain public attention, is covered in the Penal Code as a sex crime. However, the legal definition of the term "sexual harassment" is unclear, and it is only a crime if perpetrated by a superior and in the workplace. The penalties are 2 to 3 years' imprisonment. As in the case of domestic violence, socially ingrained attitudes discourage many women from taking advantage of the legal protection available. The Commission on Equality in the Workplace and in Employment, made up of representatives of the Government, employers' organizations, and labor unions, is empowered to examine, but not adjudicate, complaints of sexual harassment; however, it receives few such complaints.

The Civil Code provides for full legal equality for women. Women increasingly are represented in university student bodies, business, science, and the professions. A gap nevertheless remains between male and female salaries: according to the latest figures available (1998), women earned an average of 77 percent of men's earnings. Women make up a slight majority of university graduates. The Commission on Equality in the Workplace and in Employment reviews numerous complaints of discrimination by employers against pregnant workers and new mothers, who are protected by law. Maternity leave was increased in 2000 from 90 days to 120 days with full pay and benefits. After return to work, a new mother (or father) may take time off every day to nurse or feed an infant. If pregnant or nursing women or new fathers are fired, they may take their complaint to the government Equality Commission (CITE), which was established to deal with equal opportunity complaints. If CITE finds that the employee's legal rights were violated, the employer must restate the worker and pay double back pay and benefits for the time at work missed due to the wrongful firing.

*Children.*—The Government is strongly committed to children's rights and welfare; it amply funds systems of public education and medical care. The Government provides 9 years of compulsory, free, and universal education for children through the age of 15, most of whom attend school. The Government provides free or low cost health care for all children up to the age of 15. A special office in the Directorate General of Health oversees implementation of the Government's programs for children. During the year, the directorate initiated a program to coordinate assistance for children of immigrant families and a program to support early childhood, which includes the provision of better childcare facilities. Preschool education is free for children from 3 to 4 years old. Each year the number of students enrolled in preschool has increased. The directorate also improved the quantity and quality of temporary shelters for children aged 3 months to 3 years.

There is no societal pattern of abuse of children, although child labor remained a problem (see Section 6.d.). The law defines pedophilia to include consumers of child pornography as well as producers.

The National Children's Rights Commission, a governmental organization, is charged with implementing the principles of the International Convention on the Rights of the Child. The Commission operates under the aegis of the High Commissioner for the Promotion of Equality and of the Family and includes representatives from the Ministries of Justice, Health, Education, and Solidarity, as well as from leading NGO's. The quasi-independent Institute for the Support of Children organized a network of 48 NGO's dedicated to helping at-risk youth. The University of Minho's Institute for the Study of Children is a research center dedicated solely to the study of children's issues. The Institute for the Support of Children organizes public awareness programs serves as an information clearinghouse for NGO's working on children's issues and promotes legislation protecting children's rights. It provides telephone and in-person counseling, intervention, and prevention services in cases of child abuse and neglect. It also operates services assisting the at-risk youth known as "crianças da rua" (street kids).

*Persons with Disabilities.*—There is no discrimination against persons with disabilities in employment, education, or the provision of other state services. The law mandates access to public buildings for such persons, and the Government enforces these provisions in practice; however, no such legislation covers private businesses or other facilities.

*National/Racial/Ethnic Minorities.*—The principal minority groups are immigrants, legal and illegal, from Portugal's former African colonies and Central Europe. There is also a resident Romani population of approximately 50,000 persons, who are the subject of some discrimination and violence.

In a 1999 review and report, the U.N. Committee on the Elimination of Racial Discrimination expressed concern about racial discrimination and xenophobia in the country, including violence against blacks, Roma, immigrants, and foreigners—frequently perpetrated by skinheads. While acknowledging efforts by the Government to combat such acts, the Committee urged that the law be extended to prohibit all racist groups.

According to an NGO that tracks racist and xenophobic issues, activities by racist groups were increasing and the police response to such actions tended to be inconsistent. In an effort to combat discrimination, the NGO, together with the Roma community's representative association, developed a pilot program to teach Roma history and culture in primary schools. The Government's High Commission for Ethnicity and Minorities received the program in 1999 but had not taken action on it by year's end.

The law permits victims and antiracism associations to participate in race-related criminal trials by lodging criminal complaints, retaining their own lawyers, and calling witnesses. In 1999 the Parliament approved a new set of antiracism laws, reiterating antidiscrimination sections of the Constitution and the Penal Code. The laws prohibit and penalize racial discrimination in housing, business, and health services. The laws also provided for the creation of a Commission for Equality and Against Racial Discrimination to work alongside the High Commissioner for Immigration and Ethnic Minorities.

The growing number of undocumented workers who entered the country illegally was a problem. Economic growth created a need for many workers, especially in the construction and service sectors. These undocumented workers, usually ethnic minorities, were allowed to remain and work but had no access to health care, education, or other social services. In January a new law went into effect that provides a framework for undocumented aliens to obtain legal status and access to social and health benefits. By the end of the year, approximately 130,000 foreigners had legalized their residency status.

*Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides for the right to establish unions by profession or industry. Workers in both the private and public sectors have the right to associate and to establish committees in the workplace to defend their interests, and they exercise these rights freely.

Two principal labor federations exist, the Workers' General Union (UGT) and the General Confederation of Portuguese Workers (CGTP). No restrictions limit the formation of additional labor federations. Unions function without hindrance by the Government and are associated closely with political parties. Trade union associations have the right to participate in the preparation of labor legislation.

Strikes are permitted by the Constitution for any reason, including political causes; they are common and generally are resolved through direct negotiations. However, should a long strike occur in an essential sector such as health, energy, or transportation, the Government may order the strikers back to work for a specific period. The Government rarely has invoked this power, in part because most strikes last only 1 to 3 days. The law requires a "minimum level of service" to be provided during strikes in essential sectors, but this requirement is applied infrequently. When it is applied, minimum levels of service are established by agreement between the Government and the striking unions. Unions have complained, including to the International Labor Organization (ILO), that the minimum levels have been set too high.

Police officers and members of the armed forces may not strike. However, in June police went on strike and demonstrated before Parliament as part of their demand to form a union. In December a law was passed that allows police to form unions but prohibits strikes by police.

There are no restrictions on the ability of unions to join federations or of federations to affiliate with international labor bodies.

*b. The Right to Organize and Bargain Collectively.*—The Constitution provides for collective bargaining, and it is practiced extensively in the public and private sectors. Collective bargaining disputes usually are resolved through negotiation. When collective bargaining fails, the Government may appoint a mediator at the request of either management or labor.

The law prohibits antiunion discrimination, and the authorities enforce this prohibition in practice. The General Directorate of Labor promptly examines complaints.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced labor; however, trafficking in women for the purpose of prostitution and in persons for forced labor was a problem (see Section 6.f.).

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

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The minimum working age is 16 years. There are instances of child labor, but the overall incidence is small and is concentrated geographically and sectorally. The greatest problems were reported in Braga, Porto, and Faro and tended to occur in the clothing, footwear, construction, and hotel industries. In 1998 the Government, in conjunction with the ILO, polled 26,500 families, with separate questionnaires for parents and children, to try to measure the incidence of child labor. According to this survey, as many as 20,000 to 40,000 children under the age of 16 may be engaged in some form of labor. The majority of these cases consist of daily chores on family farms, which do not prevent school attendance. However, the study estimates that as many as 11,000 children may be working for nonfamily employers, a figure that represents 0.2 percent of the labor force. The Government undertook a new comprehensive study of the child labor problem during the year, but the full results had not been published by year's end.

Government agencies have noted a continued gradual shift from child labor in industries to child labor in the home. Increasingly children work in family businesses, especially in rural farm work. The extensive national network designed to combat child labor was beginning to shift some of its resources toward these family-run businesses.

The key enforcement mechanisms of labor laws fall to labor inspectors. According to the Ministry of Labor and Equality, the incidence of child labor is decreasing as a result of government efforts to combat child labor and a move towards a higher technology industrial base (with a corresponding need for better educated and skilled labor). The Ministry reported a 50 percent decrease in child labor cases from 1999 to 2001. In 2000 the Government carried out 5,620 inspections and found 126 cases of child labor in 111 businesses. In the first 3 quarters of they year, 2,380 inspections found 71 cases of child labor in 29 firms. Most of the youths involved were 15 years of age; none were under the age of 13. The Minister of Labor attrib-

uted this decrease to the extensive reorganization of groups fighting this problem and the effectiveness of new programs being carried out. The Government's fight against exploitative child labor is no longer limited to inspectors' visits to factories and farms but includes policies designed to address some of the root causes of this problem. In July a court in the northern town of Guimaraes imposed a stiff fine on a bakery that had already been cited three times for employing minors.

A government commission, the Plan for the Elimination of Exploitation of Child Labor (PEETI), has developed, in conjunction with several NGO's, an integrated program of education and training in which local teams of social workers and educators intervene in situations involving dropouts and working children. These teams develop programs of scholastic and vocational study tailored to the individual child and his community. PEETI gives "scholarships" to help offset the loss of income to the family. Up to 800 teenagers participated in this work-study program on a rotating basis during the year. In addition the National Council Against the Exploitation of Child Labor (CNETI), a multiagency government body, coordinates efforts to eliminate child labor.

The Government prohibits forced and bonded child labor, and such practices are not known to occur (see Section 6.c.).

*e. Acceptable Conditions of Work.*—Minimum wage legislation covers full-time workers as well as rural workers and domestic employees ages 18 and over. The monthly minimum wage during the year was approximately \$305 (67,000 escudos). Along with widespread rent controls, basic food and utility subsidies, and phased implementation of an assured minimum income, the minimum wage affords a decent standard of living for a worker and family. Most workers received higher wages.

Employees generally receive 14 months' pay for 11 months' work: the extra 3 months' pay are for a Christmas bonus, a vacation subsidy, and 22 days of annual leave. The maximum legal workday is 10 hours, and the maximum workweek is 40 hours. There is a maximum of 2 hours of paid overtime per day and 200 hours of overtime per year, with a minimum of 12 hours between workdays. The Ministry of Employment and Social Security monitors compliance through its regional inspectors.

Employers legally are responsible for accidents at work and are required by law to carry accident insurance. An existing body of legislation regulates safety and health, but labor unions continued to argue for stiffer laws. The General Directorate of Hygiene and Labor Security develops safety standards in harmony with European Union standards, and the General Labor Inspectorate is responsible for their enforcement. However, the Inspectorate lacks sufficient funds and inspectors to combat the problem of work accidents effectively. Workers injured on the job rarely initiate lawsuits. A relatively large proportion of accidents occurs in the construction industry. Poor environmental controls in textile production also cause considerable concern. While the ability of workers to remove themselves from situations where these hazards exist is limited, it is difficult to fire workers for any reason and severance payments are high.

*f. Trafficking in Persons.*—Specific legislation prohibits trafficking in persons; however, trafficking in women for prostitution remained a problem, although it has decreased. Some Portuguese women are trafficked to Spain for sexual exploitation; the majority of these women tend to be from poorer areas and are often drug users. Some women from Brazil and Lusophone Africa also are trafficked into Portugal. The majority of trafficked persons originate in the former Soviet Union, specifically Moldova, Ukraine, Russia, and Belarus. Mafia organizations, primarily of Moldovan and Ukrainian origin, are present in the country and operate largely in the transportation and extortion of Central European manual laborers.

More than 80 percent of illegal immigrants enter Portugal as "tourists," having obtained visas from either the Dutch or German embassies in the former Soviet Union, primarily Kiev or Chisnau. Typically upon arrival at the Spanish border, "bandits" working on behalf of the trafficking rings steal money from the trafficked persons and often steal or confiscate their passports. The victims often arrive in Portugal with neither money nor documents, making them easy targets for organized crime members. Once at their destinations, they live in overcrowded, substandard "hostels." The traffickers offer them loans at very high interest rates and, for a fee, find them jobs at construction sites or other industries, e.g., textile mills, wood-working or metal shops, and marble fabrication. Generally the traffickers' local group leader at the hostel sets up the work and provides transportation. The traffickers coerce the workers into paying large portions of their salaries to them. A refusal to pay leads to severe beatings and even murder. There were 10 killings of trafficked workers during the year, plus other deaths possibly attributable to the trafficked status of the victims.

Under the Penal Code, trafficking in persons is punishable by 2 to 8 years' imprisonment. In January Parliament passed legislation that established prison sentences of 1 to 4 years for facilitating the illegal entry of persons; for those employing an illegal immigrant, the sentence is 2 to 5 years. Concerted efforts by national police forces have resulted in the breaking up of two large construction industry trafficking rings during the year. Police arrested almost 100 alleged traffickers during the year: Of these, 38 were awaiting trial at year's end, 3 were convicted and sentenced, and the remainder were in preventive detention pending further investigation.

Legislation from 2000 that established training programs for those who provide services for victims of trafficking was implemented during the year. The governmental Commission for Equality and Women's Rights has two working groups, one to oversee the training of social service workers and the other to inform victims of their legal rights; both were providing services.

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## ROMANIA

Romania is a constitutional democracy with a multiparty, bicameral parliamentary system. Prime Minister Adrian Nastase is the Head of Government and President Ion Iliescu is the Head of State: they won elections in November and December 2000 that were judged to be generally free and fair. The judiciary is a separate branch of the Government; however, in practice the executive branch exercises influence over the judiciary.

The National Police are primarily responsible for law enforcement, the Gendarmerie for preserving public order, and the Border Police for maintaining border security. The Ministry of the Interior supervises these organizations. Protection against external threats is the primary responsibility of the military. An internal intelligence service assesses threats to national security but has no law enforcement powers. All security and intelligence organizations operate under the authority of civilian leadership. Some police officers committed serious human rights abuses.

Romania is a middle-income, developing country in transition from a centrally planned economy to a market economy. Its population is approximately 22.4 million. The private sector accounted for 64.5 percent of gross domestic product (GDP) and employed 62.8 percent of the work force, primarily in agriculture, commerce, and services. Although privatization is under way, government ownership remains dominant in the industrial sector. During the year, 183 firms were privatized. Approximately 1,200 firms are left in the State Privatization Fund's portfolio, including several of the country's largest firms. The GDP grew 1.6 percent during 2000, and estimated GDP growth during the year was 4.5 percent. Per capita GDP in 2000 was approximately \$1,639. Exports increased 21 percent in 2000 and rose 16 percent in the first half of the year compared to the same period of 2000. Inflation decreased from 54.8 percent in 1999 to 40.7 percent in 2000 and was estimated at 32 percent for the year. Official statistics significantly understate economic activity because of the size of the informal economy.

The Government generally respected the rights of its citizens; however, its human rights record was poor in some areas. Police use of excessive force resulted in four deaths. Police officers continued to beat detainees and reportedly used excessive force and harassed Roma. The Government investigated some police officers suspected of abuse and in some cases indicted those accused of criminal activities in military courts. However, investigations of police abuses generally are lengthy and inconclusive and rarely result in prosecution or punishment. While some progress was made in reforming the police, cases of inhuman and degrading treatment continued to be reported. Prison conditions, although somewhat improved, remained harsh, and overcrowding remained a serious problem. At times authorities violated the prohibition against arbitrary arrest and detention. The judiciary remained subject to executive branch influence. Authorities evicted a number of Roma from their homes as part of a program to return illegal squatters on public land to their places of origin. Religious groups not officially recognized by the Government complained that they received discriminatory treatment from the authorities. Violence and discrimination against women remained serious problems. There was a large number of impoverished homeless children in large cities. Societal harassment of religious minorities remained a problem, and discrimination and instances of societal violence against Roma continued. Child labor was a problem. There were reports of government interference in trade union activity. Trafficking in women and girls for the purpose of prostitution 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, in three instances police used excessive lethal force which led to the deaths of citizens.

Under a 1994 law, police may shoot in order to stop persons who are fleeing from attempts to take them into custody. The law also allows the use of firearms against persons who have escaped detention or run away from an escort, and allows other law enforcement bodies to use force under similar circumstances. On April 26, police shot and killed Mihail Dombi in Oradea, in Bihor County. Dombi had been issued a warrant to serve an additional year of a 3-year sentence for fraudulent insurance schemes. Police reported that Dombi fled from the police, refused to stop after they fired warning shots, and they reportedly shot him in the head when they tried to shoot him in the legs. Eyewitnesses claim that police fired at Dombi even though he had halted after a verbal warning, and that they did not fire warning shots or shoot only to injure him. No further information was available on the case at year's end.

On July 6, in the village of Buda in Bacau County, police beat Dumitru Grigoras to death while in custody. Police took Grigoras into custody after his wife asked police to calm him down after a fight. Police beat Grigoras; family members saw signs of beating, and a witness near the police station reported hearing Grigoras scream. Villagers told APADOR-CH, a nongovernmental organization (NGO) affiliated with the International Helsinki Federation, that the police chief in Buda had a reputation for brutality and violence. No further information was available on the case at year's end.

In July two policemen beat a suspect to death while attempting to obtain a confession. The victim, a worker at the Mechanical Plant in Cugir, was suspected of stealing construction materials. His body was found the next day on the outskirts of the city, and an autopsy showed that the victim had several injuries and fractures caused by blows. On July 7, two police officers from the Cugir police in Alba County were arrested and charged with the use of lethal force and abusive investigation. Several other officers in the leadership of the Alba County Police and Cugir City Police were dismissed or demoted.

On December 26, 2000, police found Mircea Chifan of the village of Vicovul de Jos dead in his cell in the Suceava County police jail. Chifan, who had a record of psychiatric problems, was in custody for beating his wife and had tried to escape from his cell. While the forensic report indicated that cirrhosis of the liver was the cause of death, it also noted that Chifan had been struck earlier, and police had not allowed him access to medical care. Chifan's relatives said that they had not been allowed to see him while he was in custody. No further information was available on the case at year's end.

Prosecutors ruled during the year that the shooting death of Petrea Letea while fleeing police in May 2000 was a legitimate use of deadly force by police officers under the law.

In several cases of deaths in custody or deaths reportedly due to police brutality during 1999, investigations and trials continued to drag on. There was no further information on the progress of investigation into the following 1999 cases: the death in police custody of Aurel Uluiteanu in Barcanesti; the death of Cristian-Venus Dumitrescu, who allegedly was beaten by police in September 1999 and died after he "threw" himself out of a third floor window en route to a police station; the death of Sevastian Apostol, a Rom killed by police while trying to flee a bar where he had a serious conflict with the owner and other clients; the death of Elinoiu Toader, who died after being beaten by police; and the killing of Radu Marian, an unarmed Rom who was killed during a police raid on a group of cigarette smugglers.

According to the Government, the chief of police in Valcele was indicted in June 1999 for the illegal use of his weapon in the 1996 killing of Mircea-Muresul Mosor, a Rom from Comani who was shot in the back and killed while in police custody. A lower court found the police officer not guilty, but the prosecutor's office appealed the verdict in May 1999; the superior court's decision remained pending at year's end.

There was no further information in the November 2000 killing of Sorin Moldovan, deputy chairman of the Hunedoara County branch of the Party of Social Democracy (PSD), who was killed by an unknown assailant.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits torture and inhuman or degrading punishment or treatment; however, there were credible reports that police beat detainees and used ex-

cessive force. Human rights organizations cited numerous reports of torture and mistreatment by police. On at least two occasions police beat detainees to death (see Section 1.a.).

On March 26, Arges county police detained Vasile Danut Moise, 14-year-old boy, for allegedly stealing a cow. Police beat Moise with a nightstick and a bat on his arms and back in order to obtain a confession from him. A subsequent medical evaluation by a hospital indicated that his injuries were consistent with being beaten. At year's end, prosecutors were investigating several officers for abusive investigation and illegal detention.

On April 5, a railroad police officer beat Ioana Silaghi, a 15-year-old girl, in Oradea in Bihor County. The police officer claimed that Silaghi had stolen his cell phone, and hit and kicked her in the police station in the Oradea railroad station. A forensic report indicated that Silaghi had been beaten. At year's end, the officer was under investigation for abusive use of force.

On July 3, the intervention squad of the Brasov police arrested and beat Italian citizen Massimo Lucarelli. The police mistakenly identified Lucarelli as Cornel Racoare, a wanted criminal who had threatened to kill several law enforcement officers. In July following the complaint filed by Lucarelli and an investigation conducted by military prosecutors, the chief of Brasov County Police received a verbal reprimand and his promotion was delayed for 2 years.

Romani NGO's claimed that police used excessive force against Roma and also subjected Roma to brutal treatment and harassment (see Section 5). A human rights NGO alleged that prosecutors commonly refused to open criminal investigation into allegations of police abuse against Roma. When investigations are initiated, they often proceed slowly, and cases often close without indictment decisions. Police apathy regarding crimes against Roma is a problem (see Section 5).

In January police reportedly beat Roma in Zizin, a settlement near the town of Brasov, while searching for a group of Romani men who were collecting scrap metal. Police forcibly entered and used a spray irritant in Romani homes. NGO's reported police intimidation of Roma on February 1 and 9, when masked police officers with dogs boarded trains from Tohanul Vechi to Brasov, forced over 100 Roma to exit the train and board police vans, and drove them to the police station to be fingerprinted. The police reportedly threatened the Roma not to travel to Brasov. The Railway Transportation Police of Brasov told the NGO Romani CRISS that they were taking action to curb begging in Brasov (see Section 5). Romani CRISS filed criminal complaints over the incidents. In August military prosecutors declined to prosecute the police, claiming that there was insufficient evidence of police abuse.

On April 3, in Suceava County, NGO's reported that the Deputy Mayor of Dolhasca, four police officers, and four members of the police intervention squad harassed and beat Roma in the village of Gulia. They reportedly assaulted Roma residents, including a 14-year-old boy, who subsequently was hospitalized. In addition a police sergeant reportedly hit a Romani man when he did not move his horse cart out of the way of police vehicles. In response Romani CRISS filed a complaint against the police officer who beat the boy with the Military Prosecutor's Office in Bacau; the Military Prosecutor initiated a formal investigation into the complaint but in October declined to prosecute the police officer, claiming that there was no evidence of police abuse.

Gays and lesbians continued to face police harassment. For example, in December 2000, Adrian Georgescu was taken into custody by police and was questioned about his sexuality by police officers. In January, a police officer admitted on Romanian television that Georgescu had been detained solely because of his sexual orientation. Georgescu filed a complaint against the police officer; however, a lower court dismissed the case. Georgescu's appeal was ongoing at year's end.

In several cases of police beatings from past years, investigations continued without resolution, and, in some cases, charges were dropped by prosecutors. On August 28, 2000, policemen from the Bacau County police intervention squad arrested Vasile Anghel from the Don Vito bar in Bacau City and beat him. Anghel was hospitalized and subsequently was given a medical certificate testifying to his injuries. Anghel then pressed charges against a Bacau County police officer. On September 9, Bacau County police raided Anghel's house in Luizi Calugara village in Bacau County, searching for fugitive Luca Mihai, who was reportedly at Anghel's house, detained Anghel, took him to Bacau police headquarters, and seized his medical certificate and his complaint against the Bacau County police officer. Police investigators concluded that Anghel refused to cooperate with the police in the initial incident at the Don Vito bar, was disorderly, and tried to injure himself by hitting his head against the door of the police car, and therefore police acted properly. Police investigators said that they did not seize Anghel's certificate or complaint in the September raid and that Anghel was uncooperative in the search for the fugitive

Mihai. At year's end, Anghel's complaint to the Bacau Military Prosecutors office over the second raid remained under investigation.

There was no further information available in the case of Mugurel Soare, a Romani man, who was shot and severely injured by police in May 2000. In August 2000, prosecutors dropped charges against police officers who were accused of beating Alexandru Botu in Prunaru village in Teleorman County in February 2000. Prosecutors continued to investigate the claims of Constantin Vrabie, who was beaten by police after being taken from a disco in Candesti in Buzau County in January 2000. Prosecutors dropped charges against police officers who beat Silviu Rosioru, also in Buzau County in January 2000. Buzau County police subsequently reprimanded and transferred to another unit the chief of the Buzau County police intervention squad—the unit involved in these cases. They demoted several other officers in the squad and transferred an additional officer to another unit. Investigations into the 1998 police beating of Nicolae Iloaie of Tandareni and the police shooting of Marian Ciulei from Brasov were ongoing at year's end.

Judicial cases involving military personnel and the police are tried in military courts (see Section 1.e.). At times some military prosecutors blocked proper investigation of alleged police abuses, or courts passed extremely light sentences. For example, sentences of between 1 and 1½ years were handed down during the year for the beating of a girl in 1997; ultimately, the sentences were suspended.

Prison conditions are harsh; however, efforts to improve the prison system have led to some gradual but positive changes. The prison budget increased by \$71 million over the 2000 budget. There are a total of 43 penal units (an increase from 41 in 2000), 34 prisons, 5 prison hospitals, and 3 juvenile detention facilities (an increase from 2 in 2000). Nevertheless overcrowding remained a serious problem, although it improved slightly from 2000. On January 9, 50,370 persons, including 800 minors (down from 1,571 in 2000—see Section 5), were in detention. The legal capacity of the system was 35,246. The law provides for alternative sentences for minor offenses. Specifically the law, which has been moderately successful, provides for community service instead of a prison sentence and is aimed at reducing the prison population. Men and women, adults and juveniles, and pretrial detainees and convicted criminals are housed separately in the prison system.

Human rights organizations continued to report that the abuse of prisoners by other prisoners and prison authorities was a problem. Prisons continued to use the "cell boss" system, in which some prisoners are designated to be in semi-official charge of other prisoners in places where there were 10 or more prisoners in the same room. There were attempts to ameliorate this system by giving the inmates the right to select these "cell bosses" by vote, which has improved the situation slightly. Prison authorities introduced some vocational training programs to assist inmates' future integration into society, which also led to some improvement.

The Government permitted prison visits by human rights monitors; however, the Ministry has tightened conditions for prison visits. The new regulations, which are authorized by internal regulations that the Ministry does not release to the public, require that the visit be requested by a prisoner, and be announced 3 to 4 days in advance. Several domestic and international NGO's made such visits during the year.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest and detention; however, at times the authorities did not respect this right in practice. The law forbids the detention of anyone for more than 24 hours without an arrest warrant from a prosecutor, who may order detention for up to 30 days, and authorities generally respected this provision in practice. Detention can be extended past the 30-day limit only by a court ruling; however, courts and prosecutors often extend pretrial detention, to several years in some cases. Pretrial detention counts towards sentence time if a detainee is convicted. The use of pretrial detention decreased; one out of every three individuals in the prison system in 1995 was a pretrial detainee, compared with one in five in 2000. Detainees have the right to apply for bail, but in practice bail rarely is granted. Detainees may also ask for a hearing before a judge. Such a request must be granted within 24 hours.

Police often appear to take advantage of Article 16, Section b in the Police Organization Law 26 of 1994, which states that persons endangering the public, other persons, or social order and whose identity cannot be established, can be taken to a police station. Police often use this provision of the law to detain persons for up to 24 hours at a police station. Roma are disproportionately affected by this detention provision and often are viewed suspiciously by police. Roma often lack appropriate identity documents, which makes it easier for police to apply this article.

The law requires the authorities to inform those arrested of the charges against them and of their right to an attorney at all stages of the legal process. Police must notify defendants of this right in a language they understand before obtaining a

statement; however, police often do not inform citizens of their rights. In addition the prosecutor's office may delay action on a request for a lawyer for up to 5 days from the date of arrest.

Under the law, minors detained by police and placed under guard in a center for the protection of minors are considered by judicial authorities to be in detention or under arrest if their age is more than 16, or, if between the ages of 14 and 16, if they have consciously committed a crime. However, since the Penal Code does not apply to minors in these centers until their cases are referred to a prosecutor, police are permitted to question them without restriction and may hold those suspected of criminal offenses for up to 30 days in such centers. This law appears to be in conflict with the Constitution, and local and international human rights groups have called on the Government to change it.

According to APADOR-CH, the Interior Ministry issued new instructions on detention in 1999 that provide for the confidentiality of discussions between detainees and their lawyers; this law was respected in practice.

At year's end, prosecutors were investigating several officers for the illegal detention of Vasile Moise (see Section 1.c.). The Government detained asylum seekers indefinitely in some cases (see Section 2.d.).

In May NGO's reported that the mayor of Tarry Murex issued an order to the city's public guardians (civilians deputized by the mayor to conduct rudimentary police duties) to take all of the city's beggars into custody. Approximately 70 to 80 Roma were detained in a castle for identification purposes; those who were not legal residents of the city were expelled. NGO's reported that there was no evidence that the Roma detained were begging.

The law prohibits forced exile, and the Government does not employ it.

*e. Denial of Fair Public Trial.*—Under the law, the judicial branch is independent of other government branches; however, it remains subject to influence by the executive branch. Although members of the Senior Council of Magistrates, which controls the selection, promotion, transfer, and sanctioning of judges, are appointed by Parliament from a list provided by the courts and prosecutorial offices represented on the council, the Justice Minister may avoid the appointment of unwanted members by simply keeping them off the agenda. The judicial system widely is regarded as weak, inefficient, and suffering from systemic corruption, although the Ministry of Justice is investigating and bringing prosecutions against corrupt judges and officers.

The law establishes a four-tier legal system, including appellate courts. Defendants have final recourse to the Supreme Court or, for constitutional matters, to the Constitutional Court. The judicial system divides the Prosecutor General's Office into 16 local offices (paralleling the appeals court structure) and establishes an office at the Supreme Court.

Judicial cases involving military personnel and the police are tried in military courts. Local and international human rights groups criticize this system, claiming that the military prosecutor's investigations are unnecessarily lengthy and often purposefully inconclusive (see Section 1.c.).

The law provides for the right to a fair trial; however, the judiciary suffers from systemic corruption. Defendants are presumed innocent. The Penal Code requires that an attorney be appointed for a defendant who cannot afford legal representation or is otherwise unable to select counsel. In practice the local bar association provides attorneys to the indigent and is compensated by the Ministry of Justice. Either a plaintiff or a defendant may appeal. The law provides that confessions extracted as a result of police brutality may be withdrawn by the accused when brought before the court; the practice of extracting confessions through beating occurs occasionally. Due to a lack of a plea bargaining, the judicial system tends to be inefficient and slow. An average case takes 4½ years before it is finished.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions; however, there were some restrictions. The Constitution provides for protection against the search of a residence without a warrant; however, this protection is subordinate to "national security or public order." The law defines national security very broadly and lists as threats not only crimes such as terrorism, treason, espionage, assassination, and armed insurrection but also totalitarian, racist, and anti-Semitic actions or attempts to change the existing national borders. Security officials may enter residences without proper authorization from a prosecutor if they deem a threat to national security to be "imminent;" however, such actions are rare.

The Constitution states that the privacy of legal means of communication is inviolable; thus, the Romanian Internal Intelligence Service (SRI) is prohibited legally from engaging in political acts (for example, wiretapping on behalf of the Govern-

ment for political reasons). However, the law allows the security services to monitor communications on national security grounds after obtaining authorization. The law requires the SRI to obtain a warrant from the “public prosecutor specially appointed by the General Public Prosecutor” in order to carry out intelligence activities involving “threats to national security.” It may engage legally in a wide variety of operations such as surveillance, requesting official documents or information, or consulting with technical experts, to determine if a situation meets the legal definition of a threat to national security, or to prevent a crime.

The law permits citizens access to secret police files kept by the Communist government. Under the law, any Romanian or foreign citizen who had Romanian citizenship after 1945 is entitled to have access to his file; a council approved by Parliament reviews the files and releases the information unless it was a state secret or could threaten national security. The files remain in the custody of the intelligence services. This law has been criticized for exempting files of current employees of the intelligence services from review and changing the definition of an informer to require actual payment.

In March the Parliament passed legislation requiring individual citizens to report foreign guests to the police if the guest remained in the country for more than 2 weeks; this legislation has been criticized by human rights groups as infringing on privacy rights. Some minority groups, including ethnic Hungarians and Germans, also expressed concern over the law, since they often have family visitors for extended periods of time.

During the year, the Parliament passed legislation that would have imposed stiff penalties on private citizens who failed to protect state secrets and would have allowed the Romanian Internal Intelligence Service to place its agents in areas considered sensitive, such as factories working for the defense industry and private companies producing maps. Both domestic and international groups expressed concern that the bill would limit citizen’s rights, and in April the Constitutional Court declared the bill unconstitutional.

A Government-sponsored program called “Back Home,” aimed at returning persons who were illegally squatting in Bucharest (largely on public land) to their places of origin has been criticized strongly by human rights NGO’s as forcing Roma out of their homes. For example, in April authorities evicted 10 Romani families who were squatting in 2 apartment blocks in the village of 1 Decembrie, in Ilfov County (which surrounds Bucharest). In May the authorities evicted several Romani families from the Vacaresti Lake area in Bucharest and evicted approximately 100 Roma from the Militari district of Bucharest and escorted them out of the city. In June authorities evicted five Romani families from the vicinity of Tineretului Park in Bucharest and returned them to their places of origin in Teleorman County. Also in June, authorities returned to their countries of origin 55 Roma who were squatting on public property in Sector 2 in Bucharest. Authorities also evicted over 60 Roma from Sector 6 in Bucharest. On July 5, representatives of the Sector 5 mayor’s office of Bucharest evicted 200 Roma and escorted them out of the city.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—Although the Constitution provides for freedom of expression and prohibits censorship, it limits free expression by prohibiting “defamation of the country” and “offense to authority;” the Government generally respected the constitutional provisions in practice.

The Penal Code has been criticized by human rights organizations and professional journalists for retaining jail terms for those convicted of libel or slander, including journalists. Despite official promises that jail terms would be removed from the penalties for libel, calumny, “defamation of the nation,” and “defamation of public officials,” Parliament had not amended the relevant sections of the Penal Code by year’s end. However, in June 2000, on the recommendation of the Council of Europe, the Chamber of Deputies passed draft legislation that would reduce the sentence for libel to a fine instead of a prison term, and that would decrease the sentence for calumny to 3 to 12 months instead of the previous 2 to 6 years. This draft legislation had not been passed by the Senate or signed into law by the President by year’s end.

Independent media continued to grow in an increasingly competitive market. Several hundred daily and weekly newspapers are published. Foreign news publications may be imported and distributed freely, but high costs, relative to domestic publications, limit their circulation.

Several private television stations broadcast nationwide, with the largest reaching approximately 45 percent of the rural and 85 percent of the urban market. There are 117 private television stations and 260 private radio stations. Approximately 3.4 million households were wired for cable, giving significant portions of the population

access to both private and foreign broadcasts. Romanian State Television (RTV), Radio Romania, and the Europa FM radio network remained the only national broadcasters capable of reaching the bulk of the rural population at year's end. Independent stations continued to enlarge their coverage throughout the country by over-the-air, cable, and satellite transmissions.

Press and television coverage generally reflects the political viewpoints of owners, which cover most of the political spectrum. State-owned television and radio coverage tends to be biased in favor of the Government. In December, on a party line vote, the ruling party forced out the governing board of the state owned radio network, which had been appointed by a previous government. The new radio leadership is likely to reflect the ruling party's views in its new coverage. Media accuracy is not high but has been improving gradually. The Parliament failed to rescind the prohibitions on "defamation of the nation" and "defamation of public officials. Civil liberties advocates wanted these prohibitions rescinded to reduce the threat that they might be used to harass and punish journalists who report governmental or bureaucratic corruption. In the past, several journalists were arrested and tried for reporting on corruption by local government officials, and journalists who were investigating corruption cases also were targets of violence, mainly from those whose private interests were threatened. However, there were no reports that these provisions of the law were used to harass journalists during the year.

In the past, there were reports of police abuse of journalists; however, there were no such reports during the year. There were no further developments in the Interior Ministry's investigation of the case of journalist Valentin Dragan, who was beaten by police in May 2000. There also were no reports of other violence against journalists during the year.

Access to the Internet is not restricted.

Academic freedom is respected.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly, and the Government generally respected that right in practice. The law on public assembly provides for the right of citizens to assemble peacefully while unarmed but states that meetings must not interfere with other economic or social activities and may not be held near locations such as hospitals, airports, or military installations. Organizers of demonstrations must inform local authorities and police before the event. Authorities may forbid a public gathering by notifying the organizers in writing within 48 hours of receipt of the request. The law prohibits the organization of, or participation in, a counterdemonstration held at the same time as a scheduled public gathering. The law forbids public gatherings to espouse Communist, racist, or Fascist ideologies or to commit actions contrary to public order or national security. Unauthorized demonstrations or other violations are punished by imprisonment and fines.

The Constitution provides for freedom of association, and the Government generally respects this right in practice. Political parties gain legal status if they have at least 10,000 members. Associations may be granted legal status with proof of 20 founding members and at least 200 supporting members.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion and the Government generally respects this right in practice; however, there are some restrictions, and several minority religious groups continued to claim credibly that low-level government officials and Romanian Orthodox clergy impeded their efforts at proselytizing, as well as interfered with other religious activities (see Section 5). The press reported several instances when adherents of minority religions were prevented by others from practicing their faith, and local law enforcement authorities did not protect them. The Romanian Orthodox Church predominates; approximately 86 percent of the population nominally adheres to it.

The Government officially recognizes 15 religions; only the clergy of these 15 recognized religions are eligible to receive state financial support. Recognized religions have the right to establish schools, teach religion in public schools, receive funds to build churches, pay clergy salaries with state funds and subsidize clergy's housing expenses, broadcast religious programming on radio and television, apply for broadcasting licenses for denominational frequencies, and enjoy tax-exempt status. The number of adherents each religion had in the 1992 census—the last census taken—determines the proportion of the budget that each recognized religion receives. Representatives of minority religious groups dispute the 1992 census results, claiming that census takers in some cases argued with citizens over their religious affiliation or assigned an affiliation even without inquiring about religious affiliation.

The Government requires religious groups to register, and government registration and recognition requirements pose obstacles to minority religions. To be recognized as a religion, religious groups must register with the State Secretariat for Religious Denominations and present their statutes, organizational, leadership, and

management diagrams, and the body of dogma and doctrines formally stated by a religion. Representatives of religious groups that sought recognition after 1990 allege that the registration process was arbitrary and unduly influenced by the Romanian Orthodox Church, that they did not receive clear instructions concerning the requirements, and that often the time frame in which a decision on their application has to be made was not respected by the State Secretary of Religions. The Government has not granted any religious group status as a religion since 1990. The Organization of the Orthodox Believers of Old Rite, Jehovah's Witnesses, the Adventist Movement for Reform, the Baha'i Faith, and the Church of Jesus Christ of Latter-Day Saints (Mormons) are some of the religious groups that have tried unsuccessfully to register as religions. The Baha'i Faith stated that it has never received any answer to its repeated requests to be registered as a religious denomination. Jehovah's Witnesses complained that the State Secretariat for Religious Denominations consistently had refused to grant it status as a religion, despite a March 2000 Supreme Court ruling that recognized the modified statutes of Jehovah's Witnesses as a Christian religious denomination. The court ruling asked the State Secretariat for Religious Denominations to issue an administrative document recognizing Jehovah's Witnesses, but the State Secretariat refused to do so. In response Jehovah's Witnesses asked for damages in court and, consequently, the court ruled that the Ministry of Culture and Religious Denominations will have to pay a symbolic \$.02 (500 lei) per day fine to the State as of May 9.

The Government registers religious groups that it does not recognize either as religious and charitable foundations or as cultural associations. A law enacted in May 2000 simplified this registration process in theory and also removed the minimum number of members required to set up religious associations and foundations.

In February the Government tried to revive a draft bill on religious denominations, which had been withdrawn by the previous government in February 2000, following domestic and international pressure. The bill would have increased state control over religious activity and made the Romanian Orthodox Church the national church. The Government put the draft bill on hold for revision after renewed objections from the international community and non-Orthodox religious denominations.

Although protected by law, several minority religious groups, which include both recognized and unrecognized religions, made credible complaints that low-level government officials and Romanian Orthodox clergy impeded their efforts to proselytize, interfered in religious activities, and otherwise discriminated against them during the year. The Government denied these allegations. In some instances, local police and administrative authorities tacitly supported, at times violent, societal campaigns against proselytizing (see Section 5). There appears to be no clear understanding by the authorities of what activities constitute proselytizing, but proselytizing that involves denigrating recognized churches is perceived as provocative.

The law does not prohibit or punish assembly for peaceful religious activities; however, several minority religious groups complained that on various occasions local authorities and Orthodox priests prevented religious activities from taking place, even when they had been issued permits (see Section 5). The Seventh-Day Adventist Church reported difficulties in obtaining approvals to use public halls for religious activities in the villages of Luna, Baiut, and Valenii de Maramures (Maramures County). The religious activities of the Baptist Church and the Evangelical Alliance often have been obstructed by the local authorities under the influence of the local Orthodox clergy in Crucea, Valul lui Traian (Constanta County), Isaccea (Tulcea County), Fratilesti, Savesti (Ialomita County), Vinatori, Tulucesti (Galati County), Sutesti, Gemenele (Braila County). According to Jehovah's Witnesses, in January the mayor of Tirgu Neamt (Neamt County) asked a school principal to resign because of his religious affiliation, allegedly following pressure by the local Orthodox priest.

In May the Israeli Ambassador expressed concern about a book published by a member of the extreme-right "Greater Romania" Party (PRM) which contained two jokes on the extermination of Jews by the Nazis. The Minister of Justice called for an investigation, the publishing house sent a letter of apology to the Israeli Ambassador, and the PRM leader apologized to the Jewish community. In August another PRM party representative published a book called "The Nationalist," which included xenophobic and chauvinistic ideas. The book was condemned widely by the national media and leadership, and the PRM leadership disowned the book.

New regulations regarding building permits for "places of worship," issued by the Government in May, no longer differentiate between recognized and unrecognized religions in terms of what they are allowed to build as places of worship. Prior to this, unrecognized religions received building permits for "halls of prayer" only and not for "places of worship." However, the new regulations could make it more difficult for minority religious groups to obtain such permits, since only the Orthodox

Church is represented on the commission granting such permits. This commission is entitled to decide on the "opportuneness" of building the place of worship, and to judge whether the construction is in line with the specific dogma of the religion in question.

A small number of religious properties confiscated under past Communist regimes have been restituted under government decrees. A law passed in January on nationalized buildings specifies that a different law will address the restitution of religious communal property; however, such a law had not been passed by year's end. In many cases, religious minorities have not succeeded in regaining possession of the properties despite restitution by these decrees. Many properties returned by decree house state offices, schools, hospitals, or cultural institutions that would require relocation, and lawsuits and protests by possessors have delayed restitution of the property to the rightful owners. The Greek Catholic Church has made only limited progress in recovering its properties taken by the Romanian Orthodox Church after its forced merger in 1948. Of approximately 2,600 properties to which it has claim, only a handful have been returned. The Greek Catholics say they have received 137 churches, while the Government claims 200 churches had been returned by year's end. The Greek Catholic Church has very few places of worship. Many followers still are compelled to hold services in public places or parks (108 such cases, according to Greek Catholic reports) because most of the former Greek Catholic churches have not been returned. A joint Orthodox and Greek Catholic committee formed by government decree in 1990 has failed to resolve the issue due to Orthodox resistance, despite the scaling back of the Greek Catholic requests from 2,600 properties to 300 churches. Restitution of the existing churches is important to both sides because local residents are likely to attend their local church whether it is Greek Catholic or Orthodox; thus the number of believers and share of the state budget allocation for religions is at stake. The historical Hungarian churches, including the Hungarian Roman Catholic and the Hungarian Protestant Reformed, Evangelical, and Unitarian churches, largely have received only a small number of their properties back from the Government. Out of 1,791 buildings claimed by the Hungarian churches, 110 were restituted by government decrees; however, the churches involved could take actual possession of less than 20. The Jewish community has received 42 buildings by government decree but could only obtain actual possession of less than half of them.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The law provides for these rights, and the Government generally respects them in practice. The Government places no restrictions on travel within the country, except for certain small areas reserved for military purposes.

The Government forcibly relocated hundreds of Roma illegally squatting in Bucharest (largely on public land) to their places of origin as part of a program called "Back Home" (see Section 1.f.). This program was criticized strongly by human rights NGO's.

The law provides for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations. The Government provides first asylum. The Ministry received 1,981 applications for asylum from January through September. The law establishes a refugee office in the Interior Ministry to receive, process, and house asylum seekers. The Interior Ministry and the Labor Ministry fund programs to assist asylum seekers and refugees. Financial support provided by the Government (reimbursable loans for a period of 6 to 9 months) is minimal; it usually is not enough to cover basic needs. The Government provides temporary accommodation in only a few locations. Programs for integrating refugees into society are developing slowly. An increasing number of transiting illegal migrants regards the country as a springboard to other countries.

There were no reports during the year of the forced return of persons to a country where they feared persecution. The UNHCR expressed some concern over cases in which the Government reversed an initial acceptance of an asylum claim under undefined "national security" grounds. In one such case, an asylum seeker, whose claim was initially accepted by the Government and then was later rejected on these grounds, was detained indefinitely while his case went through the courts.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic free and fair elections held on the basis of universal suffrage.

In November and December 2000, in elections that were judged to be generally free and fair, the left-center Party of Social Democracy (PSD) won a near majority in the legislature and the PSD candidate, Ion Iliescu, won the Romanian presidency. The PSD governed as a minority government, with support from the Democratic Union of Hungarians in Romania (UDMR). The extremist, xenophobic Greater Romania Party (PRM) won the next largest share of parliamentary and presidential votes. Allegations of widespread voting fraud by the losing PRM candidate, Corneliu Vadim Tudor, were not judged to be credible.

The percentage of women in government or politics does not correspond to their percentage of the population; no legal restrictions hinder the participation of women in government or politics, but societal attitudes are a significant impediment. The Parliament is composed of 9.8 percent women, with 12 Senators and 37 Deputies. None of the 41 county prefects, an appointed position to represent the central Government at the county level, were women.

The Constitution and electoral legislation grant each recognized ethnic minority one representative in the Chamber of Deputies, provided that the minority's political organization obtains at least 5 percent of the average number of valid votes needed to elect a deputy outright. Organizations representing 18 minority groups elected deputies under this provision in 2000. Ethnic Hungarians, represented by the UDMR, obtained parliamentary representation through the normal electoral process. Roma are underrepresented in Parliament because of low Roma voter turnout and internal divisions that worked against the consolidation of votes for one candidate, organization, or party. There are two Romani parliamentarians; the former Romani minority representative joined the PSD and sits in the legislature, and there is one seat provided for Roma by the Constitution and electoral legislation.

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

Domestic human rights monitoring groups include the Romanian Helsinki Committee (APADOR-CH), the independent Romanian Society for Human Rights (SIRDO), the League for the Defense of Human Rights (LADO), the Romanian Institute for Human Rights, and several issue-specific groups such as the Young Generation of Roma and the Center for Crisis Intervention and Study, also a Romani NGO. Other groups, such as political parties and trade unions, continued to maintain sections to monitor the observance of human rights. These groups, as well as international human rights organizations, functioned freely without government interference.

The Government generally cooperates with local and international monitoring groups, although some offices are slow to respond to inquiries. Local human rights monitoring agencies have found it difficult to obtain statistics concerning police abuses. The Ministry of the Interior, which is responsible for investigating such abuses, responds unevenly to inquiries from monitors. Often victims are reluctant to come forward, and the Government does not promote transparency in this regard.

In February 2000, the Ministry of the Interior tightened conditions for prison visits by human rights organizations (see Section 1.c.).

An Ombudsman's Office works to protect citizens against abuses or random acts by public officers. In 2000 there were 4,556 cases filed with the office. By year's end, it had received 6,871 complaints; of these, only 1,671 were accepted as falling under the Ombudsman's jurisdiction. The office registers these complaints and is obliged by law to provide an initial response within a year of the date that they were recorded. The Ombudsman has been moderately effective; however, the lack of executive powers limits the Ombudsman's authority. The office deals not just with human rights but with all facets of citizens' interaction with the Government. The Ombudsman's role still is not fully clear to the public. Many complaints were rejected because they related to problems with the judiciary and not the administration.

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

The Constitution forbids discrimination based on race, nationality, ethnic origin, language, religion, sex, opinion and political allegiance, wealth, or social background; however, in practice the Government does not enforce these provisions effectively, and women, Roma, and other minorities are subject to various forms of discrimination.

In September 2000, the Government issued an emergency ordinance that outlaws discrimination based on a number of factors and introduces the ability to sue on the grounds of discrimination; however, implementation of the decree, primarily through the creation of a National Council on Combating Discrimination, had not occurred

by year's end. An emergency ordinance has the effect of law unless it is nullified by the Parliament. The Senate and the Chamber of Deputies passed the ordinance during the year, but the Chamber amended it to exclude sexual orientation as a basis for discrimination, while the Senate passed it unchanged. The two houses had not reconciled their versions by year's end.

*Women.*—Violence against women, including rape, continued to be a serious problem. Both human and women's rights groups credibly reported that domestic violence is common, and a 1999 report by the U.N. Children's Fund (UNICEF) emphasized that violence against women in the workplace is not uncommon since their subordinate position exposes them to greater risk. A survey conducted by the U.S. Centers for Disease Control reported that in 2000, 23.4 percent of women had experienced verbal abuse from their partners, 10 percent had experienced physical abuse, and 1.8 percent sexual abuse. The same survey reported that 22.5 percent of women experienced moderate to severe physical abuse over their lifetimes. A complicated criminal process discouraged domestic violence victims from pressing charges against perpetrators. Police often are reluctant to intervene in instances of domestic violence. There is no specific legislation dealing with spousal abuse or spousal rape. The prosecution of rape is difficult because it requires both a medical certificate and a witness, and a rapist can avoid punishment if he marries the victim. The successful prosecution of spousal rape is almost impossible. An emergency ordinance passed in June made laws on rape and sexual abuse gender neutral. The Senate and the Chamber of Deputies passed this ordinance during the year, but they had not reconciled their versions by year's end.

A pilot project opened a shelter for victims of domestic violence in Constanta in December 2000. The shelter opened with the cooperation of the police and the Constanta mayor's office and helped in 246 cases from January to November.

Trafficking in women for the purpose of prostitution continued to be a growing problem (see Sections 6.c. and 6.f.).

The Constitution grants women and men equal rights; however, in practice the Government does not enforce these provisions, nor do the authorities focus attention or resources on women's issues. In November the Senate approved a law prohibiting sexual harassment and any form of gender discrimination; however, the law was not passed at year's end.

Few resources are available for women who experience economic discrimination. Despite existing laws and educational equality, women have a higher rate of unemployment than men, occupy few influential positions in the private sector, and earn lower than average wages. A department in the Ministry of Labor and Social Protection advances women's concerns and family policies. This department organizes programs for women, proposes new laws, monitors legislation for sexual bias, targets resources to train women for skilled professions, and addresses the problems of single mothers, especially in rural areas. There is an Ombudsman within the department for child, woman, and family protection to resolve complaints of discrimination.

*Children.*—The Government administers health care and public education programs for children, despite scarce domestic resources. International agencies and NGO's supplement government programs in these areas.

Education is free and compulsory through the eighth grade. After the eighth grade, schools charge fees for schoolbooks, which discourages attendance for lower income children, particularly Romani children. In the 2000–01 school year, 4,053,328 children attended school, including kindergartens. Approximately 96 percent of primary school-age children attend school. Boys and girls generally receive the same treatment in schools. The Ministry of Education reported that 500,000 children under the age of 15 left school in 1997–98, which is approximately 20 percent of the school-age population.

Living conditions in all child care institutions very seriously deteriorated in 1999 for financial and administrative reasons and have not improved substantially. Inspectors who visited institutions and identified humanitarian needs at the request of the European Union Commission reported that while conditions were not equally poor in all institutions, the general situation was unacceptable in terms of basic infrastructure as well as hygiene, medical care, nutrition, and general assistance. According to official statistics, there were approximately 60,000 orphans in state institutions.

There was no perceptible societal pattern of abuse against children; however, a survey by a local polling firm conducted during the year found that 41 percent of women and 59 percent of men reported that they had experienced physical or verbal abuse as children. In addition large numbers of impoverished and apparently homeless, but not necessarily orphaned, children were seen on the streets of the larger cities. The Government does not have statistics defining the scope of the problem.

NGO's working with children remained particularly concerned about the number of minors detained in jail and prison (see Section 1.c.). These NGO's continued to seek alternative solutions to sending juveniles to prison, such as parole. Because time served while awaiting trial counts as part of the prison sentence but does not count towards the time to be served in a juvenile detention center, some minors actually requested prison sentences.

The prevalence of child labor in the Roma community was widespread (see Section 6.d.).

The sexual exploitation of children continued to attract press attention, and the police continued to stage a few high-publicity arrests of foreign pedophiles. Other issues, such as adequate legislation to protect children, received less attention. The law does not outlaw pedophilia expressly; instead pedophiles are charged with rape, corporal harm, and sexual corruption. Trafficking in girls for the purpose of prostitution is a problem (see Sections 6.c. and 6.f.).

*Persons with Disabilities.*—Difficult economic conditions and serious budgetary constraints contributed to very difficult living conditions for those with physical or mental disabilities. Outside of large institutions, social services for persons with disabilities are almost nonexistent. Many persons with disabilities cannot make use of government-provided transportation discounts because public transport does not have facilitated access. The law does not mandate accessibility for persons with disabilities to buildings and public transportation. According to official statistics, there were 3,500 disabled children living in state institutions; conditions in these institutions ranged from adequate to harsh.

*Religious Minorities.*—The centuries-long domination of the Orthodox Church, and its status as the majority religion, has resulted in the Orthodox Church's reluctance (in particular at the local level and with the support of low-level officials) to accept the existence of other religions. Consequently, actions by other religious groups to attract members are perceived by the Orthodox Church as attempts to diminish the number of its members. Due to its substantial influence, few politicians dare to sponsor bills and measures that would oppose the Orthodox Church. According to minority religious groups, the population is receptive to minority Christian confessions, and local officials tend to be tolerant but often are pressured and intimidated by the Orthodox clergy. Minority religious groups allege that the Orthodox clergy have provoked isolated mob incidents. The Romanian Orthodox Church has attacked the "aggressive proselytizing" of Protestant, neo-Protestant, and other religious groups, which the Church repeatedly has described as "sects." There is no law against proselytizing, or clear understanding of what activities consist of proselytizing; however, proselytizing that involves denigrating established churches is perceived as provocative. This has led to conflicts in some cases. For example, in May an Orthodox priest beat a Mormon missionary in the streets of Pitesti. The police, although not very cooperative initially, eventually contributed to resolving this conflict. On June 20, members of the "New Right" (Noua Drapta) organization (a small, right-extreme group with nationalistic, xenophobic views) beat four Mormon missionaries who were riding on a streetcar in Bucharest.

Representatives of minority religions credibly complain that only Orthodox priests are permitted to grant religious assistance in hospitals, children's homes, and shelters for the elderly. Charitable activities carried out by other churches in children's homes and shelters often have been interpreted as proselytizing. According to the Seventh-Day Adventist Church, Orthodox priests have not allowed Adventist ministers to conduct burial rituals in localities, mainly in rural areas, where the number of Adventist members was small. Such cases occurred in Costesti and Armasu (Bacau County), Cuparu and Doicesti (Dambovita County), Busteni and Cojasca (Prahova County), Scinteia and Progresu (Ialomita County), Malu (Giurgiu County), as well as in some localities in Galati, Bacau, and Iasi Counties. However, in most cases, the problems were resolved with the intervention of the local authorities. The Greek Catholic, Baptist, and Pentecostal Churches also have reported similar refusals by Orthodox clergy to allow the burial of the believers of these churches in Orthodox cemeteries. Such cases have occurred in Negresti Oas (Satu Mare County), according to Greek Catholic reports, and in Bihor County, according to Baptist reports.

The Seventh-Day Adventist Church also reported that a series of peaceful assemblies were disrupted by noisy groups, allegedly incited by Orthodox clergy, including in Ciudanovita and Glimoca (Caras Severin County). According to Adventists, Orthodox priests beat school children for having participated in Adventist meetings and Orthodox priests insulted Adventist members, including in Perieni (Ias County).

In some areas, Orthodox clergy threatened Baptists ministers in order to make them leave the localities.

Three textbooks on sects and ecumenism, authored by an Orthodox deacon for use in state-funded theological institutions, art high schools, teacher, and vocational schools, contained anti-Semitic, pro-Fascist, and antiecumenical ideas.

The disputes between Greek Catholics and Orthodox believers over church possession decreased in number, due mostly to the Greek Catholics' decision in many cases to build new churches, following lack of progress made in obtaining the return of their properties (see Section 1.c.). Tensions continue to exist in Prunis (Cluj County) where most of the residents belong to the Greek Catholic Church and are forced to hold religious services in the open because the Orthodox priest does not allow them to use the church. In Decea (Alba County) tensions increased when the Orthodox priest locked the church so that the Greek Catholics could not use it. In Bicsad (Satu Mare County), where the Greek Catholics obtained a government decision restituting a former Greek Catholic monastery, the Greek Catholic Church still could not take possession of the monastery because of the opposition of the local Orthodox clergy. Local authorities have not supported the enforcement of the Government's decision. In Dumbraveni the Orthodox Church's opposition to a court-ordered resolution to share the local church has forced the Greek Catholics to hold their religious services in a high school. The Orthodox Church decided to build a new church and to restitute the old one to the Greek Catholics after it is completed. Until that time, the Greek Catholics continued to hold the religious service in the school building.

Harassment of Jehovah's Witnesses in Mizil and other areas continued during the year.

The fringe press continued to publish anti-Semitic articles. Legionnaire (an extreme nationalist, anti-Semitic, pro-Nazi group) books from the interwar period continued to be published. There have been repeated attempts to deny the Holocaust in the country (through symposiums and press articles). Most mainstream politicians publicly have criticized anti-Semitism, racism, and xenophobia.

Jewish cemeteries were desecrated in nine localities during the year. The perpetrator was identified in only one case. The perpetrators in the other five cases could not be identified but are believed to have been local youths, rather than members of an organized anti-Semitic movement. Four synagogues were also desecrated during the year. In December 2000, the Museum of Jewish History in Bucharest was ransacked. President Iiescu and other prominent figures expressed concern about this act of vandalism. The perpetrators remained unidentified. No progress was made on investigations into the desecration of Jewish synagogues and cemeteries in 2000 and 1999.

According to the Baha'i Faith, a show and an exhibit sponsored by their association in Herestrau Park in Bucharest in July 2000 were disrupted by a group of youths, who called them a "sect," used a Nazi greeting, shouted "long live the Orthodox Church," and destroyed all the exhibit materials. The police cooperated with the Baha'is in investigating the incident, but it had not been resolved by year's end.

*National/Racial/Ethnic Minorities.*—After the 2000 election, the Government reorganized the Department for the Protection of Minorities into an Office for Interethnic Relations and a National Office for Roma, and placed them under the Ministry of Public Information. These offices have the responsibility to monitor the specific problems of persons belonging to ethnic minorities, to maintain contacts with minority groups, to submit proposals for draft legislation and administrative measures, to maintain permanent links with local authorities, and to investigate complaints.

Ethnic Hungarians, officially numbering more than 1.6 million, constitute the largest and most vocal minority, and their UDMR party was the leading political partner for the ruling minority PSD Government during the year. UDMR-PSD cooperation helped facilitate the passage by Parliament of a law on local public administration in March; the law provides for the use of the maternal language in administration in areas where a national minority represents over 20 percent of the local population, which applies almost exclusively to Hungarian communities. These provisions met with resistance in some areas; for example, in Cluj, the mayor, Gheorghe Funar, resisted implementation of provisions to allow bilingual street signs in the town, claiming that the population of ethnic Hungarians in the town falls below the 20 percent threshold required by law. On June 2, approximately 200 persons demonstrated outside of the Hungarian Consulate in Cluj, calling for ethnic Hungarians to leave the city. Bilingual street signs were not erected in Cluj by year's end; bilingual signs have been erected in small localities around Cluj.

A government decree permits students in state-funded primary and secondary schools to be taught in their own language, with the exception of secondary school courses on the history and geography of Romania. However, in Moldavia the Csango community, an ethnic group who speak a form of Hungarian and are Roman Catho-

lic, have complained that there is no schooling available in their language. In November an NGO reported that the deputy school inspector in Bacau County harassed Csango families who were teaching Csango language classes in their homes.

The Romani population, officially estimated by the Government at approximately 400,000, is estimated by the European Commission to number between 1.1 and 1.5 million. Romani groups complained of routine police brutality—including beatings—prejudice, and racial harassment at the local level (see Section 1.c.). Under a government program, Roma living in Bucharest on public lands were forced to relocate to their counties of origin (see Section 1.f.). According to the Government, only 27 percent of Roma have steady jobs, and only half of those jobs are considered skilled. Illiteracy among Roma over 45 years of age approaches 30 percent. In April a national strategy for improving the condition of the Romani community was announced, with the support of the Prime Minister; a commission to implement the plan was established and held meetings during the year. A number of Roma experts were hired in the Ministries, at the county prefect's office, and in many local mayoral and county offices. Nevertheless the Roma office within the Government is understaffed, with only three civil servants, and longterm funding for the National Roma strategy has not yet been resolved.

The Romani population continued to be subject to societal discrimination. Roma often are denied access to shops, restaurants, and other places. For example, on February 6, Romani CRISS, an NGO monitoring Roma rights, filed a complaint with the Supreme Court against the owner of a bar in Pitesti (Arges County) after the bar's bodyguards denied access to two Romani men in January. The lawsuit was in progress at year's end. There was no further information on the ban on Roma in the Iasi County hospital, where Roma who cannot afford to pay for medical treatment and cannot prove that they have medical insurance provided by the State are banned from the hospital. However, a partnership protocol, signed by the Minister of Health and the representative for Roma in the Parliament in April, lays out cooperative measures between the Health Ministry and the Romani Party in order to ensure that Roma have access to health care. This protocol helped resolve most complaints of discrimination against Roma in the health system and sponsored several vaccination campaigns for Roma children.

In March a Tirgu Mures-based NGO, Liga Pro Europa, took legal action against a local weekly that carried an interview with two persons using pseudonyms who proposed to "clean the town of Roma." The local prosecutor's office answered in a letter that no crime had been committed and refused to answer a second letter by the NGO asking for the legal grounds of that answer. There was no further information regarding the status of charges filed in 2000 by Bucharest-based Roma organizations against Marcel Flueraaru, a journalist for the National, for using racist language in an article.

On May 7, Romani CRISS filed a complaint against a Bucharest-based advertising newspaper, which in March had published an advertisement for security guards that overtly excluded Roma. The Bucharest Mayor's office replied that job announcements did not fall under the law on publicity, which forbids discriminatory publicity. The Bucharest Mayor's office told the NGO to redirect its complaint to the National Council for Combating Discrimination, a body which has not yet been established. In 2000 the NGO Romani CRISS filed a complaint with the Ombudsman's Office regarding a job announcement, posted in Bucharest's Third Sector Labor Force Office by a private firm called S.C. Guard, which stated, "no Roma accepted." The Labor Force Office offered public apologies, and no further such announcements have been posted there.

In October in Transylvania the New Right political party distributed anti-Romani leaflets in Sighisoara and Deva. In July police arrested two members of the New Right party who were suspected to have painted anti-Romani slogans in Sibiu; the two reportedly were foreigners.

In January the European Roma Rights Center (ERRC) reported two incidents in which private security guards beat Roma; in one of the cases, a Roma man was shot in the leg. There was no further information regarding the 2000 beating of Vasile Florica, a Rom, by villagers in Palos.

Four persons who were arrested, tried, and convicted in a 1993 incident in Hadareni, in which three Roma died in a house burning, were released in 2000 after serving their sentences. The victims appealed to the European Court of Justice, arguing that the sentences were too light at 2 to 6 years. The case was pending before the European Court at year's end. According to Human Rights Watch, the ERRC lodged applications against the country with the European Court of Human Rights regarding cases of violence against Roma and destruction of Romani property in Casinul Nou (1990) and Plaiesii de Sus (1991). These cases had been rejected in Romanian courts in part because the statute of limitations had expired before the

ERRC could initiate final appeals. Police in both cases failed to conduct onsite investigations. These cases were pending with the European Court of Human Rights at year's end.

*Section 6. Worker Rights*

*a. The Right of Association.*—All workers except certain public employees have the legal right to associate freely and to form and join labor unions without previous authorization; however, there were reports that the Government restricted this right. Intelligence, Ministry of Defense, and Ministry of Interior personnel are not allowed to unionize. The majority of workers are members of approximately 18 nationwide trade union confederations and smaller independent trade unions. Trade unions may acquire property, support their member's exercise of their profession, establish mutual insurance funds, print publications, set up cultural, teaching, and research bodies, establish commercial enterprises and banks, and borrow money. No workers may be forced to join or withdraw from a union, and union officials who resign from elected positions and return to the regular work force are protected against employer retaliation. However, the International Confederation of Free Trade Unions (ICFTU) 2000 "Annual Survey of Violations of Trade Union Rights" reported that violations of trade union rights continued in practice. In September 2000, a trade union leader, Virgil Sahleanu of the Tepro steel mill in Iasi, was killed, allegedly because of a dispute with a new private owner. Also in 2000, Sabina Nicolescu, a trade union leader in a wool company, was beaten after receiving threats from the company owner. No new violations were reported during the year. The unions reported that the Government interfered in trade union activities, collective bargaining, and strikes. The requirements to register a union were excessive.

Past studies indicated that the labor legislation adopted in 1991 falls short of International Labor Organization (ILO) standards in several areas, including the free election of union representatives, binding arbitration, the financial liability of strike organizers, the restriction of eligibility for trade unions, and the restriction of eligibility for trade union membership and offices to "employees." Amendments in 1999 to the law on labor disputes brought some improvements and eliminated many restrictions, including widening the scope of the right to strike.

The collective labor dispute law defines the conciliation, mediation, and arbitration procedures under which strikes can be conducted. The law established tripartite arbitration panels, and the list of arbitrators must be approved by the economic and social council where trade unions and employers associations each have one-third of the membership; however, mediation capability has not developed fully. Local panels are poorly trained, and unions continued to take their cases directly to the Government for dispute resolution. Amendments to the labor law in 1999 widened the scope of the right to strike, although it continues to be difficult to hold a legal strike because of lengthy and cumbersome procedures. Union members complained that unions must submit their grievances to government-sponsored conciliation before initiating a strike, and that the courts had a propensity to declare illegal the majority of strikes on which they had been asked to rule. Judges, prosecutors, and related Ministry of Justice staff are forbidden to strike, along with Ministry of Defense, Ministry of Interior, and intelligence service employees. The Government concluded a Social Pact early in the year with national union confederations and employer associations; in return for promises regarding wages, pensions, and new labor legislation, the unions agreed not to stage national strikes. Although at times fragile, the Social Pact remained in place at year's end, and the Government initiated talks on its renewal. At least one labor confederation has stated that it is unlikely to renew membership in the Pact. The Social Pact did not prevent local unions from staging protests and strikes. In September 2000, amendments to the labor code permitted companies to claim damages from strike initiators if the strike is deemed illegal by a court.

The Government has promised to speed the privatization of state-owned companies; fearing loss of their jobs, some union workers held strikes protesting the potential sale of their companies, and others threatened strike actions if privatization occurs. Protest actions also were held demanding the cancellation of privatization contracts. The most significant of these were the Resita protests, which were accompanied by some instances of violence. Groups of union members protested against local authorities by damaging official buildings and harassing employees of the firm. The Resita steel company was purchased by a foreign company and has been the subject of major labor protests since January; the Government was attempting to mediate the labor dispute at year's end.

The Government occasionally interfered in strikes. For example, the Ministry of Transport attempted to intimidate the subway system union from striking during the year.

The law stipulates that labor unions should be free from government or political party control, a provision that the Government generally has respected in practice. Unions are free to engage in political activity and have done so; for example, during the 2000 elections, the National Confederation of Trade Unions (Fratia) and the National Union Bloc openly supported the PSD party.

Labor unions may form or join federations and affiliate with international bodies. The National Confederation of Trade Unions-Fratia and the National Union Bloc are affiliated with the International Confederation of Free Trade Unions and the European Trade Union Confederation. The Confederation of Democratic Trade Unions of Romania and Cartel Alfa are affiliated with the World Labor Confederation. Representatives of foreign and international organizations freely visit and advise domestic trade unionists.

*b. The Right to Organize and Bargain Collectively.*—Workers have the legal right to bargain collectively, but collective bargaining efforts are complicated by continued state control of most industrial enterprises and the absence of independent management representatives. Although the law supports collective bargaining as an institution, the contracts that result are not always enforceable in a consistent manner. Basic wage scales for employees of state-owned enterprises are established through collective bargaining with the Government. Public employees may bargain for everything except salaries, which are set by the Government. Unions claimed that downsizing decisions resulting from agreements with international financial institutions have violated labor agreements. In one case, gas and oil unions claimed that a budget approved by the Government for state-owned gas and oil companies violated its labor agreement and filed a court claim against the Government.

Antiunion discrimination is prohibited by law, and the Government generally respected this prohibition in practice.

Labor legislation is applied uniformly throughout the country, including in the five free trade zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced or compulsory labor; however, trafficking in women for sexual exploitation is a problem (see Section 6.f.). The Ministry of Labor and Social Protection is responsible for enforcing the prohibition against forced labor.

The Constitution prohibits forced and bonded labor by children; however, trafficking in girls for prostitution is a problem (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for employment is 16 years, but children as young as the age of 15 may work with the consent of their parents or guardians, although only “according to their physical development, aptitude, and knowledge.” Minors are prohibited from working in dangerous or hazardous conditions. Violations of the child labor laws are punishable by imprisonment for periods of 2 months to 3 years; however, there is no recent evidence of anyone being charged or convicted under this law. Working children under the age of 16 have the right to continue their education, and the law obliges employers to assist in this regard. The Ministry of Labor and Social Protection has the authority to impose fines and close sections of factories to ensure compliance with the law. There is no recent evidence of anyone being charged or convicted under this law.

A department in the Office of the Prime Minister is responsible for child protection. Local organizations were established in the counties and the city of Bucharest to enforce child welfare legislation. The roles and responsibilities of the several agencies that enforce child labor laws remain ill defined, and these laws often have not been enforced.

There are no accurate statistics of the number of illegally employed children; however, there is recognition of the problem. The prevalence of child labor, including begging, selling trinkets on the streets, or offering to wash car windshields, is widespread in the Roma community; these children range from 1 to 18 years of age. In March 2000, the ILO and the Ministry of Labor and Social Protection agreed to establish an International Program for the Elimination of Child Labor. A national steering committee was formed, and several ILO-funded programs began to raise public awareness, identify the nature and extent of the problem, train officials to monitor and investigate child labor, build the capacity of governmental and non-governmental agencies, and prevent increases in child labor; however, no concrete steps were taken by year’s end.

The Constitution prohibits forced and bonded child labor; however, trafficking in girls for prostitution is a problem (see Section 6.f.).

*e. Acceptable Conditions of Work.*—Most wage rates are established through collective bargaining at the enterprise level; however, they are based on minimum wages for specific economic sectors and categories of workers that the Government sets after negotiations with industry representatives and the labor confederations. Min-

imum wage rates generally are observed and enforced. During the year, the minimum monthly wage was raised from approximately \$30 (700,000 lei) to approximately \$48 (1.4 million lei); the minimum monthly wage does not provide a decent standard of living for a worker and family. Prices for utility services such as water and heating continued to rise; however, basic food and pharmaceutical products still were subject to price ceilings. Housing is no longer subsidized.

The Labor Code provides for a standard workweek of 40 hours or 5 days, with overtime to be paid for weekend or holiday work or work in excess of 40 hours. It also includes a requirement for a 24-hour rest period in the workweek, although most workers receive 2 days off per week. Paid holidays range from 18 to 24 days annually, depending on the employee's length of service. The law requires employers to pay additional benefits and allowances to workers engaged in particularly dangerous or difficult occupations. The Labor Code was scheduled to be revised in 2000; however, trade unions and business associations were not included in the drafting discussion, and no agreement could be reached on changes. New discussions, which included the unions and employers, commenced during the year; however, no new legislation was presented to Parliament by year's end.

Some labor organizations lobby for healthier, safer, working conditions on behalf of their members. However, neither the Government nor industry, which is still mostly state owned, has the resources necessary to improve significantly health and safety conditions in the workplace. The Ministry of Labor and Social Protection has established safety standards for most industries and is responsible for enforcing them; however, it lacks sufficient trained personnel for inspection and enforcement, and employers often ignore its recommendations. In 1999 a department was established within the Ministry to conduct comprehensive safety inspections. European Union funds have assisted in building capacity within the new department. Although they have the right to refuse dangerous work assignments, workers seldom invoke it in practice.

After an explosion killed 10 workers in the port of Constanta on June 5, workers at the shipyard protested against the lack of safety equipment and violations of safety procedures by management. A government delegation led by Privatization Minister Ovidiu Musatescu was sent to mediate talks between workers and management.

*f. Trafficking in Persons.*—A law passed in November prohibits trafficking; however, trafficking in women is an underreported but serious problem. The law defines trafficking as the use of coercion to recruit, transport, harbor, or receive humans for exploitation. Coercion includes fraud or misrepresentation. Exploitation includes slavery, forced labor, prostitution, performance in pornographic films, organ theft, or other conditions that violate human rights. For minors under the age of 18, it is not necessary to prove coercion.

Romania is both a country of origin and a transit country for trafficked women and girls. The full extent of the problem is not known, since neither the Government nor NGO's maintain statistics on this problem; however, there is evidence that the problem is growing. The International Organization for Migration (IOM) reported that from January 2000 to June 2001, they assisted 279 victims of trafficking. Of these victims, 6 were 14 years of age or younger, and 57 were between the ages of 15 and 17. Figures for 1999 were less than 10 victims. The IOM office in the country estimated that as many as 20,000 women are trafficked from Romania each year. Romania is a country of origin; women reportedly were trafficked for prostitution to Yugoslavia (including Kosovo), Macedonia, Turkey, Albania, Bosnia and Herzegovina, Greece, Cyprus, Italy, France, Germany, Hungary, the Netherlands, Poland, the United Arab Emirates, Japan, and Cambodia. Women were trafficked through Macedonia and Bulgaria to reach Greece and other countries. Romania remains a popular transit country for persons, especially women, being trafficked from Moldova, Ukraine, and other parts of the former Soviet Union. Iasi and Timisoara are major transit centers in the country. Trafficking patterns within the country generally go from its border with Moldova to the countries bordering Serbia, and there is anecdotal evidence of some internal victims of trafficking as well. There also is anecdotal evidence that the country is a minor destination country. Victims are primarily women and girls trafficked for prostitution; however, there are reports that men also are trafficked to Greece for agricultural labor.

Women often are recruited to work abroad by friends, relatives, or newspaper advertisements. Many times a friend or relative makes the initial offer, usually telling the victim that she will obtain a job such as babysitting or waitressing. According to the IOM, most women were unaware that they would be forced into prostitution. A minority of trafficked women are sold into prostitution by their parents or husbands or are kidnaped by trafficking rings. Ministry of Interior officials reported

that trafficking rings appear to be operated primarily by Romanians; several domestic prostitution rings are active.

No separate Government or IOM statistics exist for children trafficked to other countries. The Romanian NGO *Sanse Egale Pentru Femei* (Equal Opportunities for Women) reported that cases of trafficking in children that it dealt with rose from 8 in 1997 to 43 in 1999. In 1998 the NGO *Save the Children* dealt with 101 cases of children, mostly Roma, being taken to Germany and Italy and being forced to work as beggars or petty thieves; however, there were no new reports of the problem available during the year. Trafficking of girls for prostitution is also a problem. The country has an extensive system of orphanages with approximately 60,000 dependents, and many orphanages are complicit in letting girls escape into prostitution. Children forced out of orphanages between the ages of 16 and 18 often have no identity documents, very little education, and few, if any job skills. NGOs believe that many girls from these orphanages fall victim to trafficking networks. A study by the IOM's Romania office found that 38 percent of girls between 15 and 18 years of age in orphanages were ready to "emigrate to a foreign job," putting them at risk of being trafficked. The same study found that 38 percent of single women and girls aged 15 to 25 and 20 percent of women and girls who lived with their parents were ready to emigrate to a foreign job.

While the Government is beginning to recognize trafficking as a problem, it has only begun to mount an effective effort to combat it. Corruption in the police force, particularly in local forces, also may contribute to the problem. Due to personnel changes within the police and training, police largely acknowledged that Romania is a country of origin for trafficked victims and have become more aware of the problem.

In late 2000, the Government promised that a dedicated unit of seven officers would be established to combat human trafficking as part of an effort to lead a regional antitrafficking law enforcement program under the Southeastern European Cooperative Initiative. However, only two officers from the Romanian Police had been assigned to this unit by April. In April the Government assigned a senior police general to coordinate the antitrafficking unit, significantly increased personnel assigned to the unit, and began to expand interagency and local resources assigned to human trafficking. The unit had conducted a series of human trafficking arrests by the end of the year. During the year, the unit arrested 77 human traffickers for pimping and kidnaping offenses and continued to investigate another 90 individuals suspected of human trafficking at year's end. Police also began a comprehensive investigation of agencies that advertised jobs abroad for possible human trafficking connections and exposed one ring of traffickers.

At the beginning of the year, only one prosecutor was assigned, on a part-time basis, to the Human Trafficking Task Force to carry arrests through to prosecution and conviction. In November another prosecutor was assigned to assist the task force. A handful of prosecutions have occurred for pimping offenses; prosecutions based on indictments under the new trafficking law are not scheduled to begin until 2002.

The law passed in November provides for sentences for traffickers of 3 to 12 years imprisonment. Trafficking in minors between 15 and 18 years of age also carries sentences of 3 to 12 years. Sentences are increased to 5 to 15 years for trafficking in minors under age 15, if there are two or more victims, or if a victim suffers serious bodily harm or health problems. The sentence for trafficking that leads to the death or suicide of the victim is 5 to 25 years. There are increased penalties of 3 years if the trafficker is a member of an organized crime group and 2 years in the case of minors if the trafficker uses coercion. Consent of a trafficked person does not exempt the trafficker from liability.

In the past, victims returned to Romania have been prosecuted for the crime of leaving the country illegally, which has reduced their willingness to return to the country or to cooperate with law enforcement authorities. For most of the year, because there was no legislation that directly addressed trafficking, victims had no way to press charges against traffickers. The law passed in November empowers the Ministry of the Interior to provide protection for victims of trafficking, and undercover operations and electronic surveillance are authorized against traffickers. The new law also eliminates criminal penalties for prostitution if the victim turns in traffickers, or cooperates in investigations against traffickers. However, trafficking victims who cooperated with authorities nonetheless were sentenced for crimes such as illegal emigration. The Government provided little aid to repatriated victims. In October the Government opened a short-term shelter for victims in Bucharest in cooperation with IOM and an NGO. The Ministry of Interior provides law enforcement personnel to investigate trafficking. The Border Police, who report to the Ministry

of Interior, process repatriated victims when they return from abroad. The Ministry of Foreign Affairs provides documentation for victim repatriation.

A very small number of local NGO's dealt with trafficking issues. There are two shelters for victims of sexual abuse, and besides the Bucharest center, there is another shelter for trafficking victims in Pitesti. A very small number of other shelters operate in Transylvania. Some NGO's stated that fear of reprisal from organized crime groups deters them from taking aggressive action against traffickers. NGO's have had some success in providing training for and working with local police forces on trafficking. Nevertheless awareness of human trafficking is low, and while victims are not treated as criminals, they are seen as social outcasts. However, numerous media stories have begun to report on the problem, and during the year, the IOM started a campaign to increase awareness of the problem with the public, using plays in summer camps for children, leaflets and brochures, and press conferences for local media.

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## RUSSIA

The 1993 Constitution established a governmental structure with a strong Head of State (a president), a government headed by a Prime Minister, and a bicameral legislature (Federal Assembly) consisting of the State Duma (lower house) and the Federation Council (upper house). The Duma has a strong pro-Presidential center that puts majority support within reach for almost all presidential priorities. Both the President and the Duma were selected in competitive elections, with a broad range of political parties and movements contesting offices. President Vladimir Putin was elected in March 2000, and Prime Minister Mikhail Kasyanov took office in May 2000. Both the presidential elections and the December 1999 Duma elections were judged by international observers to be largely free and fair, although in both cases pre-election manipulation of the media was a problem. The judiciary, although seriously impaired by a lack of resources and by high levels of corruption, continued to show signs of limited independence and was undergoing reforms.

The Ministry of Internal Affairs (MVD), the Federal Security Service (FSB), the Procuracy, and the Federal Tax Police are responsible for law enforcement at all levels of Government. The FSB has broad law enforcement functions, including fighting crime and corruption, in addition to its core responsibilities of security, counterintelligence, and counterterrorism. The FSB operates with only limited oversight by the Procuracy and the courts. The primary mission of the armed forces is national defense, although they have been employed in local internal conflicts, and they are available to control civil disturbances. Internal security threats in parts of the Russian Federation increasingly have been dealt with by militarized elements of the security services. Members of the security forces, particularly within the internal affairs apparatus, continued to commit numerous, serious human rights abuses.

The country has a total population of approximately 144 million. The economy continued to grow strongly, although at a slower rate than in 2000. The gross domestic product (GDP) figure for 2000 was recalculated to show an 8.3 percent growth rate, and growth during the year was estimated to be 5 percent. Industrial production growth was estimated to be 4.9 percent. GDP was \$224.3 billion for the first 11 months of the year. During the same period, total foreign investment grew by 23 percent and equaled \$9.7 billion (283 billion rubles). A significant part of this investment was portfolio investment (principally oil company stocks). In 2000 inflation reached 20.2 percent and was estimated at 18.6 percent at year's end. An increase in domestic demand continued to spur economic growth, partially compensating for a decline in net exports during the first half of the year. Real income grew during the year by 6.5 percent, compared with 2000. Average wages increased to \$143 (4,294 Rubles) per month compared with \$89 (2,492 Rubles) per month in 2000; however, approximately 27 percent of citizens continued to live below the official monthly subsistence level of \$52 (1,574 rubles). Official unemployment was 9 percent at year's end, down from 10.2 percent at the end of 2000. Reported levels of barter transactions—which make up an important but declining element in the economy—continued to fall during the year. The sectors moving most quickly to cash-only transactions included chemicals, petrochemicals, machinery, and light industry. Corruption continued to be a negative factor in the development of the economy and commercial relations.

Although the Government generally respected the human rights of its citizens in some areas, serious problems remain in many areas. Its record was poor regarding the independence and freedom of the media. Its record was poor in Chechnya, where the federal security forces demonstrated little respect for basic human rights and

there were credible reports of serious violations, including numerous reports of extrajudicial killings by both the Government and Chechen fighters. Hazing in the armed forces resulted in a number of deaths. There were reports of government involvement in politically motivated disappearances in Chechnya. There were credible reports that law enforcement personnel regularly tortured, beat, and otherwise abused detainees and suspects. Arbitrary arrest and detention and police corruption remained problems. The Government prosecuted some perpetrators of abuses, but many officials were not held accountable for their actions. Lengthy pretrial detention remained a serious problem. Prison conditions continued to be extremely harsh and frequently life threatening. Existing laws on military courts, military service, and the rights of service members often contradict the Constitution, federal laws, and presidential decrees, raising arbitrary judgments of unit commanders over the rule of law. The Government made some progress during the year with implementation of constitutional provisions for due process and fair and timely trial; however, the judiciary continued to lack resources, suffered from corruption, and remained subject to some influence from other branches of the Government. A series of so-called espionage cases continued during the year and raised concerns regarding the lack of due process and the influence of security services in court cases. Authorities continued to infringe on citizens' privacy rights.

Despite the continued wide diversity of press, government pressure on the media increased and resulted in numerous restrictions on the freedom of speech and press. The Government generally respected freedom of assembly; however, at times this right was restricted at the local level. The Government does not always respect the Constitutional provision for equality of religions, and in some instances local authorities imposed restrictions on some religious groups. Despite constitutional protections for citizens' freedom of movement, the Government placed some limits on this right; some regional and local authorities (most notably the city of Moscow) restricted movement in particular by denying local residency permits to new settlers from other areas of the country. Government institutions intended to protect human rights are relatively weak, but remained active and public.

Violence against women and abuse of children remained problems, as did discrimination against women. Persons with disabilities continued to face problems from both societal attitudes and lack of governmental support. Societal discrimination, harassment, and violence against members of some religious minorities remained a problem. Ethnic minorities, including Roma and persons from the Caucasus and Central Asia faced widespread governmental and societal discrimination, and at times violence. There are some limits on worker rights, and there were reports of instances of forced labor and child labor. Trafficking in persons, particularly women and young girls, was a serious problem.

Chechen fighters reportedly committed abuses, including killing captured civilians and federal security forces, and kidnaping individuals, particularly to obtain a ransom. Government officials accused rebel factions of organizing and carrying out a series of bomb attacks throughout the country beginning in September 1999 and continuing into the year; hundreds of civilians were killed or injured. During the year, the Government convicted several persons in connection with these bombings.

#### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no confirmed reports of political killings by the Government or its agents; however, during the fighting in Chechnya, there were credible reports that the armed forces used indiscriminate force at various times in areas with significant civilian populations, resulting in numerous deaths (see Section 1.g.). There also were credible reports that the federal armed forces engaged in extrajudicial killings in Chechnya.

An estimated 10,000 to 11,000 detainees and prisoners died during the year (see Section 1.c.). Most died as a result of overcrowding, poor sanitary conditions, or lack of medical care (the leading cause of death was heart disease), although some died due to beatings.

Hazing in the armed forces resulted in the deaths of servicemen (see Section 1.c.). During the year, the Moscow okrug military court resumed a trial against five former military intelligence officers accused of organizing the 1994 killing of journalist Dmitriy Kholodov. A sixth defendant, the head of a bodyguard agency, was charged with complicity (see Section 2.a.). A suitcase bomb killed Kholodov in 1994; at the time of his killing, he was investigating widespread corruption among the military leadership.

Government forces and Chechen fighters have used landmines extensively in Chechnya and Dagestan since August 1999 (see Section 1.g.); there have been a sig-

nificant number of civilian landmine casualties in Chechnya and Dagestan. In 2000 66 persons were killed and 166 injured in incidents involving landmines. Rebels frequently used radio-detonated mines against vehicles carrying military personnel.

The press and media nongovernmental organizations (NGO's) reported a number of killings of journalists killed presumably because of their work (see Section 2.a.).

A number of government officials were murdered throughout the country; some of these killings appear to have been politically motivated, either connected with the ongoing strife in Chechnya, or with local politics. For example, on October 30, an unknown person fatally shot the Vice Speaker of the Dagestani Parliament Arsen Kammayev and a prominent local banker near the Vice Speaker's home. According to NTV, in November, the head of the local Novolaxsk Agricultural Administration, Saygid-Batal Uzunayev, admitted to hiring the killer, claiming that he did so to preempt his own contract killing by Kammayev's agent.

On November 2, unknown persons fatally shot Sergey Balashov, Deputy Prefect of Moscow's Western Okrug, in charge of housing affairs, in front of the prefecture building. In December the local procurator stated that he believed the killing was a contract killing most likely related to the victim's professional activity; at year's end, an investigation into the killings continued. Other similar killings include the February 14 killing of Lema Temirgeryev, the local administrator of the village of Agish-Bito in Chechnya; the July 24 killing of First Deputy Prefect of Moscow's Zelenogradskiy Okrug Leonid Oblonskiy; and the August 7 killing of the Deputy Mayor of Novosibirsk Igor Belyakov.

There have been no developments in the December 5, 2000, killing of the Mayor of Murom, Petr Kaurov. There also were no developments in the 2000 killing of Svetlana Semenova, regional coordinator for the political party Union of Right Forces (SPS); it was not clear whether these killings were politically motivated. During the year, the police released Semenova's husband, who was the main suspect in the case.

According to Human Rights Watch, no one has been held accountable for the extrajudicial killings of 130 civilians in Alkhan-Yurt, Staropromyslovskiy, and Novye Aldi in 1999 and 2000. In February a mass grave containing approximately 50 bodies, including the bodies of several women, was discovered near the federal military base in Khankala. Some of the bodies showed that the victims had been shot in the back of the head and had their hands bound. Two of the corpses had ears cut off. Relatives identified several bodies as belonging to family members who had been detained by units of the federal forces the previous year, at times when there was no military activity in the area. Military sources and the Chechen procurator's office stated that the gravesite was more than a year old (predating the establishment of the federal military base), and that the bodies belonged to Chechen rebels who had been fighting among themselves; however, local forensic experts determined that the corpses were less than a year old.

There were no developments in the 1999 killing of St. Petersburg Deputy Mayor Mikhail Manevich. In the case of the St. Petersburg Liberal Democratic Party (LDPR) leader Gennadiy Tuganov, killed in 1999, police completed their investigation but failed to identify who hired the killer. In the case of St. Petersburg legislative assembly Deputy Viktor Novoselov, killed in October 1999, police arrested four persons—three of whom were described as professional killers—but had no information on who hired the killers. At year's end, a trial date had been set for January 2002 in the St. Petersburg city court.

In May the FSB stated that it was extending by another 6 months its investigation of the 1998 killing of Galina Starovoytova, a prominent Duma deputy; however, family members and some activists expressed skepticism at that the Government was investigating the killing fully.

Attacks on ethnic or racial minorities and asylum seekers resulted in some deaths (see Section 5).

There were credible press reports that Chechen fighters tortured and killed a number of civilians and federal soldiers. In the summer, Chechen rebels increased their killings of village officials and militia associated with the Russian-appointed Chechen administration. For example, on September 10, separatists shot and killed the Mayor of Oktyabrskoye village Bukara Akhmatov. Chechen fighters summarily executed federal soldiers whom they took prisoner (see Section 1.g.). Religious and secular figures also were kidnaped and killed in Chechnya during the year (see Sections 1.b., 1.c., and 5).

Government officials accused Chechens of organizing and carrying out a series of bomb attacks throughout the country beginning in September 1999. Since that time, authorities have attributed bombing incidents in Dagestan and several cities in southern areas of the country to Chechen rebels. For example, on March 24, there were explosions in Stavropol and Karachayevo-Cherkessiya in which 21 persons

were killed and 150 others were injured. During the year, authorities tried and convicted a number of persons for bombings and other acts of separatist violence around the country. For example, on December 11, the Stavropol Territorial Court sentenced five persons from the northern Caucasus to prison terms averaging from 9 to 15 years for their involvement in two September 1999 Moscow apartment bombings. In December a court in Makhachkala, in Dagestan, sentenced Chechen rebel Salman Raduyev to life in prison for crimes of murder, terrorism, and hostage-taking committed during the first Chechen conflict.

*b. Disappearance.*—There were reports of government involvement in politically motivated disappearances in Chechnya; however, there were fewer reports of kidnappings than in previous years. The NGO Memorial claimed that federal military forces have detained a total of 15,000 persons from Chechnya. Many of these persons disappeared, but most were released, often after their relatives paid a bribe. Memorial estimated that the number of individuals unaccounted for was somewhere between several hundred and a thousand. In March Human Rights Watch released a report titled “The Dirty War in Chechnya: Forced Disappearance, Torture and Summary Executions,” which detailed the cases of at least 52 individuals who were in the custody of government authorities when they disappeared. Human Rights Watch believes that the total number of persons who disappeared is much higher. The mutilated bodies of some of those who disappeared later were found in unmarked graves in Chechnya, and showed signs of torture. According to one NGO, Bely Platok, some federal forces also kidnaped children in Chechnya for ransom (see Section 5).

There were no developments in the ongoing criminal investigation into the disappearance of former speaker of the Chechen parliament and former field commander Ruslan Alikhadzhiyev. In May 2000, Alikhadzhiyev allegedly was detained in Shali by federal forces. In September 2000, the news agency Agence France Presse, citing sources close to the Chechen leadership, reported that Alikhadzhiyev had died of a heart attack in the Lefortovo pretrial detention facility in Moscow. Those sources claimed that federal authorities officially had notified the detainee’s relatives of his death; however, soon afterward the news daily *Izvestiya* reported that Alikhadzhiyev never had been brought to Lefortovo. In October the news daily *Moskovskiyev novosti* reported that there had been no developments in the case, despite a criminal investigation opened by the Shali regional procurator in 2000.

A September report from the office of Vladimir Kalamonov, the President’s Special Representative for Human Rights in Chechnya, stated that, since it began operations in February 2000, the office had received complaints of 959 disappearances. According to the office, 401 persons were located, 18 of whom were dead. Criminal investigations were being carried out in 234 of the cases, and searches for missing persons in 324 cases.

In January a rebel band seized a foreign humanitarian assistance worker in Chechnya and held him for a few weeks before releasing him unharmed.

In August former Chechen Interior Minister Said-Selim Baytsev told the weekly magazine *Vlast* that federal armed forces general Gennadiy Shpigun, whom Chechen rebels had kidnaped in 1999, died in a forest in Chechnya in March 2000 after being beaten by his kidnapers.

Criminal groups in the Northern Caucasus, some of which may have links to elements of the rebel forces, frequently resorted to kidnaping. The main motivation behind such cases apparently is ransom, although some cases have political or religious overtones. Many of the hostages were being held in Chechnya or Dagestan.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits torture, violence, and other brutal or humiliating treatment or punishment; however, there were credible reports that some law enforcement personnel used torture regularly to coerce confessions from suspects, and that the Government does not hold most officials accountable for such actions.

Prisoners’ rights groups, as well as other human rights groups, documented numerous cases in which law enforcement and correctional officials tortured and beat detainees and suspects. Human rights groups describe the practice of torture as widespread. In 2000 human rights Ombudsman Oleg Mironov estimated that 50 percent of prisoners with whom he spoke claimed to have been tortured. Numerous press reports indicated that the police frequently strike persons with little or no provocation or use excessive force to subdue arrestees. Reports by refugees, NGO’s, and the press suggested a pattern of beatings, arrests, and extortion by police against persons with dark skin, or who appeared to be from the Caucasus, Central Asia, or Africa (see Section 5). Press reports and human rights groups indicated that police in some parts of the country also used beatings and torture as part of investigative procedures as well. Police also continued to harass defense lawyers, including through beatings and arrests, and intimidated witnesses (see Section 1.e.).

Torture by police officers usually occurs within the first few hours or days of arrest and usually takes one of four forms: beatings with fists, batons, or other objects; asphyxiation using gas masks or bags (sometimes filled with mace); electric shocks; or suspension of body parts (e.g. suspending a victim from the wrists, which are tied together behind the back). Allegations of torture are difficult to substantiate because of lack of access by medical professionals and because the techniques used often leave few or no permanent physical traces.

There were credible reports that government forces and Chechen fighters in Chechnya tortured detainees (see Section 1.g.).

Government agencies such as the Ministry of Internal Affairs have begun to educate officers about safeguarding human rights during law enforcement activities through training provided by foreign governments; however, security forces remained largely unreformed. Torture is not defined in the law or the Criminal Code—it only is mentioned in the Constitution; as a result, it is difficult to charge perpetrators. Police only may be accused of exceeding granted authority.

Under the “Operation Clean Hands” program, MVD officials continued to combat police crime. A Ministry of Justice official estimated that during the first 9 months of the year, the number of cases initiated against police personnel was similar to the number registered during the same period in 2000. For example, on September 18, the Primorye regional court convicted seven Vladivostok police officers of abuse of office and one chief of the city police department’s criminal investigation division of coercing false testimony. Each officer received a suspended sentence of 3½ to 5 years, and the court ordered the defendants to pay each of the plaintiffs \$3,395 (100,000 rubles) in moral damages. The plaintiffs were two Far Eastern Marine Academy cadets who testified that in 1998 police detained them at random and beat them severely over the course of 4 days to extract a confession for a crime they had not committed.

Various abuses against military servicemen, including but not limited to the practice of “dedovshchina” (the violent, sometimes fatal hazing of new junior recruits for the armed services, MVD, and border guards), continued during the year. Press reports citing serving and former armed forces personnel, the Military Procurator’s Office, and NGO’s monitoring conditions in the armed forces indicated that this mistreatment often includes the extortion of money or material goods in the face of the threat of increased hazing or actual beatings. Press reports also indicated that this type of mistreatment resulted in permanent injuries and deaths among servicemen. Soldiers often do not report hazing to either unit officers or military procurators due to fear of reprisals, since officers in some cases reportedly tolerate or even encourage such hazing as a means of controlling their units. There also were reports that officers used beatings to discipline soldiers whom they find to be “inattentive to their duties.” The practice of hazing reportedly was a serious problem in Chechnya, particularly where contract soldiers and conscripts served together.

Both the Union of Soldiers’ Mothers Committee (USMC) and the Main Military Procurator’s Office (MPPO) received numerous reports about “nonstatutory relations” in which officers or sergeants physically assaulted or humiliated their subordinates. This tendency commonly is attributed to stressful conditions throughout the armed forces—for example, degrading and substandard living conditions persist throughout the armed forces—and to the widespread placement of inexperienced reserve officers, on active duty for 2 years, in primary troop leadership positions.

Despite the acknowledged seriousness of the problem, the leadership of the armed forces has made only superficial efforts to implement substantive reforms in training, education, and administration programs within units to combat abuse. Their limited efforts were due at least in part to lack of funding and to the leadership’s preoccupation with urgent reorganization problems and the fighting in Chechnya. The MMPO continued to cooperate with the USMC to investigate allegations of abuse and in 2000 established telephone and postal “hot lines” to receive reports directly from soldiers. Nonetheless, the USMC believes that most hazing incidents and assaults are not reported, due to a fear of reprisals, the indifference of commanders, and deliberate efforts to cover up such activity.

There were reports that the corruption of government officials facilitated trafficking in persons (see Section 6.f.).

During the year, members of ethnic or racial minorities were victims of beatings, extortion, and harassment by “skinheads” and members of other racist and extremist groups.

Prison conditions remained extremely harsh and frequently life threatening. The Ministry of Justice administers the penitentiary system centrally from Moscow. The Ministries of Justice, Health, Defense, and Education all maintain penal facilities. There are five basic forms of custody in the criminal justice system: Police detention centers, pretrial detention facilities (SIZO’s), correctional labor colonies (ITK’s), pris-

ons designated for those who violate ITK rules, and educational labor colonies (VTK's) for juveniles. Responsibility for operating the country's penal facilities falls under the Ministry of Justice's Main Directorate for Execution of Sentences (GUIN).

The Government does not release statistics on the number of detainees and prisoners who were killed or died or on the number of law enforcement and prison personnel disciplined. The PCPR estimates that 10,000 to 11,000 prisoners die annually in penitentiary facilities, 2,500 of them in SIZO's. Most died as a result of overcrowding, poor sanitary conditions, or lack of medical care (the leading cause of death was heart disease), but some died due to beatings. The press often reports on individuals mistreated, injured, or killed in various SIZO's; some of the reported cases indicate habitual abuse by the same officers.

Violence among inmates, including beatings and rape, was common. There are elaborate inmate-enforced caste systems in which informers, homosexuals, rapists, prison rape victims, child molesters, and others are considered to be "untouchable" and are treated very harshly, with little or no protection provided by the prison authorities.

The country's penal institutions remained extremely overcrowded. The GUIN stated that the system of SIZO's was at 151.2 percent of capacity at year's end. Many of the facilities were in urgent need of renovation and upgrading. According to the PCPR, between January and September 2000, the prison population fell from approximately 728,000 persons to approximately 675,000 persons, mainly due to amnesties; however, the population has risen since that time. According to GUIN statistics as of September 1, there were 991,156 persons in penitentiary institutions, 671,401; were in correctional colonies (including 39,470 women); 18,910 were in educational colonies (including approximately 1,000 girls); and 244,773 were in SIZO's or prisons. By law inmates must be provided with adequate space, food, and medical attention; however, the authorities were not able to ensure compliance with the law, due in part to lack of funds, and in part to the judiciary's often arbitrary decisions to order suspects held in pretrial detention facilities, and a very large prison population.

Inmates in the prison system often suffer from inadequate medical care. According to the GUIN, as of September 1, there were approximately 86,000 tuberculosis-infected persons and 21,576 HIV-infected persons in SIZO'S and correction colonies. Public health measures, funded by international aid and the doubling of government resources for the prison system's medical budget, have effected a limited reversal of the spread of tuberculosis but have not contained the spread of HIV. Prisoners with HIV/AIDS are not housed in separate facilities because of space shortages. Detention facilities have tuberculosis infection rates far higher than in the population at large. The Saratov Oblast administration, concerned with the tuberculosis crisis in its facilities, fully funds the tuberculosis-related medicinal needs of prisoners, according to the PCPR.

According to the PCPR, conditions in penal facilities vary among the regions. Some regions offer assistance in the form of food, clothing, and medicine. NGO's and religious groups offer other support.

Conditions in police station detention centers vary considerably but generally were harsh. In most cases, detainees lacked bedding, places to sleep, running water, toilets, showers, and adequate nutrition.

Suspects awaiting the completion of a criminal investigation, trial, sentencing, or appeal, are confined in a Special Isolation Facility (SIZO), which is a pretrial detention facility. Persons can spend up to 3 years awaiting trial in a SIZO; however, the new criminal procedure code places statutory limits on pretrial detention (see Section 1.d.). Convicts on occasion are imprisoned in SIZO's because there is no transport to take them elsewhere. Conditions in SIZO's remained extremely harsh and posed a serious threat to life and health. Health, nutrition, and sanitation standards in SIZO's remained low due to a lack of funding. Head lice, scabies, and various skin diseases were prevalent. Prisoners and detainees typically relied on families to provide them with extra food. Under such conditions, prisoners sleep in shifts, and there is little, if any, room to move within cells. In most pretrial detention centers and prisons, there is no ventilation system. Poor ventilation is thought to contribute to cardiac problems and lowered resistance to disease. Cells are overcrowded and stiflingly hot in the summer.

Pretrial detention conditions are so substandard that defendants sometimes claim to confess simply to be moved to comparatively less harsh prison conditions. Defendants who retract confessions made under these conditions usually are ignored, as are those who attempt to retract confessions they claim they were coerced to make (see Section 1.e.).

Correctional labor colonies (ITK's) hold the bulk of the nation's convicts. There are 749 ITK's, which are as crowded as SIZO's. Guards reportedly severely discipline

prisoners to break down resistance; at times guards humiliated, beat, and starved prisoners. According to the PCPR, conditions in the ITK's are better than in the SIZO's to the extent that there is fresh air. In the timber correctional colonies, where hardened criminals serve their time, beatings, torture, and rape by guards reportedly were common. On September 11, procurators in Perm announced that they had brought charges of mistreating inmates against Special Forces Commander Sergey Bromberg, head of the strict regime prison colony at Chepets. Along with seven masked members of his unit, Bromberg was suspected of beating inmates at the prison colony. In October the Procurator announced that he had completed his investigation; however, there were no reports that a trial had begun by year's end. The country's "prisons"—distinct from the labor colonies or the ITK's—are penitentiary institutions for those who repeatedly violate the rules in effect in the ITK's.

Educational labor colonies for juveniles (VTK's) are facilities for prisoners from 14 to 20 years of age. In September GUIN reported that there were 64 educational colonies, 3 of which were for girls. Conditions in the VTK's are significantly better than in the ITK's, but juveniles in the VTK's and juvenile SIZO cells reportedly also suffer from beatings, torture, and rape. The PCPR reports that such facilities have a poor psychological atmosphere and lack educational and vocational training opportunities. Many of the juveniles are from orphanages, have no outside support, and are unaware of their rights. There also are two prisons for children in Moscow. Boys are held with adults in small, crowded, and smoky cells. Schooling in the prisons for children is sporadic at best, with students of different ages studying together when a teacher can be found.

In April the President, addressing the Federal Assembly, described the problem of disease in the prison system as a potential "Chernobyl." He stated that the Government was not in a position to ensure standard conditions of detention in penitentiary institutions and that the system's problems have become a national concern. According to the PCPR, in order to forestall a crisis, the system must either fund massive new construction and reconstruction of facilities—which is unrealistic under the country's economic conditions—or reduce the prison population.

To alleviate overcrowding, the Government announced an amnesty on September 1. According to the PCPR, more than 99,000 inmates were released (358 of them were juveniles). At year's end, the Duma had passed an amnesty bill affecting approximately 14,000 women and 10,000 child prisoners; however, statistics on the actual number released were unavailable at year's end. While amnesties have affected the overall number of prisoners, by most accounts the greater decrease was due to the increased use of alternative punishments such as selective parole for certain offenses. In Murmansk the local office of the Ministry of Justice actively pursued alternative punishments, and many convicted offenders are given sentences not involving incarceration.

The Government permits the International Committee of the Red Cross (ICRC) to work throughout the country and the ICRC is active especially in the northern Caucasus. The ICRC carried out regular prison visits, but by agreement with the Government, the ICRC's findings were kept confidential. The ICRC provides advice to authorities on how to improve prison conditions. The Government has allowed ICRC access to some facilities in the northern Caucasus where Chechen detainees are held; however, the pretrial detention centers and filtration camps for suspected Chechen fighters are not always accessible to human rights monitors (see Section 1.g.).

*d. Arbitrary Arrest, Detention, or Exile.*—Arbitrary arrest and detention remained serious problems. The Constitution requires a judicial decision to make an arrest, take someone into custody, or detain someone suspected of crimes, and in December the legislature approved a new Criminal Procedure Code that provides for these protections; however, the new Code was not scheduled to begin being phased in until 2002, and authorities widely ignored existing provisions against arbitrary arrest and detention.

During the year, the court system continued to be governed both by the 1996 Criminal Code, and the amended Soviet Criminal Procedure Code. According to the Constitution, arrests, police detention, and searches require judicial approval; however, the Constitution also states that until the Criminal Procedure Code is brought into conformity with the Constitution, existing legislation—which provides for the Procuracy rather than courts to approve arrests and searches—remains in effect.

In the absence of measures to implement the procedural safeguards contained in the Constitution, suspects often were subjected to uneven and arbitrary treatment by officials acting under the Criminal Procedure Code and presidential decrees. Procurators were able to issue orders of detention without judicial approval and police detained suspects for up to 48 hours without a warrant.

The PCPR has reported terms of pretrial detention extending up to 3 years, with the average ranging from 7 to 10 months. However, in some extreme cases the PCPR reports total pretrial and during trial detention periods of up to 5 years due to financial constraints and poor investigative and court work. Most suspects are released on their own recognizance if they sign a promise not to leave a specified location, or if another person signs a promise that the suspect will appear for trial. Nonetheless, procurators often acted arbitrarily in ordering suspects to be kept in pretrial detention, creating the potential for abuse, corruption, and bribery. This aggravates overcrowding in pretrial detention and, due to delays in bringing cases to trial, often result in pretrial detentions that exceed the maximum sentence for the charges faced by suspects accused of minor crimes. In juvenile prisons, inmates may await trial and sentencing up to several years.

In September the European Court of Human Rights (ECHR) in Strasbourg accepted the claim of Magadan businessman Viktor Kalashnikov that his rights under the European Convention had been violated both by the inhuman conditions of his detention (pretrial and trial) and by the excessive length of the detention period.

Extensions of the investigation period often are issued without explanation to the detainee. Until the investigation is completed, the suspect is under the jurisdiction of the Procurator's office, the Ministry of Justice, and the Ministry of Internal Affairs. Many suspects do not exercise their right to request judicial review of their detention due to fear of angering the investigating officer. There is no formal procedure for a suspect to plead guilty during the investigative period, although if a suspect informs the investigator that he is guilty, the period of the investigation usually is shorter than if he maintains his innocence.

There also were many credible reports that persons were detained far in excess of the period permitted for administrative offenses, in some cases so that police officials could extort money from friends or relatives of detainees. The practice of detaining individuals arbitrarily for varying periods of time, both within and in excess of permissible periods, is common, and often resolved only with bribes.

Often families are denied access to suspects in police detention; however, they generally have access to their relatives in pretrial detention.

The Constitution and the Criminal Procedure Code state that detainees are entitled to have a lawyer present from the time of detention, during questioning following detention, and throughout investigation up to and including the formal filing of charges; this procedure generally is followed in practice. The PCPR reports that detainees are given the opportunity to have access to a lawyer in accordance with their rights; however, it notes that the high cost of legal representation and the poor quality of court-appointed public defenders for those lacking the funds to engage counsel effectively deny most suspects competent legal representation (see Section 1.e.). As a result, many prisoners do not attempt to exercise this right because they believe such efforts to be futile. In many cases NGO's reported that investigators deny access to counsel by various means, including restrictions on the time when the suspect can see his lawyer (which may mean that the lawyer has to wait for days to get a meeting with the client). In October the Constitutional Court ruled that restrictions on lawyers' access to their clients held in pretrial detention centers were unconstitutional. A March amendment to the Criminal Procedure Code allows defendants immediate access to counsel when they have been arrested and referred for a psychiatric examination; this amendment was scheduled take effect in January 2002.

A new Criminal Procedure Code, passed by the Duma in March, was scheduled to be phased in between 2002 and 2004. The new Code stipulates that if the police have probable cause to believe that a suspect has committed a crime, or that the suspect is an imminent threat to others, they may detain him for only 24 hours, during which time they must notify the procurator, who then has 48 hours to confirm the charge or release the suspect. The new Criminal Procedure Code also will require that the Procuracy obtain a judicial order for arrest, search, or seizure. The new Criminal Procedure Code also calls for relatives to be notified of a suspect's arrest within 12 hours and that suspects have access to prompt counsel and prior to the first questioning. Under the amendment, pretrial detention for crimes carrying a sentence of less than 2 years is prohibited, unless the defendant poses a demonstrable flight risk; detention during trial is limited to 6 months, except where "particularly grave crimes" are involved. The new Criminal Procedure Code specifies that within 2 months of a suspect's arrest, police should complete their investigation and transfer the file to the procurator for arraignment. The new Code provides that a procurator may extend the period of criminal investigation to 6 months in "complex" cases. With the personal approval of the Procurator General, that period may be extended up to 18 months. Some suspects spend 18 months or longer in detention under harsh conditions in a SIZO while the criminal investigation is conducted (see

Section 1.c.). Juveniles may only be detained in cases of grave crimes. The new Criminal Procedure Code includes a formal procedure for pleading guilty and includes incentives such as shorter sentences as well as shorter trials.

There were credible reports from throughout the country that police detained persons without observing mandated procedures and failed to issue proper arrest warrants or receipts for confiscated property. This especially was true for persons from the Caucasus. There were credible reports that security forces continued regularly to single out persons from the Caucasus for document checks, detention, and the extortion of bribes. According to NGO's, federal forces commonly detained groups of Chechen men at checkpoints along the borders and during "mop-up" operations following military hostilities and severely beat and tortured them.

Some regional and local authorities have taken advantage of the system's procedural weaknesses to arrest persons on false pretexts for expressing views critical of the Government. Human rights advocates in the regions have been charged with libel, contempt of court, or interference in judicial procedures in cases with distinct political overtones. Journalists, among others, have been charged with other offenses and held either in excess of normal periods of detention or for offenses that do not require detention at all (see Sections 2.a. and 4). Police reportedly planted drugs and other false evidence as pretexts for arrests, and arrested and detained persons based on their political views and religious beliefs. On June 6, officials at Sheremetyevo airport in Moscow detained human rights activist Sergey Grigoryants, ostensibly for currency violations. His detention came 2 days after he publicly accused the FSB of harassing youth groups that did not maintain their loyalty to the Government. Grigoryants was on his way to a conference in the U.S., where he planned to deliver a critical paper on current domestic developments. After nearly 5 hours of detention, Grigoryants' lawyer secured his release, and Grigoryants was able to travel to the conference the following day.

On October 13, members of the Sunzhen regional department of the Interior Ministry in Ingushetiya detained the regional director of the Russian-Chechen Friendship Society (ORCD), Imran Ezhiyev. The ORCD publicizes alleged abuses by federal military forces related to the conflict in Chechnya. Human rights activist Yelena Bonner, the International Helsinki Federation, the Norwegian Helsinki Committee, the Moscow Helsinki Group, and others protested Ezhiyev's detention. According to the ORCD, on November 13, after having him held for 1 month without charge, local authorities released Ezhiyev and apologized officially on behalf of President Putin for his unlawful detention. The authorities reportedly denied him medical care during his detention.

In February in a high profile case that was brought to the attention of the President, federal army soldiers detained overnight the well-known Novaya Gazeta reporter Anna Politkovskaya, who was in Chechnya attempting to investigate reports of torture and rape by the federal military. She was charged with violating accreditation procedures and regulations imposed by the military command (see Section 2.a.).

In June 2000, Taisa Isayeva, a Chechen journalist, who works for the Chechen Press agency based in Georgia, was arrested and detained at the Nizhniy Zaramag border checkpoint, between Russian North Ossetiya and Georgian South Ossetiya because she was carrying a video camera and a portable computer.

There were several detentions in relation to "espionage" cases involving foreigners who worked with Russians, and vice versa, who had obtained information that the authorities considered sensitive (see Section 1.e.). For example, in July 1999, the secret services arrested Vladivostok environmental scientist Vladimir Soyfer. Soyfer and his colleagues had been engaged in measuring the radioactive contamination resulting from a 1985 nuclear submarine accident in Chazhma Bay. A number of organizations, including the Committee of Concerned Scientists, contacted the authorities to urge them to stop their efforts to prevent the dissemination of information on environmental pollution. Reports indicate that in August, the FSB dropped its charges against Soyfer. He since has resumed his research and was suing the newspaper *Obshchaya Gazeta* for slander on its reporting of his case.

On December 25, the Pacific Military Court in Vladivostok sentenced Grigoriy Pasko a military journalist and active-duty officer in the Pacific Fleet to 4 years' imprisonment on one count of espionage. At year's end, Pasko was being held in solitary confinement in a Vladivostok jail. Many NGO's criticized the December 25 court decision, as did the speaker of the Federation Council (see Section 1.e.).

In June 2000, authorities detained Media-Most chairman Vladimir Gusinskiy in Moscow's Butyrka Prison for 3 days, in connection with the General Procuracy's criminal fraud case against him (see Section 2.a.). In July of that year, shortly after the Procuracy dropped its criminal case against him, Gusinskiy left the country. Later in 2000, the General Procuracy cited Gusinskiy's refusal to appear for further

questioning on a broader criminal fraud case against Media-Most as grounds for seeking his extradition. Gusinskiy spent several months under house arrest in Spain while Spanish officials considered the Government's extradition request. In April the Spanish Government denied the Russian Government's extradition request out of concern that the charges were politically motivated.

The Constitution prohibits forced exile and the Government does not use it.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and there were signs of limited judicial independence; however, the judiciary does not act as an effective counterweight to other branches of the Government. Efforts to develop an independent judiciary continued. Judges remained subject to some influence from the executive, military, and security forces, especially in high profile or politically sensitive cases. The judiciary continued to lack sufficient resources and was subject to corruption.

The judiciary is divided into three branches: The courts of general jurisdiction (including military courts); subordinated to the Supreme Court; the arbitration (commercial) court system under the High Court of Arbitration; and the Constitutional Court (as well as constitutional courts in a number of administrative entities of the Russian Federation). Civil and criminal cases are tried in courts of primary jurisdiction, courts of appeals, and higher courts. The general court system's lowest level is the municipal court, which serves each city or rural district and hears more than 90 percent of all civil and criminal cases. The next level of courts of general jurisdiction is the regional courts. At the highest level is the Supreme Court. Decisions of the lower trial courts can be appealed only to the immediately superior court unless a constitutional issue is involved. The arbitration court system consists of city or regional courts as well as appellate circuit courts subordinated to the High Court of Arbitration. Arbitration courts hear cases involving business disputes between legal entities and between legal entities and the state.

Judges are approved by the President after being nominated by the qualifying collegia, which are assemblies of judges. These collegia also have the authority to remove judges for misbehavior, and to approve procurator's requests to prosecute judges.

A 1998 law established a new system of Justices of the Peace to deal with criminal cases involving maximum sentences of less than 2 years and some civil cases. There were more than 4,500 Justices of the Peace throughout the country by year's end. These judges handle a variety of civil cases as well as criminal cases. In those areas where the system of Justices of the Peace had been implemented completely, there was a significant decrease in backlogs and delays in trial proceedings, both among those cases referred to the Justices of the Peace and in the courts of general jurisdiction, because dockets were freed to accept more serious cases more rapidly. In some regions, Justices of the Peace assumed approximately half of federal judges' civil cases and up to 15 percent of their criminal matters, which eased overcrowding in pretrial detention facilities (see Sections 1.c. and 1.d.).

Low salaries and a lack of prestige made it difficult to attract talented new judges and contributed to the vulnerability of existing judges to bribery and corruption. Working conditions for judges remained poor, and support personnel continued to be underpaid. Judges remained subject to intimidation and bribery from officials and others.

The new Criminal Procedure Code passed by the legislature in March and which is scheduled to be phased in between 2002 and 2004, provides for the strengthening of the role of the judiciary in relation to the Procuracy by requiring judicial approval of arrest warrants, searches, seizures, and detention. Moreover, the new Law on the Status of Judges, approved in December, strives to eliminate subjectivity in the selection of judges, to facilitate access to the judicial profession by minimizing corruption in the appointment process, and to improve the accountability of judges by subjecting them to disciplinary and administrative liability and by introducing age limits. In addition judicial training was mandated and strengthened during the year. The new Criminal Procedure Code also broadens the jurisdiction of Justices of the Peace to all crimes with maximum sentences of less than 3 years.

The Constitution provides for the right to a fair trial; however, this right is restricted in practice. Many defendants did not attempt to exercise their right to counsel, believing that such efforts would be pointless. NGO's also reported that investigators found ways to deny suspects access to counsel, such as by restricting visiting hours. Because suspects often did not exercise their right to counsel during pretrial questioning (see Section 1.d.), many defendants recanted testimony given during pretrial questioning, stating that they were denied access to a lawyer, that they were coerced into making false confessions or statements, or that they had confessed in order to escape poor conditions in pretrial detention facilities (see Section 1.c.). Human rights monitors have documented cases in which convictions were ob-

tained on the basis of testimony that the defendant recanted in court, even in the absence of other proof of guilt.

The Criminal Code in effect during the year provided for the court to appoint a lawyer free of charge if a suspect could not afford one. An advocates' collegium president must appoint a lawyer within 24 hours after receiving such a request. However, lawyers (advocates) try to avoid these cases since the Government does not always pay them. The Society for the Guardianship of Penitentiary Institutions often is called upon by judges to provide legal assistance for suspects facing charges and trial without representation. This society operates primarily in Moscow, although it uses its connections throughout the country to appeal to legal professionals to represent the indigent. However, the high cost of competent legal representation meant that lower-income defendants often lacked legal representation.

Under the Criminal Procedure Code in effect during the year, a suspect charged with a crime punishable by a year or more in prison could be held in pretrial detention for up to 18 months and for an unlimited time during trial. Procurators delivered the case file to the court, whose responsibility it then became to prosecute the case. In many cases the procurator never attended the trial. The judge, or a panel of judges, conducted trials by asking questions based on their review of the procurator's case file. Criminal procedures were weighted heavily in favor of the procurator. Judges frequently returned poorly developed cases to the procurator's office for further investigation rather than dismiss them and offend powerful procurators, who have the power to review all such decisions themselves. In some cases, procurators reviewed a case an unlimited number of times: even after a defendant had been acquitted, the procurator could protest the acquittal and bring the case back to trial again and again.

The new Criminal Procedure Code, which was scheduled to be phased in between 2002 and 2004, provides suspects with the right to counsel no later than 24 hours after apprehension and prior to first questioning, mandates the participation of defense counsel in all questioning if the results are to be admissible in court (unless the suspect waives his right to counsel in writing), and allows for indigent suspects to receive counsel at state expense. The new Criminal Procedure Code also introduces an adversarial system, including jury trials in all regions and in all serious criminal cases. The interests of the court will be severed from those of the procurator, and the judge will be required to serve as an impartial arbiter between the two adversaries. The new Code mandates that all regions have such adversarial jury trials in place by 2003; at year's end, such a system was functioning in 9 of the country's 89 regions. Defense attorneys, defendants, and the public favor jury trials and adversarial approach to criminal justice, while procurators and law enforcement continued to prefer the inquisitorial system of trial by judges.

Authorities abrogated due process in several "espionage" cases involving foreigners who worked with Russians, and vice versa, who allegedly had obtained information that the security services considered sensitive (see Section 1.d.). Proceedings in such cases take place behind closed doors, and the defendants and their attorneys encountered difficulties in learning the details of the charges. Observers believe that the security services were seeking to discourage foreigners from investigating problems that the security services considered sensitive, and were concerned by the apparently undue influence of the security services.

In February the FSB arrested a foreign scholar, John Tobin, in Voronezh on drug charges. Subsequently FSB representatives publicized allegations that Tobin had spied against Russia, although no formal espionage charges were ever filed against him. Many domestic observers considered the drug charge and the espionage allegations to be a deliberate effort to discourage Russians from contact with foreign students. Tobin was convicted on the drug charge and served a prison term that eventually was reduced by parole to 6 months. On August 2, he departed the country; on September 19, the Supreme Court refused to overturn his conviction for drug possession.

In February the FSB arrested Valentin Danilov, a Krasnoyarsk physicist, accused him of selling sensitive information to China, and charged him with espionage and fraud. Danilov's colleagues protested publicly, stating that the information had been declassified 10 years ago. On December 17, the Krasnoyarsk regional court ruled that Danilov, whose health had deteriorated during his detention, could receive hospital treatment. Danilov's trial was ongoing behind closed doors in Krasnoyarsk at year's end.

In June an FSB spokesman in Omsk accused a foreign scholar of espionage, after she tasked her Russian students with an assignment to study the economic infrastructure of the region. After considerable media scrutiny, the FSB dropped the espionage charges, stating that it had reprimanded the visiting professor.

On October 3, 2000, Primorye Regional FSB authorities opened a criminal case against Vladimir Shchurov, Director of the Sonar Laboratory of the Pacific Oceanographic Institute. He was charged with divulging state secrets, the unlawful transfer of dual use technologies, and for smuggling contraband. Shchurov denied all charges. In October the first session of his trial took place in the Primorye regional court, where the judge returned the case for additional investigation. The regional procurator's office appealed that decision, which then went to the Supreme Court for review. Shchurov has been required to obtain special permission to leave the city and has been unable to work full time.

On December 25, the Pacific Military Court in Vladivostok sentenced Grigoriy Pasko a military journalist and active-duty officer in the Pacific Fleet to 4 years' imprisonment on one count of espionage. He also was expelled from the military, deprived of his rank and honors, and ordered to pay court costs. Both Pasko's defense team and the procurator appealed the verdict and sentence to the military collegium of the Supreme Court in Moscow. Pasko originally was charged with treason and espionage after reporting on radioactive contamination caused by the Pacific Fleet's dumping of radioactive waste into the Sea of Japan. In July 1999, after 20 months in pretrial detention, he was sentenced to 3 years' imprisonment for dereliction of duty but immediately was released under a prisoner amnesty; he then filed suit to clear his name. At the behest of procurators, the military collegium of the Supreme Court then dismissed the earlier conviction, sending the case back to the Pacific Military Court to be retried for the more serious charges of espionage and treason. In September the military collegium of the Supreme Court ruled that the Ministry of Defense's use of secret regulations to construct its criminal case against Pasko was unconstitutional and directed the ministry to bring its regulations into line with the Constitution. The Committee to Protect Journalists and the Glasnost Defense Fund observed that the case continued to be a powerful disincentive to investigative reporting (see Section 2.a.). At year's end, Pasko was being held in solitary confinement in a Vladivostok jail. Many NGO's criticized the December 25 court decision, as did the speaker of the Federation Council. The Committee for the Defense of Grigoriy Pasko organized demonstrations in Vladivostok, Moscow, and several other cities to protest the decision.

In November 1999, Igor Sutyagin, a disarmament researcher with the U.S. and Canada Institute, was detained on suspicion of espionage for allegedly passing classified information about the country's nuclear weapons to a London-based firm. Witnesses testified that the accused gave state secrets to a British NGO. No information about the specific charges was made public. Initially the case appeared to focus on his work on a study of civil-military relations funded by a foreign government; however, Sutyagin's family stated that the study did not deal in secret matters and was funded partially by the defense and foreign ministries. Sutyagin has maintained his innocence and stated that his analyses were based on open sources and not classified documents, to which he had no access. Evidence in the case is secret. According to Sutyagin's lawyers, he received copies of the detailed charges against him only in December 2000. The trial was recessed until January 9 and resumed in September, behind closed doors. On December 27, the Kaluga regional court ruled that the evidence presented by the procurator did not support the charges and returned the case to the procurator for further investigation. At year's end, Sutyagin remained in pretrial detention, and his lawyers had filed an appeal of the court's ruling that he stay in detention during the new investigation. Human rights activists complained that Sutyagin has not been afforded his full rights under the law. For example, they cite the defense's inability to cross-examine or learn the identity of witnesses for the prosecution.

Yuriy Savenko, Head of the Independent Psychiatric Association of Russia, and other human rights activists criticized the trial of Platon Obukhov, a Russian diplomat charged with espionage. Although independent psychiatrists deemed Obukhov mentally unfit to stand trial, a court-appointed commission found him competent; human rights activists charge that the evaluation was based on political considerations and pressure from the FSB. In June 2000, the Moscow city court sentenced Obukhov to 11 years in prison for espionage. In January the Supreme Court's collegium for criminal cases returned the Obukhov case to the lower court, despite the formal protest of the Procurator General's office, citing procedural irregularities. In June the Moscow city court ordered additional psychiatric evaluation, supervised by the Ministry of Health. At year's end, Obukhov was undergoing an evaluation at Moscow's Serbskiy Institute.

The Independent Council of Legal Expertise has reported that defense lawyers increasingly were the targets of police harassment, including beatings and arrests. Professional associations at both the local and federal levels have reported abuses

throughout the country, charging that police tried to intimidate defense attorneys and cover up their own criminal activities.

On October 17, officials in the Procurator General's Office stated that more than 520,000 victims of Soviet political repression had been rehabilitated since the adoption in 1991 of a law requiring that their cases be reexamined. During the Soviet period, officials subjected large numbers of persons to political repression, including show trials, imprisonment, and execution.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—Authorities continued to infringe on citizens' privacy rights. The Constitution states that officials may enter a private residence only in cases prescribed by federal law or on the basis of a judicial decision and permits the Government to monitor correspondence, telephone conversations, and other means of communication only with judicial permission. The Constitution prohibits the collection, storage, utilization, and dissemination of information about a person's private life without his consent; the 1999 Law on Operational Search Activity partially implemented these provisions, and the new Criminal Procedure Code will implement more of these provisions; however, problems remained. There were reports of electronic surveillance by government officials and others. Moscow law enforcement officials reportedly entered residences and other premises without warrants. The Government never has acted against authorities who violated these safeguards.

On March 28, according to a report in the newspaper *Novaya Gazeta*, a group of heavily armed Interior Ministry forces from a unit charged with fighting organized crime forcibly entered a Moscow State University dormitory where students from the National Chechen Theatrical Studio Nakhi were living, without presenting a warrant. According to the report, the authorities forced all of the students to lie on the floor while they searched the room and confiscated money and various items. The security forces later forced students to go to the unit's headquarters where they detained them for hours until finally releasing them without charges.

Internet experts and right-to-privacy advocates claim that interagency technical regulations called SORM-2 (System for Operational Investigative Measures) present a serious threat to privacy rights and violate the Civil Code and the Constitution. The Ministry of Communications, the FSB, the Federal Agency of Government Communications and Information, and other agencies issue and administer these regulations, which provide a mechanism for the security services to monitor all telecommunications transmissions for investigative purposes. The regulations require a warrant to carry out such monitoring, in accordance with the Constitution and other provisions under the law; however, these regulations are not respected in practice. SORM-2 extends to the FSB the same kind of monitoring power over Internet communication as for telecommunication, but without workable provisions for judicial oversight (see Section 2.a.); there is no way to ensure that a warrant be obtained before the FSB begins monitoring Internet private communications.

Internet service providers are required to install, at their own expense, a device that routes all Internet traffic to an FSB terminal. Those providers that do not comply with the requirements face either loss of their licenses or denial of their license renewal. While SORM-2 framers claim that the regulation does not violate the Constitution or the Civil Code because it requires a court order, right to privacy advocates state that there is no mechanism to ensure that a warrant is obtained before the FSB accesses private information. There appears to be no mechanism to prevent unauthorized FSB access to Internet traffic without a warrant.

In 2000 Communications Minister Leonid Reyman issued an order stating that the FSB is no longer required to provide to the telecommunications and Internet companies any court documentation or information about targets of interest. Human rights activists suggested that this order only formalizes existing practices, established since SORM was introduced, of monitoring communications without providing any information or legal justification to those being monitored. In September 2000, the Supreme Court subsequently upheld the requirements that the FSB conduct monitoring only by court order and that it provide information to the company about the target of surveillance; however, despite this ruling, the oversight and enforcement of these provisions were inadequate in practice.

In September 2000, President Putin signed the "Doctrine of Information Security of the Russian Federation," which offers general language on protecting citizens' constitutional rights and civil liberties but also includes specific provisions that justify greater state intervention. For example, the Doctrine gives much leeway to law enforcement authorities in carrying out SORM surveillance of telephone, cellular, and wireless communications.

In November and December, the USMC reported several "round-ups" of conscript age males in Moscow, the northern Caucasus, and other regions. During such round-

ups, at metro stations, or on the street, military officials stopped young males suspected of being subject to conscription and forcibly escorted them to the local military commissariat ("voyenkomat") for induction into the military. According to the USMC, the responsible military officials did not follow applicable regulations and included youths with valid student or medical exemptions in the round-ups, denying them the opportunity to notify their parents, a lawyer, or human rights advocates.

Allegations continued to circulate that officers in the special services, including authorities at the highest levels of the MVD and the FSB, have used their services' power to gather compromising materials on political and public figures as political insurance and to remove rivals. Similarly persons in these agencies, both active and retired, were accused of working with commercial or criminal organizations for the same purpose.

There were credible reports that regional branches of the FSB continued to exert pressure on Russian citizens employed by foreign firms and organizations, often with the goal of coercing them into becoming informants.

In October according to the Glasnost northern Caucasus publication, authorities forcibly expelled more than 100 Roma from the Krasnodar region to Voronezh, their officially registered place of residence. Authorities claimed that the Roma were involved in drug trafficking, although the police brought no formal charges against them.

Government forces in Chechnya looted valuables and foodstuffs from houses in regions that they controlled (see Section 1.g.).

*g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.*—In August 1999, the Government began a second war against Chechen rebels. The indiscriminate use of force by government troops in the Chechen conflict resulted in widespread civilian casualties and the displacement of hundreds of thousands of persons, the majority of whom sought refuge in the neighboring republic of Ingushetiya. Attempts by government forces to regain control over Chechnya were accompanied by the indiscriminate use of air power and artillery. There were numerous reports of attacks by government forces on civilian targets, including the bombing of schools and residential areas. In 2000 Russian forces began a large-scale offensive military campaign in Chechnya; that offensive campaign largely ended following federal occupation of most of Chechnya by the late spring of 2000, although federal forces remained engaged in an intensive anti-insurgency campaign against Chechen guerillas. In January President Putin announced that the active military phase of the struggle against separatism in Chechnya had been completed successfully and that an antiterrorist operation under the direction of the Federal Security Service (FSB) would begin immediately. The antiterrorist operation was marked by several large-scale clashes during the summer, most noticeably in the Argun gorge and the Vedeno district, and by several rebel attacks on population centers, such as a September 17 attack on Gudermes. At the end of May, federal forces were successful in killing rebel commander Arbi Barayev.

On September 24, President Putin broadcast an appeal to the rebels to stop all contacts with international terrorist organizations and to enter into discussions with federal officials within 72 hours on their disarmament and return to a peaceful life. He appointed the presidential envoy for the southern federal region, Viktor Kazantsev, an army general who had served in Chechnya, as a point of contact. On November 18, the two sides conducted initial talks; the topics of discussion were not revealed publicly. Low-level contacts were ongoing at year's end.

The security situation prevented most foreign observers from travelling to the region, and the Government enforced strict controls on both foreign and domestic media access (see Section 2.a.). Federal authorities—both military and civilian—have limited journalists' access to war zones since the beginning of the war in October 1999. Most domestic journalists and editors appeared to be exercising self-censorship and avoiding subjects embarrassing to the Government in regard to the conflict (see Section 2.a.). These restrictions made independent observation of conditions and verification of reports very difficult. Nevertheless there were numerous credible reports of human rights abuses and atrocities committed by federal forces.

A wide range of reports indicated that federal military operations resulted in numerous civilian casualties and the massive destruction of property and infrastructure, despite claims by federal authorities that government forces utilize precision targeting when combating rebels. The number of civilian fatalities caused by federal military operations cannot be verified, and estimates of the total number of civilian deaths since 1999 vary from hundreds to thousands. For example, in December 2000, seven students were killed when Russian forces fired mortar rounds on Grozny State Pedagogical Institute. The local procurator was investigating the incident at year's end. The Chechen procurator's office continued to investigate numer-

ous incidents, only a few of which resulted in convictions. The number of civilians injured by federal forces also could not be verified.

Reports from hospitals operating in the region indicated that many patients were landmine or ordnance victims, and that such weaponry was the primary cause of death. Since August 1999, government forces and Chechen fighters have used landmines extensively in Chechnya and Dagestan. In April 2000, the Government announced plans to mine its border with Georgia. There is no accurate information on the number of persons killed by landmines throughout the country.

In addition to casualties attributable to indiscriminate use of force by the federal armed forces, individual federal servicemen or units reportedly committed many abuses. Command and control among military and special police units often appeared to be weak, and a climate of lawlessness, corruption, and impunity flourished, which fostered individual acts by government forces of violence and looting against civilians. For example, according to Human Rights Watch and press reports, in February 2000, Russian forces executed at least 60 civilians in Aldi and Chernorechiye, suburbs of Groznyy. The perpetrators reportedly raped some of the victims, extorted money, and later set many of the houses on fire to destroy evidence. There were no reports of an investigation into or prosecutions in connection to these actions by year's end.

According to Human Rights Watch and other NGO reports, Russian soldiers executed at least 38 civilians in the Staropromyslovskiy district between December 1999 and January 2000. Most of the victims were women and elderly men, and all apparently were shot deliberately by Russian soldiers at close range. Similar events also occurred in Katr Yurt, where hundreds of already displaced persons were forced to flee, persons were killed, and houses were burned. Russian forces allegedly committed these abuses because Chechen fighters had passed through the village after retreating from Groznyy on February 5. According to human rights NGO's, government troops raped women in Chechnya in December 1999 in the village of Alkhan-Yurt and in other villages. There were no reports of an investigation in to these actions by year's end.

Throughout the year, there were reports of mass graves and "dumping grounds" for victims allegedly executed by Russian forces in Chechnya. On February 21, relatives of three Chechen men who had disappeared in December 2000 while in the custody of Russian soldiers, discovered a large number of bodies, belonging to their relatives and others, near the federal military base at Khankala. Federal law enforcement officials stated that they had found another 48 bodies from the village. By March 14 of the 48 bodies had been identified and the remaining 34 bodies were buried in a village outside Groznyy. Federal officials denied responsibility and there were no reports by year's end that the Government had opened an investigation into the killings (see Section 1.a.).

On April 10, the bodies of 17 men were discovered in a building in Groznyy that formerly was used by federal paramilitary forces. The deceased men all had bullet wounds and reportedly were civilians who had been killed by federal troops 6 months previously. The Presidential Envoy to the Southern Russia federal district initially confirmed that the bodies had been found; however, later during the investigation he claimed that there were no bodies found.

According to the NGO Memorial, government sources vary in their estimates of the number of missing persons. Memorial notes that in 2000 the office of Special Presidential Representative for Human Rights in Chechnya, Kalamanov, recorded an increase in the number of reported cases of missing persons from approximately 900 in early 2000 to approximately 3,000 at the end of that year. At year's end, the local department of the Ministry of the Interior in Chechnya had recorded approximately 700 missing persons (i.e. persons for whom the Ministry was searching). Also at year's end, the Chechen administration's missing persons commission had recorded approximately 1,400 reports of missing persons. On the basis of these sources, Memorial concluded that between 1,000 and 2,000 persons were missing in Chechnya at year's end. Memorial also compiled its own list of missing persons on the basis of verified reports, but it is not comprehensive; that list contained approximately 300 records at year's end.

A typical antiterrorist operation involved the "cleansing" of an area following a rebel attack on a block post or a vehicle carrying military personnel. In March a cleansing in Argun resulted in the deaths of four detainees. Other cleansings took place during the year in the villages of Alleroy (August), Staryye Atagi (August), Goyskoye (August), Tsotsin-Yurt (July), Chernorechiye (June), and in the Kurchaloy district (May and June). In the Kurchaloy district, members of the federal forces entered a private house on May 12 and fatally shot the owner and his son. On June 1, federal forces using trained dogs detained, beat, and attacked 30 men; two of the

detainees disappeared. On June 16, federal forces detained 120 men; local residents found the bodies of 5 men on June 21.

In July following an explosion that killed five federal soldiers riding in a jeep, a particularly severe cleansing action took place in the villages of Sernovodsk and Assinovskaya. Males between 14 and 60 were lined up in the courtyards of houses in which they had been found. Some were able to buy their way out by paying an immediate levy, depending on the validity of their identification documents; cleansings also are a means for military and police personnel operating in Chechnya to supplement their incomes. Federal forces interrogated several hundred others who were unwilling or unable to pay the levies. During these interrogations federal forces beat and tortured the detainees by administering electric shocks. Private and public buildings were looted and destroyed. Federal forces took approximately 100 persons to filtration camps, but eventually released them with the exception of 4 or 5 persons who disappeared. The cleansing caused a temporary outflow of several thousand persons from the villages to refugee camps in neighboring Ingushetiya.

On October 7, a grenade fired from a passing federal military convoy killed a 10-year-old boy not far from Groznyy, resulting in demonstrations by local villagers that halted movement in the area.

On December 13, federal forces began a large scale cleansing operation in the city of Argun. Federal forces detained 150 persons, 40 of whom were detained at the insistence of the Chechen procurator, who had accompanied the federal forces who were conducting the cleansing. The "cleansing" continued for several days, during which time members of the federal forces stole and destroyed property in the houses they were searching. Approximately 15 bodies later were found at the detention points; it could not be determined whether those killed were rebels or civilians. During the last 2 weeks of December, the federal forces carried out similar operations in the villages of Gekhi, Chechen-aul Alkhazur, Tangi-Chu, and Tasotsin. Operations also began in Tsotsin-Yurt. At year's end, six persons from Tani-Chu were detained on unknown charges.

Reportedly armed forces and police units routinely abused and tortured persons held at so-called filtration camps, where federal authorities claimed that fighters or those suspected of aiding the rebels were sorted out from civilians. Federal forces reportedly ransomed Chechen detainees (and at times, their corpses) to their families. Prices were said to range from several hundred to thousands of dollars.

According to human rights NGO's, federal troops on numerous occasions, looted valuables and foodstuffs in regions they controlled. Many IDP's reported that they were forced to provide payments to, or were otherwise subjected to harassment and pressure by, guards at checkpoints.

There were some reports that federal troops purposefully targeted some infrastructure essential to the survival of the civilian population, such as water facilities or hospitals. The NGO Physicians for Human Rights reported that in 2000 physicians in Groznyy Ambulatory Clinic #5 and Groznyy City Hospital #4 stated that their hospitals were destroyed. The indiscriminate use of force by federal troops resulted in a massive destruction of housing, as well as commercial and administrative structures. Gas and water supply facilities and other types of infrastructure also were damaged severely. Representatives of international organizations and NGO's who visited Chechnya also reported little evidence of federal assistance for rebuilding war-torn areas.

There also were widespread reports of the killing or abuse of captured fighters by federal troops, as well as by the Chechen fighters, and a policy of "no surrender" appeared to prevail in many units on both sides. Federal forces reportedly beat, raped, tortured, and killed numerous detainees.

The Government investigated, tried, and convicted some members of the military for crimes against civilians in Chechnya. In September the official news daily Rossiyskaya Gazeta reported that military courts had convicted 15 servicemen for crimes against civilians. Some of those convicted were amnestied. It was reported that of the 1,700 cases filed against servicemen by military procurators, 345 had been stopped for various reasons, including amnesties, and 360 had been handed over to the courts. In one high profile case, Colonel Yuriy Budanov, charged with abducting and murdering an 18-year-old ethnic Chechen girl, underwent a third psychological examination by government-appointed experts. The experts reportedly concluded that Budanov was insane at the time of the murder. Human rights observers alleged that the Government addressed only a fraction of the crimes federal forces committed against civilians in Chechnya.

International organizations estimated that the number of IDP's and refugees who left Chechnya as a result of the conflict reached a high of approximately 280,000 in the spring of 2000 (see Section 2.d.). At various times during the conflict, authorities restricted the movement of persons fleeing Chechnya.

From March 31 to April 4, 2000, U.N. Commissioner for Human Rights (UNCHR) Mary Robinson visited Chechnya to investigate allegations of human rights abuses; however, during the visit, according to Robinson's report to the UNCHR, Russian authorities denied her access to a number of locations, including five detention centers where Amnesty International alleged that Russian guards committed abuses against Chechen detainees. She also was denied access to villages near Groznyy where Russian troops were accused of killing and raping civilians. Robinson met with IDP's in Ingushetiya, who provided firsthand testimony of alleged violations of human rights by Russian military, militia, and Ministry of Interior forces in Chechnya. Authorities asserted that Robinson distorted the true nature of the state of affairs and that Russia never hid the truth about the situation in Chechnya.

In response to international criticism of the human rights situation in Chechnya, several federal government bodies were established to examine alleged domestic human rights violations. In February 2000, President Putin appointed Vladimir Kalamenov as Special Presidential Representative for Human Rights in Chechnya. Kalamenov's office, with a staff of 25 persons, including 3 experts from the Council of Europe, opened branches in Moscow and in a number of locations in the northern Caucasus to take complaints about alleged human rights violations. In April 2000, Pavel Krashennnikov, Chairman of the State Duma Committee on Legislation, was elected head of a newly created Independent Commission on Human Rights in the northern Caucasus. In September 2000, the Commission opened nine offices in Chechnya and three in Ingushetiya. Together Kalamenov's office and Krashennnikov's commission heard several thousand complaints from citizens, ranging from destruction or theft of property to rape and murder; however, neither organization was empowered to investigate or prosecute alleged offenses and had to refer complaints to the military or civil procurators. Almost all complainants alleged violations of military discipline and other common crimes. By October according to Kalamenov's office, 15 soldiers and officers had been tried and sentenced; 42 more were being tried. For the second year, the Federal Government did not comply with an April 2000 U.N. Commission on Human Rights resolution calling for a broad-based independent commission of inquiry to investigate alleged human rights violations and breaches of international humanitarian law.

Chechen fighters also committed abuses; however, as with the many reported violations by federal troops—there were difficulties in verifying or investigating them. According to unconfirmed reports, rebels killed civilians who would not assist them, used civilians as human shields, forced civilians to build fortifications, and prevented refugees from fleeing Chechnya. In several cases, elderly Russian civilians were killed for no apparent reason other than their ethnicity.

On September 3, a bomb exploded in the main Russian administration building in Groznyy, killing one woman. Mufti Alkhmad Kadyrov, the pro-Moscow head of the Chechen Administration, had been conducting a meeting on the third floor when the bomb was detonated.

According to Chechen sources, rebel factions also used violence to eliminate their economic rivals in illegal activities or settle personal accounts. Many Chechens believed that Arbi Barayev (killed at the end of May), Shamil Basayev, and their groups in particular used such violence.

Chechen fighters planted landmines that killed or injured federal forces and often provoked federal counterattacks on civilian areas. In other incidents, the rebels took up positions in populated areas and fired on federal forces, thereby exposing the civilians to federal counterattacks. When villagers protested, they sometimes were beaten or fired upon by the rebels.

Chechen fighters also reportedly abused, tortured, and killed captured soldiers from federal forces. In the summer, rebels began a concerted campaign to kill civilian officials of the government-supported Chechen administration.

Individual rebel field commanders reportedly were responsible for funding their units, and some allegedly resorted to drug smuggling and kidnaping to raise funds. As a result, it often was difficult, if not impossible, to make a distinction between rebel units and criminal gangs.

Some rebels allegedly received financial and other forms of assistance from foreign supporters of international terrorism. The international terrorist leader Usama bin Laden reportedly sent funds, personnel, and material to elements in the rebel camp. A number of the rebels are not ethnic Chechens and are from foreign countries. According to press reports, as many as 400 of Bin Laden's followers may have joined the rebels from his base in Afghanistan (see Section 1.a.). One rebel field commander, Ibn-ul-Khattab, is Saudi-born and reportedly was trained in Afghanistan by Usama bin Laden. In October presidential spokesman Sergey Yastrzhembskiy claimed that there were approximately 200 non-Chechen fighters in Chechnya.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press; however, government pressure on the media persisted and in some respects increased significantly, resulting in numerous infringements of these rights. The Government exerted pressure on journalists, particularly those who reported on corruption or criticized officials, by: selectively denying journalists access to information including, for example, statistics theoretically available to the public and filming opportunities; demanding the right to approve and censoring certain stories prior to publication; prohibiting the tape recording of public trials and hearings; withholding financial support from government media operations that exercised independent editorial judgment; attempting to influence the appointment of senior editors at regional and local newspapers and broadcast media organizations; removing reporters from their jobs; bringing libel suits against journalists; and intimidating and harassing journalists. Faced with continuing financial difficulties and increased pressure from the Government and large, private companies with reported links to the Government, many media organizations saw their autonomy weaken during the year. During the year, two prominent independent broadcast networks, NTV and TV-6, faced intense governmental pressure, mainly as the result of hostile lawsuits brought by large, government-connected energy firms (Gazprom and Lukoil, respectively); many observers believed the Government to be sympathetic toward the plaintiffs in each case, and many observers alleged that there was political influence on court proceedings. Nevertheless, numerous national and regional media reflected a variety of opinions.

The Glasnost Defense Foundation (GDF), an NGO that tracks violations of the rights of journalists in the countries of the former Soviet Union, estimated that government agencies brought several hundred lawsuits and other legal actions against journalists and journalistic organizations during the year, the majority of them in response to unfavorable coverage of government policy or operations. During the year, judges rarely found in favor for the journalists; in the majority of cases, the Government succeeded in either intimidating or punishing the journalist. On March 11, the Kirovskiy Court in Yaroslavl brought criminal defamation and libel charges against the chief editor of City Television, Elvira Mezhenna, because of a May 2000 editorial in which she remarked, “It is no secret that in our oblast, federal departments are in fact subordinated personally to the governor.” This case was the first in which criminal, not civil, charges were brought against a media representative.

In July Krasnoyarsk Governor Aleksandr Lebed attempted to gain ownership of the region’s largest newspaper, Krasnoyarskiy Rabochiy, by filing lawsuits in regional arbitration courts. In October the court rejected the suit. Vladimir Pavlovskiy, the editor, stated that he believed the suits were filed because of reports in the paper critical of Governor Lebed. During the year, the governor of Yaroslavl oblast, the head comptroller inspector of the Ministry of Finance, and 31 other officials also filed libel claims against journalists. With some exceptions, judges appeared unwilling to challenge powerful federal and local officials. Stiff fines for journalists were a common result of these proceedings, as well as occasional jail terms. In a positive development, a court upheld a libel suit by former military reporter Aleksandr Nikitin against a newspaper that accused him of espionage.

Rulings upholding libel and other lawsuits against journalists served to reinforce the already significant tendency toward self-censorship. Many entry-level journalists in particular practiced self-censorship. In April Yuriy Vdovin, a prominent St. Petersburg-based media freedom activist, stated at a Moscow conference on press freedom that “young journalists are particularly vulnerable to self-censorship, because they are less protected from mistreatment by authorities. If a young reporter loses his job for political reasons, his chances of finding a new one are much lower than those of his older, more established colleagues. It is also more difficult for a young unknown journalist to rally public attention and support.” In June 2000, the Security Council adopted an Information Security Doctrine, which outlines “threats to Russian national security” in the fields of “mass media, means of mass communication, and information technology” (see Section 1.f.). There were no discernible repercussions on the press from the Doctrine, although many observers continued to view it as an indication that the Kremlin considers the media to be subject to the administration and control of the Government. Although the document reaffirms the State’s commitment to preserve the freedoms of expression and of access to information, it contains numerous clauses that, according to critics, can be interpreted broadly—and with negative effects on press freedom—by lawmakers and bureaucrats. For example, of particular concern, were the clauses calling for an “increase in propaganda activity to counter the negative effects of the dissemination of misinformation about the internal policies of the Russian state”; and “clarification of the status of foreign journalists and media outlets” working in the country, in order to

“place them on an equal footing with the domestic media.” The concentration of ownership of major media organizations—already a serious threat to editorial independence in 1999—increased during the year. The largest media empires (including media outlets owned by the federal, regional, and local governments) remained intact. However, Media-Most, the country’s largest independent company, was under pressure by the Government and the Government resumed operational control of ORT.

The financial dependence of most major media organizations on the Government or on one or more of several major financial-industrial groups continued to undermine editorial independence and journalistic integrity in both the print and broadcast media. In particular, the concentration of ownership of major media organizations posed a growing threat to editorial independence during the year. The largest media empires (including media outlets owned by the federal, regional, and local governments) remained intact and, in some cases, grew. Government structures, banking interests, and the state-controlled energy giants United Energy Systems (UES) and Gazprom continued to dominate the Moscow media market and extend their influence into the regions. Continuing financial difficulties of most news organizations exacerbated this problem during the year, weakening their financial positions, and thereby increasing their dependence on financial sponsors and, in some cases, the federal and regional governments. As a result of this financial dependence, the media’s autonomy and its ability to act as a watchdog remained weak.

In other important matters as well, private media organizations and journalists across the country remained dependent on the Government during the year. For example, according to the Glasnost Defense Foundation (GDF), some 90 percent of print media organizations continued to rely on state-controlled organizations for paper, printing, or distribution, while many television stations were forced to rely on the state (in particular, regional committees for the management of state property) for access to the airwaves and office space. The GDF also reported that officials continued to manipulate a variety of other “instruments of leverage” (including the price of printing at state-controlled publishing houses) in an effort to apply pressure on private media rivals. The GDF noted that this practice continued to be more common outside the Moscow area than in the capital itself. Private print and broadcast media, like other enterprises, were vulnerable to arbitrary changes in the policy and practice of tax collection. Although media routinely continued to receive tax breaks on high-cost items such as paper, the GDF and other media NGO’s documented numerous instances of government use of taxation mechanisms to pressure media across the country. The Government also occasionally sought to limit reporting on tax matters.

In 2000 the Federal Security Service (FSB) office of the Volgograd region tried to impose a “cooperation agreement” on a number of local newspapers, including *Volgogradskaya pravda*, *Inter*, *Gorodskiy vestnik*, and *Delovoye povlozhye*, which reportedly were pressured into signing the agreement. The document obliged the papers to clear with the FSB prior to publication all of their reports concerning the FSB and to print official FSB releases without comment. The locally based Center for Protection of Media Rights published the agreement, which attracted media attention across the country and subsequently was opposed by human rights advocates. No attempts to enforce the agreement had been made by year’s end.

Journalists continued to depend on local authorities for accreditation for major news events. There were widespread reports of both favoritism toward reporters associated or aligned with the federal or local administration, and the denial of access to journalists representing independent media organizations. Journalists at *Kommersant* and *Argumenty i fakty*, two credible newspapers with fairly independent editorial stances, reported that criticizing the Kremlin had resulted in their being barred from the Kremlin pool, a limited group of journalists accredited by the Presidential press service for events in the Kremlin. The newspapers’ exclusion from the pool affected their ability to report significant events and compete with media outlets loyal to the Kremlin.

The Government owns nearly one-fifth of the 12,000 registered newspapers and periodicals in the country and exerts significant influence over state-owned publications. In March the opposition newspaper *Russkii Obozrevatel* almost ceased publishing in the Republic of Bashkortostan; the newspaper’s founder could not find a company in the Republic willing to publish the newspaper and was forced to publish in another oblast. A group of private distributors came together to produce the newspaper; however, many were threatened by local government officials with revocation of their licenses.

The Government owns approximately 150 of the 550 television stations in the country and indirectly influenced private media companies through partial state ownership of the gas monopoly Gazprom and the oil company Lukoil, which in turn

own large shares of media companies. Of the three national television stations, the State owns Russian Television and Radio (RTR) and a majority of Russian Public Television (ORT); it also maintains ownership or control of the major radio stations Radio Mayak and Radio Rossii and news agencies ITAR-TASS and RIA-Novosti. The Government owns a 38 percent controlling stake of Gazprom, which in turn has a controlling ownership stake in the prominent, privately owned national television station, Nezavisimoye Televideniye (NTV). Since Gazprom's takeover of NTV in April, the Government was in a position to influence NTV's editorial stance. However, at year's end NTV, continued to assert some editorial independence.

The Government exerts its influence most directly on state-owned media. For example, in the spring, the senior staff of RTR—the station with the most extensive coverage area—reported to media freedom observers that managers offered “guidance” to program announcers and selected reporters, indicating which politicians should be supported and which should be criticized; criticism of presidential policies was discouraged strongly and even prohibited. Correspondents claimed they occasionally were asked to obtain senior management approval for reports on sensitive political prior to broadcasting; occasionally “negative” language was edited out. At times, high-level presidential administration officials reportedly complained to RTR executives about reporting they viewed as critical of the President.

On October 30, officials from a local communications inspectorate suspended broadcasts of the independent radio station Viktoriya in Yakutsk for a month. The owner and general director Aleksandr Glotov stated that he believed that broadcasts were suspended because local authorities were trying to control independent media in the period prior to the December 23 presidential election in the Sakha republic (Yakutiya) (see Section 3). The station was allowed to broadcast again after Glotov successfully defended himself against the charges. On December 6, 2 weeks prior to the elections, Glotov was charged with inciting interethnic conflict and placed in a pretrial detention facility. During Glotov's interrogation, he was taken by ambulance to a hospital, placed in intensive care, and treated for a weak heart condition. While in the hospital, Glotov claimed that he probably was arrested because of an article in his Viktoriya-Sakha newspaper critical of Deputy Procurator and presidential candidate Vasily Kolmogorov. Glotov said the charge of inciting interethnic conflict was “laughable,” since Viktoriya was the first independent radio station in Sakha to broadcast in the Yakutsk language. Communications officials suspended broadcasts for a month and stated that the suspension was necessary because the station lacked the proper technical documents.

At the regional and local levels, the governments operated or controlled a much higher percentage of the media than in Moscow; in many cities and towns across the country, government-run media organizations were the only major source of news and information, according to the GDF. As a result, in many media markets, citizens received information mainly from unchallenged government sources.

The struggle between Media-Most (owned by Vladimir Günsinskiy) and Gazprom over control of NTV and other Media-Most properties continued during the year. At year's end, the court case against Media-Most financial chief Anton Titov was unresolved after a year of investigations and initial court decisions. Titov remained in pretrial detention where he has been since January 16, when he was arrested on charges of fraud. On October 29, the Procuracy General completed its investigation of the alleged embezzlement of \$68,500,000 (5 billion rubles), use of false documents, and money laundering by Titov, and turned the case over to a judge. In early November, Moscow's Cheremushkinskiy intermunicipal court returned the case to the prosecutor for further investigation, saying the initial inquiry had failed to provide evidence of a crime. The Procurator General called the court decision “baseless” and filed an appeal with the Moscow city court, which returned the case to the Cheremushkinskiy intermunicipal court on December 26.

In April the majority stockholder of Media-Most, the government-controlled gas monopoly Gazprom -seized some Media-Most properties in response to Günsinskiy's inability to meet a \$262 million (7.5 billion rubles) scheduled debt payment that had been guaranteed by Gazprom. Günsinskiy reportedly had signed an agreement with Gazprom-Media chief Alfred Kokh just before leaving the country in July in which he pledged to sell a controlling share of his media enterprises to Gazprom. Günsinskiy insisted publicly that he had signed under duress, citing a protocol to the agreement that was cosigned by Press Minister Mikhail Lesin. Many observers interpreted the protocol as a quid pro quo in which the Government agreed to drop its criminal investigations of Günsinskiy and Media-Most in exchange for receipt by Gazprom of a controlling share in NTV and Media-Most. The Government characterized the case against Media-Most as strictly financial; however, the synchronous efforts and harsh tactics of the Procuracy, the MVD, the FSB, and the tax police to

gather evidence for their court case against Media-Most reinforced the impression that the Government intended to aid Gazprom in its takeover (see Section 1.d.).

Also in April, tax police raided the offices of cable television network *Territoriya Nashego Telezritelya* (TNT), which had hired some of the journalists who quit NTV in protest over the Gazprom takeover. The action was taken ostensibly over a \$6,675 (19,277 rubles) tax bill that had been paid in September 2000. In April on the basis of an article in the civil code that prohibits companies from showing a negative balance for more than 2 years, the majority stockholder won a suit to close down the heavily indebted *Segodnya* newspaper—the flagship of the Gusinskiy media empire. Also in April, the majority owner also replaced the entire management and reporting staff of *Itogi* magazine. In May procurators raided the offices of the radio station *Ekho Moskvy*, the only profitable Media-Most property, supposedly searching for incriminating financial documents. This action frightened away advertisers for some time; however, *Ekho Moskvy* continued to operate independently at year's end.

In September a provision of the joint stock companies law that allows a minority shareholders to force the liquidation of companies showing a negative balance for more than 2 years was invoked against TV-6, another privately owned television station with a reputation for independent news coverage. TV-6 had hired a number of NTV journalists who had quit NTV to protest Gazprom's take over. Minority shareholder *Lukoil-Garant*, a pension fund that owns 15 percent of TV-6, won a claim in the Moscow Arbitration Court to liquidate TV-6's parent company, which is 75 percent owned by the oligarch, Kremlin critic, and exiled businessman, Boris Berezovskiy. Media freedom experts generally considered the ruling to be a government-supported effort to remove TV-6 from the control of Berezovskiy, accused of financial crimes in an unrelated case, and to remove a management team headed by Yevgeniy Kiselev that had moved to TV-6 after the Gazprom takeover of NTV. On December 29, an appeals court overturned the September ruling and returned the case to a lower court for review. Although the formal link between the Government and TV-6 does not extend beyond a 16-percent government stake in energy giant *Lukoil*, in the view of most independent observers the timing of the suit (brought precisely when TV-6 was becoming profitable), the unusually expeditious handling by the courts, the actual court rulings, and the speed with which the Government rushed to implement and enforce those decisions all point to the suit's non-commercial motives.

At times local government officials actively restricted freedom of the press, particularly during election periods. In March Nizhniy Novgorod's regional head administrator Sergey Vasin enlisted the aid of local police to turn off the local television transmitter, because he claimed that he had been denied legally mandated access to airwaves during his campaign. The station's director stated that Vasin had been offered an opportunity to participate in an election program with other candidates, but turned it down. In March in Bashkortostan, the editor of the opposition newspaper *Russkiy obozrevatel* had difficulty finding a publisher or distributor after publishing an article criticizing the Bashkortostani president; private distributors of *Russkiy obozrevatel* claimed that government officials had warned them against selling copies. In June Irkutsk law enforcement officials confiscated all copies of *Vostochnosibirskiye vesti*, reportedly the only newspaper that had criticized Governor Boris Govorin, who was up for reelection in July; this was the 19th confiscation of the newspaper since its founding in 2000. The reasons for these confiscations are not known. In September the Lipetsk Press Ministry suspended the broadcasting license of the independent TVK television company in the midst of an ownership and management dispute over the station. During a court-contested shareholder's meeting on August 24, shareholders replaced former station director Aleksandr Lykov with business executive Dmitry Kolbasko, who reportedly was favored by the incumbent governor Oleg Korolev. Lykov told the media advocacy organization, Committee to Protect Journalists that he believes the Korolev administration supported the change in management in order to influence reporting prior to the April gubernatorial election.

Journalists who published critical information about local governments and influential businesses, as well as investigative journalists writing about crime and other sensitive issues, continued to be subjected to death threats and threats of beatings and other physical violence by unknown assailants. Journalists frequently were attacked physically, although in the majority of these cases, no direct link was established between the assault and the authorities who reportedly had taken offense at the reporting in question. A number of independent media NGO's have characterized beatings by unknown assailants of journalists as "routine," noting that those who pursued investigative stories on corruption and organized crime found themselves at greatest risk.

During the year, authorities harassed and abused Olga Kitova, a correspondent for Belgorodskaya Pravda and a member of the Belgorod regional parliament, because of her reporting on regional government officials. In January the Union of Journalists revoked her first prize award for investigative reporting. On March 21, the Belgorod Oblast procurator opened a criminal case against her, charging her with "insult and violence" against state officials. Subsequently 10 police officers detained her outside her home, beat her, and took her to a hospital for treatment. The police claimed she was arrested for failing to respond to a summons; however, as a member of the regional parliament, she legally was immune to questioning or arrest on criminal charges. On May 22, police arrested Kitova again; the arresting officers presented neither identification nor a warrant for her arrest. She was taken to a temporary holding cell in the district police station where she apparently suffered a heart attack. After a dispute between two doctors regarding her fitness for transfer to the pretrial detention center, she was taken to the city hospital and treated for acute hypertension and heart ailments. On May 28, the Western District Court of Belgorod ruled that her arrest was unlawful on procedural grounds, but the procurator successfully appealed the decision in June. On June 8, the hospital discharged her. On September 3, Kitova's third trial began but was recessed on October 26 because of her ill health. In December Kitova received a 2½ year suspended sentence on the libel charges and her lawyers filed an appeal with the Supreme Court. She remained free pending trial at year's end.

Media NGO's and the press reported a number of killings of journalists, presumed to be related to their journalistic work, and dozens of other attacks on journalists. As in 2000, police seldom identified the perpetrators of crimes against journalists. On May 17, Vladimir Kirsanov, a local newspaper editor from Kurgan, was reported missing after his bloodstained documents were found on the bank of the Tobol river in Kurgan. Many of Kirsanov's colleagues believe he was killed because of his investigative reporting on corruption among oblast officials, and because of his reported conflict with oblast governor Oleg Bogomolov. According to the newspaper Versiya, on May 23, the Kurgan oblast procurator's office opened a criminal investigation, which was ongoing at year's end; representatives of the Glasnost Foundation and Reporters Without Borders assisted with the investigation.

On September 19, Eduard Markevich, editor of Novyye Reft, was shot and killed. Colleagues claimed that Markevich had received threatening phone calls prior to the shooting, and colleagues and media advocacy groups believe that Markevich was killed because of his investigative reporting. Markevich often had criticized local authorities and law enforcement, and on September 16, he participated in local parliamentary campaigns. In 2000 authorities detained him for 10 days after the local procurator charged him with defamation because of an article he wrote questioning the propriety of a government contract.

Previous murders of journalists still unsolved included the September 2000 killing of Radio Free Europe/Radio Liberty correspondent Iskander Khatloni. At the time of his death, Khatloni had been investigating alleged human rights abuses by the federal military in Chechnya; the July 2000 killing of Igor Domnikov, a journalist with Novaya Gazeta; and the July 2000 killing of Sergey Novikov, president of independent radio station Vesna.

In November 2000, a trial began for the 1994 killing of Dimitriy Kholodov, the military affairs correspondent for the news daily Moskovskiy Komsomolets, who was killed when he opened a briefcase full of explosives. The six defendants include former intelligence chief of the airborne infantry Colonel Pavel Popovskikh, three other officers, and two civilians. On August 28, witnesses testified that the explosive materials in Kholodov's briefcase did not come from military stock and weighed less than 50 grams, undermining the case against Popovskikh. In October the judge was hospitalized and the trial was recessed; however, the trial had resumed in the Moscow okrug military court by year's end.

The northern Caucasus region continued to be dangerous for journalists. Kidnapings and assaults remained serious threats. In addition federal authorities—both military and civilian-limited journalists' access to war zones and confiscated reports and equipment. The Government required reporters to obtain special accreditation besides the usual Foreign Ministry accreditation for entry to the region. In some cases, foreign journalists publicly complained that military officials in the northern Caucasus region made it excessively difficult for them to obtain local press accreditation. In February in a high profile case that was brought to the attention of the President, federal army soldiers detained overnight the well-known Novaya Gazeta reporter Anna Politkovskaya, who was in Chechnya attempting to investigate reports of torture and rape by the federal military. She was charged with violating accreditation procedures and regulations imposed by the military command. Sergey Yastrzhembskiy, a senior presidential aide for public information on

Chechnya, stated that Politkovskaya had a valid accreditation for Chechnya, but could travel in Chechnya only if she informed officials of her plans. The Russian branch of the international writers' defense organization PEN strongly criticized her arrest. Politkovskaya was released unharmed, but stated that her FSB interrogators threatened her with death while she was in detention. International publicity surrounding her detention may have played a part in her release. Politkovskaya continued to cover Chechnya during the year, but in October decided to leave the country after receiving more death threats. She stated that the death threats were associated with her September 20 article alleging that a government helicopter downed on September 17 in Grozny had been shot down by federal forces, not rebels as alleged by authorities. Politkovskaya remained abroad at year's end.

In May and June, a poll conducted among adults throughout the country by the Institute for Comparative Social Research reported that 7 percent of adults have access to the Internet and that Moscow and St. Petersburg have the highest number of users. Access appears to be unrestricted, but the Government requires Internet service providers to provide dedicated lines to the security establishment so that police can track private email communications and monitor activity on the Internet. The system of operative and investigate procedures (SORM-2) continued during the year to limit the electronic privacy of both citizens and foreigners (see Section 1.f.).

The Government respects academic freedom; however, during the year, human rights activists questioned whether the Sutyagin case and others discouraged academic freedom and contact with foreigners on issues that might be deemed sensitive (see Section 1.e.).

*b. Freedom of Peaceful Assembly and Association.*—The Government generally respected freedom of assembly; however, at times this right was restricted at the local level. Organizations must obtain permits in order to hold public meetings and the application process must begin between 5 and 10 days before the scheduled event. Religious gatherings and assemblies do not require permits. While permits to demonstrate were granted readily to both opponents and supporters of the government groups some have been either denied permission to assemble, or once Ministry of Justice officials issued permission, local officials have withdrawn it. In general citizens freely and actively protested government decisions and actions.

On occasion local authorities arbitrarily denied permits to demonstrators or appeared not to observe applicable regulations in denying such permits. For example, in May authorities in Podolsk denied a permit to the Anti-Militarist Radical Association and the Radical Party to hold a demonstration against the war in Chechnya in front of the Podolsk military commissariat ("voyenkomat"), claiming that most of the event's potential participants were not residents of Podolsk but of Klimovsk, another town in the same region. In June Presnya district authorities in Moscow denied organizers a permit to hold a demonstration in front of the International Trade Center, claiming that the location was too close to potentially explosive and flammable installations; officials denied the permit without giving the organizers the required 3 days' notice. The demonstrators intended to protest the decision to hold the 2008 Olympics in Beijing, citing China's human rights record. In August police disrupted a planned peace march from Grozny to Moscow by invoking their legal authority to conduct document checks; several persons were detained for lacking registration permits (see Section 2.d.).

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Public organizations must register their by-laws and the names of their leaders with the Ministry of Justice. A 1995 law required NGO's to reregister with local branches of the Ministry of Justice by a November 1999 deadline. In 2000 some NGO's expressed concerns that, if they failed to reregister in time, they would be vulnerable to liquidation (elimination of juridical status by court order) by local authorities who were hostile to human rights or opposition political activity. Nonetheless such concerns have abated, and according to Lyudmila Alekseyeva, Chair of the Moscow Helsinki Group, the majority of groups that desired to register were able to do so, although at times only after repeated attempts.

On June 12, President Putin met with the leaders of several dozen selected NGO's working in various sectors and stressed that NGO's have an important role to play in society. NGO and media observers credited the meeting as recognition of civil society by a national leader; however, at the same time, many NGO and political leaders noted that representatives of human rights and environmental NGO's were not invited to participate in the June 12 meeting. They also expressed concern that the meeting might signal a government attempt to exercise greater control over NGO's or to distinguish between those playing a "constructive" role (such as charitable groups) and those deemed "too political" (such as human rights and environmental groups). Critics voiced similar fears about Civil Forum in November, which was or-

ganized by a group of organizations and individuals who are formally independent but closely linked to the Government. The organizers successfully encouraged participation of some human rights groups and other NGO's that were not included in the President's June 12 meeting; nevertheless, a few others declined to participate because they believed the Government was attempting to organize all NGO's under one umbrella in order to increase its control over them (see Section 4).

In July President Putin signed into law legislation on political parties, which requires parties to have 10,000 members in order to be registered and function legally, with no less than 100 members in a majority of the country's 89 regions (see Section 3).

*c. Freedom of Religion.*—The Constitution provides for freedom of religion; however, although the Constitution also provides for the equality of all religions before the law and the separation of church and state, in practice the Government does not always respect the provision for equality of religions, and in some cases local authorities imposed restrictions on some groups.

In its preamble (which government officials insist has no legal force), the 1997 Law on Freedom of Conscience recognizes the "special contribution of Orthodoxy to the history of Russia and to the establishment and development of Russia's spirituality and culture." It accords "respect" to Christianity, Islam, Buddhism, Judaism, and certain other religions as an inseparable part of the country's historical heritage. Russian Orthodoxy is considered in conservative nationalist circles as the de facto official religion of the country. Many Russians firmly believe that at least nominal adherence to the Russian Orthodox Church is at the heart of what it means to be Russian. However, many religious minority groups and NGO's have complained of what they believe is a confluence between the Russian Orthodox Church and the state. Public statements by some government officials and anecdotal evidence from religious minority groups suggest that the Russian Orthodox Church in some cases may enjoy a status that approaches official. The church has entered into a number of agreements with government ministries that have raised the question of favoritism. For example, the Russian Orthodox Church has made special arrangements with government agencies to conduct religious education and to provide spiritual counseling. Although other denominations such as Protestant groups have been granted access to military personnel, it is on a much more limited basis than that accorded to the Russian Orthodox Church.

The 1997 Law on Freedom of Conscience targeted so-called totalitarian sects or dangerous religious cults and all religious organizations previously registered under the 1990 law to reregister or face liquidation. Among the law's most controversial provisions are those that limit the rights, activities, and status of religious "groups" existing in the country for less than 15 years and that require that religious groups exist for 15 years before they can qualify for "organization" status. The 1997 law required that all religious organizations registered under the 1990 law be reregistered by December 31, 1999, or face possible liquidation. This deadline eventually was extended by a year to December 31, 2000 and liquidation was made mandatory. Groups that did not manage to register under the 1990 law or groups that are new to the country remained severely hindered in their ability to practice their faith. However, for those that were registered before the passage of the 1997 law, the situation was somewhat better. A November 1999 Constitutional Court ruling effectively "grandfathered in" a number of religious organizations that were registered at the time the 1997 law was passed but could not prove 15 years of operation in Russia. The Ministry of Justice reported that as of January 1, 20,215 organizations had either registered under the old law, reregistered, or registered anew, while approximately 10 percent were subject to liquidation for having failed to reregister by the deadline. The Ministry reported that 87 percent of organizations registered under the previous law reregistered successfully. There were reports that by May almost 100 organizations had been liquidated. According to the Ministry of Justice, most of these organizations were defunct, existing on paper only. However, religious minority denominations and NGO's reported that a number of these groups were active and were liquidated despite repeated attempts to reregister; some of these cases were being challenged in court. A government working group is reportedly preparing possible changes and amendments to the 1997 law; however, no new changes were announced by year's end.

Implementation of the 1997 religion law has varied widely in the regions, depending on the attitude of local offices of the Ministry of Justice whose offices are responsible for registering new organizations, reregistering existing organizations, "liquidating" (i.e., eliminating of the organization's status as a juridical person through a judicial process) those religious organizations that do not manage to reregister, and banning groups deemed a threat to society. In some areas such as Moscow, local authorities have prevented minority religious denominations like the Jehovah's Wit-

nesses and the Salvation Army from reregistering as local religious organizations, subjecting them to campaigns of legal harassment.

On December 6, the Moscow city court upheld a lower court ruling to liquidate the local chapter of the Salvation Army for having failed to complete its reregistration before the deadline. The group stated its intention to continue ministering to capital residents through its centrally-registered organization, which was approved by the Ministry of Justice in February; however, at year's end, officials were preventing the transfer of key properties from the local chapter to the centrally registered organization, and the Salvation Army's legal authority to conduct its Moscow ministry was uncertain. The Salvation Army also filed suit with the European Court in Strasbourg.

The Moscow department of the Ministry of Justice has denied the Jehovah's Witnesses' repeated applications to reregister under the 1997 law, and at year's end, the courts continued to uphold those denials. In addition the procurator for Moscow's northern administrative circuit has sought actively to ban the Jehovah's Witnesses. In February the Jehovah's Witnesses successfully defended themselves against such a ban in Moscow's Golovinskiy intermunicipal court. On October 30, a new trial to ban the group began in the same court; the procurator introduced a witness as "a representative of the Russian Orthodox Church" and proceeded to question the legitimacy of the Jehovah's Witnesses' doctrinal beliefs. At year's end, the trial was ongoing. Outside of Moscow, local officials in Chelyabinsk, Chuvashiya, Tver, and Novgorod also have denied registration to the Jehovah's Witnesses. The group has succeeded in registering a religious center and local religious organizations in numerous other communities.

In some cases, religious organizations successfully enlisted the assistance of the judiciary to overcome bureaucratic resistance to their reregistration. For example, in April a court in Orel ordered the local department of the Ministry of Justice to register a chapter of the Jehovah's Witnesses. In July the Supreme Court of Kabardino-Balkariya ordered the local department of the Ministry of Justice to register the Jehovah's Witnesses' local religious organizations in three communities. In September a court in Kirov ordered the local department of the Ministry of Justice to register the Volga-Vyatsk church, a Pentecostal congregation.

The Church of Scientology has experienced problems in reregistering its organization in Moscow. In October the Moscow city court upheld a lower court ruling on the denial of reregistration to the church's local chapter, and the local department of the Ministry of Justice initiated liquidation proceedings against the chapter.

By year's end, the Church of Jesus Christ of Latter-day Saints (Mormons) had registered successfully 38 local religious organizations; however, in several regions, local officials have impeded registration. For example, beginning in 1998 the church attempted to register a local religious organization in Kazan, Tatarstan. The local department of the Ministry of Justice refused to register the church. The local department of the Ministry of Justice then liquidated it without a judicial process. The local department of the Ministry of Justice in Chelyabinsk also continued to reject the local registration application of the Church of Jesus Christ of Latter-Day Saints based on the alleged incompatibility of church activities with federal law. The Chelyabinsk department of the Ministry of Justice also rejected the registration applications of Baptist, Adventist, and Pentecostal churches on similar grounds.

According to NGO and media reports and government officials, many local Muslim religious organizations were unable to reregister before the December 31, 2000, deadline. According to the Ministry of Justice, 3,048 Muslim religious groups reregistered by the deadline, up from 2,610 in May 2000. On January 23, a spokesman for Supreme Mufti of Russia Talgat Tadzhuiddin stated that, of the more than 2,000 organizations under the Central Spiritual Authority of Muslims of Russia (TDUMR), only 1,700 had reregistered, leaving more than 300 subject to liquidation. According to the spokesman, many of these organizations lacked the financial means to pay for legal fees and travel to administrative centers necessary to reregister; some communities chose not to pursue reregistration. To complicate matters, rival Muslim groups have accused each other of "Wahhabism" (see Section 5). This pejorative label may have had a detrimental effect on reregistration in certain regions and has made local ethnic Russians more wary of Muslim religious organizations. By year's end, there were several reports of liquidations.

The Procurator General was criticized by human rights activists and religious minority denominations for encouraging legal action against some minority religions and recommending as authoritative references materials that are biased against Jehovah's Witnesses, Mormons, and others.

Reports of official harassment and punishment for religious belief or activity continued. Some religious minority denominations accuse the FSB, Procurator, and other official agencies, of increasing harassment of certain "nontraditional" denomi-

nations, in particular, Pentecostals, Scientologists, Jehovah's Witnesses, Mormons, and the Unification Church. Churches have been targeted for ostensible criminal investigations, landlords have been pressured to renege on contracts, and in some cases, the security services may have influenced the Ministry of Justice in registration applications. Such groups continued to face discrimination in their ability to rent premises and conduct group activities. For example, the office of the Procurator General has harassed Krishna believers with a series of frivolous investigations, including examining literature in order to make an expert opinion of whether the beliefs are harmful to society. In February the Chief Rabbi of Moscow—a foreign citizen—experienced unusual delays and warnings before his routine visa renewal. Officials of the tax police and the Department of Visas and Registration (OVIR) visited the offices of the Moscow Jewish Community to examine its records. OVIR informed them of discrepancies in the organization's records and warned the community that such discrepancies could compromise their ability to issue invitation letters to foreign visitors.

Contradictions between federal and local law in some regions and varying interpretations of the law furnished regional officials with pretexts to restrict the activities of religious minorities. Discriminatory practices at the local level are attributable to the relatively greater susceptibility of local governments to lobbying by majority religions, as well as to discriminatory attitudes that are widely held in society. For example, articles heavily biased against religions considered “nontraditional” appear regularly in both local and national press. There were reports of harassment of members of religious minority groups. Several religious communities have been forced to defend themselves in court from charges by local authorities that they are engaging in harmful activities; however, at times local courts demonstrated their independence by dismissing frivolous cases or ruling in favor of the religious organizations. Nonetheless at times authorities sometimes have been slow to carry out such rulings and in many cases have appealed the rulings.

In December 2000, a Moscow court returned a case in which the Church of Scientology was accused of “criminal activities” to law enforcement authorities for further investigation because of irregularities by the procurator's office. In January the case resumed, but subsequently was dismissed for lack of evidence. The procurator appealed, but the appellate court upheld the lower court's ruling in May, clearing the Scientologists of all charges.

Church officials and religious freedom advocates claim that the head of the Khabarovsk administration's Department of Religion engaged in a campaign against the region's Pentecostals, hindering the church's registration efforts and harassing visiting foreign missionaries with bureaucratic requirements, such as repeated document checks and challenges to valid visas, in an attempt to discourage missionaries from staying in the region.

Reports continued that some local and municipal governments prevented religious groups from using venues, such as cinemas, suitable for large gatherings. In many areas of the country, government-owned facilities are the only available venues. As a result, in some instances denominations which do not have their own property effectively have been denied the opportunity to practice their faith in large groups. For example, in March Sergey Ryakhovskiy's Pentecostal “The Moscow Church of God of Christians of the Evangelical Faith” learned that a local theater, which for years had provided space for the Church's meetings, had reneged on a long-standing agreement after what the Church claims were threats by authorities.

The Government has implemented partially an interagency program to combat extremism and promote religious and ethnic tolerance. Broad in scope, the original plan called for a large number of interagency measures, such as the review of federal and regional legislation on extremism, mandatory training for public officials on how to promote ethnic and religious tolerance, and new educational materials for use in public educational institutions. Implementation of the plan, which is guided by an interagency commission on combating extremism headed by the Ministry of Education, was sporadic. Nevertheless, at least one NGO was able to work parallel to the program, participating in training law enforcement and other government officials (both local and federal) in promoting tolerance. The Saint Petersburg NGO Harold and Selma Light Center, in conjunction with a foreign-based NGO, conducted programs in several northwestern cities such as Petrozavodsk, and in the city of Ryazan.

According to a December 1, 2000, report on NTV, municipal authorities in Penza denied members of the Protestant church “Living Faith” permission to use a rented movie theater. The congregation was forced to move to a dilapidated building without heat, where temperatures during the winter reached 15 degrees below zero centigrade. The Russian Orthodox Church Outside Russia (ROCOR), which does not recognize Patriarch Aleksiy's authority, also has had numerous problems obtaining

access to places for gathering. As of April, according to Keston News Service, only a small percentage of the Church's 100 parishes were able to meet in buildings. Keston reported that local officials appear reluctant to provide buildings to Orthodox churches not affiliated with the Moscow Patriarch. According to a May 14 Keston report, the region's chief architect, refused to allow a Protestant congregation in Vyborg to restore or even use a building it bought in 1998; authorities have refused to rezone the site for public (rather than industrial) use. Authorities in Sayanogorsk, in the Republic of Khakasiya, also have refused to allow the Pentecostal Church "Glory" to rent or use public space, despite the fact that the Church legally is registered and repeatedly has approached the municipal administration. Regional authorities who are attempting to remove a historic mosque have harassed Muslims in Vologda. Keston reported on May 11 that since the regional government lost a related case in the Supreme Court, the Muslim community has been subjected to financial investigations, which the community claims are frivolous. Muslims in the Komi Republic have not been able to build a mosque due to what many observers believe to be societal discrimination. On April 10, Keston reported that Taganrog authorities ordered the Muslim community to demolish its mosque. Muslims claim that the order was based on anti-Muslim bias and were refusing to carry out the order at year's end. Hare Krishna leaders in Moscow have sought unsuccessfully for several years to acquire property to build a new temple and center. The Hare Krishna face eviction from their place of worship for the construction of a new road. Jehovah's Witnesses and Baptists in Moscow and other regions continued to have trouble leasing assembly space and obtaining the necessary permits to renovate buildings. Mormons also have experienced trouble in obtaining permission to build and then occupy an assembly hall in Volgograd. The Volgograd building eventually was completed, but municipal officials delayed issuing permission to use the completed building.

During the summer, city authorities in Kazan, Tatarstan, sought to prevent the immediate repair and continued use of a Jewish school building that had been damaged by fire. On July 13, a fire, which some Jewish leaders suspected to be the result of arson, damaged the roof and upper floor of the school. On July 18, municipal authorities issued a decree closing the school for the upcoming academic year and transferred the students to another school. Offers by parents and others in the Jewish community to repair the school at their own expense initially were rejected by the city authorities, who ostensibly were concerned that the building had suffered structural damage; however, the officials openly voiced their discomfort with the location of a Jewish school in an historically Tatar neighborhood. On August 21, the Vakhitovskiy regional court found that the authorities had acted improperly in decreeing the transfer of the Jewish students. The city authorities did not prevent parents from completing essential repairs before the school year opened on September 1. City officials, the local Jewish community, and the Russian Jewish Congress agreed in writing that the Jewish school would move to a new facility to be provided by the city in time for the school year beginning September 2002. However, by year's end, the city had not offered an alternative facility acceptable to the Jewish community.

During the year, the Government was more active in preventing or reversing discriminatory actions taken at the local level, by more actively disseminating information to the regions and, when necessary, reprimanding the officials at fault. President Putin also has sought stricter and more consistent application of federal laws in the many regions of the country. Working through the Procuracy, the Ministry of Justice, the Presidential Administration, and the courts, the Government has persuaded the regions to bring their laws into conformance with federal laws and with the Constitution. The Presidential Academy of State Service also has worked with religious freedom advocates such as the Slavic Center for Law and Justice to train regional and municipal officials in the proper implementation of the law.

Representative offices of foreign religious organizations are required to register with state authorities. They are barred from conducting liturgical services and other religious activity unless they have acquired the status of a group or organization. Although the law officially requires all foreign religious organizations to register, in practice foreign religious representatives' offices (those not registered under law) have opened without registering or have been accredited to a registered religious organization. However, those offices cannot carry out religious activities and do not have the status of a religious "organization."

On December 3, the Supreme Court rejected the Belgorod local procurator's challenge to a local law restricting missionary activity. The law also restricted the missionaries use of local venues for religious meetings. Foreigners visiting the region are forbidden to engage in missionary activity or to preach unless the conduct of missionary activity had been stated in their visas (some groups reportedly sent reli-

religious workers on business or tourist visas in order not to alert the authorities to their activities). On August 21, the Belgorod regional court ruled to strike one article of the law, which stated that groups receiving repeated violations would be banned.

Roman Catholic religious workers have experienced problems in obtaining desired residency permits and visas. Foreign Catholic religious workers who are assigned full-time to parishes in Russia must go abroad once a year in order to renew their visas.

The Government continued to deny other foreign missionaries visas to return to the country, reportedly as a result of earlier conflicts with authorities. Federal authorities have denied visas to Dan Pollard, formerly of the Vanino Baptist Church in Khabarovsk region, and David Binkley of the Church of Christ in Magadan who were denied visas despite their acquittal on tax and customs charges. Other instances involve Charles Landreth of the Church of Christ in Volgograd who the local press accused of being a spy and Monty Race of the Evangelical Free Church of America. Race, who is married to a Russian citizen and has two children, also has been refused permission to register as the resident foreign spouse of a Russian citizen.

The Church of Jesus Christ of the Latter-Day Saints (Mormons) has had great difficulty in securing visas for some of its foreign missionaries, in particular when working through the Vladivostok department of the Ministry of Foreign Affairs. The Mormons have had problems in procuring residency permits for missionaries in regions such as Chelyabinsk and Kazan. According to the Church's lawyers, areas such as Chelyabinsk have impeded foreign religious workers from registering, presumably to restrict foreign proselytizing.

Mormon missionaries throughout the country frequently were detained for brief periods or asked by local police to cease their activities, regardless of whether they actually were in violation of local statutes on picketing.

Property disputes are among the most frequent complaints cited by religious groups. In accordance with a presidential decree some synagogues, churches, and mosques have been returned to communities to be used for religious services. However, on March 15, the work of the restitution committee ceased by order of Prime Minister Kasyanov. According to the Government, requests for restitution may be considered by the official entities responsible for the properties in question. For example, the Jewish community, which has met with some success on communal property restitution, continued to seek the return of synagogues around the country and of cultural and religious artifacts such as the Schneerson book collection (a revered collection of the Chabad Lubavitch). In May the Ministry of Culture turned over 60 Torah scrolls to the Congress of Religious Jewish Communities, an act welcomed by the Jewish community.

Unlike in the previous year, there were no reports of the use of psychiatry in "deprogramming" victims of "totalitarian sects."

Members of individual minority religions continued to encounter prejudice and societal discrimination, and in some cases violence. Authorities usually investigate incidents of vandalism and violence, but arrests of suspects were extremely infrequent and convictions were rarer (see Section 5).

In May 1999, the Moscow city Duma adopted a law forbidding the distribution and the display of Nazi symbols, and the Moscow regional Duma passed similar legislation in June 1999. In April Moscow city Duma deputies were attempting to introduce amendments clarifying procedures for implementing this law; however there was no progress by year's end.

The Office of the Human Rights Ombudsman Oleg Mironov includes a department dedicated to religious freedom issues. This department receives numerous complaints from individuals and groups about infringements of religious freedom. Mironov has criticized the 1997 Law on Freedom of Conscience publicly on many occasions and recommended changes to bring it into conformity with international standards and with the Constitution.

Although the Constitution mandates the availability of alternative military service to those who refuse to bear arms for religious or other reasons of conscience, in practice no such alternative exists. On August 8, the Novocheboksaryy city court overturned an earlier conviction against Pentecostal Christian, Aleksandr Volkov, who refused to perform his military service on the grounds of his religious convictions. In March Volkov was sentenced to 6 months in prison for refusing to perform military service, and served 1 month of that sentence. According to the Slavic Law Center, on November 12, officials from the local military commissariat ("voyenkomat") in Lipetsk forcibly detained Baptist Christian Sergey Kovyazin. In December 1999, the local procurator denied the town military garrison's request to open a criminal case against Kovyazin for draft evasion. On November 12, Kovyazin

appeared at the recruitment office in response to the latest series of summons, and stated his objections to military service on the grounds of his religious convictions. On November 14, Kovyazin was released (see Section 1.c.). In October according to press reports, authorities in Nizhniy Novgorod established an alternative service program for conscripts. There were no reports that such programs existed in other regions.

*d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for these rights; however, the Government places restrictions on freedom of movement within the country, migration, and foreign travel.

The Government has imposed registration requirements on domestic travel. All adults are issued internal passports, which they must carry while traveling and must use to register with local authorities for visits of more than 3 days (in Moscow for visits more than 24 hours); however, travelers not staying in hotels usually ignore this requirement. These internal passports also are required for obtaining many governmental services. There have been several disputes between the central authorities and regional governments regarding the internal passports. In December 2000, the Presidents of Tatarstan, Bashkortostan, and a Presidential Representative of the Volga federal district reached an agreement on resuming the issuance of passports to residents of the two republics. Both leaderships had suspended issuing passports in 1997 to protest the failure of new passports to indicate the bearer's ethnicity. Under the agreement, a special page will be inserted in passports issued in Tatarstan and Bashkortostan giving the bearer's data in the national language. Subsequently the Government extended the right to include such a page to all citizens.

The Constitution provides citizens with the right to choose their place of residence freely; however, some regional governments continued to restrict this right through residential registration rules that closely resemble the Soviet-era "propiska" (pass) regulations. Although the rules were justified as a notification device rather than a control system, their application has produced many of the same restrictive results as the propiska system. Citizens must register to live and work in a specific area within 7 days of moving there. Citizens changing residence within the country, as well as persons with a legal claim to citizenship who decide to move to Russia from other former Soviet republics, often face enormous difficulties or simply are not permitted to register in some cities. Corruption in the registration process in local police precincts is a problem. Police demand bribes when processing registration applications and during spot checks for registration documentation. UNHCR and refugee rights NGO's cited Stavropol, Krasnodar, Moscow, and St. Petersburg as being the cities least open to migrants (although some NGO's dispute including St. Petersburg on this list). The fees for permanent and temporary registration remained low. The Government and city governments of Moscow and other large cities defended registration as necessary in order to control crime, keep crowded urban areas from attracting even more inhabitants, and earn revenue.

In April 2000, the Movement for Human Rights in Moscow joined forces with the Procurator General to challenge Moscow's registration requirements in Moscow city court. In September 2000, the procurator's office, in what many believe was a political concession, withdrew its support for the lawsuit. On September 25, 2000, the Moscow city court ruled that the city's rules on registration violated the Constitution's guarantee of freedom of movement. However, the Supreme Court overturned an earlier similar decision by the Moscow city court and forced the court to hear the case again. At year's end, the registration requirement remained in effect, and the practice—which police reportedly used mainly as a means to extort money—continued.

While federal law provides for education for all children in the country, regional authorities frequently denied access to schools to the children of unregistered persons, asylum seekers, and migrants because they lack residential registration (see Section 5). The Moscow procurator's office has upheld the right of migrants to receive publicly available medical care; nonetheless, authorities frequently deny those services to unregistered persons, migrants, and asylum seekers.

According to NGO's, the city of Moscow, in addition to some other cities, frequently violated the rights of nonresidents and ethnic minorities, as well as the rights of those legitimately seeking asylum. In the past, Mayor Luzhkov has called for the expulsion from Moscow of Chechens and other persons from the Caucasus; following the October 30 attack on Caucasian merchants at the Moscow metro station Tsaritsyno (see Section 5), the mayor and police officials spoke of the need for more stringent document checks in order to control the numbers of unregistered residents. Moscow police, particularly special duty OMON (special forces unit of the Ministry of Interior) units, conduct frequent document checks, particularly of per-

sons who are dark-skinned or appear to be from the Caucasus. There are many credible reports that police imposed fines on unregistered persons in excess of legal requirements and did not provide proper receipts or documentation of the fine. According to Human Rights Watch and church ministries tracking interethnic violence, it is not unusual for darker-skinned persons to be stopped at random and for officers to demand bribes from those without residence permits.

The Moscow Helsinki Group's (MHG) third human rights report, released during the year, detailed restrictions placed by the authorities on Meskhetian Turks. During 1989–90 some 90,000 Meskhetians were forced by ethnic conflicts to leave the Soviet Republic of Uzbekistan. An estimated 60,000 Meskhetians remained in the Russian Federation. More than 13,000 of them settled in Krasnodar Kray, and approximately 700 settled in the Kabardino-Balkariya Republic. Authorities in Krasnodar Kray and the Kabardino-Balkariya Republic continued to deny the Meskhetians the right to register, which deprives them of all rights of citizenship, despite provisions of the Constitution that require that all Meskhetians who were residing in the Soviet Union at the time of its collapse were entitled to citizenship. Meskhetian Turks living in Krasnodar, like other ethnic minorities, are subject to special registration restrictions; for example, they have to register as a "guest" every 45 days. Krasnodar human rights groups continued to state that the situation in Krasnodar has not improved and that such restrictions remained in place.

The Constitution provides all citizens with the right to emigrate. The Government imposes nominal emigration taxes, fees, and duties. On average it takes 3 months to process a passport application, although it can take much longer if documentation is needed from elsewhere in the former Soviet Union.

Some liberal emigration procedures were codified formally in a 1996 law on exit from and entry into the country, which abolished the Soviet requirement that, in order to emigrate, citizens must receive a stamp permitting "permanent residence abroad" (PMZh)—essentially a propiska for those living outside the country. However, implementation of the law (which was scheduled to go into effect early in 1997) remained incomplete. According to the International Organization for Migration (IOM), border guards continued to require a PMZh-like stamp of all emigrants, and OVIR continued to issue it.

If a citizen has had access to classified material, police and FSB clearances are necessary in order to receive an external passport. Persons denied travel documents on secrecy grounds can appeal the decision to an interagency commission (called the Ivanov Commission) chaired by the First Deputy Foreign Minister. The Ivanov Commission cannot rule on whether the material should or should not be classified, but it can rule on the legality of travel restrictions imposed and on whether or not the traveler actually had access to materials requiring a travel restriction. During the year, the Ivanov Commission granted travel permission to approximately 76 percent of applicants. The 1996 law states that access to classified material may occur only with the consent of the citizen, established in the form of a written contract, which states that the signatory understands that he has been given access to state secrets and that his ability to travel abroad may be restricted. The law envisions a maximum period of delay under normal circumstances of 5 years, and it grants the interagency Commission on Secrecy the right to add an additional 5-year term to the period of delay if the Commission finds that a person had access to particularly sensitive materials. This latter provision has raised serious concerns among human rights advocates who monitor government restrictions on foreign travel; however, there were no reports that the provision was applied during the year.

Other grounds for denial of the right to travel abroad are military conscription, assignment to civilian alternative service (although the Duma has failed to pass legislation implementing the constitutionally provided right to civilian alternative service—see Section 2.c.), being under criminal investigation, serving a sentence for a crime, evasion of a court-ordered obligation, or providing false information on a passport application.

Emigrants who resettled permanently abroad generally have been able to visit or repatriate without hindrance; however, visiting emigrants who departed without first obtaining a PMZh stamp have been stopped at the border and prevented from departing the country again (although they may enter without difficulty), since they could present neither a nonimmigrant visa to another country nor evidence of permission to reside abroad legally.

International organizations estimated that the number of IDP's and refugees who left Chechnya as a result of the conflict reached a high of approximately 280,000 in spring of 2000. At year's end, there were an estimated 150,000 IDP's from Chechnya in Ingushetiya and 160,000 IDP's in various parts of Chechnya. There were reports of approximately 4,500 Chechen IDP's in Dagestan, 2,500 in North Ossetiya, and 7,000 in Georgia. Approximately 20,000 Chechen IDP's reportedly

went to other regions of the Russian Federation. Federal refugee policy aimed at repatriating IDP's as soon as possible back to Chechnya; however, federal authorities promised during the spring that no one would be repatriated forcibly. NGO's also estimated that at least a quarter of a million residents, including almost the entire Russian, Armenian, and Jewish populations, emigrated from Chechnya as a result of both the conflict and the war of 1994-96. Approximately 8,000 persons lived in railway carriages in the region. During the year, 4,000 others who had been living in railway cars were transferred to a tent camp set up for winter. According to the Council of Europe, approximately 2,000 persons live in harsh conditions in rail wagons in Sernovodsk without sufficient heating and appropriate sanitation facilities, which puts them at risk of contagious diseases. According to Memorial, by year's end, local authorities in Chechnya and Ingushetiya had found housing for IDP's formerly living in rail wagons.

During the summer, government officials publicly stated that they would not pressure or compel refugees to return to Chechnya and have reassured privately U.N. officials that they will not do so; however, at the same time, federal and local authorities consistently have stated their determination to repatriate all refugees back to Chechnya as soon as possible. Representatives of the Chechen administration have visited camps in Ingushetiya to encourage IDP's to return to Chechnya, usually to temporary IDP facilities; many who did so quickly returned to Ingushetiya because of a lack of facilities and a lack of security in the Chechnya IDP's camps.

At times the border between Chechnya and Ingushetiya was closed because of military operations. Federal border guards and police officers on the border between Chechnya and neighboring regions—and at checkpoints within the country—require travelers to pay bribes. Some Chechens also had trouble traveling because their documents were lost, stolen, or confiscated by government authorities (see Section 1.g.).

In October President Putin issued a decree abolishing the Ministry of Federation Affairs, Nationalities, and Migration Policy. The Interior Ministry assumed responsibility for migration policy and the care of IDP's. Duma Speaker Gennadiy Seleznev, former President of Ingushetiya Ruslan Aushev, and human rights NGO's concerned with IDP's criticized the plan, charging that the Interior Ministry could not address adequately the needs of internal refugees, and that it was inappropriate to entrust law enforcement organs with humanitarian programs for internal refugees. The Duma's International Relations Committee chair Dmitriy Rogozin welcomed the move, arguing that law enforcement would be more effective in preventing illegal immigration.

The law does 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; however, the Government applied the law in a restrictive manner during the year. The Government rarely provides first asylum. It cooperates to a limited extent with the UNHCR and the IOM; both organizations assist the Government in developing a human migration management system, including an effective and fair refugee status determination procedures. As of October, UNHCR had registered approximately 40,000 asylum seekers who originated from outside the territories of the former Soviet Union since 1992. The UNHCR estimates that only 11,000 of these are active cases, i.e., persons still seeking asylum or receiving UNHCR assistance. The remainder either integrated into society, left the country, have been resettled, or repatriated. According to UNHCR, the Government granted refugee status to 126 applicants during the year. Of these 117 were from the countries of the former Soviet Union. The Government acted more expeditiously for applicants who had been citizens of the former Soviet Union and applied a more lenient standard.

The UNHCR and Amnesty International worked with the Federal Migration Service (FMS) and border officials to ensure that interviews of potential refugees are conducted in a timely fashion, that the UNHCR is allowed access to potential refugees in airport transit lounges, and that deportations of potential refugees are delayed until cases have been adjudicated. However, in May 2000, the Government reorganized and disbanded the FMS; its functions and responsibilities were transferred to other ministries, mainly the Ministry of Federation Affairs, Nationalities, and Migration Policy, which have subsumed into the Ministry of Interior in the fall. There continued to be widespread ignorance of refugee law both on the part of officials (MVD, EMERCOM, and Border Guards) and would-be petitioners.

A number of workers and students from Africa and Asia who came to work or study in accordance with treaties between their countries and the former Soviet Union remained in the country. The Government has not deported them but continued to encourage their return home. The number of persons from these countries has increased in the last few years due to the new arrival of persons seeking refugee status. According to the UNHCR, as of October it had granted refugee status to approximately 800 Africans and approximately 5,200 Afghans since 1992.

A group of approximately 1,400 to 2,000 Armenian refugees evacuated from Baku, Azerbaijan in the wake of late 1980's ethnic violence remained housed in "temporary quarters," usually in Moscow hotels or workers' dormitories. They are unable to return to Azerbaijan and are not accepted by Armenia; they also lack residency permits for Moscow. Representatives of the community have stated that they are not interested in Russian citizenship, which would entitle them to the benefits accorded to forced migrants, because they do not believe such a step would improve their situation materially. They also have rejected offers of relocation to other regions, because they allege that the alternative housing that they are offered frequently is not suitable or available. Their situation remained precarious because the formerly state-owned hotels in which many reside were being privatized; a number of eviction orders were served in such cases during the year. Despite official promises, their status and permanent housing had yet to be resolved by year's end.

The UNHCR continued to be concerned about the situation of asylum seekers and refugees at Moscow's Sheremetyevo-2 airport. Improperly documented passengers are deported systematically, including persons who demonstrated a well-founded fear of persecution in their countries of origin; the UNHCR was aware of 43 such cases during the year. If a passenger wants asylum, Aeroflot gives out telephone numbers for FMS and UNHCR, but these numbers are not posted publicly anywhere in the transit zone. Despite repeated UNHCR recommendations, there also are no signs in the transit area to advise asylum seekers about the refugee status determination process at the airport. Undocumented travelers are not allowed to leave the transit zone and often are returned to the carrier on which they entered the country. Legally bound to provide food and emergency medical care for undocumented travelers, the airline returns them to their point of departure as quickly as possible; airlines are fined if an undocumented passenger is admitted to the country but not if the passenger is returned to the country of origin. The treatment of asylum seekers in the transit zone reportedly was harsh. The UNHCR has received reports of physical and verbal abuse of transit passengers by police officers and Aeroflot employees. Authorities rarely released passengers from the transit zone, unless there was a medical emergency.

There are 114 Points of Immigration Control (PIC's) throughout the country at border crossings and international airports, which are staffed by members of the former Ministry of Federation Affairs, Nationalities, and Migration Policy who are employed by the Ministry of the Interior. Most of the cases referred to them deal with labor migrants both entering and leaving the country. A few are asylum seekers. According to the UNHCR, the PIC's never have accepted anyone as an asylum seeker. Those who are interviewed (and refused) by the PIC at Sheremetyevo-2 generally are referred to the UNHCR, which received 43 such cases during the year. The UNHCR examines each case and seeks resettlement on an emergency basis for those that it accepts.

The Constitution does not permit the extradition to other states of persons who would be persecuted there for political beliefs or for actions (or inactions) that are not considered a crime in the Russian Federation; however, in the past, there were instances in which opposition figures were deported to countries of the former Soviet Union to face charges that were political in nature. Under the 1993 Commonwealth of Independent States Convention on Legal Assistance in Civil, Family, and Criminal Affairs, persons with outstanding warrants from other former Soviet states may be detained for periods of up to 1 month while the Procurator General investigates the nature of outstanding charges against the detainee. This system is reinforced informally but effectively by collegial links among senior law enforcement and security officials in the various republics of the former Soviet Union. Human rights groups allege that this network is employed to detain without actual legal grounds opposition figures from the other former Soviet republics.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic free and fair elections held on the basis of universal suffrage.

The Constitution establishes four branches of Government: The Presidency; the Federal Assembly made up of two houses (the State Duma and Federation Council); the Government and Council of Ministers headed by the Prime Minister; and the Judiciary. The Constitution gives predominance to the Presidency, and the President utilizes his many powers to set national priorities and establish individual policies.

After President Yeltsin's December 1999 resignation, Vladimir Putin assumed the post of acting President. In a March 2000 election, Putin was elected President;

while the opposition and the media claimed widespread election fraud, most international observers concluded that the election generally was free and fair, and the results valid. There were credible reports of election fraud in some locations, particularly in the Republic of Dagestan and a few other regions with a long history of falsifying votes, but there was no evidence that such abuses were systematic or that they affected the choice of the new President. Many observers pointed to problems with biased media coverage of the presidential election campaign. Paid political advertisements in newspapers often are disguised as legitimate news stories. Campaigns pay "under the table" for stories favorable to their candidate, which allows them to bypass limits on campaign spending.

The Duma was elected in December 1999. International observers judged those elections to be largely free and fair, and 69 percent of voters participated. However, in spite of efforts made by authorities to prepare for safe and orderly elections in the Chechen Republic, observers stated that many of the conditions associated with democratic elections could not be met. An election for a Duma deputy from the Chechen Republic subsequently was held in August 2000; retired Interior Ministry General Aslambek Aslakhonov, a harsh critic of the conduct of federal forces in Chechnya, was elected. The Duma has a strong pro-Presidential center that puts majority support within reach for almost all Presidential priorities. Nonetheless the Duma remains an independent institution representing powerful interests and individuals.

Competitive elections for various regional and local offices were held throughout the year. Observers generally viewed these elections as free and fair, although there were problems in some regions involving unequal access to the media, non-compliance with financial disclosure requirements, and use of "administrative resources" (such as government staff and official media) by incumbents to support their candidacies. Challengers were able to defeat incumbents in many of the races for regional executive positions, and losing candidates generally accepted the legitimacy of the voting results. Voters generally had the opportunity to choose among all candidates, although in September the Communist Party candidate in the Rostov gubernatorial election was disqualified due to alleged irregularities in the signatures required to place his name on the ballot. There also were reports that incumbent governors in some regions pressured local press organizations to support their candidacies or deny support to their challengers (see Section 2.a.).

In December presidential elections were held in the republic of Sakha (Yakutiya), there were numerous reported manipulations of election procedure. Despite applicable term-limit laws that appeared to preclude a third term by the incumbent President Mikhail Nikolayev as a candidate; it also registered Shtyrov as a candidate, despite allegations that he failed to meet the legal requirements for registration. Central Election Commission (CEC) chair Aleksandr Veshnyakov, cited term-limit laws, declared that Nikolayev's candidacy was "not legal" and said that the CEC might cancel his registration. Following a December 10 meeting with President Putin, Nikolayev announced his withdrawal from the race and declared his support for Shtyrov. At year's end, the Sakha Republic Supreme Court had not yet ruled on Nikolayev's candidacy and the case was withdrawn. In early December, the same court had ruled Shtyrov's candidacy invalid; however, before Shtyrov filed a formal complaint, the CEC intervened to overturn the court's decision.

In 2000 the Federal Assembly passed legislation according to which regional executives would appoint members of the Federation Council instead of serving in that body themselves. During the year, this new system began to take effect, and regional executives will no longer serve on the Federation Council as of January 1, 2002.

The Law on the Basic Guarantees of Electoral Rights and the Right of Citizens to Participate in a Referendum (Voting Rights Act) and the Law on Public Associations clarify which political public associations may participate in elections; add restrictions on preferential media coverage, donations, and financial or material support from foreign entities for campaign-related activities; introduce measures to reduce the number of noncompetitive political parties and candidates on the ballot; increase the level of information available to voters about candidates' financial and criminal history; and introduce provisions allowing multi-candidate constituencies. Changes to the Voting Rights Act affect legislation at both the federal and regional levels of the Russian Federation. The Constitutional Court was expected to rule on Voting Rights Act provisions that pertain to holding referendums, which may compel lawmakers to reconsider the law.

Political parties historically are weak organizationally. In July President Putin signed a law on political parties, which requires parties to have 10,000 members in order to be registered and function legally, with no less than 100 members in a majority of the country's 89 regions (see Section 2.b.). The law grants political parties

a partial monopoly on running candidate for legislative office, creates serious hurdles for the registration of new political parties, and gives the executive branch and Procuracy broad powers to regulate, investigate, and close down parties.

The percentage of women in government or politics does not correspond to their percentage of the population. In the December 1999 elections, 32 female deputies were elected to the 450-member Duma, a decrease from the 46 female deputies elected to the Duma in 1995. A woman, Lyubov Sliska, serves as the First Deputy Chairman of the Duma. One woman, Valentina Matviyenko, serves as a Deputy Prime Minister.

The percentage of minorities in government or politics does not correspond to their percentage of the population. Legal provisions have allowed national minorities to take an active part in political life (see Section 5); however, ethnic Russians dominate the political system, particularly at the federal level, and national minorities generally are underrepresented in many areas of public life.

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

Many domestic and international human rights groups operate in the country and most investigated and publicly commented on human rights problems, generally without government interference or restrictions; however, some local officials harassed human rights monitors (see Section 1.d.). The Government's attitude towards human rights NGO's varied; the level of cooperation tends to depend on the perceived threat to national security or level of opposition that an NGO might pose. For example, NGO's monitoring prison conditions enjoy an excellent relationship with government authorities, while those monitoring Chechnya have a more tense relationship. Officials such as Vladimir Kalamanov and Oleg Mironov regularly interact and cooperate with NGO's.

Several NGO's are headquartered in Moscow and have branches throughout the country. Some of the more prominent human rights organizations are the Public Center for Prison Reform, the Society for the Guardianship of Penitentiary Institutions, the Glasnost Public and Defense Funds, Memorial, the Moscow Research Center for Human Rights, the Union of Soldiers' Mothers' Committees, the Mothers' Rights Foundation, and the Moscow Helsinki Group. Several of these groups are recognized and consulted by government and legislative officials for their expertise in certain fields, and such groups participate (with varying degrees of success) in the process of drafting legislation and decrees. The prominent human rights organization Memorial worked with the offices of Kalamanov, and the Government provided security for Memorial's trips to the regions.

In October the Moscow Helsinki Group announced the release of its third annual survey of human rights conditions in the country. For the first time, the report covered all 89 of the country's principal administrative divisions. The report noted serious human rights problems in Chechnya and expressed concerns about the position of Chechen refugees in Ingushetia, limitations on freedom of speech, what it described as the formation of a "managed" democracy, and "spymania" cases.

There are various types of regionally based human rights groups. Socioeconomic rights groups are the most numerous and monitor issues such as unpaid wages and benefits. There are fewer civil-political rights groups, and among these groups are "generalist" organizations that cover the range of human rights issues, and "specialist" organizations that cover only one issue. There are public legal centers that provide legal advice to the general public (see Section 1.e.). These centers usually are run on a part-time basis by lawyers who, while they cannot afford to offer trial counsel or actual legal work, offer advice at no cost on legal rights and recourse under the law. Resources for human rights work are scarce; most groups rely on foreign support in the form of grants to maintain operations.

Regional human rights groups generally receive little, if any, international support or attention. Although at times they reported that local authorities obstructed their work, criticism of the Government and regional authorities usually was permitted without hindrance. Criticism of a specific political leader in the region (usually the governor or a senior law enforcement official) reportedly was less tolerated. Local human rights groups have far fewer opportunities than their Moscow counterparts to interact with legislators to develop legislation; some are excluded from the process entirely by local authorities.

Many observers expressed concern over the Government's involvement in efforts to organize NGO's into a semiofficial grouping called the Civil Forum. Some prominent human rights groups questioned the need for such a grouping and expressed concern that the Government would attempt to exercise oversight of the NGO community through such an organization. From November 20 to 21, the Civil Forum hosted roundtable discussions between NGO's and government officials. The 2-day

forum at the Kremlin was opened by MHG chair Lyudmila Alekseyeva and was addressed by the President, who reiterated his support for civil society and stated that civil society cannot be organized or directed from above. Several thousand NGO representatives met in 2 plenary sessions and a series of roundtables and discussions with government officials on more than 70 topics. Some discussions led to agreements between NGO and government representatives to continue that dialog—for example on Chechnya—on a regular basis. NGO representatives generally expressed satisfaction that the Forum was useful in highlighting the importance of civil society, and that officials and progovernmental participants had respected prior agreements not to use the Forum to attempt to “manage” civil society from above and thus to compromise the independence of NGO’s.

The Government, especially the FSB and the Interior Ministry, tend to view international human rights organizations with suspicion. There were reports of bureaucratic delays in permit issuance and at road checkpoints that appeared to be motivated by a desire to limit the mobility of human rights workers.

During the year, many domestic and international NGO’s continued their work in Chechnya despite the threats posed by the ongoing military conflict. Within Chechnya, some international NGO’s maintained small branch offices staffed by local employees; however, all international NGO’s had their bases outside of Chechnya (see Sections 1.b. and 1.g.). Russian authorities reportedly delayed the registration and delivery of armored vehicles promised by the Ministry of Internal Affairs. These vehicles are necessary in order for the OSCE to travel around Chechnya.

The Government has yet to comply with the provisions of the U.N. Commission on Human Rights (UNCHR) Resolution 2000/58, adopted in April 2000, on Chechnya to facilitate visits to the region by U.N. special rapporteurs and special representatives of the Secretary General. The Government reportedly invited only the Special Representative for Children and Armed Conflict, and the Special Rapporteur for Violence against Women but explicitly separated these invitations from the resolution. The Government did not invite the Special Rapporteur on Torture, the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions, or the Special Representative of the Secretary General on Internally Displaced Persons.

In October the Council of Europe (COE) announced that it had reached an agreement with the Government to extend the mandate of its human rights monitors in Chechnya until the end of the year. Since June 2000, three COE monitors have been working full-time in the office of the Government’s human rights representative in Chechnya Vladimir Kalamanov; however, many human rights activists charge that the COE and the OSCE have been ineffective in improving the human rights climate in Chechnya.

The Government’s human rights institutions lack independence, but some of them make efforts to promote human rights. The Office of the Russian Federation Human Rights Ombudsman, headed by Ombudsman Oleg Mironov, comments on a broad range on human rights issues. Mironov’s office has more than 150 employees and has several specialized sections responsible for investigating complaints of human rights abuses, including a section on religious freedom and a section on human rights education. During the year, the office published various reports on human rights problems. In eight of the regions, regional human rights ombudsmen established operations similar to Mironov’s. In other regions, human rights commissions were set up; however, the effectiveness of the regional ombudsmen and committees varies significantly from region to region.

The President’s Human Rights Commission, composed primarily of government officials (unlike the 1993–96 commission under Sergey Kovalev, which included a large number of human rights monitors), remained largely inactive during the year. Some human rights groups continued to complain that the Commission’s focus has changed from advocacy of human rights to defending the Government’s policy and that the Commission has failed to engage well-established human rights NGO’s. According to Commission chair Vladimir Kartashkin, his role is mainly consultative and investigatory, without powers of enforcement. Kartashkin receives little financial support from the Government and has a very small staff that spends most of its time responding to letters from the regions. In addition the Commission usually adopts progovernment positions on most issues, which has raised the question of its objectivity.

Citizens may file appeals to the European Court of Human Rights (ECHR) in Strasbourg about alleged human rights violations that occurred after May 5, 1998, when the European Convention on Human Rights came into force in the country. Complainants need not exhaust all appeals in domestic courts before they can turn to the European Court, but must exhaust “effective and ordinary” appeals, which

usually include two appeals (first and cassation) in courts of ordinary jurisdiction and three (first, appeal, and cassation) in the commercial court system. By October 31, the ECHR had received more than 7,000 complaints from Russia, including dozens from Chechnya. Many applications were rejected at the first stage of proceedings as being clearly incompatible with the formal requirements of the European Convention. Some cases were put on the Court's calendar for fuller consideration, but because of the extreme complexity of the procedure, and because the Government has failed to reply expeditiously or at all to the initial complaints accepted by the ECHR, no cases have yet been heard on their merits.

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

The Constitution prohibits discrimination based on race, sex, religion, language, social status, or other circumstances; however, both official and societal discrimination persisted.

*Women.*—Domestic violence remained a major problem, and victims rarely have recourse to protection from the authorities. Police are reluctant and sometimes unwilling to intervene in what they regard as purely domestic disputes. Many women are deterred from reporting such crimes, not only because of social and family pressure, but also because the tight housing market makes it difficult either to find housing outside the family dwelling or to expel an abusive spouse, even after a final divorce action. Much of society, including some leaders in the human rights community, do not acknowledge domestic violence as a problem or do not believe it is an area for concern outside of the family. No reliable statistics exist to evaluate the true extent of the problem nationwide, and individual jurisdictions vary in their statistical methodology. There is a general lack of understanding of these problems in the legal community, and there is no legal definition of domestic violence. Some forms of battering are addressed in the Criminal Code but are defined too narrowly to apply to most cases. There also is no national political will to consider these problems seriously. More than four dozen versions of a national civil law to address domestic violence have failed to make any progress in the Duma. Several NGOs expressed serious concern about guidance provided to the new justices of peace—to whom most such cases are expected to be referred—which instructs the justices to reconcile the battered and the batterer and return the victim to the home as soon as possible. Yelena Yerzhova of the Consortium of Women's NGO Associations has pointed out that law enforcement authorities distinguish between crimes committed outside the home and "acts of violence" committed at home. In the latter case, such acts often are not treated as crimes, but rather as a domestic affair.

In November an MVD official estimated that on average, there are more than 250,000 violent crimes against women annually; however, government officials and NGOs agreed that such crimes usually are not reported. From January through mid-November, police recorded more than 7,000 crimes of rape (in 2000, 7,900 rape cases were registered for the entire year), and 6,300 other sexually related crimes. In 2000 6,441 persons were convicted of rape; 1,143 received conditional sentences. The percentage of rape crimes that were solved was 82 percent. The Government provides no support services to victims of rape or other sexual violence; however, victims may act as full legal parties to criminal cases brought against alleged assailants and may seek legal compensation as part of the verdict, without seeking a separate civil action. Hospitals, crisis centers, and members of the medical profession provide assistance to women who have been assaulted; however, to avoid spending long periods of time in court, some doctors are reluctant to ascertain the details of a sexual assault or collect physical evidence.

Prostitution is not a crime, although a revision of the administrative code during the year made prostitution and pimping administrative violations, which are subject to fines (see Section 6.f.). Such violations carry financial penalties in the form of fines calculated in multiples of weekly minimum wages. Prostitution carries a penalty of five minimum wages, or roughly \$100. Trafficking of women for sexual exploitation or forced labor is a serious problem (see Section 6.f.).

Despite serious difficulties, many groups continued to address violence against women. NGOs, alone or in cooperation with local governments, operate more than 55 women's crisis centers throughout the country, and their number continued to grow. In addition the crisis centers have formed an association in order to coordinate their efforts better. Several NGOs provide training on combating trafficking to police, procurators, justices of the peace, and others in government.

Women reported sexual harassment in the workplace, and anecdotal information suggests that many potential employers seek female employees who are receptive to sexual relations. The Constitution states that men and women have equal rights and opportunities to pursue those rights. The Labor Code prohibits discrimination,

stating that every person has the right to equal pay for equal work; however, the phrase, "without complexes," is used occasionally in job advertisements. Some firms ask applicants for employment to complete a form including the abbreviation "VBO," a Russian-language abbreviation for "possibility of close relations," to which the applicant is expected to reply "yes" or "no." There is no law that prohibits sexual harassment and women have no recourse when sexually harassed.

Job advertisements often specify sex and age groups, and sometimes physical appearance as well. Credible evidence suggests that women encounter considerable discrimination in employment. NGO's continued to accuse the Government of condoning discrimination against women, contending that the Government seldom enforces employment laws concerning women. Employers prefer to hire men, thereby saving on maternity and childcare costs and avoiding the perceived unreliability that accompanies the hiring of women with small children. Employers also try to avoid the requirement of 3-year paid maternity leave for childcare. Moscow human resources managers privately admit that discrimination against women in hiring is common. There also is a trend toward firing women rather than men when employees are laid off. Women are subject to age-based discrimination. While there are no official statistics available, government officials estimated that of the 8.1 percent of the workforce unemployed in late September, 70 percent were women.

Women continue to report cases in which they are paid less for the same work that male colleagues perform. There has been no substantial research in this area, so exact figures are unavailable; however, women's average incomes generally are estimated to be significantly below average male incomes. Professions dominated by women are much lower paid than those dominated by men. Women also tend to work in industries where market reforms remain weak and wages low, such as the textile and defense sectors, while men increasingly are taking jobs in the fast-growing, more profitable financial and credit sectors where wages are substantially higher.

*Children.*—The Constitution assigns the Government some responsibility for safeguarding the rights of children and the State endeavors to provide, within its limited means, for the welfare of children. A Family Code regulates children's rights and marriage and divorce issues.

The educational system includes both private and public institutions. Children have the right to free education until grade 11 (or approximately 17 years of age), and school is compulsory until the 9th grade. Boys and girls are treated equally in the school system. While federal law provides for education for all children in the country, regional authorities frequently deny school access to the children of unregistered persons, asylum seekers, and migrants because they lack residential registration (see Section 2.d.). During the year, Afghan refugees, most of whom came to the former Soviet Union during the Soviet occupation of Afghanistan, organized a school in Rostov to teach their children Dari, Russian, and English. Reportedly there are approximately 3,000 Afghan orphans in the country.

Under the law, health care for children is free; however, the quality varies, and individuals incur significant out of pocket expenses. According to a UNICEF survey, children of IDP's from the Chechen conflict suffer disproportionately from chronic anemia and have a low rate of vaccinations due to the collapse of local health and education systems as a result of the conflict.

The status of many children has deteriorated since the collapse of communism because of falling living standards, an increase in the number of broken homes, and domestic violence. An estimated 50,000 children run away from home each year. The main reasons for this reportedly were family violence, financial problems, or social problems such as drug or alcohol abuse by one or both of the parents. In Moscow approximately 6,000 children per year are brought to the Center of Temporary Isolation of Minor Delinquents (COVINA). These children stay in COVINA for no more than 30 days. During this period, the child's case is investigated and his or her guardian is located; however, in 90 to 95 percent of these cases, the police simply return the child to their family or to the institution from which the child ran away. Many officials consider domestic problems private affairs and prefer not to interfere.

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

Figures for homeless children are unreliable at best. Nationwide they range from 1 to 4 million; however, estimates vary widely and scientific studies use differing methodologies to count street children. In October the newsweekly *Vremya MN* reported that there were approximately 28,000 street children in Moscow, according to a sociological survey. The St. Petersburg NGO Lazaret has estimated that there are 15,000 to 17,000 local children with some social ties to their family, school, or orphanage who live on the street part-time; 500 to 700 live completely without shelter. In addition there are approximately 3,000 young persons aged 18 to 24, most

of whom were discharged from state institutions and given state housing, who have difficulty maintaining a residence and adapting to noninstitutional life in general. Homeless children often engage in criminal activities, receive no education, and are vulnerable to drug and alcohol abuse. Some young girls on the street turn to or are forced into prostitution in order to survive (see Section 6.f.).

In the St. Petersburg region, local government and police run various programs for homeless children and cooperate somewhat with local NGO's; however, resources are few, and overall coordination is poor. Local and international NGO's provide a variety of services for the homeless. Many Moscow charitable organizations have established productive relations with the city government to address the needs of children with disabilities, as well as other vulnerable groups. Perspektiva works with children and medical personnel in an orphanage for children with disabilities in Pavlovsk. Bereg runs a shelter and offers training programs to children and social workers. Citizens' Watch conducted seminars on legal and social aspects of the problem.

Attention continued to focus on the status of orphans and those children with disabilities who have been removed from mainstream society and isolated in state institutions. Statistics on the number of orphans, institutionalized children, and adoptions during the year were not available. A 1999 study cited in the journal *Protect Me* reported that there were approximately 657,000 children without parental care in the country, of these approximately 200,000 were in institutions. A complex and cumbersome system was developed to manage the life-long institutionalization of some children; three different ministries (Education, Health, and Labor and Social Development) assumed responsibility for different age groups and categories of orphans. Rather than focus on the needs of the children, the system revolves around the institutions. The welfare of the children has been lost within the bureaucracy, and little clear recourse exists in instances of abuse by the system. Human rights groups alleged that children in state institutions are provided for poorly (often because funds are lacking) and in some cases are abused physically by staff. Life after institutionalization also poses serious problems, as children often lack the necessary social, educational, and vocational skills to function in society. While there are no comprehensive studies of the effects of the orphanage system, its costs, and the extent of its problems, several groups have compiled some important information. Many NGO's, including Human Rights Watch and Mental Disability Rights International, have called for reform to the child protection system. Several approaches have been proposed to reform the orphanage system and have been implemented by regional governments with the help of international donors. For example, the Primorye region is piloting foster care services and Samara has converted orphanages to family support centers.

Although comprehensive statistics are not available, the prospects for children and orphans who are disabled physically or mentally are extremely bleak. The most likely future for such children is a lifetime in state institutions. The label of "imbecile" or idiot, which is assigned by a commission that assesses children with developmental problems at the age of 3 and which signifies "uneducable," almost always is irrevocable, and even the label of "debil"—lightly retarded—follows a person throughout his or her life on official documents, creating barriers to employment and housing after graduation from state institutions. One study conducted by the Rights of the Child program of the Moscow Research Center for Human Rights found that on graduation at the age of 18 from a state institution for the lightly retarded, 30 percent of orphans became vagrants, 10 percent became involved in crime, and 10 percent committed suicide. The existing system provides little oversight and no formal recourse for orphans who have been misdiagnosed as mentally ill or retarded or who are abused or neglected while in state institutions. Facilities to which such children are remanded frequently use unprescribed narcotics to keep children under control.

The Rights of the Child Program has called for the establishment of an ombudsman for the rights of children with the power to enter and inspect children's facilities at any time of day or night without advance notification and the Ministry of Labor and Social Development continued to work with UNICEF on a pilot program to establish regional children's rights ombudsmen. During the year, the Moscow city Duma created the position of a children's ombudsman for human rights. According to the Ministry and the Rights of the Child NGO, there are ombudsmen in the cities of Yekaterinburg and St. Petersburg and in the regions of Arzamas Volkskiy, Novgorod, Chechnya, Ivanovo, Kaluga, and Volgograd. Ombudsmen may only write a letter requesting an inquiry by law enforcement authorities, assist those whose rights have been violated to understand their legal rights, and make suggestions to legislators (local, regional, and federal) on ways to improve legislation.

Conditions for children in prisons and pretrial detention were problems (see Sections 1.c. and 1.d.).

Reportedly Russian troops in Chechnya placed Chechen boys ages 13 and older in filtration camps where some are beaten and raped reportedly by guards, soldiers, or other inmates. The women's action group "White Kerchief" (Belyy platok) reported that some federal forces engaged in the kidnaping of children in Chechnya for ransom.

*Persons with Disabilities.*—The Constitution does not address directly the issue of discrimination against persons with disabilities. Although laws exist that prohibit discrimination, the Government has not enforced these laws. The meager resources that the Government can devote to assisting persons with disabilities are provided to veterans of World War II and other conflicts.

The law requires that firms with more than 30 employees either reserve 3 percent of their positions for persons with disabilities or contribute to a government fund to create job opportunities for them. The law also removed language defining an "invalid" as a person unable to work; however, the Government has not implemented this law. Some persons with disabilities find work within factories run by the All-Russian Society for the Disabled; however, the majority are unable to find employment, frequently are discouraged from working, and are forced to subsist on social benefits.

Special institutions exist for children with various disabilities but do not serve their needs adequately due to a lack of finances. Being a child with disabilities still is a serious social stigma in the country, an attitude that profoundly influences how institutionalized children are treated. Many children with physical or mental disabilities are considered uneducable, even those with only minor birth defects. Parents wishing to enroll a child in an ordinary secondary school in Moscow must produce a medical certificate affirming that the child is in perfect health. Families with children with disabilities received extremely low state subsidies that have not changed to reflect inflation since the Soviet era. According to a 1998 Human Rights Watch report, many children with disabilities in institutions are confined to beds around the clock or to rooms that are lit, heated, and furnished inadequately. The children are given only minimal care by low-paid unskilled workers with no training in the care of the disabled. In November the President issued a decree designating several programs for children with disabilities. Reportedly the designation is an honorary one and does not affect those programs' budgets.

The Government does not mandate special access to buildings for persons with disabilities, and access to buildings was a problem.

The NGO Society for the Defense of Invalids continued to work to broaden public awareness and understanding of problems concerning persons with disabilities by conducting workshops, roundtables with public officials, and training programs for the disabled. On October 24, the Third Congress of the All-Russian Society of Invalids, which represents more than 2 million persons, called on the Government to devote more resources to help the more than 4 million persons with disabilities in the country.

*Indigenous People.*—A 1999 law on indigenous ethnic communities, provides for their support, permits the creation of self-governing bodies, and permits them to seek compensation if economic development threatens their lands. In some areas, local communities have organized to study and make recommendations regarding the preservation of the culture of indigenous people. People such as the Buryats in Siberia; the Tatar and Bashkiri in the Urals; the people of the North, including the Enver, Tatarli, and Chukchi; and others work actively to preserve and defend their cultures, as well as the economic resources of their regions. Most believe that they receive the same treatment as ethnic Russians, although some groups believe that they are not represented or are underrepresented in regional governments. The principal problems for indigenous people are the distribution of necessary supplies and services, particularly in the winter months for those who live in the far north, and disputed claims to profits from exploitation of natural resources.

Some groups in the far eastern part of the country criticized the Government for not developing an overall concept for the development of indigenous people. Responsibility for government policy toward indigenous people has been transferred between government agencies several times in the last few years. In October when the President issued a decree abolishing the Ministry of Federation Affairs, Nationalities, and Migration Policy, he also issued a decree calling for the creation of a new minister without portfolio to coordinate nationalities policy; a new minister was appointed by year's end.

*Religious Minorities.*—While religious matters are not a source of societal hostility for most citizens, relations between different religious organizations frequently are tense, particularly at the leadership level, and there continued to be instances of

religiously motivated violence. Many citizens believe that at least nominal adherence to the Russian Orthodox Church is at the heart of what it means to be Russian, and Russian Orthodoxy is considered in conservative nationalist circles as the *de facto* official religion of the country.

Muslims, Jews, and members of other minority religions continued to encounter prejudice and societal discrimination. For example, Jewish groups, led by the Federation of Jewish Communities (FEOR) head Rabbi Berel Lazar, have taken a strong public stance against groups such as "Jews for Jesus," and have coordinated with the Russian Orthodox Church and other groups to fight the spread of "cults" and foreign missionaries. On April 20, activists in Rostov Velikiy picketed the proposed site for the construction of a Jehovah's Witnesses center, proclaiming their opposition to "totalitarian cults." In March the head of the local department of the Ministry of Justice and other local officials held a press conference at Nizhniy Novgorod's city hall in which they called for noncooperation with such groups as the Jehovah's Witnesses, the Moonies, and the Scientologists. From April 23 to 25, local Russian Orthodox Church officials held a conference in Nizhniy Novgorod, which was devoted to "Totalitarian Cults—Threat of the XXI Century," featured a number of presentations from both domestic and foreign "anticult" activists. In the materials that came out of the conference, groups such as Pentecostals, Mormons, Jehovah's Witnesses, the Unification Church, and Scientology were included in the list of "cults," despite the fact that all have legal status. In addition members of some religions, including some Protestant groups, Jehovah's Witnesses, Unification Church, Russian Orthodox Church Abroad, and the Mormons, continued to face discrimination in their ability to rent premises and conduct group activities in various communities throughout the country.

Hostilities toward "nontraditional" religious groups reportedly sparked occasional harassment and even physical attacks. On April 17 in Chekhov, in the Moscow oblast, unknown perpetrators threw a Molotov cocktail through the window of the home where an evangelical Christian church meets, burning down the building. The fire department and an ambulance arrived quickly, and the following day, the police investigated the scene and gathered evidence; however, according to the pastor, the perpetrators had not been arrested by year's end, and many parishioners were afraid to attend services with their families. On September 16, perpetrators hurled a Molotov cocktail into the Moscow headquarters of the Church of Scientology; the church had received bomb threats by telephone prior to the incident. By year's end, the police had arrested five suspects. On September 22, a group of teenagers attacked two Mormon missionaries in Krasnodar; both victims required stitches and one required minor surgery on his scalp. The local police registered the victims' charges against their assailants.

By various estimates, Muslims form the largest religious minority, but they continued to face societal discrimination and antagonism in some areas. In May the Keston News Service reported that Mufti Ravil Gaynutdin complained that a Russian Orthodox Church priest in Kolomna had called on the public to oppose construction of a mosque. Discriminatory attitudes have become stronger since the onset of the conflict in the predominantly Muslim region of Chechnya and since the 1999 Moscow apartment bombings, for which the mayor and others quickly blamed Chechen separatists. Authorities, journalists in the press, and the public have been quick to label Muslims or Muslim organizations "Wahhabists," a term that has become synonymous with "extremists." On March 11, NTV reported that the Mordovian State University had instituted a careful selection process intended to exclude potential "Wahhabis;" the university did not define the term. Such sentiment has led to a formal ban on "Wahhabism" in Dagestan and to overtures in the Duma to explore the possibility of a similar national law. On September 12, law enforcement officials in Sverdlovsk Oblast called for a stricter national immigration policy to control the inflow of illegal immigrants from Central Asian countries, a move apparently aimed against a perceived Muslim terrorist threat. Several prominent human rights activists expressed concern about the rise of anti-Islamic attitudes following September 11 terrorist attacks in the U.S.

Although Jewish leaders have stated publicly that the State-sponsored anti-Semitism of the Soviet era no longer exists, Jews continued to face prejudice and social discrimination. Anti-Semitic leaflets, graffiti, and articles continued to appear in some regions, such as St. Petersburg, Ryzan, and Krasnodar. For example, in January during gubernatorial campaigns throughout various regions, anti-Semitic graffiti appeared in public spaces. Anti-Semitic themes continued to figure in some local publications around the country, unchallenged by local authorities. However, traditionally anti-Semitic publications with large distributions, such as the newspaper *Zavtra*, while still pursuing such anti-Semitic themes as the portrayal of Russian oligarchs as exclusively Jewish, appeared to be more careful than in the past about

using crude anti-Semitic language. According to the Union of Councils for Jews in the Former Soviet Union (UCSJ), which monitors anti-Semitism in the various regions of the country, a punk rock concert held in Tver in March featured a band "Pagan Reign" who screamed anti-Semitic slogans such as "Beat the Yids! Save Russia!"<sup>5</sup>

On May 29, the UCSJ released a special report on anti-Semitism in academia, citing prominent professors and university administration officials in the Altay region, Vladimir, Pskov, and St. Petersburg who have expressed anti-Semitic views, either in their publications or in a public forum. The report details how these regional educators and administrators propagate conspiracy theories and negative stereotypes about Jews.

During the year, unknown persons vandalized Jewish synagogues, cemeteries, and memorials. On April 25, Glasnost News Service reported that the memorial to Jewish soldiers killed in World War II, that was due to be opened on May 9 in Vladikavkaz, had been destroyed completely by unknown vandals. On August 16, in a widely publicized case, there was an arson attack on the Jewish synagogue in Ryazan. There were no casualties, but the fire caused about \$25,000 (25,359 rubles) worth of damage, according to Ryazan Jewish leaders. Although Jewish leaders welcomed the quick reaction of local authorities, no arrests had been made in the case by year's end.

On August 19, in Krasnoyarsk, vandals desecrated 32 tombstones in a Jewish cemetery by painting them with swastikas and anti-Semitic graffiti. The Anti-Defamation League (ADL) sent letters to Krasnoyarsk leaders, including Governor Aleksandr Lebed, urging swift investigation and a clear stand against anti-Semitism. The authorities helped the Jewish community remove the graffiti, but no arrests were reported. Afterwards Alexander Axelrod, the Director of the ADL Moscow office, stated, ". . . [C]emetery desecrations remain one of the most common types of anti-Semitic attacks in Russia." Several other Jewish cemeteries, including those in Nizhniy Novgorod and Samara, also were vandalized during the year. According to a press report, a Samara judge reportedly found the leader of a local group of "Satanists," Mikhail Pankov, responsible for the desecration of the cemetery in Samara and declared him insane. Pankov reportedly was sent to a psychiatric institution for treatment.

In another high-profile case on September 23, vandals spray-painted swastikas and other anti-Semitic graffiti on the front columns of the main entrance to Moscow's Choral Synagogue. This act was perpetrated just days after the Rosh Hashanah visit to the synagogue of Moscow Mayor Yuriy Luzhkov and other dignitaries. No arrests were made by year's end. On September 24, vandals carved the Russian equivalent of the word "kikes" on the front door of the office of the Congress of Jewish Religious Organizations and Communities of Russia. The ADL expressed concern that this spate of anti-Semitic incidents may be the result of the nationalist rhetoric of some politicians who had blamed "Jews and Zionists" for the September 11 terrorist attacks on the U.S. Axelrod stated to the press, "Nationalism and xenophobia figure prominently these days in the press, in public rantings, on the Internet. This isn't a pure coincidence that Orthodox Jews and institutions are being attacked as the most visible sign of Jewish presence in Russia."

Numerous other anti-Semitic incidents occurred across the country during the year. For example, in September there were three violent assaults. On September 22, a group of youths assaulted an Israeli rabbi and three other visiting Israelis on a street in the Siberian city of Omsk; the youths pushed off the rabbi's hat and shouted Nazi slogans at the four Israelis, but no one was injured. On September 23, a dozen skinhead youths beat up four yeshiva students in Moscow, and in the city of Orenburg, thugs attacked a group of Orthodox Jewish schoolboys.

The ultranationalist and anti-Semitic Russian National Unity (RNE) paramilitary organization, formerly led by Aleksandr Barkashov, appears to have splintered and lost political influence in many regions since its peak in 1998. Although reliable figures on RNE membership were not available, the organization claimed tens of thousands of members in many regions in 2000. The RNE continued to be active in some regions, such as Voronezh, and RNE graffiti has appeared in a number of cities, including Krasnodar. In several regions such as Moscow and Kareliya Oblast, authorities have limited the activities of the RNE by not registering groups. Representatives of the Church of Scientology accuse RNE and other ultranationalist organizations of violence or threats of violence against their activities in a number of Russian cities, including Nizhniy Novgorod, Barnaul, and Yekaterinburg.

During the year, President Putin and other top Kremlin officials spoke out publicly against anti-Semitism, and in September issued an open letter to members of the Jewish community on the occasion of the Jewish New Year. In that letter, Putin noted that the problem of anti-Semitism persisted and reiterated the Government's

commitment to fight it. FEOR's Rabbi Berel Lazar cited the letter as the first time a President had acknowledged publicly anti-Semitism as a problem to be addressed. In May Duma Deputy Aleksandr Fedulov proposed a resolution calling on President Putin to speak publicly against anti-Semitism. The resolution was supported almost unanimously by the progovernment Yedinstvo faction but did not garner enough votes to pass; the Communist faction voted unanimously against it. The Government has implemented partially an interagency program to combat extremism and promote religious and ethnic tolerance (see Section 2.c.).

During the year, there were many instances of politically or religiously motivated violence against religious workers in the northern Caucasus. There have been reports that Chechen fighters targeted Russian Orthodox priests in Chechnya for killing. Several Muslim clerics were killed during the year in Chechnya as well, including Magomed Khasuyev, Imam Umar Idrisov, and Imams Mudayev and Umalatov, all of whom were killed in January.

*National/Racial/Ethnic Minorities.*—The multiethnic population is made up of more than 100 national groups. Many of the 89 subdivisions or “subjects” of the federation are formed on the basis of the subdivisions’ predominant ethnic group. (For example, the Republic of Chuvashiya is the homeland of the Chuvash people, who make up 68 percent of the Republic’s population.) The Constitution prohibits discrimination on the basis of nationality and makes provision for the use of national languages in the various sub-divisions alongside the official Russian language. The Constitution also states that each citizen shall have the right to define his or her own national identity and that no citizen shall be required to state officially his or her nationality; however, Roma and persons from the Caucasus and Central Asia faced widespread governmental and societal discrimination, which often was reflected in official attitudes and actions. Discrimination against persons from the Caucasus and Central Asia are affected disproportionately by new measures, at both the federal and local levels to combat crime. Police reportedly beat, harassed, and demanded bribes from persons with dark skin, or who appeared to be from the Caucasus, Central Asia, or Africa. Law enforcement authorities also targeted persons with dark complexions for harassment, arrest, and deportation from urban centers. In Moscow such persons were subjected to far more frequent document checks than others and frequently were detained or fined in excess of permissible penalties. Police often failed to record infractions by minorities or issue a written record to the alleged infractors. In October more than 100 Roma were expelled forcibly from the Krasnodar region to Voronezh (see Section 1.f.).

During the year, the President and other prominent officials issued numerous declarations regarding the multiethnic nature of the country and calling for tolerance. Nonetheless, there were numerous racially motivated attacks on members of minorities, particularly Asians and Africans. Attacks generally appeared to be random, and were carried out by private individuals or small groups, inspired by racial hatred. Some of the attackers were known to local law enforcement authorities for their racial intolerance or criminal records. For example, during the year, members of ethnic or racial minorities were the victims of beatings, extortion, and harassment by “skinheads” and members of other racist and extremist groups. Police made few arrests although many such cases were reported by human rights organizations. Many victims, particularly migrants and asylum seekers who lack residence documents recognized by the police, choose not to report such attacks or report indifference on the part of police.

On April 23, youths stabbed an 18-year-old Chechen man, Meyerbek Yelesayev, to death near the Kremlin. On May 9, a group of skinheads attacked and beat approximately 11 members of the church group Pathfinder International in Victory Park in Moscow; one individual was beaten so severely that he lost consciousness. An interpreter and the leader of the group who was an African American, were targeted in particular.

On August 23, youths attacked Massa Mayoni, an asylum seeker from Angola, outside the UNHCR processing center in Moscow; Mayoni later died from his wounds. In November Moscow police arrested a 16-year-old suspect on charges of killing Mayoni. The youth was arrested following a general crackdown on extremism in the wake of the October 30 attacks on Caucasian merchants near Moscow’s Tsaritsyno metro station.

On October 30, in a marketplace near the Tsaritsyno metro station in Moscow, an estimated 100 to 300 youths from Moscow’s southern neighborhoods kicked and beat dozens of persons with metal bars, almost all of the victims belonged to ethnic groups from the Caucasus and Central Asia. The youths were shouting nationalist and racist slogans during the attack, most continued their attacks at other locations during the night. Although many victims did not seek medical attention, reportedly because they lacked Moscow residence permits and sought to avoid official scrutiny

(see Section 2.d.), at least three persons died as a result of the attack: a 17-year-old ethnic Tajik; a 17-year-old ethnic Azeri; and a 37-year-old Indian national. Following the attack, local law enforcement took 30 persons into custody and brought a charge of murder against one detainee, and charges of hooliganism against others. Police also contacted representatives of ethnically-based associations in Moscow to discourage them from reprisals. On November 2, in response to the attacks; President Putin tasked Justice Minister Yuriy Chayka with working faster on the preparation of antiextremist draft legislation that his ministry has long been preparing; by year's end, the ministry reportedly had completed its work on the draft legislation. On November 5, the President also ordered Interior Minister Boris Gryzlov to crack down on interethnic violence, and police made arrests in several outstanding cases. Moscow Mayor Yuriy Luzhkov, Human Rights Ombudsman Oleg Mironov, and others publicly expressed their disapproval of and dismay at the attacks and the mayor acknowledged manifestations of racism and nationalism to be a "serious" problem. The event generated significant discussion of the neo-Fascist movement in the press, and the official news daily Rossiyskaya Gazeta criticized the Moscow police for labeling the youths as "soccer hooligans" rather than as members of extremist groups.

A government review of the implementation of existing laws against acts of national, racial, and religious hatred revealed that 25 criminal investigations were conducted in 1998 and that in 1999 10 were opened. The Ministry of Justice reported that in 2000, 17 crimes were investigated under the same statute. Of these cases, 8 ended up in court; however, there is no information on the number of convictions that resulted. During a public debate in May, Duma deputy Fedulov claimed that only one conviction had been obtained. According to the Procuracy General, as of November 1, 37 criminal cases of incitement to national, racial, or religious hatred had been opened pursuant to the Criminal Code. According to the statistical department of the Supreme Court, as of July 1, the Procuracy had brought five such cases to court, but none of the accused was convicted.

In its local legislation, the Republic of Bashkortostan names Bashkiri and Russian as its two official languages, and excludes Tatar; there are more Tatars than Bashkir in the republic, and Tatars constitute 30 percent of the republic's population. The legislature of the republic of Tatarstan appealed to the Bashkortostan legislature to include the language, but the appeal was rejected. The law remained in effect at year's end.

Chechen IDP's and the Civic Assistance Committee for migrants reported that Chechens face great difficulty in finding lodging in Moscow and frequently are forced to pay at least twice the usual rent for an apartment.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides workers with the right to form and join trade unions; however, in practice government policy and the dominant position of the Federation of Independent Trade Unions of Russia (FNPR) limited the exercise of this right. Approximately 54 percent of the work force is unionized (of an estimated 71 million workers), and approximately 4 percent of union members belong to independent free trade unions; however, there is no authoritative data on union membership, because there was no mandatory reregistration of union members following the Soviet era, during which time all workers were registered as trade union members. Union membership overall continued to fall as a result of economic restructuring, including the closing of some enterprises and a resistance by some foreign companies to trade union activities.

The FNPR continued to claim that some 80 percent of all workers belong to the FNPR, although International Labor Organization (ILO) representatives state that 50 percent is a more accurate estimate. The FNPR largely dominates the union movement and provides a practical constraint on the right to freedom of association. The FNPR inherited the bulk of the property of its Soviet predecessors, including office and recreational property. The majority of its income comes from sources other than dues, such as rental income, sale of real estate, and fees for member services. Its unions frequently include management as part of the bargaining unit or elect management as delegates to its congresses. The FNPR and other trade union federations act independently on the national political level, but in some cases FNPR unions are affiliated closely with local political structures. Political parties often cooperate with unions, for example, in calling for a national day of protest.

On January 1, a new Tax Code became effective, which included a single social tax and essentially ended trade union control over the distribution of social benefits at the federal level. However, as the owner of many service facilities and the largest group of unions, the FNPR continued to play a significant role at the municipal and regional level in setting priorities for the distribution of social benefits, such as child

subsidies and vacations, based on union affiliation and politics. Such practices discouraged the formation of new unions. Other trade unions claimed that the consolidation of social security assets in the federal budget and the additional layer of bureaucracy in the distribution of social benefits have led to reduced benefits for workers and the public in general.

The number of court decisions supporting the right of association and ruling in favor of employees continued to increase during the year; however, the enforcement of these court decisions remained a problem. Employees tend to win their cases if brought to court but many remained reluctant to do so. Most workers do not understand or have faith in the legal structure and fear possible retaliation. For example, in June members of a locomotive engineers' union in Syzran filed suit against management, demanding back payment for delayed bonuses. Management repeatedly boycotted the court hearings, which resulted in numerous postponements. The court has refused the plaintiffs' requests that the defendant be fined for contempt of court. In November the judge verbally requested that management make the payments; however, no payment had been made to the workers by year's end. In a 1998 case, the Ust-Ilimsk air traffic controllers' union won a court case against management for reimbursement of the difference between wages they were actually paid and the wages they were entitled to receive under the industrial tariff agreement, as well as additional leave; however, the municipal court later cancelled its decision at management's request. In May the court reconsidered the case and again awarded the controllers additional leave. A court decision on compensation for wage differentials was pending at year's end.

Management and FNPR local unions often worked together to discourage the establishment of new unions. In September 2000, three members of unions of municipal electric transportation workers (drivers and ticket salespersons) filed complaints with the Commission for Labor Dispute Resolution, demanding management at depots within the Yekaterinburg electric transportation system award them additional annual leave in compensation for hazardous working conditions, as required by law. During the dispute, FNPR-affiliated unions at these depots, which represent the vast majority of employees, claimed to be part of management. The Labor Dispute Commission, which included FNPR and management representatives, ruled against the plaintiffs. In June the unions appealed this ruling and the 3 union members were awarded additional leave; however, the Commission denied subsequent requests in the spring by 19 other union members who sought similar compensation. In August 1999, management at the Alit Factory and the Sverdlovsk Oblast FNPR leadership convened a "trade union conference" during which a newly elected chairman of a local construction workers' union was dismissed from her position. The chairman filed a case in the municipal court, claiming that management and the oblast committee of FNPR were not authorized to convene a local union's conference and that conference participants were not even members of the local union; however, the municipal court refused to hear the case. In May 2000, the chairman appealed the decision to the oblast court, which ruled in her favor; in July 2000, the case was remanded to the lower court, which ruled against the chairman. In September 2000, the chairman appealed to the oblast court, which then ruled against her.

In accordance with the law, all civic organizations founded before 1994 were required to reregister with the Ministry of Justice by July 2000. The registration procedure for NGO's requires that the local departments of the Ministry of Justice check all articles of charter documents for compliance with existing laws; however, registration procedures for unions are governed by the Law on Trade Unions, which specifies that registration requires a simple "notification" and submission of documents. Local departments of the Ministry of Justice throughout the country often have ignored the procedures set out by this law and refused to register new unions without changes in charter documents or confirmation of attendance at founding conferences. Such practices have prevented the registration of new unions or the re-registration of existing ones.

In some cases, local Ministry of Justice officials acting outside of their legal authority canceled the registration of unions. In the fall of 2000, a municipal court canceled the registration of an independent free trade union at the Voronezh Heating Utility Company at management's request; the union had confronted management on a number of worker rights violations. In 1997 the Sverdlovsk Court of Arbitration canceled the registration of a local union of utility workers at management's request. In June 2000, the Supreme Arbitration Court cancelled the initial ruling and sent the case back to the lower court, where a hearing was set for November 2000; however, the court dropped the case when management—the plaintiff in the case—failed to appear at the hearing. The union subsequently was removed from the trade union registry. In February the union again appealed to the supreme arbitra-

tion court, which denied the union's request that the initial ruling by the Sverdlovsk Court of Arbitration be reversed. These actions contradict the laws governing union registration and observers believe that they are a direct and illegal attempt to discourage labor activism.

The law provides for the right to strike; however, the right to strike remained difficult to exercise. Most strikes are considered technically illegal, because the procedures for disputes are exceedingly complex and require coordination of information from both sides, even before courts are involved, and civil courts may review strikes to establish their legality. The law specifies that a minimum level of essential services must be provided if a strike could affect the safety or health of citizens. Under this definition, most public sector employees, cannot strike. After a trade union declares a strike, the trade union, management, and local executive authority have 5 days to agree on the required level of essential services. If no agreement is reached—which is often the case—the local executive authority simply decrees the minimal services, and often sets them at approximately the same level as the average workload. The civil court has the right to order the confiscation of union property to settle damages and losses to an employer if a strike is found to be illegal and not discontinued before the decision goes into effect. As a result, an increasing number of strikes are organized by strike committees, rather than unions. There were no prolonged strikes during the year. Overall strike activity remained relatively low with only 275 strikes officially registered in the first 9 months of the year.

Court rulings have established the principle that nonpayment of wages—still by far the predominant grievance—is an individual dispute and cannot be addressed collectively by unions. As a result, a collective action based on nonpayment of wages is not recognized as a strike; individuals therefore are not protected by the labor law's provisions against being fired while on strike.

The law bans strikes in the railway and air traffic sector, at nuclear power stations, and by members of the military, militia, government agencies, and disaster assistance organizations. As a result, workers in these professions have sometimes resorted to other forms of protest such as rallies, days of action, or hunger strikes. For example, in October air traffic controllers throughout the country conducted hunger strikes demanding changes to the proposed new draft Labor Code (see Section 6.b.).

Reprisals for strikes also are common, although strictly prohibited by law. In May members of the elevator maintenance workers union in Vladivostok organized a picket line to protest wage arrears. Although the union had informed the local administration of its intentions, local militia arrested the protesters and charged them with participation in an illegal picket line. In June the workers filed a lawsuit and the local court confirmed their right to demonstrate peacefully in accordance with the law.

In January 1999, according to an ILO report, unknown assailants murdered Gennadiy Borisov, a leader of the Vnukovo Airlines Technical and Ground Personnel Union, at the entrance to his apartment. Earlier that month, Borisov and other labor activists had picketed the airline headquarters to protest 4 months of unpaid wages. Borisov also reportedly was monitoring alleged illegal practices involving the company's shares. There were no significant developments in this case during the year, and it remained open.

Unions may freely form federations and affiliate with international bodies. There are several national and regional free trade union structures including the Russian Confederation of Labor (KTR) and the All-Russian Confederation of Labor (VKT). In November 2000, the international confederation of free trade unions accepted as members the KTR, the VKT, AND the FNPR.

*b. The Right to Bargain Collectively.*—The law provides for the right of collective bargaining; however, this right is not always protected. The law requires employers to respond to a trade union's initiative and negotiate with the union, but no time limit is specified. Moreover the law does not require management to sign the agreement, even after both sides have signed protocols approving a draft text. As a result, the right to conclude a collective agreement is not protected. Employers often ignore the requirement to negotiate and refuse to come to the bargaining table or refuse to provide financial information demanded by trade unions. In the past, employers successfully have refused to negotiate collective bargaining agreements, particularly for unions not affiliated with the FNPR; however, some limited progress continued to be made in this area.

At year's end, workers in an independent trade union at the MedAvtoTrans (MAT) ambulance depot in Nizhniy Tagil were preparing to resume collective bargaining with depot management following a November decision by the arbitration court that ordered management to resume negotiations with the union. Prior to No-

ember 2000, MAT management had ignored a similar ruling by the local arbitration court obligating it to enter into collective bargaining with the union. MAT workers subsequently went on strike to protest management's refusal to negotiate. MAT management later reorganized depot operations, claimed that their action invalidated its existing collective bargaining agreement with the MAT union; however, an arbitration court ruled in November 2000 that management was still obliged to honor its agreement with the union until a new agreement replaced the earlier one. In June the mayor of Nizhniy Tagil signed a decree liquidating the MAT depot, although the depot continued to operate. Citing this decree, management declared the existing collective bargaining agreement invalid. The November ruling by an arbitration court found management's claim invalid.

Court rulings have established the principle that nonpayment of wages—still by far the predominant grievance—is an individual dispute and cannot be addressed collectively by unions (see Section 6.a.).

An estimated 16 to 18 percent of enterprises have registered officially collective bargaining agreements; however, the FNPR claims that approximately 80 percent of its enterprises have such agreements. It is not obligatory to register collective agreements, and it is likely that there are far more collective agreements than actually are registered. However, a gap in the law, which fails to establish the employer's legal identity, often makes collective agreements ineffective. This lack of clear identification under the law has made tripartite tariff agreements (with labor, management, and government participation) nonbinding at the municipal, regional, national, and industrial levels and has brought their legal validity into question. Even after an agreement is signed, employers often claim that the "employer representative" was not authorized to represent the factory involved.

In December President Putin signed into law a new labor code that will be implemented in 2002. The new code will diminish the role of the government in setting and enforcing labor standards. Under the new code, trade unions are expected to play a balancing role in representing workers' interests; however, there are significant gaps in the proposed regime, including no clear enforcement mechanisms for failure or refusal by an employer to engage in good faith collective bargaining or other obligations, and provisions that favor the designation of a majority union as the exclusive bargaining agent. There also is a substantial risk that existing unions will be dominated by employers under the proposed labor relations scheme, particularly in industries with oligopolistic structures.

In September the Government established a Moscow Labor Arbitration Court to handle the increasing number of labor violations registered each year. Ministry of Labor officials estimated that there were just over 2 million labor violations during the year. The court is a pilot project, and under the new labor code becomes law it is expected to lead to a system of similar courts in various regions.

The labor code and trade union law specifically prohibit antiunion discrimination; however, antiunion discrimination is a problem. Union leaders have been followed by the security services, detained for questioning by police, and subjected to heavy fines, losses of bonuses, and demotions. In March a union officer of a trade union of security guards in St. Petersburg won a full reinstatement after being fired illegally for alleged violations of health and safety rules; the firing occurred shortly after the union officer became a member of the collective bargaining committee. Other more serious cases remain unresolved. In January 2000, the death of a youth in Polevskoy allegedly was due to the trade union activism of a parent who was a leader of the regional trade union center. The leader had received threats to her job and family after filing cases against the local procurator's office, municipal court, and police concerning misuse of funds. The leader subsequently left her position and an individual was charged with "hooliganism" in connection with the youth's death; however, union leaders remained doubtful about the individual's guilt. There have been no further developments in the investigation of her son's death.

There are no export processing zones. Worker rights in the special economic zones and free trade zones are covered fully by the existing Labor Code and are the same as in other parts of the country.

*c. Prohibition of Forced or Compulsory Labor.*—The Labor Code prohibits forced or compulsory labor; however, there were instances of its use. Women were trafficked from the country for the purpose of prostitution (see Section 6.f.). In addition according to credible media reports, significant numbers of foreign workers from countries of the former Soviet Union are forced to work without pay because their passports are held by firms that brought them into the country. There were reports of approximately 4,000 North Koreans brought into the country to work in the construction and timber industries in the Far East, with salaries remitted directly to their Government. Amnesty International charged that a 1995 Russian-North Korean bilateral agreement allows for the exchange of free labor for debt repayment,

although the Russian Government claims that a 1999 intergovernmental agreement gives North Korean citizens working in Russia the same legal protections as Russian citizens.

Reportedly military officers have sent soldiers under their charge to work on farms to gather food for their units or perform work for private citizens or organizations. The USMC reported that the practice by officers and sergeants of "selling" soldiers to others as slave labor (to build dachas, etc.), or to other officers with a military need for personnel continued. Such abuses are often linked to units in the Northern Caucasus military district. The largest single group of complaints the USMC received between January and September concerned the Ministry of Internal Affairs.

The Labor Code prohibits forced or compulsory labor by children; however, trafficking in children was a problem (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The Labor Code prohibits regular employment for children under the age of 16 and also regulates the working conditions of children under the age of 18, including banning dangerous, nighttime, and overtime work. Children may, under certain specific conditions and with parental approval, work in apprenticeship or internship programs at the ages of 14 and 15. Such programs must not pose any threat to the health or welfare of children. The Ministries of Labor and the Interior are responsible for child labor matters; however, they did not enforce these laws effectively due to a lack of resources. Local police authorities are responsible for conducting inspections of organizations or businesses suspected of violating child labor laws; however, in practice investigations only occur in response to complaints.

Accepted social prohibitions against the employment of children and the availability of adult workers at low wages generally prevent widespread abuse of child labor legislation. Nonetheless the transition from a planned to a market economy has been accompanied by drastic economic, political, and social changes, including an increase in the number of children working and living on the streets because of a deterioration in the social service infrastructure, including access to education and health care (see Section 5). In some cases, economic hardship has undermined traditions and social customs and eroded the protection families traditionally provided to children. Homeless children especially are at risk for exploitation in prostitution or criminal activities (see Section 5). Children often are used by their parents to lend credence to their poverty when begging.

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

The Government prohibits forced and bonded labor by children; however, trafficking in children was a problem (see Section 6.f.).

*e. Acceptable Conditions of Work.*—The monthly minimum wage of \$15 (450 rubles) remained well below the official subsistence level of \$51 (1,524 rubles) per month and does not provide a decent standard of living for a worker and family. Approximately 27 percent of the population have incomes below this official subsistence minimum; however, most workers receive several times the monthly minimum, and the minimum wage is essentially an accounting reference for calculating university stipends, pensions, civil service wages, and social benefits. It is not a number used for real salaries. Enterprises often use this number to avoid taxation by reporting the number of employees paid at the minimum wage instead of reporting actual salaries. Research by the Moscow Center of Development stated that unreported wages accounted for approximately 35 percent of the total income of citizens during the year. A flat 13 percent personal income tax, which became effective January 1, appeared to reduce incentives of enterprises not to report actual wages; tax collection increased in nominal terms by 36 percent during the first 11 months of the year. In addition much of the population continued to reside in low-rent or subsidized housing and received various social services from enterprises or municipalities.

The Labor Code provides for a standard workweek of 40 hours per week with at least one 24-hour rest period. The law requires premium pay for overtime work or work on holidays. However, workers have complained of being required to work in excess of the standard workweek—10- to 12-hour days are common—, of abrogation's of negotiated labor agreements (see Section 6.b.), and of forced transfers.

The decline in the incidence of nonpayment of wages since the August 1998 currency crisis continued; however, the nonpayment of wages continued to be the most widespread abuse of the Labor Code, especially for workers in the education, medicine, and coal sectors. While the overall problem of nonpayment of wages appeared to diminish greatly, total wage arrears in November equaled over \$1.16 billion (3.7 billion rubles). The International Confederation of Trade Unions (ICFTU) contends that the total bill of wage arrears was more than \$15 billion. Although some enter-

prises still force their employees to take wages in barter, the practice continued to decrease.

An increasing number of workers owed back wages seek relief through the court system, but the process is lengthy. Courts often are willing to rule in favor of employees, but the collection of back wages remains difficult. Courts often insist that cases be filed individually, in contradiction to the Law on Trade Unions, thereby undercutting union attempts to include the entire membership in one case. This insistence also makes the process lengthier and more difficult for the affected workers and exposes them to possible retaliation (see Section 6.b.). It is widespread practice to remove the names of workers who win judgments for back wages, but have not yet received the wages, from the list of those who can buy food on credit from the company store.

Lack of labor mobility continued to be a problem. For various reasons, many workers are not able to move to other areas of the country in search of work. Many are constrained economically because their savings were destroyed by past inflation and the nonpayment of wages. Their freedom to move in search of new employment is limited further by the system of residency permits which, although illegal, is still in use in cities such as Moscow and St. Petersburg (see Section 1.d.). Other workers effectively are tied to enterprises that can only give them credits at the company cafeteria and grocery and the hope of future salary payments. The knowledge that workers cannot easily move across regions and find employment has made managers in some one-factory towns reluctant to lay off workers. Because of the inability of local employment agencies to provide benefits or to absorb laid-off employees from some factory towns, local governors and mayors often overturn the enterprises' decisions to lay off workers who are not really working. Other factors, such as the availability of subsidized housing and cultural ties to locations, also inhibit the movement of workers. By decriminalizing the nonpayment of wages and by tolerating the existence of residency permits, the Government has restricted even further the mobility of labor.

The law establishes minimum conditions for workplace safety and worker health; however, the federal labor inspectorate within the Ministry of Labor lacks the financial and human resources to enforce these standards effectively. Workers wear little protective equipment in factories, enterprises store hazardous materials in open areas, and smoking is permitted near containers of flammable substances. Funds remained limited for safety and health in the workplace.

The Labor Code provides workers with the right to remove themselves from hazardous or life-threatening work situations without jeopardy to their continued employment; however, labor inspectorate resources to enforce this right remained limited. In addition workers are entitled to such compensations as shorter hours, increased vacations, extra pay, and pension benefits for working under such conditions. However, the pressure for survival often displaces concern for safety, and the risk of industrial accidents or death for workers remained high, although reliable statistics on accident and death rates at the workplace were not available. There continued to be reports of miners removing the supports from mineshafts and selling them for scrap metal. Doctors and nurses have been known to sell health and safety equipment at hospitals to patients' families in order to supplement salaries that often remain below the minimum subsistence level.

After repeated requests went unanswered, in September 2000 members of a St. Petersburg local locomotive engineers' union sued management to obtain information on health and safety risks associated with their work and measures taken to address these problems. The workers based their case on a federal law that grants employees the right to obtain information on their working conditions and occupational hazards. The court ruled in favor of management, and the workers' requests for information went unanswered.

Foreign workers residing and working legally in the country are entitled to the same rights and protections provided to citizens under the law. Foreign workers residing and working illegally in the country may be subject to deportation but may seek recourse through the court system. There were credible reports of several thousand Ukrainians and Belarussians living and working illegally in Moscow and other larger cities for significantly lower wages and under generally poor conditions. The labor code prohibits forced or compulsory labor; however, there are reports that foreign workers have been brought into the country to perform such work (see Section 6.C.).

*f. Trafficking in Persons.*—The law does not specifically prohibit trafficking in persons, although other provisions of the law may be used to prosecute traffickers; trafficking in women and children was a problem. There are no reliable estimates of its scope, but observers believe that trafficking is widespread. There were reports that the corruption of government officials facilitated trafficking.

The Russian Federation is a country of origin for trafficking in persons, especially in the trafficking of women. Women reportedly were trafficked from Russia to European Union countries, the Middle East, Asia, and the U.S. For example, reportedly 15,000 women and children were trafficked into "sex slavery" in China. Some believe that fraud statutes could be used as a basis for the prosecution of those who arrange for the contracting and transportation of the victims, but also that an international cooperative law enforcement investigation would be required to establish such a link, an effort beyond the capacity of many local law enforcement organs. The country also serves as a transit and destination country for women trafficked from the Caucasus and Central Asia to Western Europe. There are reports that women from Tajikistan, Ukraine, and other countries of the former Soviet Union are trafficked to Russia. There also were reported cases of Korean women trafficked to the country. NGO's alleged that organized crime increasingly is involved in trafficking in women and children, but reliable data is not available.

According to U.N. statistics, 63 percent of the registered unemployed are women, and many women are single parents facing a sharp decrease in social services since the end of the Soviet welfare state. These factors render increasing numbers of women from all educational backgrounds vulnerable to traffickers. Advertisements offering high paying jobs abroad to young and attractive women were extremely common. MVD officers report that most traffickers are criminal groups recruiting under the guise of employment agencies. Many traffickers place ads in newspapers or public places for overseas employment; some employ women to pose as returned workers to recruit victims; some place Internet or other ads for mail order brides; some were recruited by partners or friends. Women respond to such advertisements, usually paying their traffickers a fee for the service, for the visa assistance, for their ticket, and often for other expenses. Upon arrival they are deprived of their travel and identification documents, and often all other personal effects, and forced to work in prostitution and other industries. Victims also were threatened with violence and told they were in violation of local law to frighten them away from local law enforcement. They were isolated linguistically and removed from their social and family support systems, rendering them totally dependent upon their traffickers.

According to credible media reports, some employers force workers from countries the former Soviet Union—such as Uzbekistan—to work without pay. Employers or the individuals who brought the workers into the country withhold the workers' passports or other documentation and threaten them with exposure to law enforcement or immigration authorities if they demand payment. At times the recruiter demands part or all of the worker's wages to avoid deportation.

There are reports of children being kidnaped or purchased from parents, relatives, or orphanages for sexual abuse, child pornography, and the harvesting of body parts. When police investigate such cases, in some instances they find that these children were adopted legally by families abroad; however there were confirmed cases of children trafficked for sexual exploitation. National law enforcement authorities believe that there is a brisk business in body parts, but international law enforcement and other organizations found no evidence to support this claim.

Trafficking also is alleged to occur within the country's borders, in the form of transport of young women from the provinces to the major cities to work as strippers and prostitutes. The more remote and impoverished the region the more vulnerable persons are to enticement. Many believe that these young women get involved voluntarily in prostitution; however, police confirm that there is an element of coercion involved in prostitution that involves organized criminal groups. Men also reportedly are trafficked for their physical labor. There are also reports that senior military officers have sometimes rented out their subordinates to private employers of other military units.

There were reports of individual government officials taking bribes from individual and organized trafficking rings to assist in issuing documents and facilitating visa fraud. Law enforcement sources agree that often some form of document fraud is committed in the process of obtaining external passports and visas, but they are uncertain to what extent this involves official corruption rather than individual or organized criminal forgery and fraud. There were reports of prosecutions of officials involved in such corruption. The penalty for violating border laws with fraudulent documents was up to 3 years. The penalty for taking bribes is 3 to 7 years. Those who were charged with more than one crime received heavier sentences.

No specific legislation addresses the problem of trafficking, nor has the Government established special task forces. Several articles of the Criminal Code may be used to prosecute trafficking effected by force. For example, the law provides for a punishment of up to 5 years' imprisonment for the unlawful violation of Russian borders by a "group of persons in prior arrangement or by an organized group either

using violence or the threat of violence.” The law prohibits forcing a person into sexual activity, drawing a person into prostitution by force or threat of force, and organizing and maintaining a house of prostitution. The law punishes those who use forged documents to smuggle persons across a border; crossing the country’s borders without required documentation is punishable by a fine or imprisonment of up to 2 years. However, under the law, it is extremely difficult to prosecute a trafficker who persuades an adult victim to leave the country with him voluntarily, even for purposes of prostitution. It is much easier to prosecute a trafficker of minors, although the age of consent is 14. Prostitution is not a crime, although a revision of the administrative code during the year made prostitution and pimping administrative violations (see Section 5). Traffickers most often are prosecuted for document fraud, if at all. However, the government rarely investigates or prosecutes cases of trafficking of adults. Using fraud laws, Kareliya oblast authorities attempted to prosecute individuals who trafficked young women to the U.S. Oblast authorities were unable to establish that the Russia-based company knew that the women would be defrauded once they were in the U.S. The authorities consider that most of the illegal activity such as forced labor, sexual abuse, and deprivation of wages, takes place outside the country’s borders and therefore is not within their jurisdiction.

Law enforcement bodies take the trafficking of children more seriously. During the year, with the help of foreign law enforcement agencies, authorities were able to break up three major domestic child pornography rings during the year, which the police believe victimized hundreds of children.

Government officials at the highest level, and most law enforcement agencies, acknowledge that a trafficking problem exists. Law enforcement bodies take no specific measures to prevent the export of women for the purpose of sexual exploitation. The belief that women are aware of the risks involved but choose to go anyway is pervasive. Criminal prosecution generally follows cooperation with international law enforcement structures. The Ministry of the Interior (MVD) believes that the problem of trafficking in persons is primarily the responsibility of the Ministry of Foreign Affairs and consular services abroad. In October President Putin shifted all responsibility for migration and immigration issues to the MVD, including trafficking. Interior Minister Gryzlov established a commission to develop programs for addressing problems including trafficking. The MVD, the FSB, and the Procuracy seek to cooperate with foreign governments on ways to combat trafficking and law enforcement agencies have participated in foreign funded training programs; however, these agencies were not optimistic about reversing the trend through law enforcement alone. They all state that better legislation is necessary before any law enforcement response is possible. By year’s end, no such legislation had been introduced, and no Duma member had indicated an intention to make this a priority.

NGO’s claimed that Russian consular officials abroad refuse to help trafficked women. The women selected for trafficking rarely speak the language of the destination country and often are told by their traffickers that they are in violation of local law and will be prosecuted themselves if they turn to local authorities; as a result they rarely seek the assistance of local authorities. Victims rarely file complaints against the agencies that recruited them once they return to Russia, reporting that fear of reprisals often exceeds their hope of police assistance. Law enforcement authorities acknowledged that they rarely open a case following such complaints because often no domestic law was broken, and law enforcement authorities are evaluated according to the number of cases they close. During the year, Interior Minister Gryzlov denounced this practice and called for a system of evaluations based on service to the community; however, by year’s end no such alternative had been implemented.

There are no government initiatives to bring trafficking victims back to the country. Unless deported by the host country, women must pay their own way home or turn to international NGO’s for assistance. Women reported that without their documentation, which is often withheld by traffickers, they receive no assistance from Russian consulates abroad.

The Government does not provide direct assistance to trafficking victims. Victims of trafficking can turn to a crisis center or other NGO’s that render assistance to female victims of sexual and other kinds of abuse (see Section 5). Many of the over 55 crisis centers and NGO’s throughout the country provide information on trafficking, and some provide assistance. NGO’s that are members of the “Angel Coalition” claim to have rescued a few women and have assisted several trafficking victims to reintegrate upon return to the country. These NGO’s receive varying degrees of support from regional and local governments. Some are invited to brief local officials and law enforcement personnel, and some provide training to local crisis centers and hospital staff. Some foreign funded crisis centers, such as the Anna Crisis

Center in Moscow and the Women's Center in Kareliya Oblast provide psychological consultations for trafficking victims. The NGO Internews produced a series of television public service announcements and for television and radio spots designed to raise awareness of trafficking, created a short video to educate potential trafficking victims, and ran a campaign to encourage production of news reports on trafficking cases and issues.

## SAN MARINO

San Marino is a democratic, multiparty republic. The popularly elected Parliament (the Great and General Council—GGC) selects two of its members to serve as the Captains Regent (co-Heads of State). Captains Regent preside over meetings of the GGC and of the Cabinet (Congress of State), which has 10 other members (Secretaries of State) also selected by the GGC. The Secretary of State for Foreign Affairs has some of the prerogatives of a prime minister. The Government respects the law's provisions for an independent judiciary in practice.

Elected officials effectively control the centralized police organization (the Civil Police), which is responsible for internal security and civil defense; the Gendarmerie, a military group that is responsible for internal security and public order; and the Guardie di Rocca, a military group that is responsible for external defense and occasionally assists the Gendarmerie in criminal investigations.

The country has a total population of approximately 25,000. The principal economic activities are tourism, farming, light manufacturing, and banking. In addition to revenue from taxes and customs, the Government also derives revenue from the sale of coins and postage stamps to collectors throughout the world and from an annual budget subsidy provided by the Italian Government under the terms of the Basic Treaty with Italy.

The Government generally respects citizen's rights in practice; however, although the Parliament and the Government have demonstrated strong commitment to the protection of human rights, some remnants of legal and societal discrimination against women remained, particularly with regard to the transmission of citizenship.

### RESPECT FOR HUMAN RIGHTS

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

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

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

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

Prison conditions generally meet international standards. Male prisoners are housed separately from female prisoners, as are juveniles from adults and pretrial detainees from convicted prisoners. The Government permits visits by independent human rights monitors.

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

The law prohibits forced exile, and the Government does not employ it.

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

The judicial system requires that the country's lower court judges be noncitizens, with the aim of assuring impartiality; most lower court judges are Italian. A local conciliation judge handles cases of minor importance. Other cases are handled by the non-Sammarinese judges who serve under contract to the Government. The final court of review is the Council of Twelve, a group of judges chosen for 6-year terms (four of whom are replaced every 2 years) from among the members of the GGC.

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

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions, and the Government generally respects these prohibitions in practice. Violations are subject to effective legal sanction.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press, and the Government generally respects these rights in practice. An inde-

pendent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

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

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

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

The law does not provide for the granting of refugee or asylee status in accordance with the 1951 U.N. Convention or its 1967 protocol. Asylum or refugee status is granted by an act of the Congress of State; however, the Government does not formally offer asylum to refugees. The Government has permitted a few individuals to reside and work in the country, and the Government cooperates with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The issue of the provision of first asylum did not arise during the year.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The percentage of women in government and politics does not correspond to their percentage of the population, although they face no legal impediments to political participation. In the past, women have served on the Council, including as Secretary of State for Internal Affairs and as Captain Regent; however, no women served in such positions during the year. Women hold positions in the mainstream party organizations.

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

There are no domestic human rights organizations, although the Government does not impede their formation. The Government has declared itself open to investigations of alleged abuses by international NGO's, but there have been no known requests.

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

The law prohibits discrimination based on race, religion, disability, language, or social status, and the authorities generally respect these provisions. The law also prohibits some forms of discrimination based on sex; however, vestiges of legal as well as societal discrimination against women remained.

*Women.*—The law provides for the protection of women from violence, and occurrences of such violence, including spousal abuse, are rare.

Several laws provide specifically for the equality of women in the workplace and elsewhere. In practice there is no discrimination in pay or working conditions. All careers are open to women, including careers in the military and police as well as the highest public offices.

In 2000 Parliament passed a new citizenship law; under the previous citizenship law, a woman who married a foreigner could not transmit citizenship to her husband or children, but a man who married a foreigner could do so to both his wife and their children. The new law provides that both men and women can transmit citizenship either through birth or naturalization. In theory the 2000 law allows 12 months for all children of San Marino citizens to attain permanent citizenship after reaching legal majority; however, the language of the law phrases this right slightly differently for the children of male citizens and the children of female citizens. The children of male citizens only need to state their intent to retain citizenship whereas the children of female citizens must state their "desire" to retain citizenship; it is not clear if this will affect the transmission of citizenship in practice.

According to Foreign Ministry sources, several hundred children of citizen women who are married to noncitizen men and reside in the country opted to become citizens during the year. Reportedly most children of citizens residing abroad did not take this opportunity during the year.

*Children.*—The Government is committed to children's rights and welfare; it amply funds systems of public education and medical care. Education is free until

grade 13 (usually age 18), and compulsory until age 16. Most students continue in school until age 18. No differences are apparent in the treatment of girls and boys in education or health care, nor is there any societal pattern of abuse directed against children.

*Persons with Disabilities.*—There is no discrimination against persons with disabilities in employment, education, or in the provision of other state services.

A 1992 law established guidelines for easier access to public buildings, but it never has been implemented fully.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—By law all workers (except the armed forces but including the police) are free to form and join unions, and workers exercise this right in practice. The law sets the conditions for the establishment of labor unions. Union members constitute approximately half of the country's work force (which numbers approximately 10,300 citizens plus 4,000 resident Italians). Trade unions formally are independent of the Government and the political parties; however, trade unions have close informal ties with the political parties, which exercise strong influence over them.

Workers in all nonmilitary occupations have the right to strike. No general strikes have occurred in at least 11 years; however, during the year, some brief sector-wide and company strikes took place.

Unions may freely form or join federations and affiliate with international bodies.

*b. The Right to Organize and Bargain Collectively.*—The law gives collective bargaining agreements the force of law and prohibits antiunion discrimination by employers, and the workers exercise these rights. Effective mechanisms exist to resolve complaints. Negotiations are conducted freely, often in the presence of government officials (usually from the Labor and Industry Departments) by invitation from both the unions and the employers' association. Complaints generally are resolved amicably by a "conciliatory committee" composed of labor union and business association representatives and government officials.

There are no export processing zones.

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

The law prohibits forced and bonded labor by children, and such practices were not known to occur (see Section 6.c.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The minimum working age and compulsory education age ceiling is 16 years. The Ministry of Labor and Cooperation permits no exceptions. The law does not limit children aged 16 to 18 from any type of legal work activity.

The law prohibits forced and bonded labor by children, and such practices are not known to occur (see Section 6.c.).

*e. Acceptable Conditions of Work.*—The legal minimum wage during the year was approximately \$1,120 (2.35 million lira) per month, which affords a decent standard of living for a worker and family. Wages generally were higher than the minimum.

The law sets the workweek at 36 hours in public administration and 37½ hours in industry and private business, with 24 consecutive hours of rest mandated per week for workers in either category.

The law stipulates safety and health standards, and the judicial system monitors these standards. Most workplaces implement the standards effectively, but there are some exceptions, notably in the construction industry, where not all workers, especially foreign workers hired for a specific contract, consistently abide by safety regulations such as work hour limitations. The Government has monitored closely the implementation of safety regulations in the construction industry, but improvement has been slow.

Two laws treat foreign workers differently than citizens of the country: The first prohibits indefinite employment status for foreign workers with nonresident status; and the second requires non-Italian foreign workers to obtain an Italian residence permit before they can apply for employment. In practice these provisions limit the application of unemployment benefits to foreigners because such benefits are granted for a period of 12 months.

*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.

## SLOVAK REPUBLIC

The Slovak Republic became an independent state in 1993, following the dissolution of the Czech and Slovak Federal Republic (CSFR). The Constitution provides for a multiparty, multiethnic parliamentary democracy, including separation of powers. Prime Minister Mikulas Dzurinda took office after parliamentary elections in the fall of 1998. President Rudolf Schuster was elected during the first direct presidential elections held in May 1999. Both elections were declared free and fair by the Organization for Security and Cooperation in Europe (OSCE). The Government chose to carry over the entire body of CSFR domestic legislation and international treaty obligations, which still were being renewed or updated. The Constitution provides for an independent judiciary; however, some experts allege that the Ministry of Justice's logistical and personnel authority allows it to exert some influence on the judicial system.

The national police, which fall under the jurisdiction of the Ministry of Interior, are the primary law enforcement agency. In addition to domestic law enforcement, they also have responsibility for border security. The Slovak Information Service (SIS), an independent organization reporting directly to the Prime Minister, is responsible for all civilian security and intelligence activities. A parliamentary commission composed of legislators from ruling and opposition parties oversees the SIS. Civilian authorities generally maintain effective control of the security forces, and the performance of the security forces, particularly the police, improved during the year. However, police and SIS forces committed some human rights abuses.

The country's population was approximately 5,396,000. The country continued to make progress in the transition to a market-based economy, with more than 83 percent of the gross domestic product (GDP) generated by the private sector. The economy is largely industrial, with only 5 percent of the GDP generated by agricultural production. Major exports are iron and steel products, vehicles and automobile parts, audio and video equipment, machinery and transport equipment, petroleum products, and organic chemicals. GDP growth reached 3.1 percent during the first three quarters of the year. The economy's growth is fueled by foreign demand as exports increased by 12.7 percent in the first 11 months of the year. Inflation grew by 8 percent, lower than expected, due to a combination of increases in regulated prices, growing competition on the retail market, and lower than expected domestic demand. Slow growth is largely the result of the failure of the previous Government to implement structural reforms, such as financial sector privatization and industrial restructuring. The per capita GDP was \$3,554 during the year, and provided most of the population with a decent standard of living. The unemployment rate varies between 18 and 19 percent, reaching almost 30 percent in some areas. A disproportionate number of unemployed are Roma, who face exceptional difficulties in finding and holding jobs, partly as a result of discrimination. According to the law, in July 2000, social benefits of those unemployed over 2 years were cut in half. National savings have been transferred to municipalities to pay for community service jobs. More than 64,000 jobs have been created since July 2000, of which over half have gone to the Roma minority.

The Government generally respected the human rights of its citizens, and showed improvement in certain areas; however, problems remained in some areas. In at least one case, the police allegedly killed a Rom. Police on occasion allegedly beat and abused persons, particularly Roma. There have been allegations that surveillance continued on both opposition and government politicians. On at least one occasion the Government used libel laws to suppress criticism of political leaders. There were some limits on the rights of Roma to travel. Violence and discrimination against women remained a problem. Cases of abuse of children and discrimination against the disabled were reported. Some anti-Semitic incidents occurred. Ethnic minorities, in particular Roma, faced societal discrimination. Skinhead attacks on Roma and other minorities continued during the year. Police sometimes failed to provide adequate protection against these attacks or to investigate such cases vigorously. Trafficking in women and children was a problem, particularly among the Roma minority.

### 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 the Government or its agents; however, there allegedly was at least one death in police custody due to abuse. On July 7, the Mayor of Magnezitovce and his son, who is a police officer, allegedly beat a 51-year-old Rom, Karol Sendrei, and his two sons. The police took the Roma to the police station where they allegedly

chained them to a radiator and further beat them. Karol Sendrei reportedly died as a result of the abuse while in police custody. The mayor was suspended temporarily from his post; however, after the charges were dropped against the mayor in November, he was reinstated in his position. The mayor's son was dismissed immediately from the police force and the two officers who took the men into custody were suspended indefinitely for using excessive force. In October Slovak investigators charged seven police officers with the crime of torture and cruelty as well as manslaughter for their role in the killing of Sendrei; the trial was pending at year's end.

In July in response to the death of Karol Sendrei while in police custody, Interior Minister Ivan Simko established new measures to prevent police brutality, including mandatory psychological tests when hiring law enforcement officials, more stringent job requirements, and improved curriculum at preparatory academies, including better training on the appropriate use of coercion. Simko also ordered increased monitoring of police procedures.

The 1999 case of a police shooting of a 21-year-old Rom during an interrogation still was under investigation by independent investigators at year's end. The police officer involved was dismissed for violating the law by interrogating the Rom alone when he had access to a gun; the officer committed suicide in. Independent investigators reconstructed the event and determined that it was unlikely that the Rom in custody was able to remove the gun from the police officer's holster. In October the European Roma Rights Center filed a complaint with the European Court of Human Rights (ECHR).

The former Prime Minister Meciar's party, the Movement for a Democratic Slovakia (HZDS), alleged that the January 1999 killing of Jan Ducky, the former Economy Minister under the Meciar Government and head of the national gas distribution monopoly, was the result of a political vendetta. Ducky was killed in the lobby of his apartment building a week after the authorities filed charges against him for financial mismanagement and illegal property transfers while at the gas monopoly. Interior Minister Ladislav Pittner publicly speculated that Ducky might have been killed to prevent his testimony. In November 2000, the Bratislava district court ruled to halt the criminal prosecution of Ukrainian citizen Oleg Tkhoryk for the killing due to lack of incriminating evidence. In April the Bratislava regional prosecutor appealed the ruling, but the Supreme Court rejected the appeal and terminated the criminal prosecution of Tkhoryk.

Skinhead attacks against Roma and other minorities that resulted in deaths continued throughout 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; however, on occasion both national and city police allegedly beat suspects in custody. In March 2000, Roma from the village of Hermanovovce signed a petition protesting alleged police humiliation, torture, and sexual abuse. Police investigated the allegations and concluded there was no evidence to support the reports. In July authorities beat a Rom and his sons while in custody; the father died from his injuries (see Section 1.a.).

Police reportedly used pressure and threats to discourage Roma from pressing charges of police brutality (see Section 1.e.). Credible sources stated that at times the police tolerated violence against Roma by not thoroughly investigating attacks against them in a timely and thorough manner or by coercing Roma to refrain from submitting incriminating evidence (see Sections 1.e. and 5.).

Residents of African and Asian origin continued to complain that police failed to investigate fully skinhead attacks against them (see Section 5).

Many of the reports of police misconduct are committed by local police forces. Some activists credibly claimed that a contributing problem is that the local police forces are supervised by the local mayor, not the Interior Ministry.

In January 12 persons, most of whom were formerly members of the SIS, were charged with the violent abduction and torture in 1995 of the former president's son, Michal Kovac, Jr. Former SIS head Ivan Lexa was the primary person accused; however, the Constitutional Court concluded that amnesties granted to Gustav Krajci and a second official involved in the case, Jaroslav Svechota, by former Prime Minister Meciar, shielded them from prosecution. An investigation into the killing was ongoing at year's end. In April 1999, Parliament lifted the immunity of former SIS head Ivan Lexa in five of the seven criminal cases in which he allegedly was implicated, including participation in the kidnaping of the President's son. In September 2000, the Bratislava district court issued an international warrant for the arrest of Lexa, who allegedly had fled the country; Lexa faces several charges, including abuse of power, fraud, and money laundering. Lexa's attorneys have charged that the Government's continued pursuit of their client is unfair on the grounds that

he cannot be prosecuted because of Meciar's amnesties. However, the Government's investigation into Lexa's involvement in crimes for which he had not received amnesty continued, and his whereabouts remained unknown at year's end.

Prison conditions generally meet international standards. Men and women are held separately, as are juveniles from adults and pretrial detainees from convicted criminals.

The Government permits visits by independent human rights monitors. Amnesty International occasionally visited prisons. The Slovak Helsinki Committee was in the process of receiving government approval to monitor prisons at year's end.

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

A person accused or suspected of a crime must be given a hearing within 24 hours and be either released or remanded by the court. During this time, the detainee has the right to an attorney. If remanded by a court, the accused is entitled to an additional hearing within 24 hours, at which time the judge either releases the accused or issues a substantive written order placing the accused in custody. Some critics argue that the initial 24-hour detention period, during which time investigators must gather all evidence that can be submitted to the prosecutor, is not sufficient and occasionally results in the release of guilty suspects. A Ministry of Justice judicial reform committee recommended lengthening the initial detention period to 72 hours.

In April 2000, Special Forces broke into the residence of former Prime Minister Vladimir Meciar, and detained and transported him to Bratislava to question him concerning his alleged misuse of authority as a public official. His supporters called the action an excessive use of force and an illegal and politically motivated indictment. Police defended the action and stated that it was in accordance with the law. In October the Prosecutor General concluded that Meciar had not abused his authority and dismissed the charges against him.

Investigative detention may last 18 to 40 days, with further pretrial detention permitted. The total length of pretrial detention may not exceed 1 year, unless the Supreme Court extends it after determining that the person constitutes a serious danger to society.

Pretrial detainees constituted approximately 26.7 percent of the total prison population, and the average pretrial detention period was 7.2 months. The law allows family visits and provides for a court-paid attorney if needed. A system of bail exists. Noncitizens may be held for up to 30 days for identification purposes or for 18 to 40 days in investigative detention. Detainees have the right to see an attorney immediately and are to be notified of this right; however, one nongovernmental organization (NGO) reports that not all detainees are notified of their rights.

The law allows monthly family visits upon request and receipt by detainees of a package of up to 10 pounds every 2 weeks. Attorney visits are allowed as frequently as necessary, and consular visits are allowed upon request by the judge.

The Constitution prohibits forced exile, and the Government does not employ it.

*e. Denial of Fair Public Trial.*—The Constitution provides for courts that are independent, impartial, and separate from the other branches of government; however, some critics allege that the dependence of judges upon the Ministry of Justice for logistical support, the granting of leave requests, and other services undermines their independence. The Ministry of Justice can demote presidents and vice presidents of the courts for any reason, although they remain judges, and it has done so; however, the President of the Supreme Court can only be removed from office through impeachment. Although not specified in legislation, in practice the Judicial Council, an independent organization of lawyers and judges, recommends nominations for presidents of courts, and the Minister of Justice then officially nominates the recommended judge. The Ministry has denied the nomination of only one of the council's recommendations.

In July Parliament passed Constitutional amendments to increase the judiciary's independence; however, the amendments had not been implemented by year's end. The amendments extend the term that judges serve to life and requires that the Judicial Council nominate the judges instead of the Government. The amendments also define the competencies of the Constitutional Court and extend the terms of judges on the Constitutional Court.

The court system consists of local and regional courts, with the Supreme Court as the highest court of appeal except for constitutional questions. There is a separate Constitutional Court—with no ties to the Ministry of Justice—that considers constitutional issues. In addition there is a separate military court system, the decisions of which may be appealed to the Supreme Court and the Constitutional Court. Under the Constitution, the President appoints Constitutional Court judges to 7-year terms based upon parliamentary nominations. Parliament elects other judges,

based on recommendations from the Ministry of Justice, and can remove them for misconduct.

Many activists credibly allege that some judges are corrupt and that adequate safeguards against corruption do not exist; however, they note that the July Constitutional amendments should curtail this corruption in the judiciary.

Under the law, persons charged with criminal offenses are entitled to fair and open public trials, although in practice observers stated that corruption among judges may infringe on a persons right to a fair trial. They have the right to be informed of the charges against them and of their legal rights, to retain and consult with counsel sufficiently in advance to prepare a defense, and to confront witnesses. Defendants enjoy a presumption of innocence. Defendants also have the right to refuse to make self-incriminating statements, and they may appeal any judgment against them. According to existing legislation, suspects are presumed innocent during the appeal process, and if that process lasts more than 3 years, the suspect would be released. Occasionally criminals are released from prison because they have not had a complete trial within the 3-year time limit. Lengthy pretrial detention remained a problem.

Human rights monitors continued to charge that police and investigators are reluctant to take the testimony of witnesses, particularly Roma, regarding skinhead attacks on Roma, and police on occasion have failed to investigate cases of skinhead violence when the skinhead did not admit the crime (see Sections 1.c. and 5). Some NGO's have defended the police, contending that the real fault lies in the law, which states that only evidence that is collected by the investigator in the 24-hour detention period can be considered in the decision on whether to hold the suspect. They also contend that due to financial restraints, police lack modern equipment and are forced to work in substandard conditions that make their jobs increasingly difficult. However, human rights monitors also reported that police used countercharges or threats of countercharges to pressure Roma victims of police brutality to drop their complaints. They also reported that medical doctors and investigators cooperated with police by refusing to describe accurately the injuries involved, and that lawyers often were reluctant to represent Roma in such situations, for fear that this would have a negative effect on their law practice.

Credible sources state that it is increasingly difficult for citizens who are disadvantaged economically to obtain noncriminal legal representation, and therefore it is becoming more difficult for some who may have had their rights infringed upon to take further legal action. The Ministry of Justice has initiated a program in which free legal advice is offered in seven cities every Wednesday for 5 hours; however, a legal NGO has claimed that a more systematic approach is necessary. The practice of Chamber of Advocates leadership encouraging their membership to avoid indigent cases has been eliminated. The Slovak bar association is preparing a program to encourage lawyers to accept pro-bono cases.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law provides for these rights; however, the authorities at times infringed upon these rights in practice. The Criminal Code requires police to obtain a judicial search warrant in order to enter a home. The court may issue such a warrant only if there is a well-founded suspicion that important evidence or persons accused of criminal activity are present inside, or if there is another important reason. Police must present the warrant before conducting the house search or within 24 hours after the search. Some Roma activists have alleged that on occasion local police detachments have entered Roma premises without a search warrant.

The police law regulates wiretapping and mail surveillance for the purposes of criminal investigation, which may be conducted on the order of a judge or prosecutor only in cases of extraordinarily serious premeditated crimes or crimes involving international treaty obligations. There were allegations in 2000 that SIS surveillance continued on both opposition and government politicians (see Section 2.a). Reports of alleged government surveillance of Roma, particularly related to the large number of Roma emigrating to Western Europe, continued. SMK Chairman Bela Bugar told TV Markiza that SMK members were being monitored and that their telephones were tapped. The founder and chairman of the political party SMER, Robert Fico, also made a similar allegation. There were reports that the Ministry of Interior actively monitored members of the Church of Scientology (see Section 2.c.).

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respects this right in practice. The media generally are free and uncensored; however, in at least one case during the

year, the Government used libel laws to suppress criticism of political or other leaders, and some human rights activists have criticized the section of the Penal Code that prohibits the defamation of the state. Individuals report that they are able to criticize the Government without fear of reprisal.

The Penal Code stipulates that anyone who publicly demonstrates sympathy towards fascism or movements oppressing human rights and freedoms can be sentenced to jail for up to 3 years. In January a woman was charged with supporting and propagating movements and suppressing the rights and freedoms of citizens when she distributed 4,930 copies of Hitler's *Mein Kampf* in Slovakia. On November 9, Parliament passed an amendment to the Penal Code criminalizing the "denial or belittling of the Holocaust."

In June the President made a complaint to the General Prosecutor against Ales Kratky, a writer for the daily *Novy Cas*. In a commentary published on May 26, Kratky wrote that the President's State of the Nation address "indicated signs of mental incapacity to lead a country that is trying to join the modern and developed nations." The Office of the President cited Article 103 of the Penal Code, which stipulates that one who publicly defames the president for the performance of his duties or his activities in public life may be punished by up to a 2-year prison sentence, as the basis for their complaint. The prosecutor's office referred the matter to the police for investigation; the investigation was pending, and no charges had been filed at year's end. On November 9, Parliament rejected by one vote an amendment to the Penal Code to overturn the law that prohibits "defaming the head of the state", the Parliament, the Constitutional Court, and the Government. The amendment's failure permits allow the continued prosecution of Kratsky.

In 1992 a court ordered poet Lubomir Feldek to apologize to former government minister Dusan Slobodnik for describing him unfavorably in a poem and fined him. On July 13, the ECHR ruled in favor of Feldek stating that "it was clear and undisputed that there had been interference with the applicant's right to freedom of expression" and awarded him \$12,000 (SK 600,000).

A new Freedom of Information Act became effective on January 1 that grants citizens access to virtually all unclassified information from national and local government offices. Over 1,000 requests were submitted to the Government during the year and several resulted in lawsuits.

Independent newspapers and magazines regularly published a wide range of opinions and news articles that were distributed nationwide. There were nine national dailies, as well as a sports daily and several weeklies. National dailies are read by approximately 30 percent of the population over age 14. Money has been reallocated to minority groups for the publication of minority language newspapers; however, representatives from these newspapers say that the amount of money has decreased annually, and because there are a growing number of publications competing for this money, the allocated funds are insufficient.

Three boards, appointed by a majority vote of Parliament, supervise radio and television broadcasting. The Slovak Television Council and the Slovak Radio Council establish broadcasting policy for state-owned television and radio. The Slovak Council for Radio and Television Broadcasting issues broadcast licenses and administers advertising laws and other regulations. The Radio and Television Council has made significant progress in fostering the spread of private broadcasting, for which it has issued 27 radio and 78 television and cable television licenses. Although the potential for political interference exists because Slovak Television and Slovak Radio are reliant on government funds, there have been no reports of such interference during the year. TV Markiza, a private company with a signal covering two-thirds of the country, is the most watched station. The media monitoring NGO Memo and other sources have reported that Pavol Rusko, a partial owner of TV Markiza, who established the political party Alliance of New Citizens (ANO), provides a disproportionate amount of air time to ANO and presents competing parties in a negative manner.

There were complaints that the media failed to represent minorities. The media monitoring organization Memo continued to monitor the media's treatment of minorities during the year and found that, although the electronic media continued to allocate insufficient time to minorities (only a little over 13 hours), there was a slight increase in coverage from 2000. During the year, there were 1,351 neutral, 147 negative, and 20 positive stories about minority issues. The Roma minority continued to be largely absent on talk shows and children's programming; however, the situation improved slightly during the year. On July 18, the Slovak Helsinki Committee published further results of its media monitoring of two television stations and two local newspapers, which was conducted from April to June. The study found that 876 pieces were published on the Hungarian minority, of which 207 were negative, 664 were neutral and 5 were positive, and that 505 articles featuring Roma

were published, of which 81 were negative, 414 were neutral and 10 were positive. The STV news program promised to hire a Roma reporter and claimed that they had been looking actively for members of the Roma minority to work as newscasters; however, they had not hired a Roma by year's end.

The Government does not censor books, films, or plays; it also does not limit access to the Internet. Access to the Internet is not widespread, but is more common in the urban areas.

The law provides for academic freedom. The Government does not intervene in the administration and funding of institutions of higher education. The President formally appoints professors on the recommendation of the university to which the professor is to be appointed following the applicant's fulfillment of all university requirements. On occasion the President has refused the nomination; however, there were no such cases during the year. Many of the school administrators who were appointed based solely upon political favoritism during the previous regime have been replaced. The practice of diverting money from the older, then pro-opposition, universities largely has been reversed. The use of bribery by some students to increase their chances for acceptance into some more prestigious faculties is believed widely to result in unequal access to higher education for economically disadvantaged students.

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

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. No official state religion exists; however, the Catholic Church, the dominant faith in terms of membership, receives significantly larger state subsidies because it is the most populous church.

Registration of churches is not required, but under existing law, only registered churches and religious organizations have the explicit right to conduct public worship services and other activities. However, no specific religions are banned or discouraged by the authorities in practice. In order to register as a religion, a religious organization must collect the signatures of 20,000 permanent residents who adhere to that religion. Although Government support is provided in a nondiscriminatory way to registered religions that seek it, this requirement disadvantages some smaller faiths. The State provides financial benefits, including subsidies for clergy and office expenses, only to the 15 registered churches and religious organizations.

The Government monitors, although it generally does not interfere with, religious "cults" and "sects." However, during the year the Government harassed the Church of Scientology and its members. The Ministry of Interior also actively monitored Scientologists. Several stories have appeared in the media critical of companies that have ties to Scientology, including reports that the Director of the SIS was concerned that a company with close ties to the church of Scientology had won a vote to provide the Government with a new computer system.

In February 1999, police arrested two former high officials in the SIS, former Chief of the SIS Counterintelligence Unit Jaroslav Svehota and Deputy Director of the Surveillance Unit Robert Beno, for involvement in the 1995 effort to discredit the chairman of the Slovak Bishops Conference. SIS involvement in the case was proven, and property was returned; however, the court had not made any rulings regarding Svehota or Beno by year's end.

By law churches and religious organizations could apply for the return of their property that had been confiscated by the communist government; the deadline for these claims was December 31, 1994. During the year, the Government, municipalities, state legal entities, and under certain conditions, private persons returned property. The Government provided no compensation for damage done to these properties during the previous regime and some properties were returned in an unusable condition. The main obstacles to the resolution of outstanding restitution claims are the Government's lack of financial resources, and bureaucratic resistance on the part of those entities required to vacate restitutable properties. While the Orthodox Church reported that six of the seven properties on which it had filed claims already had been returned, the Catholic Church and the Federation of Jewish Communities (FJC) reported lower rates of success. The FJC is dissatisfied with the Government's failure to discuss compensation for property that belonged to Jewish families who no longer have living heirs.

Despite an order by former Prime Minister Meciar to withdraw a controversial history book entitled the "History of the Slovak Republic and the Slovaks" by Milan Durica, it remains available in schools. The book has been criticized widely by religious groups and the Slovak Academy of Sciences for gross inaccuracies and distortions, particularly in its portrayal of wartime Slovakia and the deportation of Jews and Roma.

In April 2000, the Parliament passed legislation establishing a private Catholic university in the town of Ruzomberok, which officially opened in September 2000. It received a state subsidy of \$200,000 (approximately SKK 9,700,000), which constitutes 70 percent of the school's budget.

*d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for these rights; however, there were some limits on those rights for Roma.

According to a legal rights NGO, although the law requires state administrators to register all citizens, some local police officers refused to give a registration stamp to Romani citizens, which prevents them from receiving social benefits and housing.

In 2000 approximately 2,419 Slovak citizens applied for asylum in Western and Central European countries, mainly Belgium, Sweden, the Czech Republic, and Denmark; less than 1 percent of such cases were adjudicated in favor of the applicant. During the year, Roma continued to apply for asylum in Western Europe. On April 10, the European Union (EU) implemented a joint visa policy exempting Slovaks citizens from needing visas to travel to EU countries, with the exception of Great Britain and Ireland. In April 108 Slovak Roma applied for political asylum in Belgium; Belgium threatened to reinstate an entry visa requirement. Human rights organizations claim that these asylum seekers migrate in order to receive benefits to pay back incurred debt from high interest loans they have received from moneylenders. Allegedly the moneylenders organize these trips for the Romani families. Illegal high interest moneylending to economically disadvantaged Roma occurred frequently and occasionally resulted in Roma losing all possessions including housing. There were credible reports that this practice has led to the selling of family members in return for debt forgiveness and allegedly has resulted in an increase in the number of Roma women who were trafficked (see Section 6.f.). The Government has not developed a concrete strategy to deal with this problem.

Deputy Prime Minister for Human Rights Pal Csaky is responsible for addressing the problem of asylum seekers. In May a strategy aimed at limited migration of Slovak Roma was presented to the Cabinet; the proposal directed border police to more stringently check travel documents of persons leaving Slovakia. Although this specific clause did not mention Roma directly, there was criticism that this was a government attempt to interfere with the rights of Roma to travel freely. In June Parliament passed this resolution; it was used primarily by the Interior Ministry to create strategies to limit the number of Roma who were emigrating to other European countries.

The law includes provisions for granting of refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

The law provides for tolerated residence (first asylum) which allows refugees to remain in the country if their life would be threatened by a forced return to their home country. The Government occasionally adopts specific resolutions in response to a crisis allowing for the temporary acceptance of refugees who do not wish to enter the asylum process. During the year, the Government passed such a resolution for Afghan refugees.

According to the Slovak Migration Office, by year's end, 7,041 persons had applied for asylum. As of November, 2,842 cases were resolved; of those cases, 12 persons were granted refugee status, 2 persons were granted Slovak citizenship; 121 were denied refugee status; and 4,466 cases were stopped in midprocess, most often because the applicant had left the country.

In April 2000, Parliament amended the law on refugees so that asylum seekers are no longer required to register at the migration office within 24 hours of entering the country.

Some refugee claimants had difficulty in gaining access to initial processing. Several NGO's noted that border police participated in several sensitivity trainings throughout the year and that the initial processing has improved as a result.

According to the Slovak Helsinki Committee, refugees faced serious difficulties integrating into society and were often victims of skinhead violence, as well as discrimination when seeking employment (see Section 5).

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

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

The Constitution provides citizens with the right to change their government peacefully and citizens exercise this right through periodic, free, and fair elections

held on the basis of universal suffrage. All citizens over the age of 18 are eligible to vote, and voting is by secret ballot. The Constitution reserves certain powers to the President as Chief of State (directly elected by the citizens), but executive power largely rests with the Prime Minister. Legislative power is vested in the National Council of the Slovak Republic (Parliament).

Prime Minister Mikulas Dzurinda, who took office after free and fair elections in the fall of 1998, heads the country which is a multiparty, multiethnic parliamentary democracy. There are numerous political parties; the Government does not restrict the functioning of political opponents, including the right to publicize political opinions.

In November the country's first regional elections were held; in December the second round of voting for the position of Regional Chair was held. A small number of international observers and a larger group of domestic observers were present during the regional elections and reported that the elections were free and fair with no major problems. Voter turnout was low at 26 percent in the first round, and 22 percent in the second round.

The percentage of women in government and politics does not correspond to their percentage of the population. There are 3 female ministers, 1 of the 9 Constitutional Court judges appointed in November 1999 is a female, and women hold 21 seats in the 150-member Parliament. In the last parliamentary elections, only 273 of the 1,618 candidates (17 percent) were female.

The large ethnic Hungarian minority, whose coalition gained 15 seats in Parliament in the September 1998 elections, is well represented in Parliament and the Government; their percentage of minorities in the Government. One ethnic Hungarian sits on the Constitutional Court. Roma are not represented in Parliament, but a Rom holds the position of Government Commissioner for Roma Issues.

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

A number of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are cooperative and responsive to their views. The law requires that NGO's and foundations register and have substantial financial resources in order to operate. This has eliminated some foundations, primarily dormant groups; however, no organization was denied registration or faced any other limitations on their operations. Some NGO leaders continued to allege that the Government at times is unresponsive to their requests.

The National Center for Human Rights, which sponsors conferences, releases publications, and receives \$100,000 (5 million SKK) annually from the state budget, claimed that the Government's attempt to audit the Center as well as to intervene in its programs threatened the Center's independence. Several human rights NGO's have expressed extreme dissatisfaction with the work of the Center and questioned the effectiveness of the Center's use of state funds.

In December Parliament passed a law establishing and outlining the competencies of the first Human Rights Ombudsman; however, the Ombudsman position had not been created by year's end.

In November 1999, Minister of Justice Jan Carnogursky established a Department for the Documentation of Crimes committed by the communist regime. The Department provides legal advice regarding restitution and rehabilitation for imprisonment or persecution during the communist regime. During the year, there were approximately 280 claims registered in the office; no claims were resolved by year's end. Most of the requests were for compensation for unfair job loss and failure to have property restituted. The Department also prepared draft legislation to assist victims of the communist regime.

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

The law prohibits discrimination and provides for the equality of all citizens; however, enforcement of the law is inconsistent, and different minority groups have reported that their members often receive no government assistance for complaints about discrimination. In September Deputy Prime Minister Csaky's office drafted a comprehensive antidiscrimination law in response to findings in 2000 from a committee that was appointed to examine existing antidiscrimination legislation and determine whether additional legislation is necessary. However, the Government had not passed the legislation by year's end. The committee completed its assignment in December, and found that the Penal Code sufficiently addresses antidiscrimination concerns, but both improved legislation protecting civil rights and better implementation of the legislation was needed.

*Women.*—Violence, particularly sexual violence against women, remained a serious and underreported problem. According to Ministry of Interior statistics, there were 6,379 reports of violent crime against women: 6,309 occurred in the home, and 5,710 occurred in public. There were 632 reports of violence of a sexual nature committed against women: 287 occurred in the home, and 191 occurred in public. In 2000, police statistics indicated that over 70 percent of all violent crime occurred in the home, with 90 percent of the victims being women or children. One NGO's research showed that 38 to 40 percent of women were victims of domestic violence. A national poll from 2000 indicated that as many as one in five women are subjected to some form of physical violence in the home. Police estimate that two-thirds of female rape victims fail to report their cases. Police treat spousal abuse, other violence against women, and child abuse in the same way as other criminal offenses; sections in the criminal code specifically address rape, sexual abuse, and trafficking in women.

The law does not recognize or define the term domestic violence. NGO's criticize existing legislation for protecting aggressors over victims. If a husband or wife is guilty of child or spousal abuse, it is often the victim who is forced to leave the family home. The Ministry of Social Affairs reported that over 40 shelters for women exist; however, NGO's report that there are only 3 shelters that provide assistance and services to abused women and children. Experts from women's NGO's claim that the 40 shelters the Government refers to do not provide adequate assistance to women and children. According to some NGO's, the lack of relevant data on domestic violence is used by police authorities to downplay the extent of domestic violence. Many activists noted that the Government adopted a law in 2000 that addresses specifically abuse of family members.

Prostitution is legal; however, the Code prohibits activities related to prostitution, such as renting apartments for conducting prostitution, spreading sexually transmitted diseases, or trafficking in women for the purpose of prostitution. However, trafficking in women was a problem (see Section 6.f.).

Women are equal under the law. They have the same property, inheritance, and other legal rights as men; however, discrimination against women remained a problem. According to studies, women receive approximately 85 percent of men's wages for similar work; however, the definition of similar work is not defined precisely. On average women earn 22 percent less than men.

The Gender Center for Equal Treatment of Men and Women is an independent NGO that cooperates with the U.N. Development Program and the Government. The Center deals mainly with claims of unfair treatment of women in the workplace; however, it also focused on mobilization and job creation for women. The Government's Coordinating Committee for Women's Affairs, which includes NGO's, has done little to implement the national action plan meant to reduce violence against women, protect women's health, and reduce women's economic disadvantages.

*Children.*—The Government is committed to children's rights and welfare; it maintains a system of public education and medical care. The Ministry of Labor oversees implementation of the Government's programs for children. The Constitution, the law on education, and the Labor Code each address in part the issue of children's rights. There also is a system of assistance payments to families with children. Education is universal, free, and compulsory for 9 years, or until the age of 15; however, this requirement is not enforced strictly, particularly for the Romani minority. While most ethnic Slovak and Hungarian children attend school on a regular basis, a high percentage of Roma children fail to regularly attend school; the percentage increases the higher the grade level in school.

Child abuse remained a problem and is underreported. Experts from various state institutions dealing with child abuse claimed that there are significant discrepancies between official figures on child violence and the actual situation. During the year, there were 14,450 reports of crimes against children, of which 13,192 were prosecuted. A 1999 survey of over 7,000 children conducted by an NGO offering resources to abused children indicated that 12 percent of children are victims of sexual abuse, while 20 percent are victims of physical abuse. According to available police statistics, cases of child beating and sexual abuse continued to increase. Among the most frequent crimes committed against children were: Nonpayment of child support, sexual violence, and beatings. In the past 10 years, only 127 cases of abused children were reported officially, while the actual number is estimated to be 20 to 30 times greater. According to independent research, 25 percent of all children are punished physically on a regular basis.

Existing legislation appears to place emphasis on parents' rights over children's rights. The law allows parents to place their child in a state-run institution for abandoned children, and as long as contact is maintained once every 6 months, the child remains in the custody of the parents and cannot be adopted. NGO leaders

claim that the law protects aggressors before victims. If a husband or wife is guilty of child or spousal abuse, it is often the victim who is forced to leave the family home. However, the law was amended in 1999 to allow children who are victims of physical or sexual abuse to seek assistance and treatment without parental consent.

UNICEF, several NGO's, and other institutions dealing with children's issues have called for amendments to the law on families, particularly regarding relations between parents and children. Although new departments dealing specifically with children's issues have been established in the Ministries of Education and Social Affairs, the Government has not yet created an ombudsman's office to defend children's rights, as UNICEF recommended in 1999. In 2000 the Ministry of Social Affairs established a Commission on the Rights of the Child. The Commission provides information to children regarding their rights and performs the duties traditionally fulfilled by an ombudsman. There are several regional emergency hot line numbers for abused children and one counseling help line. There are five active hot lines, although only one hot line in Bratislava operates on a 24-hour basis.

Child prostitution is not addressed specifically in the Criminal Code, but is covered by more general provisions in the law. The Penal Code was amended in September 1999 to include a provision outlawing child pornography.

Trafficking of girls for the purpose of prostitution was a problem (see Sections 6.c. and 6.f.).

Several activists argue that children are born into poverty with increasing regularity, and that this phenomenon affects the Roma minority in particular. It has resulted in an increased number of abandoned Roma children either at the hospital immediately after birth or during infancy. These children become wards of the state and are sent to orphanages.

*Persons with Disabilities.*—The Constitution and implementing legislation provide for health protection and special working conditions for persons with mental and physical disabilities, including special protection in employment relations and special assistance in training. A 1994 decree provides incentives to employers to create a "sheltered" workplace (i.e., a certain percentage of jobs set aside for persons with disabilities). The law also prohibits discrimination against persons with physical disabilities individuals in employment, education, and the provision of other state services; however, experts have reported that discrimination in the accessibility of premises and access to education (particularly higher education) is a problem, and in 1998 the quotas for mandatory hiring of persons with disabilities were lowered in accordance with employers' wishes.

Although not required specifically by law, a government decree mandates accessibility for new public building construction. The decree provides for sanctions but lacks a mechanism to enforce them. A spokeswoman for an NGO dealing with persons with disabilities has stated that due to pressure from a number of NGO's and the willingness of the Dzurinda Government, accessibility has been improving, particularly regarding new construction; however, many barriers remained. NGO's complained that other legislation, including the provision of jobs for persons with disabilities, often is ignored.

*Religious Minorities.*—Anti-Semitism persists among some elements of the population. Despite protests by the Federation of Jewish Communities and Slovak National Party members, the official Slovak cultural organization Matica Slovenska continued their efforts to rehabilitate the historical reputation of Jozef Tiso, the leader of the Nazi-collaborationist wartime Slovak state. On March 14, a marginal nationalist party, Slovak National Unity (SNU), held a rally to commemorate the 62nd anniversary of the founding of the wartime Slovak state. Approximately 100 persons, including a number of skinheads, attended the rally. Also in March in Poprad, an unknown offender threw an explosive device near the site of a rally of approximately 100 persons held to commemorate the first deportation of Jewish women and girls from the country to Nazi concentration camps.

In March unknown persons vandalized a Jewish cemetery in the town Vranov and Toplou. In May unknown persons desecrated the Jewish cemetery in Levice for the sixth time in the past 6 years. The Jewish community appealed to the mayor of Levice to properly investigate this incident, and the local authorities began an investigation; however, no arrests were made by year's end. In June 58 tombstones were damaged in a Jewish cemetery that was declared a cultural heritage site, in the town of Levice. On July 7, in the town of Zvolen, unknown persons irreparably destroyed five historically valuable gravestones in addition to six other gravestones. An investigation into this incident continued at year's end.

In August activists from People Against Racism filed a complaint against the operators of the website Whitefront, which contains Nazi and fascist propaganda. They also filed a complaint against a musical skinhead group called Judenmord (Murder

of Jews), which has participated in several concerts in the country as well as in the neighboring Czech Republic.

In February 2000, the Ministry of Education and the Institute of Judaism undertook a joint educational project on Jewish history and culture that is targeted to elementary and high school teachers of history, civic education, and ethics. This project is intended to assist in educating the public about Jewish themes and increase tolerance toward minorities. September 10 was celebrated as a memorial day to victims of the Holocaust.

Numerous applications that were filed with the state for compensation for citizens who were deported to German controlled concentration camps during World War II continued to be processed at year's end. Some victims have received compensation.

*National/Racial/Ethnic Minorities.*—The Constitution provides minorities with the right to develop their own culture, receive information and education in their mother tongue, and participate in decisionmaking in matters affecting them, although there is no comprehensive law against discrimination; however, violence and discrimination against minorities, particularly Roma, continued. The Government continued to provide funding for cultural, educational, broadcasting, and publishing activities for the major ethnic minorities, but at greatly reduced levels.

A 1999 minority language law provides for the use of minority languages in official activities. According to the law, in places where a minority group constitutes at least 20 percent of the population, the minority language can be used in contacts with government officials. At the time, the law was deemed acceptable by the OSCE High Commissioner on National Minorities and the EU; however, all members of the Hungarian coalition voted against the law because they felt that it did not ensure that the provisions in the new law would take precedence over the existing state language law, and that the new law did not protect the use of Hungarian in cultural and educational activities. In July the Government ratified the European Charter on Minority Languages.

The largest minority group is the ethnic Hungarian minority. It is concentrated primarily in the southern part of the country, and its population was registered at approximately 568,700 at the end of 1999 (150,000 of whom are thought to be Roma who speak Hungarian and choose to declare themselves as ethnic Hungarian). In 1999 the Slovak Government and the Government of Hungary jointly established a commission to deal with the treatment of ethnic minorities; the commission meets on a regular basis and was active in negotiating the European Charter on Minority Languages. Most ethnic Hungarians and ethnic Slovaks living in mixed areas continued to coexist peacefully, but there have been occasional expressions of anti-Hungarian sentiments by Slovak nationalists. Tensions increased during the year as a result of a 3-week televised parliamentary debate surrounding the passage of constitutional amendments containing strong anti-Hungarian undertones. As the issue of decentralization was discussed, the SMK threatened on several occasions to leave the Government. On March 15, SNS called on the Office of the Prosecutor General to initiate criminal prosecutions of Slovak politicians who attended the celebrations of the 100th anniversary of the birth of Janos Esterhay at the Hungarian Parliament. SNS Chair Anna Malikova accused the SMK representatives of committing the crime of supporting movements that oppress human rights and freedom when they attended the celebrations. The investigation continued at year's end.

The level of anti-Hungarian vandalism increased significantly during the year. In March a "No Hungarians" symbol was painted on the Hungarian Consulate in Kosice, and Hungarian high schools and theaters were covered with anti-Hungarian graffiti. Also in March in Bratislava, a window in a Hungarian-speaking high school was broken and the slogans "Hungarians Go Home" and "Disband the SMK" were spraypainted on a statue of Hungarian poet Sandor Petofi.

Higher educational opportunities for ethnic Hungarians are insufficient and only 2.7 percent of ethnic Hungarians in the country attend university (compared to 4.8 percent of Slovaks). Ethnic Hungarians claim many ethnic Hungarian students choose to attend university in Budapest because they want to study in Hungarian. Some Hungarians complain that, although they fulfill all the responsibilities required by the Government, such as payment of taxes, and mandatory military service, they still do not receive equal educational opportunities.

Ethnic Slovaks who reside in southern Slovakia, where ethnic Hungarians comprise the majority, complained that it is more difficult for them to locate employment if they do not speak Hungarian.

Roma constitute the second largest ethnic minority, estimated by experts to number up to 500,000 citizens, although according to a census taken during the year, the Government officially reported 90,000 Roma in the country. Police on occasion beat Roma, and in a 1999 case allegedly shot a Rom during questioning at a police station (see Sections 1.a. and 1.c.). Roma suffer disproportionately from high levels

of poverty and unemployment. Credible reports by human rights monitors indicated that Roma continued to suffer from discrimination in employment, housing, schooling, health care, and the administration of state services. Discrimination is most severe in the eastern part of the country, where unemployment is higher and the Romani population is larger. Among Roma living in settlements in the east, the unemployment rate is nearly 100 percent. In urban areas in the east, incidents of Roma being denied admission to certain hotels, restaurants, and swimming facilities were reported widely. According to the Office for Protection of Legal Rights (KPO), Roma often are segregated in hospitals, particularly in maternity wards, and some say Roma receive inferior care. In July 2000, the Ministry of Health stated that it would investigate these claims and would ensure that all citizens receive equal care and that wards are not segregated; the Ministry continued its investigation at year's end. The practice of unemployment offices identifying Roma in their records by placing an "R" next to their name in the register was eliminated by order from the National Labor Bureau in 2000. Romani children disproportionately are placed in special schools for the mentally retarded in many cases due to their insufficient knowledge of the Slovak language. At year's end, the Ministry of Education was investigating these claims.

In 1999 the Cabinet approved a new program which aims to address the problems of the Roma minority. On October 2, the Government gave 88 flats, which were built in Presov by the local council with the help of the EU, to primarily Romani families. In addition to earlier budgetary allocations for the Roma minority, the Cabinet allocated \$4 million (SK 200 million) for social housing construction and \$1.5 million (SK 72 million) from Cabinet reserves to complete an elementary school in the Lunik 9 settlement.

On June 20, Klara Orgovanova was elected to become the new Special Government Commissioner for Roma Issues. The Roma Plenipotentiary for Roma Communities focused its efforts on improving education, living, employment and human rights in 30 eastern Slovak Roma settlements. It also created an Interministerial Committee and launched a public relations campaign to improve the image of the office and the Roma minority in general. The budget for the Plenipotentiary office was \$625,000 (SK 30 million). Some NGO's alleged that this office lacks sufficient authority because the position is not established by law and lacks the authority to present material to the Government. The office also does not receive its own chapter in the state budget and is dependent on receiving funding from the Office of the Deputy Prime Minister for Human Rights and National Minorities.

On January 17, the Government directed that all bilingual census forms be published in the Slovak and Romany languages, and the forms were used in areas where the minority population was more than 20 percent. However, activists complained that of the 2,200 census commissioners that were appointed, only 100 were Roma. Several Roma organizations launched a public relations campaign to explain the importance for the Roma population to be truthful about their ethnicity in the census; these organizations feared that non-Roma commissioners would persuade Roma to claim another ethnicity. Despite these efforts, only 90,000 Roma claimed Roma ethnicity. Experts claim these results reflect a greater underrepresentation of the actual number of Roma than the 1991 consensus.

In August 2000, SNS Member of Parliament Vitazolslv Moric proposed setting up reservations for Slovak Roma who refuse to assimilate into society. He further stated, "It is clear that many mentally retarded persons are born into Romani communities, why should the State allow a moron to create another moron and thus raise the percentage of morons in our nation?" In response to his statements, the Slovak Romani Initiative (RIS) filed a suit with the General Prosecutor against Moric. In September 2000, Parliament voted to lift his parliamentary immunity, thus allowing criminal prosecution on the grounds of instigating racial hatred. In January the Bratislava District Court Prosecutor cancelled the legal prosecution of Moric citing a lack of evidence; however, an investigation into the incident continued at year's end.

A poll published in January that surveyed 1,046 persons concluded that public opinion towards Roma appeared to be more tolerant. For example, 66 percent of the population would not want to have a Roma neighbor, compared to 86 percent in a 1999 poll. The poll also indicated that persons under 30 years of age are more tolerant towards Roma than older persons. On February 26, more than 2,000 inhabitants of Medzilaborce signed a petition opposing the resettlement of five Roma families into their town. The Mayor strongly criticized the petition stating that it was unconstitutional, and some Roma families were resettled in Medzilaborce.

Skinhead violence against Roma was a serious problem, and human rights monitors reported that police remained reluctant to take action and at times tolerated such attacks. Occasionally police also infringed on Roma rights to social benefits and

housing (see Section 2.d.). Attacks against Roma continued and some human rights NGO's that assist victims reported a significant increase in their caseloads. During the year, such violence received increased media attention. Members of Zebra, an organization representing interracial marriages, stated that citizens of racially mixed background are denied equal access to opportunity. They claimed that skinhead violence decreased during the year, and that police better protected citizens of color from this violence. The NGO, People Against Racism, also claimed that police better protected minorities and better monitored the skinhead movement.

During the year, the police recorded 40 racially motivated attacks of which the police solved 23 cases. Ten of these attacks occurred in Bratislava, and 12 attacks occurred in Trenčin. The Roma were the most frequent targets of these attacks. The 23 resolved cases implicated 40 offenders, the majority being skinheads and under 18 years of age.

On April 28, a 30-year-old man with darker skin from southern Slovakia died after being stabbed in the heart by a group of skinheads. Police arrested three suspects; two of them were released later and one remained in custody at year's end. The same evening a group of skinheads attacked two men aged who were neither foreigners nor Roma; they were hospitalized with serious injuries. Police believed that the same perpetrators were involved in both events and detained several suspects; however, they all were released eventually and the case was closed.

On September 30, a group of approximately 50 skinheads attacked a 20-year-old Roma, Marek Balasz; he was hospitalized with a concussion and several broken fingers. A 25-year-old man was arrested and charged after he confessed to the crime and told police that "he is a skinhead and hates gypsies."

On July 21 in Klacany, a group of masked men beat a group of Roma with baseball bats. Two of the Roma were hospitalized with serious injuries. The police closed the case because they were unable to locate the suspects.

On March 29, a Bratislava District Court found a 17-year-old skinhead, Tomas Bugar, guilty of committing a racially-motivated crime in 2000. He was not given a prison sentence because the judge cited mitigating circumstances, including the young age of the defendant, his apparent regret during the court procedures, and his confession.

In August 2000, Anastazia Balazova, a Roma woman, died of injuries from a beating by unknown assailants in her Zilina home. On March 30, the District Military Court in Banska Bystrica sentenced the chief defendant in the crime, Peter Bandur to 7 years in prison on a charge of involuntary manslaughter. On August 31, a Zilina court handed down prison sentences between 3 and 5 years for another three men involved in the attack whom were found guilty of trespassing, but not guilty of a racially motivated murder, despite the fact that one defendant admitted sympathizing with the skinhead movement.

There was no progress during the year in a number of 2000 cases of violence against Roma, and others including, an August case in which Rom Jan Sudman was shot and injured while doing clean-up work in the public works program; a July case in which a group of 50 Roman armed with machetes, knives, axes, and iron rods allegedly forced a moving car to stop and attacked one of its occupants; a March case in which approximately 20 supporters of the skinhead movement attacked 2 Brazilians and 2 Angolans in Bratislava; and a January case in which a group of skinheads beat an African American citizen. Many cases of skinhead violence that occurred in 1999 were dropped due to lack of witnesses.

On September 29, over 150 Slovak police officers raided a neo-Nazi concert in Papradno and arrested 89 skinheads on the suspicion of propagating fascism. The skinheads were taken into custody, and later released without being charged. In September after the police raid, the police organized an international conference addressing strategies to eliminate extremism.

In 2000 Roma citizens established their own police patrols in the largely Roma-populated Kosice suburb, Lunik IX, because of the alleged inability of local police to protect effectively the area. The Roma police patrols continued to be active and effective.

The statistical office no longer categorizes Ruthenians and Ukrainians as one group. During the 2001 census, 11,000 citizens registered themselves as Ukrainians, and 24,000 registered themselves as Ruthenians. Ruthenians disagree that they are Ukrainians, and that their language is only a Ukrainian dialect. There is a television broadcast in Ruthenian on STV, which is aired once every 2 months. In addition the Ruthenian minority receives state funding to publish a biweekly newspaper in Ukrainian (see Section 2.a.). A representative of the Ruthenian Revival Organization stated that Ruthenian language instruction is provided in two schools in the northeast. There is an Institute for Minority Languages at Presov University. Two instructors at the Institute teach Ruthenian culture and language.

*Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides for the right to form and join unions, except in the armed forces, and workers exercise this right. Approximately 45 percent of the work force is unionized. Unions are independent of the Government and political parties; however unions continued to lobby those entities in order to gain support for union positions on key labor issues.

The Constitution provides for the right to strike; however, according to this law, a strike is legal and official only if it is for the purpose of collective bargaining; if it is announced in advance; and if a list of strike participants is provided. The national statistical office reported no official strikes during the year; however, a number of strike alerts and unofficial strikes continued during the year. For example, the Union of Teachers and Scientists organized a strike over a salary dispute, but a compromise was reached before the strike occurred. Many of these actions anticipated layoffs or protested the nonpayment or partial payment of salaries due to restructuring of the company or insolvency. Local unions also held strike alerts. There were no instances of retribution against strikers or labor leaders. Relevant legislation on collective bargaining prohibits the dismissal of workers legally participating in strikes; however, if a strike is not considered to be official, strikers are not ensured protection.

Unions are free to form or join federations or confederations and to affiliate with and participate in international bodies, and do so in practice.

*b. The Right to Organize and Bargain Collectively.*—The law provides for collective bargaining. Following the September 1998 parliamentary election the KOZ decided to reenter tripartite negotiations with employers and the Government; however, unions have expressed dissatisfaction with the Government, claiming that it has not included them in important decisionmaking and does not give adequate attention to their demands.

The law on citizens' associations prohibits discrimination by employers against union members and organizers. Complaints may be resolved either in collective negotiations or in court. If a court rules that an employer dismissed a worker for union activities or for any reason other than certain grounds for dismissal listed in the Labor Code, the employer must reinstate the worker. There were no reports of abuses targeted against unions or workers.

In July 2000, the Railway Workers, with the support of the International Labor Organization (ILO), appealed to the Government to amend the Act on Collective Bargaining to lower the quorum of employees necessary for the declaration of a strike and to eliminate the requirement that a list of employees participating in a strike be provided to the employer. Although the Government has developed draft amendments, no agreement has been reached to date.

The law regulates free customs zones and customs warehouses. Firms operating in such zones must comply with the labor code; there have been no reports of special involvement by the trade unions to date. No special legislation governs labor relations in free trade zones.

*c. Prohibition of Forced or Compulsory Labor.*—Both the Constitution and the Employment Act prohibit forced or compulsory labor; however, trafficking in women for the purpose of prostitution is a problem (see Section 6.f.). The Ministry of Labor, Social Affairs, and Family, as well as district and local labor offices, have responsibility for enforcement of the law.

Both the Constitution and the Employment Act prohibit forced or compulsory labor by children; however, trafficking in girls for the purpose of prostitution was a problem (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The law sets the minimum employment age at 15 years. Workers under the age of 16 years may not work more than 33 hours per week; may not be compensated on a piece-work basis; may not work overtime or night shifts; and may not work underground or in specified conditions deemed dangerous to their health or safety. Special conditions and protections, though somewhat less stringent, apply to young workers up to the age of 18 years. The Ministry of Labor enforces this legislation, and there were no reports of violations.

The Constitution and the law prohibit forced and bonded labor by children; however, trafficking in girls for the purpose of prostitution was a problem (see Sections 6.c. and 6.f.).

*e. Acceptable Conditions of Work.*—The minimum wage was \$105 (4,920 SK) per month during the year; even when combined with special allowances paid to families with children, the minimum wage does not provide a decent standard of living for a worker and family. The Ministry of Labor is responsible for enforcing the minimum wage; no violations were reported. The standard workweek mandated by law is 42.5 hours, although collective bargaining agreements have achieved reductions

in some cases (most often to 40 hours). For state enterprises, the law requires overtime pay up to a maximum of 8 hours per week, and 150 hours per year, and provides 5 weeks of annual leave. Private enterprises can compensate their employees for more hours of overtime than stipulated by the law. There is no specifically mandated 24-hour rest period during the workweek. The trade unions, the Ministry of Labor, and local employment offices monitor observance of these laws, and the authorities effectively enforce them. Unions supported amendments made to the Labor Code during the year; however, there were allegations that the amendments may infringe on the freedom of association for employees who are not union members. The amendments require companies to create a board of employees to represent employee right, and prohibit discrimination.

The Labor Code establishes health and safety standards that the Office of Labor Safety generally enforces effectively. For hazardous employment, workers undergo medical screening under the supervision of a physician. They have the right to refuse to work in situations that endanger their health and safety and may file complaints against employers in such situations. Employees working under conditions endangering their health and safety for a certain period of time are entitled to paid "relaxation" leave in addition to their standard leave.

*f. Trafficking in Persons.*—The law specifically prohibits all forms of trafficking in persons however, there were instances of trafficking in women and girls for prostitution. The country is a country of origin, a transit country, and a destination country for such victims of trafficking. Some NGO's estimate that 1,500 to 2,000 girls and young women are trafficked abroad into prostitution each year. The problem received more public attention during the year, but it is still likely that there are more cases than those that are documented. Some observers claim that Bratislava has become an important transit station in the trafficking of women and children. The number of trafficking cases appeared to be on the rise, particularly among the Roma community.

According to an International Organization for Migration (IOM) survey conducted in numerous Slovak Embassies in various countries, an increasing number of Slovak women are trafficked to southern European countries, particularly Spain (26 cases reported in 1998 and 1999), Greece (23 cases), and Italy (12 cases). According to a report on trafficking in women issued by the Swedish National Criminal Investigation Department in March 1999, women from the Slovak Republic work in Sweden as prostitutes. There also were reports that Slovak women were trafficked to Western Europe with promises of work as models, waitresses, and au pairs. Their passports allegedly were confiscated, and they allegedly were forced to work in adult entertainment clubs or as prostitutes. Women also are trafficked to Austria and Slovenia for sexual exploitation.

A report issued during the year by the Ministry of Interior stated that the Slovak Republic is a transit country for persons being trafficked from Ukraine and Russia mainly to Austria, the Czech Republic, and Germany for the purpose of prostitution. Some women from Russia and Ukraine reportedly were trafficked through the Slovak Republic on their way to countries such as Turkey, Greece, Italy, Germany, and Serbia, where they also were forced to work as prostitutes.

Although previously the Slovak Republic primarily was a country of origin, increasingly women from less prosperous eastern countries (including Russia, Belarus, Ukraine, Romania, and Bulgaria) find themselves trafficked through and to the Slovak Republic. Women, mostly Ukrainian and Russian, are lured to Slovakia with the promise of work as domestic servants or waitresses. However, when they arrive, their documents allegedly are stolen and they are forced to work as prostitutes or in nightclubs and threatened with violence if they attempt to escape. Young women also are recruited through agencies (which offer false opportunities) or through personal contacts of owners or employees of hotels, casinos, entertainment or prostitution establishments.

There is no evidence of government involvement in or tolerance of trafficking, and the Ministry of Interior is involved in activities to combat trafficking. The Ministry of Interior sponsored training for the Customs Directorate, the Migration Office, and the police to identify and handle cases of victims of trafficking.

In 2000 the Ministry of Interior reported that there were 13 documented cases of Slovak women being forced into prostitution in other countries or foreign women being forced into prostitution in the Slovak Republic during the year, of which 11 were resolved. In some cases, the investigation resulted in no evidence and the case was closed, while in other instances, the case was resolved by convicting the perpetrator. A case can be documented and opened either when a trafficked person files a complaint with the police or when the police initiate a criminal investigation against a suspected trafficker. The Penal Code specifically prohibits trafficking in women for sexual exploitation, with a prison term of between 3 and 5 years. There

were nine recorded cases of trafficking and the Government prosecuted five of the cases.

In July 2000, an 18-year-old Roma girl from Hencovce allegedly was kidnaped, taken to the Czech Republic where she was sold for \$93 (SK 4,500), and forced into prostitution. This case was pending at year's end. Other Roma women have reported similar stories.

According to the IOM, the Government does not assist victims by providing temporary to permanent residency status. Victims are provided temporary relief from deportation through admittance to a detention center where they can remain for 30 days while their case is investigated, at which time the person usually is sent to their country of origin. NGO's and the IOM reported that victims feared returning to their home countries because of the stigma attached to trafficking victims. There is very little legal, medical, or psychological assistance for victims of trafficking. According to NGO activists, government agencies such as customs and police officers treat victims poorly since many law enforcement officials believe that victims were not forced, but rather chose their fate.

There are only a few NGO's or organizations that have as their main purpose the provision of support to victims of trafficking; however, the NGO Fenestra provides support for these victims. One NGO, supported by the Government, conducted a prevention campaign in the city of Zilina; they distributed posters, stickers and pamphlets discussing the dangers of trafficking in secondary schools.

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## SLOVENIA

Slovenia is a parliamentary democracy and constitutional republic. Power is shared between a directly elected president, a prime minister, and a bicameral legislature. Free, fair, and open elections characterize the political system. The Government respects constitutional provisions for an independent judiciary in practice.

The police are under the effective civilian control of the Ministry of the Interior, which is responsible for internal security. By law the armed forces do not exercise civil police functions. Security forces occasionally committed human rights abuses.

The country has made steady progress toward developing a market economy. The Government continued to own approximately 50 percent of the economy, particularly in the financial sector, utilities, and the port of Koper. Trade has been diversified, and Central and Eastern Europe are growing markets. Manufacturing accounts for most employment, with machinery and other manufactured products constituting the major exports. The population is approximately 2 million; a December labor force survey put unemployment at 6.3 percent, but registration for unemployment assistance was 11.5 percent. Inflation was 8.9 percent during the year, while real gross national product grew 3.7 percent. The currency is stable, fully convertible, and backed by substantial reserves. The economy provides citizens with a good standard of living; per capita income was \$9,461 (2,351,650 tolar), or \$16,900 at purchasing price parity.

The Government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of dealing with individual instances of abuse. Police in several cases allegedly used excessive force against detainees. An ombudsman deals with human rights problems, including citizenship cases. Lingering self-censorship and some indirect political pressure continued to influence the media. Violence against women was a problem. Minorities (including former Yugoslav residents without legal status) reported some governmental and societal discrimination. Trafficking in women through and to the country for sexual exploitation 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 committed by the Government or its agents.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits torture and inhuman treatment as well as “humiliating punishment or treatment;” however, police in several cases allegedly used excessive force against detainees. Roma NGO's reported instances when police failed to intervene in cases of violence against Roma; unlike the previous year, there were no reported incidents of police abuse against Roma.

In 2000 police allegedly beat Danko Brajdic, a Rom, who was admitted to a hospital with severe injuries; the police investigated his case and found no evidence to support his claims. Brajdic filed for damages in civil court, where his case remained pending at year's end. In 2000 Sadik Kemalj, a Rom and former citizen of Slovenia who allegedly left the country without a passport, alleged that in 1994 the police beat him when he attempted to return with a Macedonian passport. Due to the time that had passed since the incident, the Ombudsman was unable to investigate the case; the police investigated his case and found no evidence to support his claim.

Prison conditions generally meet international standards; however, jails were increasingly overcrowded. Information from 2000 shows that on average the number of inmates in jails exceeds capacity by 7.1 percent. Male and female prisoners are housed separately, juveniles are held separately from adults, and convicted criminals are held separately from pretrial detainees. The Government permits prison visits by independent human rights monitors and the media, and such visits took place during the year.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest or deprivation of liberty, and the Government generally observes these prohibitions.

The authorities must advise detainees in writing within 24 hours, in their own language, of the reasons for the arrest. Until charges are brought, detention may last up to 6 months; once charges are brought, detention may be prolonged for a maximum of 2 years. Persons detained in excess of 2 years while awaiting trial or while their trial is ongoing must be released pending conclusion of their trial (see Section 1.e.). Some 27 percent of the average prison population of 1,200 inmates are in pretrial detention at any given time; however, the problem of lengthy pretrial detention is not widespread and defendants generally are released on bail except in the most serious criminal cases. The law also provides safeguards against self-incrimination. The authorities generally respect these rights and limitations in practice.

The Constitution prohibits forced exile and the Government does not employ it. *e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice. The judiciary generally provides citizens with a fair and efficient judicial process.

The judicial system consists of district courts, regional courts, courts of appeals, an administrative court, and the Supreme Court. A nine-member Constitutional Court rules on the constitutionality of legislation, treaties, and international agreements and is the highest level of appeal for administrative procedures. Judges, elected by the State Assembly (Parliament) upon the nomination of the Judicial Council, are constitutionally independent and serve indefinitely, subject to an age limit. The Judicial Council is composed of six sitting judges elected by their peers and five presidential nominees elected by the Parliament.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforces this right. Constitutional provisions include equality before the law, presumption of innocence, due process, open court proceedings, the right of appeal, and a prohibition against double jeopardy. Defendants by law have the right to counsel, and the State provides counsel for the indigent. These rights are respected in practice, although the judicial system is overburdened, and as a result, the judicial process frequently is protracted. In some instances, criminal cases reportedly have taken 2 to 5 years to conclude the trial (see Section 1.d.).

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution provides for the protection of privacy, “personal data rights,” and the inviolability of the home, mail, and other means of communication, and the Government generally respected these rights and protections in practice. Violations are subject to effective legal sanction.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of thought, speech, public association, the press, and other forms of public communication and expression, and the Government generally respects these rights in practice; however, some lingering self-censorship and occasional indirect political pressures continued to occasionally influence the media. The press is a vigorous institution although major media do not represent a broad range of political or ethnic interests.

Four major independent daily and several weekly newspapers are published. The major print media are supported through private investment and advertising, although cultural publications and book publishing receive government subsidies. Numerous foreign broadcasts are available via satellite and cable. All major towns have radio stations and cable television. Numerous business and academic publica-

tions are available. A newspaper is published for the ethnic Italian minority who live on the Adriatic Coast. Bosnian refugees and the Albanian community have newsletters in their own languages. Foreign newspapers, magazines, and journals are widely available.

Six national television channels are available. Three of them are part of the government-subsidized RTV Slovenia network and three are independent private stations. There are approximately 35 small, local television stations. There is an Italian-language television channel and Hungarian radio programming is common in the northeast where there are approximately 8,500 ethnic Hungarians.

The election law requires the media to offer free space and broadcasting time to political parties at election time. Television networks routinely give public figures and opinion makers from across the political spectrum access via a broad range of public service programming.

In theory and practice, the media enjoyed full journalistic freedom; however, for over 40 years the country was ruled by an authoritarian Communist political system, and reporting about domestic politics may be influenced to some degree by self-censorship and occasional indirect political pressures.

In February unknown assailants severely beat Miro Petek, an investigative journalist. Petek had been investigating the business of millionaire Janko Zakersnik. A police investigation was ongoing at year's end.

The Constitution provides for autonomy and freedom for universities and other institutions of higher education, and academic freedom is respected. There are two universities; each has numerous affiliated research and study institutions.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for the rights of peaceful assembly, association, and participation in public meetings, and the Government generally respects these rights in practice. These rights can be restricted only by an act of Parliament in circumstances involving national security, public safety, or protection against infectious diseases.

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

There are no formal requirements for recognition as a religion by the Government. Religious communities must register with the Government's Office for Religious Communities if they wish to be registered as legal entities, and registration entitles such groups to value added tax rebates on a quarterly basis. All groups in the country report equal access to registration and tax rebate status.

The Roman Catholic Church was a major property holder in the Kingdom of Yugoslavia before World War II. After the war, much church property—church buildings and support buildings, residences, businesses, and forests—was confiscated and nationalized by the Socialist Federal Republic of Yugoslavia. After Slovenian independence in 1991, Parliament passed legislation calling for denationalization (restitution or compensation) within a fixed period. At year's end, 60 percent of all cases had been adjudicated at the initial administrative level; however, an increase in administrative processing in turn has led to a judicial backlog. During the year, the Government committed more resources, including judges, to reduce the backlog.

The Muslim community registered a complaint with the Ombudsman during the year because RTV Slovenia refused to allow them free airtime to address their community during Ramadan—a privilege granted to the Catholic, Serb Orthodox, and Protestant communities during their respective religious holidays. The Ombudsman pursued the complaint with TV Slovenia, which agreed to grant airtime to the Muslim community for this purpose in 2002.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides that each person has the right to freedom of movement, to choice of place of residence, to leave and to return to the country freely, and the Government generally respects these rights in practice. Limitations on these rights may be made only by statute and only where necessary in criminal cases, to control infectious disease, or in wartime.

The Constitution provides for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government has provided asylum (or "temporary protection") to refugees on a very limited basis; the country had granted refugee status to only 8 persons since 1990. The issue of the provision of first asylum did not arise during the year.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The Constitution provides that elections should be held at least every 4 years. The country has a mixed parliamentary and presidential system. The President proposes a candidate to the legislature for confirmation as Prime Minister, after consultations with the leaders of the political parties in the Parliament.

The percentage of women in government or politics does not correspond to their percentage of the population, although no restrictions hinder the participation of women or minorities in politics. Of the 90 Members of Parliament, 13 are female, while 3 of 18 cabinet ministers are female. During the October 15, 2000 Parliamentary elections, an increased number of women were nominated to run by political parties; however, the majority of these female candidates were assigned to run in districts in which their parties had little chance of winning (based on 1996 election results). The Prime Minister's Office has an active agency for monitoring and promoting the participation by women in public life.

The Constitution provides "autochthonous" minorities some special rights and protections. Only the Italian and Hungarian minorities are considered to be "autochthonous," a legal term which applies to populations that historically have occupied a defined territory and is similar in concept to the term "indigenous." These minorities are entitled to have at least one representative in the Parliament, regardless of their population; other minority groups not defined as autochthonous, such as Roma, do not enjoy this provision. In some local jurisdictions where there is a large Roma population, such as Murska Sobota, Roma are guaranteed a seat in local governing institutions.

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

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

An independent ombudsman elected by a two-thirds Parliamentary majority to a 6-year term deals with human rights problems, including economic rights and property restitution. The incumbent is regarded as fair, but lacks the power to enforce his findings. The Ombudsman criticized the Government for the slow pace of legal and administrative proceedings in criminal and civil cases, as well as in denationalization proceedings.

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

The Constitution provides for equality before the law regardless of race, sex, religion, disability, language, or social status, and the Government generally observed this provision in practice. The Constitution provides special rights for the "autochthonous Italian and Hungarian ethnic communities," and the small Romani community, which are observed in practice.

*Women.*—Violence against women occurred and is underreported; however, awareness of spousal abuse and violence against women increased. During 1999 and 2000, 224 persons were charged with offenses including domestic violence (82), "brutality" (25), "threat to safety" (27), and other unspecified offenses that resulted in injuries (51). SOS Phone, an NGO that provides anonymous emergency counseling and services to domestic violence victims, received approximately 6,300 calls during the year. The State partially funds three shelters for battered women. The shelters operate at capacity (approximately 40 beds combined) and turn away numerous women. In cases of reported spousal abuse or violence, the police actively intervene, and criminal charges are filed; however, statistics on convictions were unavailable at year's end. Although the law allows police to fine both parties in cases of domestic violence, in practice reportedly only men are subject to fines and arrests.

Trafficking in women for the purpose of sexual exploitation was a problem (see Section 6.f.).

Sexual harassment is not explicitly prohibited by law; however, it can be prosecuted under sections of the Criminal Code that prohibit sexual abuse.

State policy provides for equal rights for women and there is no official discrimination against women or minorities in housing, jobs, or education, although the law does not specifically prohibit such discrimination. Under the Constitution, marriage

is based on the equality of both spouses, and the Constitution stipulates that the State shall protect the family, motherhood, and fatherhood.

In rural areas, women, even those employed outside the home, bear a disproportionate share of household work and family care, because of a generally conservative social tradition. However, women frequently are active in business and in government executive departments. Although both sexes have the same average period of unemployment, women are found more often in lower paying jobs. On average women's earnings are 85 percent of those of men.

*Children.*—The Government provided compulsory, free, and universal primary school education for children through grade 9 (ages 14 and 15). Ministry of Education statistics showed an attendance rate of nearly 100 percent of school age children. The Government provided universal health care for all citizens, including children. The Constitution stipulates that children “enjoy human rights and fundamental freedoms consistent with their age and level of maturity.” Special protection for children from exploitation and maltreatment is provided by statute. Social workers visited schools regularly to monitor any incidents of mistreatment or abuse of children.

There is no societal pattern of abuse of children.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities and in practice the Government does not discriminate against disabled persons in employment, education, or in the provision of other state services. There is some societal discrimination.

The law mandates access to buildings for the disabled, and the Government generally enforces these provisions in practice. Modifications of public and private structures to ease access by the disabled continued, although at a slow pace.

*National/Racial/Ethnic Minorities.*—According to the 1991 census, the population includes 1.7 million ethnic Slovenes; and the remainder are persons of 23 other nationalities. Minorities make up about 12 percent of the population; most are nationals of the former Yugoslavia. There were some 50,000 Croats, 48,000 Serbs, 27,000 Muslims, 8,500 Hungarians, and 3,000 Italians. The Constitution provides special rights and protections—including the right to use their own national symbols, enjoy bilingual education, and benefit from other privileges—to the two “autochthonous” groups (Italians and Hungarians) (see Section 3).

“New minorities”—ethnic Serbs, Croats, Kosovar Albanians, and Roma from Kosovo and Albania—are not protected by special provisions of the Constitution and face some governmental and societal discrimination. Many of these 5,000 to 10,000 non-Slovene citizens of the former Yugoslavia (mainly Bosnia, Serbia, and Kosovo) migrated internally to Slovenia during the decades leading to independence because of economic opportunities; many of them are Roma. Most opted not to take Slovene citizenship during a 6-month window in 1991–92 and have been living in the country as essentially stateless persons since then, while others were without residence status because of the slow processing of their applications by the Government. In 1999 Parliament offered these approximately 13,000 non-Slovene (former Yugoslav) residents permanent resident status; a 3-month window for applications closed at the end of 1999. During that period, a total of 12,863 persons applied for legal residence: 7,912 applications were accepted; 123 were rejected; 518 were cancelled because the claimants had received Slovenian citizenship; 20 were refused because additional information was required, and 4,320 remained unresolved at year's end. Those who have not successfully obtained citizenship face possible deportation and are unable to exit and reenter the country; however, in practice deportation is rare.

The Roma are best characterized as a set of groups rather than as one community. Some have lived in the country for hundreds of years, while others are very recent migrants. The Government continued to work with the Romani community on implementation of the special legislation on Romani status called for in Article 65 of the Constitution. Roma reported discrimination in employment, which in turn complicated their housing situation. The Government has attempted to involve more Romani children in formal education at the earliest stages, both through enrichment programs and through inclusion in public kindergartens. Roma suffer disproportionately from poverty and unemployment.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution stipulates that trade unions, their operation, and their membership shall be free, and the Government respects this right in practice. All workers, except police and military personnel, are eligible to form and join labor organizations.

There are two main labor federations, the Association of Free Slovene Trade Unions, and the Union of Slovene Rail Workers, with constituent branches throughout the country. A third, much smaller, regional labor union operates on the Adri-

atic coast. Unions formally and in practice are independent of the Government and political parties, although individual union members hold positions in the legislature. There are over 100 active trade unions in the country. The largest union has a membership of approximately 400,000, out of a total workforce of approximately 1,002,200. The Constitution provides that the State shall be responsible for “the creation of opportunities for employment and for work.”

The Constitution provides for the right to strike. The law restricts strikes by some public sector employees. However, after government budget-cutting, some public sector professionals (judges, doctors, and educators) became increasingly active on the labor front, conducting strikes and writing letters to the Ministers of Labor and Interior on the draft labor law.

There are no restrictions on unions joining or forming federations and affiliating with international union organizations.

*b. The Right to Organize and Bargain Collectively.*—The economy is in transition from the former Communist system, which included some private ownership of enterprises along with state-controlled and “socially owned” enterprises to a fully market-based economy, and the collective bargaining process continued to develop. The Government still exercised a dominant role in setting the minimum wage and conditions of work; however, in the private sector, wages and working conditions are agreed to annually in a general collective agreement between the labor unions and the Chamber of Economy. The Economic and Social Council, comprised of government officials, managers, and union representatives, negotiates public sector wages, collective bargaining rules, and major regulatory changes. Of the 40 members of the upper chamber of Parliament—the National Council—4 represent employers, 4 represent employees, and 4 represent farmers, small business persons, and independent professional persons. Should a labor dispute prove unresolvable in these fora, it initially is heard by district-level administrative courts and may be appealed to the Supreme or Constitutional Court, depending on the nature of the complaint.

The law prohibits antiunion discrimination and there were no reports that it occurred.

Export processing zones (EPZ's) exist in Koper, Maribor, and Nova Gorica. Worker rights in the EPZ's are the same as in the rest of the country.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor; however, trafficking in women for the purpose of sexual exploitation was a problem (see Section 6.f.).

The law prohibits forced or bonded labor by children and there were no reports that such practices occurred.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for employment is 16, although during the harvest season or for other farm chores, younger children do engage in labor. In general urban employers respect the age limits.

In March the Government ratified ILO Convention 182 on the Worst Forms of Child Labor, and it is scheduled to enter into force in May 2002.

The law prohibits forced and bonded labor by children, and such practices are not known to occur (see Section 6.c.).

*e. Acceptable Conditions of Work.*—The gross monthly minimum wage is approximately \$373 (92,186 tolar) per month, which provides a decent standard of living for a worker and family. The workweek is 42 hours with one paid 30-minute break per day. Employees are entitled to a minimum of 18 days annual leave per year. In general businesses provide acceptable conditions of work for their employees.

Occupational health and safety standards are set and enforced by special commissions controlled by the Ministries of Health and Labor. Workers have the right to remove themselves from dangerous work situations without jeopardy to their continued employment.

*f. Trafficking in Persons.*—The law does not prohibit specifically trafficking in persons; although the law on “enslavement” prescribes criminal prosecution for a person who “brings another person into slavery or a similar condition, or keeps another person in such a condition, or buys, sells or delivers another person to a third party” or brokers such a deal; trafficking of women through and to the country is a problem.

The country was primarily a transit point for trafficking in persons, although it was also a destination country. Most victims are women trafficked into sexual exploitation from Ukraine, the Czech Republic, Slovakia, Moldova, Russia, Romania, and Bulgaria. They are trafficked into the country and also onward to Italy, Belgium, and the Netherlands. Police estimate that approximately 1,000 women are trafficked through the country every year, and approximately 400 women per year are trafficked into the country. Slovenia is also a country of origin, but the number of women trafficked out of the country is not known and is believed to be very low.

Many women trafficked into the country are promised work as waitresses or artists in nightclubs. It is quite common for nightclub owners to import illegally foreign nationals into the country and arrange work permits for them as auxiliary workers and dancers. Often the promised work does not provide enough money, so the women are encouraged to turn to prostitution. The Government believes these women to be victims of trafficking because agents were paid between \$500 and \$2,500 for each woman. The women reportedly are subject to violence. Organized crime is responsible for some of the trafficking. Government officials are generally not involved in trafficking, although there is anecdotal evidence that some government officials tolerate trafficking at the local level.

Sentences for enslavement convictions range from 1 to 10 years' imprisonment. Persons also can be prosecuted for pimping or pandering "by force, threat or deception." The penalty ranges from 3 months' to 5 years' imprisonment or, in cases involving minors or forced prostitution, 1 to 10 years' imprisonment. Regional police directorates have organized crime departments that investigate trafficking. In 1999 there were 46 criminal indictments for trafficking. A total of 16 cases went to trial; the courts sentenced one person to 6 months in prison and another to 1 year in prison. In 2000 the Government apprehended a suspected organized-crime boss whose alleged crimes included trafficking in persons; his trial was still ongoing at year's end. However, police interest in trafficking was limited; victims were not encouraged to file complaints and very few cases were reported to the police. The Government does not provide protection for victims and witnesses.

The Government has no programs to prevent trafficking or to assist victims, although victims generally are not treated as criminals. Victims usually are deported either immediately upon apprehension or following their testimony in court. Although the Government does not provide protection services, NGO's have safe houses and counseling services for female victims of violence; however, these are generally full and NGO's report that a trafficking victim would not be given shelter unless she was in immediate danger. Victims of trafficking who do not have proper identity documents are given shelter at a refugee center until they can be returned to their native country. There are no NGO's that assist women trafficked to Slovenia.

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## SPAIN

Spain is a democracy with a constitutional monarch. The Parliament consists of two chambers, the Congress of Deputies and the Senate. In March 2000, Jose Maria Aznar of the Popular Party was reelected Prime Minister, with the title President of the Government. The next national elections must be held by March 2004. The Government respects the constitutional provisions for an independent judiciary in practice.

Internal security responsibilities are divided among the National Police, which are responsible for nationwide investigations and security in urban areas; the Civil Guard, which polices rural areas and controls borders and highways; and police forces under the authority of the autonomous communities of Catalunya and the Basque Country. While the security forces generally are under the effective control of civilian authorities, some members of the security forces committed human rights abuses.

The market-based economy, with primary reliance on private enterprise, provides the population of over 40 million with a high standard of living. The economy grew during the third quarter at a 2.6 percent annual rate. The annual inflation rate was 2.7 percent at year's end. Unemployment decreased to 12.8 percent during the year, continuing its downward trend.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were reports that at times security forces abused detainees and mistreated foreigners and illegal immigrants. Government investigations of such abuses were often lengthy, and punishments were light, which contributed to a culture of impunity, according to human rights groups. Lengthy pretrial detention and delays in trials were sometimes problems. Violence against women was a problem, which the Government took steps to address. Women also faced some discrimination in the workplace. Societal discrimination against Roma and immigrants remained a problem, as did occasional violence against immigrants. Trafficking in women and teenage girls for the purpose of prostitution was a problem.

The terrorist group ETA (Basque Fatherland and Liberty) continued its campaign of shootings and bombings, killing 15 persons during the year. ETA sympathizers

also conducted a campaign of street violence and vandalism in the Basque region intended to intimidate politicians, academics, and journalists. Judicial proceedings against members of ETA continued, and Spanish and French police arrested dozens of suspected ETA members and collaborators.

#### 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.

An Algeciras court opened an investigation into the December 2000 case in which a Civil Guard officer fatally shot an unarmed Moroccan, Abdelhadi Lamhamdi, in Tarifa. Also in December 2000, a court sentenced a Civil Guard officer to 1 year's imprisonment for shooting and killing Miriam Gomez, who was a passenger in a car fleeing the police in 1999 in Seville.

ETA, whose declared goal is to establish an independent Basque state, continued its terrorist campaign of bombings and shootings, killing 15 persons during the year. ETA publicly claimed responsibility for its attacks. On January 26, an ETA bomb explosion killed a navy cook in San Sebastian. On February 22, another bomb, intended for a Socialist Party councilor, killed two electrical workers in San Sebastian. On March 9, an ETA car bomb killed a member of the autonomous police force of the Basque Country, and on March 17 an ETA car bomb killed a member of the autonomous police force of Catalunya. On March 20, ETA assailants shot to death the deputy mayor of the Basque town of Lasarte. On May 6, ETA assailants shot and killed Manuel Gimenez Abad, the Aragon regional President of the Popular Party. On May 24, ETA assailants shot and killed Santiago Oleaga, the financial director of a major Basque Country newspaper. On June 26, ETA targeted Army General Justo Oreja with a bomb in Madrid; Oreja died from his injuries a month later. On July 10, an ETA car bomb killed a policeman in Madrid. On July 14, ETA killed a policeman in the Basque Country and a town councilor in Navarra. On November 7, ETA assailants shot and killed Jose Maria Lidon, a Basque provincial magistrate, in Getxo. On November 23, ETA assailants shot and killed two members of the Basque autonomous police.

The Government continued to pursue legal actions against ETA members. The courts convicted and sentenced more than 10 ETA members during the year. In January a court sentenced Mikel Arrieta Llopis to 128 years' imprisonment for a 1982 attack that killed three persons. In February a court sentenced Jose Luis Barrios to 232 years' imprisonment for a 1997 attack. In July former ETA leader Francisco Mugica Garmendia and Jose Maria Arregi Erostarbe each received more than 1,000 years' imprisonment for their roles in a 1988 attack in Madrid. In October Rafael Caride Simon was sentenced to 142 years' imprisonment for killing a Civil Guard officer in 1987. In December Jose Javier Zabaleta received 200 years' imprisonment for an attack that killed five persons in 1980. In December, following an October agreement, France for the first time temporarily extradited an ETA member serving a prison sentence to facilitate his trial in Spain. Mexico expelled two ETA members to Spain and extradited another.

Several organizations are dedicated to the concerns of victims of terrorism, among them the Association of Victims of Terrorism (AVT). The AVT serves 1,300 families, providing legal and psychological counseling since 1981. The Government supports its work. Under a 1999 law, the Government has compensated directly victims of terrorism and their families, including victims of the Antiterrorist Liberation Groups (government-sponsored death squads known by their acronym, GAL) in the 1980's.

*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, suspects charged with terrorism at times assert that they have been abused during detention, and at times other detainees make similar charges. Amnesty International continued to criticize the Government for reports of brutality by security forces, particularly directed at foreigners and illegal immigrants. Amnesty International also reported that police abused undocumented Moroccan minors (see Section 5).

According to Amnesty International, in February Madrid police allegedly beat 18-year-old Pedro Garcia Munoz after an exchange of insults.

Iratxe Sorzabal Diaz, an ETA suspect expelled from France, alleged that Civil Guards tortured her in Madrid in March 2000. She subsequently lodged a formal complaint of torture with the National High Court, which remained pending at year's end.

The Government investigates allegations of torture; however, in a November 2000 report on impunity and mistreatment, Amnesty International criticized the judicial process for law enforcement officials accused of torture or mistreatment. Amnesty cited the length of the judicial process, light sentencing, and the use of pardons as factors that contributed to effective impunity. In January Amnesty International criticized the Government's inclusion of 14 members of the security forces, who had been convicted of torture, in a millenium pardon. Also contributing to a climate of impunity, according to Amnesty International, were poor standards of forensic medical reporting and the continued use of incommunicado detention (see Section 1.d.).

In July a Bilbao court sentenced eight Civil Guard members to 4 years' and 6 months' imprisonment for torturing seven suspected members of ETA in 1980.

In July the Council of Europe's Committee for the Prevention of Torture (CPT) visited the country. The CPT's report had not been released by year's end. The Government permits outside parties to investigate allegations of torture. On March 15, the Council of Europe's Commissioner for Human Rights released a report on his February visit to the Basque Country. He noted that Senideak, a Basque separatist prison rights organization, which had complained about the torture of convicted terrorists, failed to provide any specific examples, and that during his tour of Basauri Prison on February 6, he did not receive any complaints of mistreatment or torture from prisoners.

In addition to killings, ETA bombings and attempted bombings caused numerous injuries and property damage. Several of these attempts were directed at the tourist industry, including June car bombings in Logrono and San Sebastian, and August car bombings in the Madrid airport parking facility and the resort town of Salou. In August ETA also blew up some sections of a high-speed train track. On May 15, a package bomb severely injured journalist Gorka Landaburu (see Section 2.a.). In October ETA exploded a car bomb in front of the Vitoria courts building and another in Madrid, injuring 17 persons. A November 6 car bomb in Madrid caused 59 injuries. ETA sympathizers also continued to commit numerous acts of street violence and vandalism in the Basque region throughout the year. On August 6, two members of the Basque autonomous police were severely injured after an attack by hooded ETA sympathizers. The police arrested more than 150 persons in connection with street violence by ETA sympathizers.

There were occasional reports of violence against immigrants, particularly by rightwing youth groups (see Section 5).

Prison conditions generally meet international standards; however, in a June report compiled by the Coordinator in Solidarity with Imprisoned Persons, an umbrella prison rights nongovernmental organization (NGO), prisoners claimed that they were tortured or mistreated by prison staff in 151 incidents during 1999 and 2000. The same report noted that in January, three prison officials were sentenced to a year's imprisonment for a case of mistreatment in 1997. In the prison system, women are held separately from men; juveniles are held separately from adults; and pretrial detainees are held separately from convicted criminals.

Senideak continued to demand that all imprisoned ETA terrorists be moved to prisons in the Basque region or the adjacent region, Navarra, to be closer to their families. As of July, more than 400 ETA terrorists were in prison.

The Government permits prison visits by independent human rights monitors, one of which visited prisons in July.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions in practice. A suspect may not be held for more than 72 hours without a hearing except in cases involving terrorism, in which case the law permits holding a suspect an additional 2 days—or a total of 5 days—without a hearing. A judge may authorize incommunicado detention for terrorism suspects. Amnesty International and other NGO's have criticized this provision.

At times pretrial detention can be lengthy. By law suspects may not be confined for more than 2 years before being brought to trial, unless a further delay is authorized by a judge, who may extend pretrial custody to 4 years. In practice pretrial custody is usually less than a year. In previous years, criticism was heard in legal circles that some judges used "preventive custody" as a form of anticipatory sentencing; however, this practice rarely, if ever, was used during the year. At year's end, approximately 22 percent of the prison population was in pretrial detention (10,652 out of 48,118 inmates), although that number included convicted prisoners whose cases were on appeal.

The law on aliens permits the detention of a person for up to 40 days prior to deportation but specifies that it must not take place in a prison-like setting (see Section 2.d.).

The Constitution prohibits forced exile, and the Government does not employ it.

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

The judicial structure consists of local, provincial, regional, and national courts with the Supreme Court at its apex. The Constitutional Court has the authority to return a case to the court in which it was adjudicated if it can be determined that constitutional rights were violated during the course of the proceedings. The National High Court handles crimes such as terrorism and drug trafficking. The European Court of Human Rights is the final arbiter in cases concerning human rights.

The Constitution provides for the right to a fair public trial, and an independent judiciary generally enforces this right. There is a nine-person jury system. Defendants have the right to be represented by an attorney (at state expense for the indigent). Defendants are released on bail unless the court believes that they may flee or be a threat to public safety. Following a conviction, defendants may appeal to the next higher court.

The law calls for an expeditious judicial hearing following arrest; however, the judicial process is often lengthy (see Section 1.d.). In cases of petty crime, suspects released on bail sometimes wait up to 5 years for trial.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such actions, and the Government generally respects these prohibitions in practice. Under the Criminal Code, the authorities must obtain court approval before searching private property, wiretapping, or interfering with private correspondence. However, the antiterrorist law gives discretionary authority to the Minister of the Interior to act prior to obtaining court approval in “cases of emergency.”

The parents or legal guardians of a person with mental disabilities may petition a judge for sterilization of that person (see Section 5).

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respects this right in practice. Opposition viewpoints, both from political parties and nonpartisan organizations, are reflected freely and widely in the media.

Spain has an active and independent media, with numerous newspapers, television, and radio stations at the local, regional and national level. Access to the Internet is unrestricted.

In March 2000, the Supreme Court prohibited the radical Basque party Euskal Herriarrok (EH) from using free broadcast time in the public media.

ETA and its sympathizers continued their violent campaign of intimidation against political, press, and academic professionals and organizations in the Basque country (see Sections 1.a. and 1.c.). These attacks included the May killing of Santiago Oleaga, the financial director for the newspaper *El Diario Vasco*, which had criticized ETA, and the explosion of a package bomb that severely injured journalist Gorka Landaburu, also in May. There were many ETA attacks that caused only property damage; for example, on March 3, numerous hooded ETA supporters threw Molotov cocktails at the headquarters of the newspaper *El Correo*. In a March report, the Council of Europe’s Human Rights Commissioner noted that violent youth groups, inspired or controlled by ETA, were a determining factor in maintaining a climate of terror in the region. Various organizations, including Reporters Without Borders and the World Association of Newspapers, criticized ETA for its assaults on civil liberties.

Academic freedom is respected.

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

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

The 1978 Constitution, which declares the country to be a secular state, and various laws provide that no religion should have the character of a state religion; however, Catholicism is the dominant religion and enjoys the closest official relationship with the Government. Among the various benefits enjoyed by the Catholic Church is financing through the tax system. Jews, Muslims, and Protestants have official status through bilateral agreements but enjoy fewer privileges. Other recognized religions, such as Jehovah’s Witnesses and the Church of Jesus Christ of Latter-Day Saints (Mormons), are covered by constitutional protections but have no special agreements with the Government.

The law establishes a legal regime and certain privileges for religious organizations; to benefit from this regime, religious organizations must be entered in the

Register of Religious Entities maintained by the General Directorate of Religious Affairs in the Ministry of Justice. To register with the Ministry of Justice, religious groups must submit documentation supporting their claim to be religions. If a group's application is rejected, it may appeal the decision to the courts. Religions not recognized officially, such as the Church of Scientology, are treated as cultural associations. The Catholic Church does not have to register with the Ministry of Justice's religious entities list; however, some entities of the Catholic Church do register for financial or other reasons. Religious courses are offered in public schools but are not mandatory.

Leaders of the Protestant, Muslim, and Jewish communities reported that they continued to press the Government for comparable privileges to those enjoyed by the Catholic Church. Their list of requests included public financing, expanded tax exemptions, improved media access, and fewer restrictions on opening new places of worship. For example, the government income tax form includes a box that allows taxpayers to assign 0.5239 percent of their taxes to the Catholic Church. Protestant and Muslim leaders would like their communities to receive government support through an income tax allocation or other designation.

In December a Madrid court acquitted 15 Spanish citizens of charges of illicit association and tax evasion. The charges arose from a fraud complaint against Church of Scientology offices Dianetica and Narconon and the subsequent arrest of Scientology International President Heber Jentszsch and 71 others at a 1988 convention in Madrid. Scientology representatives asserted that the indictment against Jentszsch, who was not part of the trial, was religiously based, a claim denied by officials.

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

The law provides for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations, including the Spanish Committee for Assistance to Refugees (CEAR), in assisting refugees and asylum seekers. Under the law, asylum requests are adjudicated in a two-stage process, with the Office of Asylum and Refugees (OAR) making an initial decision on the admissibility of the application for processing. The Interministerial Committee for Asylum and Refuge (CIAR) examines the applications accepted for processing. The CIAR includes representatives from the Ministries of Interior, Justice, Labor, Foreign Affairs, and a nonvoting member of the UNHCR. The Minister of the Interior must approve the decision of the CIAR in each case. According to provisional statistics, of the 9,490 applications for asylum during the year, the Government granted 303 persons asylum status and admitted 252 others for humanitarian or other reasons. The largest number of applicants came from Colombia, Nigeria, Sierra Leone, and Cuba. The law provides for first asylum, but the issue of first asylum did not arise during the year. The UNHCR advises authorities throughout the asylum process. Applicants for asylum have the right to have their applications sent immediately to the local office of the UNHCR. The authorities are not bound by the judgment of the UNHCR in individual cases, but they often reevaluate decisions with which the UNHCR does not agree. Appeals of rejection at either stage may be made to the National High Court, and appeals of the National High Court's decisions may be made to the Supreme Court.

Asylum requests may be made from outside, as well as within, the country. Anyone can request asylum from a Spanish diplomatic or consular representative outside the country. Illegal immigrants are permitted to apply for asylum. Those who lack visas or permission to enter the country may apply at the border or port of entry; the applicant in such cases may be detained until a decision is made regarding the admissibility for processing of the application. In cases where persons apply inside the country, a decision must be reached within 2 months, but in cases where persons apply at a port of entry this period is reduced to 72 hours. The period for filing an appeal in such cases is 24 hours.

The ombudsman has challenged before the Constitutional Court the legality of detaining applicants at the border. The Court issued a preliminary decision in which it ruled that this form of detention does not deprive the detainee of his liberty. This provisional decision allowed the Government to continue to detain applicants without modifications to its detention procedures. A final decision was pending at year's end.

The ombudsman also has expressed his concern over the high percentage of applications not admitted for processing (approximately 75 percent during the year). However, many persons with falsified documents are rejected early in the process.

Many such applicants come from politically stable but economically impoverished countries.

Applicants have the right by law to free legal assistance, regardless of where they are when they apply for asylum. This assistance is available from the first step in the process through any appeals of unfavorable decisions. The applicant also has the right to the assistance of translators and interpreters, and the OAR admits documents in any language without requiring an official translation.

There is no distinction between asylum status and refugee status. The Government's practice of substituting temporary admittance on humanitarian grounds for the granting of asylum also has been criticized. The former status includes some restrictions on access to the labor market and welfare payments, although it does grant the applicant residency and work permits. Another concern is that in some cases individuals whose asylum requests were turned down may have been expelled while their appeals were still in progress, although no statistics were available. The law allows the applicant a 15-day grace period in which to leave the country if refugee or asylum status is denied. Within that time frame, the applicant may appeal the decision, and the court of appeal has the authority to prevent the initiation of expulsion procedures, which normally begin after 15 days.

In 2000 increased illegal immigration led the Government to modify its laws on immigration. Since then over 600,000 immigrants applied to regularize their status. Over 300,000 applications were approved through the end of the year, and the Government planned to complete the regularization process in April 2002.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Spain is a multiparty democracy with open elections in which all citizens 18 years of age and over have the right to vote by secret ballot. At all levels of government, elections are held at least every 4 years. In the 1996 national elections, Jose Maria Aznar of the Popular Party became President of the Government, ending Socialist (PSOE) rule. The Popular Party received an absolute majority in the 2000 parliamentary elections. The next national elections must be held by March 2004.

Governmental power is shared between the central Government and 17 regional "autonomous communities." Local nationalist parties give political expression to regional linguistic and cultural identities.

The percentage of women in government or politics does not correspond to their percentage of the population, although their participation in the political process has increased. Of 19 Cabinet Ministers, 3 are women. The President of the Senate and the Speaker of the Chamber of Deputies are women. The number of female Members of Parliament increased after the 2000 elections: of the 350 members of the lower house, 99 are women. Of 259 Senators, 63 are women. In the 1999 European Parliament elections, both the PP and PSOE placed women at the top of their lists. On the PSOE list, 50 percent of the candidates were women. At year's end, 22 of the 64 Spanish members of the European Parliament were women.

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

A wide variety of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are cooperative and responsive to their views. Nongovernmental human rights groups include the Human Rights Association of Spain in Madrid and the Human Rights Institute of Catalunya in Barcelona.

The Constitution provides for an ombudsman, called the "People's Defender," who as part of his duties actively investigates complaints of human rights abuses by the authorities. The ombudsman operates independently from any party or government ministry, must be elected every 5 years by a three-fifths majority of the Congress of Deputies, and is immune from prosecution. He has complete access to government institutions and to all documents other than those classified for national security reasons and may refer cases to the courts on his own authority. The ombudsman has a staff of approximately 150 persons and received some 25,000 complaints during the year. The majority of the complaints pertained to education and social services, although some dealt with discrimination, domestic violence, and mistreatment by law enforcement agencies. Government agencies are responsive to the ombudsman's recommendations. Several of the autonomous communities have their own

ombudsman, and there are ombudsmen dedicated to the rights of specific groups, such as women, children, or persons with disabilities.

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

The Constitution provides for equal rights for all citizens, and discrimination on the basis of sex, race, ethnicity, nationality, disability, ideology, or religious beliefs is illegal; however, social discrimination against Roma and immigrants is a problem. The Government continued to take steps to reduce violence against women.

*Women.*—Violence against women, particularly domestic violence, remained a problem. According to the Government, 42 women and 3 men were killed as a result of domestic violence during the year, compared with at least 40 women and 6 men in 2000. During the year, women filed 5,983 criminal complaints and 18,175 misdemeanor complaints against their husbands or male partners. In 2000 women filed 5,722 such criminal complaints and 14,846 such misdemeanor complaints. A 1999 study commissioned by the Women's Institute, which is part of the Ministry of Labor and Social Affairs, indicated that 4.2 percent of women reported domestic abuse in the previous year but concluded that the number who actually had been abused was closer to 12.4 percent, based on the survey responses of approximately 20,000 women.

The law prohibits rape and spousal abuse. Police received 1,219 reports of rape during the year. In May the Government initiated its second Plan Against Domestic Violence, with a proposed budget of \$72 million (13 billion pesetas) over 4 years. The four principal areas outlined in the plan are preventive education; improvements in judicial regulations and practices to protect victims and increase the penalty for abusers; the extension of social services for abused women to all parts of the country; and increased coordination among the agencies and organizations involved in preventing domestic violence.

During the first plan, from 1998 to 2000, the Government sponsored 3 publicity campaigns and distributed over 750,000 educational pamphlets. It trained additional personnel for each of the 54 Civil Guard units that assist battered women and created 43 similar units in the National Police. There are 53 offices that provide legal assistance to victims of domestic violence and approximately 225 shelters for battered women. A 24-hour free national hot line that advises women where to find local assistance or shelter received 260,000 calls in 2000.

Trafficking in women for the purpose of prostitution, primarily from Latin America, Africa, and Eastern Europe, was a problem (see Section 6.f.).

The law prohibits sexual harassment in the workplace, but very few cases have been brought to trial under this law. Police received 364 sexual harassment complaints during the year. Although prohibited by law, discrimination in the workplace and in hiring practices persisted. A 1998 study of 100 labor union contracts revealed that 38 contracts failed to use gender-neutral language, 22 employed gender-specific job titles resulting in the imposition of discriminatory wage differentials (i.e., the salary of a male secretary, "secretario," was 13 percent higher than that of a "secretaria" in one food processing industry contract), and only 17 addressed the problem of sexual harassment.

Discriminatory wage differentials continued to exist. A 1999 report by the General Workers' Union shows that women's salaries were 30 percent less than those of their male counterparts. In addition the Minister of Social Affairs reported that, while women constitute 43 percent of the work force, they held only 18 percent of senior management positions in the third quarter of the year. The female unemployment rate was 18.6 percent in the third quarter of the year, down from 20 percent in 2000; this is nearly twice the 8.9 percent rate for men. Women outnumber men in the legal, journalism, and health care professions but still play minor roles in many other fields.

Employers are exempted from paying social security benefits to temporary workers who substitute for workers on leave for maternity, child adoption, or similar circumstances. A ministerial order to increase women's presence in sectors in which they are underrepresented provides a 2-year reprieve from paying social security taxes to employers who hire women in these sectors. The 1999 National Employment Action Plan gives priority to battered women who search for employment.

*Children.*—The Government is strongly committed to children's rights and welfare; it amply funds a system of public education and health care. Education is compulsory until age 16 and free until age 18. However, a 1998 study found that only 35 percent of Romani children are integrated fully into the educational system. Approximately 60 percent of Romani children do not complete primary school, and only very few progress to middle school and beyond. According to a report by the NGO Gypsy Presence, one-fifth of teachers describe themselves as anti-Roma, and one-

fourth of students say that they would like to see Roma expelled from school. Truancy and dropout rates among Roma are very high, and Romani parents, over 80 percent of whom are functionally illiterate, often do not see the value of an education or are unaware of the educational opportunities for their children.

The Constitution obligates both the State and parents to protect children. The Ministries of Health and Social Affairs are responsible for the welfare of children and have created numerous programs to aid needy children. Numerous NGO's promote children's rights and welfare, often through government-funded projects. Several of the Autonomous Communities have an office of the Defender of Children, an independent, nonpartisan agency charged with defending children's rights. Under the Penal Code, children under the age of 18 are not considered responsible for their actions and cannot be sent to prison.

There appears to be no societal pattern of abuse of children. The 1995 Law of the Child gives legal rights of testimony to minors in child abuse cases; it also obliges all citizens to act on cases of suspected child abuse.

Trafficking in teenage girls for prostitution was a problem (see Section 6.f.).

Law enforcement and social service agencies reported an increasing number of undocumented immigrant children living on the streets. These children cannot legally work; as a result, many survive through petty crime. Amnesty International reported that police abused undocumented Moroccan minors, especially in the Spanish North African enclaves of Ceuta and Melilla, and that some undocumented minors are returned to Morocco without sufficient concern for their welfare.

*Persons with Disabilities.*—The Constitution calls for the State to provide for the adequate treatment and care of persons with disabilities, ensuring that they are not deprived of the basic rights that apply to all citizens. The law aims to ensure fair access to public employment, prevent discrimination, and facilitate access to public facilities and transportation. The national law serves as a guide for regional laws; however, levels of assistance and accessibility differ from region to region and have not improved in many areas. Nevertheless there were no reports of discrimination against persons with disabilities in employment, education, or the provision of other state services.

The law continued to permit parents or legal representatives of a mentally disabled person to petition a judge to obtain permission for the sterilization of that person. In 1994 the Constitutional Court held that sterilization of the mentally infirm does not constitute a violation of the Constitution. In practice many courts in the past have authorized such surgery.

The Government subsidizes companies that employ persons with mental or physical disabilities. The Government mandates that all businesses that employ more than 50 persons either hire such persons for at least 2 percent of their workforce or subcontract a portion of their work to special centers that employ them.

*National/Racial/Ethnic Minorities.*—Public opinion surveys indicated the continued presence of racism and xenophobia, which resulted in discrimination and, at times, violence against minorities. A 2000 poll regarding attitudes towards foreigners found that Spaniards identify most closely with other Western Europeans and Latin Americans, and that there is less acceptance of immigrants from Morocco and sub-Saharan Africa.

In 2000 the Council of Europe cited a resurgence in nationalism, sometimes violent, which manifested itself in intolerance towards Roma, Africans, and Arabs. The Council recommended that the Government implement the antiracist provisions of the Penal Code; provide better statistics on racist attacks and vulnerable groups; deal with the marginalization of Roma and immigrants; and combat the activities of rightwing networks.

During the year, there were occasional reports of attacks against immigrants, some of which were attributed to quasi-organized rightwing youth groups. A 1999 report by the NGO Movement Against Intolerance estimated that at least 10,000 persons were involved in ultrarightwing groups. Movement Against Intolerance reported in 2000 the presence of Spanish neo-Nazi groups on the Internet, who aimed their attacks at Maghrebi immigrants. Through their web pages, these groups urged others to take violent action against all immigrants of North African descent.

Roma continued to face marginalization and discrimination in access to employment, housing, and education. The Romani community, whose size is estimated by NGO's at several hundred thousand, suffers from substantially higher rates of poverty and illiteracy than the population as a whole. Roma also have higher rates of unemployment and underemployment, and up to 80 percent of employed adults work in the informal economy as peddlers or in seasonal agricultural work. A 2000 report by Gypsy Presence claims that one-third of Roma families are not economically self-sufficient. A 1998 study by the Foessa Foundation found that Roma occupied the majority of the country's substandard housing units. Several NGO's dedi-

cated to improving the condition of Roma receive federal, regional, and local government funding.

In 1999 two men shot and wounded a Rom, Jose Garcia Garcia. After the two assailants were apprehended, the residents of Albaladejo, often led by the mayor, turned out in force to protest their incarceration and petition for their release. In June 2000, a court freed the two accused after they posted bond; their trial had not begun by year's end. Garcia and his family left Albaladejo.

A language or dialect other than Castilian Spanish is used in 6 of the 17 autonomous communities. The Constitution stipulates that citizens have "the duty to know" Castilian, which is the "official language of the state;" however, it also provides that other languages also may be official under regional statutes and that the "different language variations of Spain are a cultural heritage which shall . . . be protected." Laws in the Autonomous Communities of the Basque Country, Galicia, and Valencia require the community governments to promote their respective regional languages in schools and at official functions.

The Law of the Catalan Language, approved by the Catalan regional legislature (Generalitat) in 1998, stipulates the use of Catalan as the official language in local government and administrative offices, regional courts, publicly owned corporations, and private companies subsidized by the Catalan regional Government. Spanish-speaking citizens have the right to be addressed in Spanish by public officials. The legislation also establishes minimum quotas for Catalan-language radio and television programming. Some controversy continued over the implementing legislation and related regulatory measures.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution and laws ensure that all workers, except those in the military services, judges, magistrates, and prosecutors, are entitled to form or join unions of their own choosing, and workers exercise this right in practice. Approximately 15 percent of the workforce is unionized. Under the Constitution, trade unions are free to choose their representatives, determine their policies, and represent their members' interests. Unions are not restricted or harassed by the Government and are independent of political parties. The two main labor federations are the Workers' Committees (Comisiones Obreras) and the General Union of Workers (Union General de Trabajadores).

The Constitution provides for the right to strike. A strike in nonessential services is legal if its sponsors give 5 days' notice. Any striking union must respect minimum service requirements negotiated with the respective employer. The Constitutional Court has interpreted the right to strike to include general strikes called to protest government policy. According to the Ministry of Labor, there were 646 strikes during the year through November, with approximately 475,000 participants and 1.8 million lost workdays, compared with 727 strikes with 2 million participants and 3.5 million lost workdays in all of 2000. The law prohibits retaliation against strikers.

Unions are free to form or join federations and affiliate with international bodies and do so without hindrance.

*b. The Right to Organize and Bargain Collectively.*—The law provides for the right to organize and bargain collectively, including for all workers in the public sector except military personnel, and unions exercise this right in practice. Public sector collective bargaining in 1990 was broadened to include salaries and employment levels, but the Government retained the right to set these if negotiations failed. Collective bargaining agreements are widespread in both the public and private sectors; in the latter they cover 60 percent of workers, even though only about 15 percent of workers are union members.

The law prohibits discrimination by employers against trade union members and organizers. Discrimination cases have priority in the labor courts. The law gives unions a role in controlling temporary work contracts to prevent the abuse of such contracts and of termination actions. Unions nonetheless contend that employers practice discrimination in many cases by refusing to renew the temporary contracts of workers engaging in union organizing. Approximately one-third of all employees are under temporary contracts.

Labor regulations and practices in free trade zones and export processing zones are the same as in the rest of the country. Union membership in these zones is reportedly higher than the average throughout the country.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, including that performed by children; however, there were instances of trafficking in women for prostitution (see Section 6.f.).

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

*d. Status of Child Labor Practices and Minimum Age for Employment of Children.*—The statutory minimum age for the employment of children is 16 years. The law also prohibits the employment of persons under the age of 18 at night, for overtime work, or in sectors considered hazardous. The Ministry of Labor and Social Affairs is primarily responsible for enforcement, and the minimum age is enforced effectively in major industries and in the service sector. It was more difficult to enforce the law on small farms and in family-owned businesses, where some child labor persisted. Legislation prohibiting child labor is enforced effectively in the special economic zones.

In April the Government ratified ILO Convention 182 on the worst forms of child labor.

The law prohibits forced or bonded labor by children; however, there were reports of trafficking in teenage girls for prostitution (see Section 6.f.).

*e. Acceptable Conditions of Work.*—Each year the Government revises its minimum wage for workers over age 18, in line with the consumer price index. In December the Government raised the minimum wage for 2002 by 2 percent, to \$394 (442.20 euros) monthly or \$13.13 (14.74 euros) daily. The national minimum wage provides a decent standard of living for a worker and family. The Ministry of Labor effectively enforces the minimum wage. The law sets a 40-hour workweek with an unbroken rest period of 36 hours after each 40 hours worked. Workers enjoy 12 paid holidays a year and a month's paid vacation.

The National Institute of Safety and Health in the Ministry of Labor and Social Security has technical responsibility for developing labor standards, but the Inspectorate of Labor has responsibility for enforcing the legislation through judicial action when infractions are found. Unions have criticized the Government for devoting insufficient resources to inspection and enforcement. Workers have firm legal protection for filing complaints about hazardous conditions, but easily replaced temporary workers may be reluctant to use this protection for fear of losing their jobs.

Unions and immigrant rights NGO's report that illegal immigrants often work for substandard pay and in substandard conditions, mainly in agriculture. The Inspectorate of Labor reported 5,125 cases of labor rights violations related to immigrants during 2000, and 5,545 such violations in the first 9 months of the year. In December 2000, the Government amended the immigration law to increase sanctions on employers who hire illegal aliens and to draw a sharper distinction between the rights afforded to legal versus illegal immigrants. Under the amended law, illegal aliens do not have the right to join unions or strike.

*f. Trafficking in Persons.*—The law prohibits trafficking in persons; however, trafficking in women and teenage girls remained a problem. Trafficking involves almost exclusively the importation of women for prostitution, although there are reports of occasional cases in which victims are employed in other work, including agriculture and sweatshops. Trafficked women are usually 18 to 30 years of age, but sometimes are girls as young as age 16. There are few reports of trafficking in younger minors.

Women are trafficked primarily from Latin America (Colombia, Dominican Republic, Brazil), East European countries, sub-Saharan Africa (Nigeria, Guinea, Sierra Leone), and, to a lesser extent, North Africa. Asians, including Chinese, are trafficked to a much lesser degree, and more often for work other than prostitution. Traffickers use coercion, including confiscation of documents, violence, and threats against family members to keep victims working in prostitution. As a group, women from Eastern Europe reportedly are subject to more severe violence and threats on the part of traffickers. Some victims from sub-Saharan Africa reportedly are sold to traffickers by members of their own families. Traffickers lure some victims from other regions with false promises of employment in service industries and agriculture and then force them into prostitution upon arrival in Spain.

The 2000 Immigration law redefined trafficking as a criminal offense. The penalty for trafficking is 2 to 4 years' imprisonment and a fine, or 6 to 12 years if the crime is committed by a public official. The exploitation of prostitutes through coercion or fraud and the exploitation of workers in general also are illegal, although prostitution is legal. Trafficking in workers is punishable by 2 to 5 years' imprisonment and a fine. During 2000 law enforcement agencies arrested over 1,000 individuals involved in some aspect of trafficking in persons or migrant smuggling and initiated over 700 prosecutions.

The Government specifically targets trafficking as part of its broader plan to control immigration; for example, the police actively pursue and prosecute mafias who use false identity documentation for immigrant smuggling of all kinds, including trafficking. Within the Interior Ministry, the National Police Corps has primary responsibility for all matters pertaining to immigration, including trafficking. Regional authorities also participate in fighting organized criminal activity, including trafficking. In addition the Interior Ministry chairs an interagency committee on all im-

migration issues, including trafficking. The Ministries of Foreign Affairs, Health, Education, Treasury, and Labor also are members of the committee. The main police school gives courses on trafficking issues, such as the recognition of fake documents and the best ways to identify traffickers.

The law allows for trafficked persons to remain in the country if they agree to testify against the perpetrators. After legal proceedings conclude, the individual is given the option of remaining in Spain or returning to the country of origin. Victims are encouraged to help police investigate trafficking cases and to testify against traffickers. The Government works with and provides funding to NGO's that provide assistance to trafficking victims. In addition regional and local governments provide assistance either directly or through NGO's.

Project Hope, a program backed by the Catholic NGO Las Adoratrices and government agencies, is the first program specifically intended to assist trafficking victims. The project operates shelters in Madrid and provides assistance with medical and legal services and acts as liaison with law enforcement for victims who choose to testify against traffickers. Project Hope receives many of its referrals directly from police. In 2000 the Campaign Against Trafficking in Women, a coalition of NGO's with support from the Ministry of Labor, published a booklet on the problems of trafficking.

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## SWEDEN

Sweden is a constitutional monarchy and a multiparty parliamentary democracy. The King is Chief of State. The Cabinet, headed by the Prime Minister, exercises executive authority. The Government respects the constitutional provision for an independent judiciary in practice.

The Government maintains effective control of the police, all security organizations, and the armed forces. The police provide internal security and the military provide external security.

The country has a total population of approximately 8.89 million, and an advanced industrial economy, mainly market based. Citizens enjoy a high standard of living, with extensive social welfare services. The per capita gross national product during the year was \$26,057 (44,557 CHF).

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. There were infrequent reports of the use of excessive force by police. There were some violent clashes between police and protesters during the year. The Government has longstanding programs to deal with violence against women and abuse of children. Trafficking in women for sexual exploitation 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 committed by the Government or its agents during the year.

In June 2000, a police officer was charged with breach of duty, serious ill treatment, and causing the death of another in a March incident in which he shot a fleeing suspect. In October the policeman was sentenced to 18 months in prison; he was fired in November. Also in June 2000, a prison escapee died after being caught and restrained by four prison guards. The guards were suspended pending the results of a police investigation into the death. One guard was charged with manslaughter and was awaiting trial at year's end.

In June 2000, the Minister of Justice decided to appoint a commission of inquiry to look into past deaths in custody in order to propose safeguards. NGO's remained very interested in such cases.

*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 infrequent complaints of the use of excessive force by the police, although there is no evidence of a systemic problem. Police officers found guilty of abuse typically were suspended, resigned, or otherwise were disciplined.

Violent clashes between police and protesters at some demonstrations in Malmo and Gothenberg during the year resulted in some injuries and complaints of excessive police violence (see Section 2.b.). Investigations were ongoing at year's end.

Skinhead and neo-Nazi related violence increased during the year (see Section 5).

Prison conditions generally meet international standards. Men and women prisoners are held separately. Juveniles are held separately from adults and convicted criminals and pretrial detainees are held separately.

The Government permits visits by independent human rights monitors, although there were no such visits during the year.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions. The law requires warrants for arrests. The police must file charges within 6 hours against persons detained for disturbing the public order or considered dangerous and within 12 hours against those detained on other grounds. The law requires arraignment within 48 hours. The time between arrest and the first court hearing may be extended to 96 hours for detainees considered dangerous, likely to destroy evidence, or likely to flee. In cases involving more than one individual and in the case of foreigners, courts may order continued detention for 2 weeks at a time while the police conduct investigations. Such detentions can be protracted, particularly in drug cases. Detainees routinely are released pending trial unless they are considered dangerous. Bail does not exist. If a person files for bankruptcy and refuses to cooperate with an official investigation, a court may order detention for up to 3 months, with judicial review every 2 weeks.

The Constitution prohibits forced exile, and the Government does not employ it.

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

The judicial system is composed of three levels of courts: District courts; a court of appeals; and a Supreme Court. All criminal and civil cases are heard first in district court regardless of the severity of the alleged crime.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforces this right with vigor. Trials are public. Defendants have the right to appeal and are presumed innocent until proven guilty.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such actions, and the Government generally respects these prohibitions in practice. The law limits home searches to investigations of major crimes punishable by at least 2 years' imprisonment, and the authorities generally respect this provision. In general the police must obtain court approval for a wiretap and a prosecutor's permission for a search; however, a senior police official may approve a search if time is a critical factor or the case involves a threat to life. The national police and the Prosecutor General's Office submit a report to Parliament each year detailing all of the electronic monitoring done during the previous year.

In 2000 the Minister of Justice presented a proposal to expand the use of police listening devices and other electronic surveillance. According to the proposal, listening devices and other electronic surveillance would be allowed only if serious drug crimes or serious crimes that would result in at least 4 years' imprisonment were suspected. Under continued pressure from NGO's, the Government continued to rework its proposal.

Under the country's pre-1976 practice of forced sterilization thousands of persons were forcibly sterilized between 1934–76. The majority of those sterilized were persons with mental or physical disabilities. In 1999 Parliament decided to pay damages of approximately \$21,000 (219,905 CHF) to each victim. By October 2000, 1,925 persons had applied for compensation. By year's end, 2,067 persons had applied for compensation, and approximately 1,566 had received payment. The Government allocated additional resources to pay compensation since the number of applicants far exceeded expectations.

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice; however, rightwing groups are not permitted to display signs and banners with provocative symbols at their rallies (see Section 5).

Most newspapers and periodicals are privately owned. The Government subsidizes daily newspapers, regardless of political affiliation. There are 169 daily newspapers and 455 weeklies. Broadcasters operate under a state concession. A variety of commercial television channels (one ground-based and several via satellite or cable) and several commercial radio stations operate.

A quasi-governmental body excises extremely graphic violence from films, television programs, and videos.

Criticism of child pornography is widespread, and the debate on the legality of ownership of pornographic material continued. A 1999 law criminalizes the possession and handling of child pornography. It also is illegal to publish or distribute

such material. The Queen remains a strong and popular advocate of children's rights and an active opponent of child pornography.

Access to the Internet is available widely and is unrestricted.

Academic freedom is respected.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for the freedoms of peaceful assembly and association, and the Government generally respects these rights in practice; however, there were some violent clashes between police and protesters during the year. Police require a permit for public demonstrations, but the authorities routinely grant such permits, with rare exceptions to prevent clashes between antagonistic groups or due to insufficient police resources to patrol an event adequately.

In April there were violent clashes between police and demonstrators at the European Union (EU) Finance Ministers' meeting in Malmo and in June at the EU summit in Gothenburg. In Gothenburg in June, a small number of militant activists and police engaged in street battles that disrupted the peaceful demonstration of approximately 25,000 protesters. Some of the demonstrators broke windows, set fires, and hurled cobblestones at mounted police. At one point, a group of police shot at violent demonstrators and wounded three individuals. The police also raided a school suspected of housing violent activists. Approximately 120 demonstrators filed complaints of excessive police violence after these incidents. Prosecutors were investigating these cases at year's end. In September the Government appointed a committee headed by former Prime Minister Ingvar Carlsson to investigate police actions in Gothenburg. In October two prosecutors in Stockholm began investigating complaints against the Stockholm police; the investigation was ongoing at year's end.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respects this right in practice. The Government does not hamper the practice or teaching of any faith.

The country has maintained a state (Lutheran) church for several hundred years, supported by a general "church tax" although the Government routinely grants requests from taxpayers for exemptions. All churches receive state financial support.

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

The law provides for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government provides first asylum. The Government reviewed applications for asylum more thoroughly than in 2000. During the year 23,571 persons sought asylum compared to 16,303 applications in 2000. Applicants included 6,229 persons from Iraq, 3,112 persons from the Federal Republic of Yugoslavia, 2,779 persons from Bosnia Herzegovina, 840 persons from Russia, 780 persons from Iran, and 595 persons from Afghanistan. The Government approved 10,546 applications in 2000. Approximately 11 percent of the country's population is foreign born. Applications can remain under consideration for long periods of time with applicants in uncertain status. Because of the appeals process in the courts, cases can extend for several years, although such cases are few in number.

NGOs continued to complain that the country lacks a transparent process for making decisions in asylum cases. They maintain that the asylum procedures lack rules to guide the conduct of authorities, and ensure legal protection for asylum seekers. The procedures accord great discretion to individuals in decisionmaking positions. According to NGOs, the decisionmakers use arbitrary, unspecified, and inconsistent criteria. In particular NGOs were critical of the unclear burden of proof and the lack of an appeals process to an independent court.

In November 2000, the U.N. Committee Against Torture ruled that the decisions of the Swedish Migration Board in connection with the case of an Iranian woman had constituted a violation. The Swedish authorities did not believe the woman's claim that she might be subjected to torture should she return to her home country. The country has been criticized eight times by the Committee.

The Government expeditiously returns asylum seekers from EU countries or from countries with which there are reciprocal return agreements. In most cases, persons who were returned expeditiously had passed through or had asylum determinations pending in other EU countries. In many cases, asylum seekers were deported within 72 hours of arrival, and NGOs were critical of their lack of access to legal counsel. To remedy this situation, the Government continued to experiment with pilot programs at selected border crossings to provide expeditious legal assistance.

The Government conducted a review of the countries considered to be safe for the purposes of returning asylum seekers. NGO's have raised the issue of insufficient protection for returnees to countries without a reciprocal return agreement. In September the UNHCR criticized the Aliens Appeals Board following a decision to refuse a homosexual Iranian refugee a residence permit. In 1998 the Government stated that homosexual Iranians who openly manifest their homosexuality could run the risk of judicial proceedings or persecution in their native country, thereby justifying a fear of persecution. The Alien's Appeals Board denied the Iranian man a permit on the grounds that he did not manifest his homosexuality until arrival into the country.

A total of 4,020 Kosovar Albanian refugees were granted temporary residence permits in 1999, which initially were valid for 11 months. By year's end, more than 2,500 of these refugees had been granted permanent residence, while 839 had their requests for asylum rejected. At year's end, 400 Kosovar Albanian refugees were awaiting a decision on their applications for permanent residence. The Government has accepted over 100,000 refugees from the former Yugoslavia. The Government provides grants to Bosnians to travel to their homeland in order to determine if they wish to be repatriated. It also provides financial incentives for returnees.

In March the country joined the Schengen Group, which led to an increase in the number of asylum seekers. As a result, the Government increased the budget of the Swedish Migration Board by \$49 million to provide for the processing of asylum applications.

On July 1, a new citizen act enabling dual citizenship entered into force, which permits the possibility of a citizen having dual nationality, and makes it easier for stateless children who were born in, or entered Sweden to acquire citizenship.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Elections to the 349-member unicameral Parliament are held every 4 years; the last such elections were held in 1998.

Women participate actively in the political process and Government. Women constituted 43.6 percent of the Parliament and 55 percent of the Cabinet. The governing Social Democratic Party largely kept its pledge to place women in half of all political appointments at all levels.

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

A number of domestic and international human rights groups in general operate without Government restrictions, investigating and publishing their findings. Government officials are very cooperative and responsive to their views. Several private organizations actively monitor issues such as the effect of social legislation, antimigrant or racist activities, and the condition of the indigenous Sami population. Government agencies are in close contact with a variety of local and international groups working in the country and abroad to improve human rights observance.

The official government ombudsmen publicize abuses of state authority and may initiate actions to rectify such abuses.

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

The Constitution provides for equal rights for all citizens, and the Government generally respects this provision.

*Women.*—Violence against women was a problem. During the year 20,382 reported cases of assault against women (excluding rape) were reported, compared with 20,517 in 2000. Most involved spousal abuse. In three-quarters of the assaults, the perpetrator was an acquaintance of the victim. On average 33 murders of women and girls are reported each year, half of them by men closely related to the victim. During the year the number of reported rapes of persons over age 15 was 2,078, compared with 1,724 in 2000. The law does not differentiate between spousal and nonspousal rape. In 2000 4,825 cases of violence against women were prosecuted, as were 339 rape cases, 280 of which were sexual assaults on persons over age 15.

The Government has longstanding programs to deal with violence against women. The law provides complainants with protection from contact with their abusers, if

so desired. In some cases, the authorities help women obtain new identities and homes. The Government provides electronic alarms or bodyguards for women in extreme danger of assault. Both national and local governments help fund volunteer groups that provide shelter and other assistance to abused women, and both private and public organizations run shelters. There is a hot line for victims of crime, and police are trained to deal with violence against women. The authorities strive to apprehend and prosecute abusers. Typically the sentence for abuse is a prison term—14 months on average—or psychiatric treatment. However, women complain about short sentences and the early release of offenders.

Trafficking in women for purposes of sexual exploitation continued to be a problem (see Section 6.f.). The purchase or attempted purchase of sexual services is illegal.

The law prohibits sexual harassment and specifies clearly employers' responsibilities to prevent and, if applicable, to investigate sexual harassment in the workplace and to formulate and post a specific policy and guidelines for the workplace. Employers who do not investigate and intervene against harassment at work may be obliged to pay damages to the victim. As with other forms of discrimination, women and men may take complaints to the courts or to their unions. To combat gender discrimination in the long term, the Equal Opportunities Act requires all employers, both in the public and private sector, actively to promote equal opportunities for women and men in the workplace.

The law requires employers to treat men and women alike in hiring, promotion, and pay, including equal pay for comparable work. According to 1999 statistics, women's salaries were 83 percent of men's salaries. Adjusting for age, education, and occupational differences between men and women, women salaries average 92 percent of men's salaries. The Equal Opportunity Ombudsman, a public official, investigates complaints of gender discrimination in the labor market (see Section 4). Women and men also may pursue complaints through the courts. A third option, and by far the most common, involves settling allegations with the employee's labor union as mediator. In 2000 gender discrimination cases by 102 women and 18 men were registered with the equal opportunity Ombudsman; these cases were being processed at year's end.

All employers with more than 10 employees must prepare an annual equality plan, including a survey of pay differences between male and female employees. The equal opportunity Ombudsman reviews these plans. During the year, the law was amended to require from every employer a survey made with a union representative analyzing wage differences. If gender is found to be the cause for a difference in salary, pay must be equalized within 3 years.

In 2000 the Government began to pay damages to the thousands of women who were forcibly sterilized between 1934–76 (see Section 1.f.).

*Children.*—The Government is committed strongly to children's rights and welfare; it amply funds systems of public education and medical care. The Government provides compulsory, free, and universal primary school education for children for 9 years to the age of 16. It also provides free medical and dental care for all children up to the age of 16 (19 for dental care). Parents receive approximately \$1,000 per year for each child under 16 years of age. An official children's Ombudsman monitors the Government's programs.

Although the physical abuse of children appears relatively uncommon, the public and authorities remained concerned by consistent data indicating an increase in cases of abuse over the past several years. During the year the number of reported cases of abuse of children under the age of 15 rose to approximately 6,900, up from 6,600 in 2000. In addition to 327 reported cases of rape, there were 2,480 reported cases of sexual abuse of children under the age of 15 during the year. There were 2,461 reported cases of child sexual abuse and 300 reported cases of rape in 2000. The U.N. Children's Committee criticized the Government in 1998, stating that it provided less protection for the children of immigrant and disadvantaged groups. On March 29, the Government reached an agreement whereby children of illegal immigrants receive dental and health care identical to that provided to other children.

The law prohibits parents or other caretakers from abusing children mentally or physically in any way. Parents, teachers, and other adults are subject to prosecution if they physically punish a child, including slapping or spanking. Children have the right to report such abuses to the police. The authorities generally respect these laws, and the usual sentence is a fine combined with counseling and monitoring by social workers. However, if the situation warrants, authorities may remove children from their homes and place them in foster care. Foster parents virtually never receive permission to adopt long-term foster children, even in cases where the parents are seen as unfit or seek no contact with the child. Critics charge that this policy

places the rights of biological parents over the needs of children for security in permanent family situations.

The Government allocates funds to private organizations concerned with children's rights. An NGO, Children's Rights in Society, offers counseling to troubled youngsters. The Government remained active internationally in efforts to prevent child abuse.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in the workplace, but there are no other specific laws that prohibit discrimination against persons with disabilities, although considerable efforts are made to ensure that they enjoy equal opportunities. In 2000 the Parliament adopted and implemented a national plan on disability policy that provides for freedom of access and social support as basic rights for citizens with disabilities. There is an Ombudsman for disability issues. The Government provides persons with disabilities with assistance, which may include a personal assistant for persons with severe disabilities, or improvements in the workplace's accessibility to wheelchairs. Government assistance also includes services such as home care or group living. Regulations for new buildings require full accessibility, but the Government has no such requirement for existing public buildings. Many buildings and some public transportation remained inaccessible. Deaf children have the right to education in sign language. The parents of children with disabilities and workers with disabilities under the age of 65 receive financial assistance every 7 years to buy a car adapted to the person's disability.

In 2000 the Government began paying damages to thousands of persons that it forcibly sterilized between 1934 and 1976, the majority of whom were disabled either mentally or physically (see Section 1.f.).

*Indigenous People.*—The country counts at least 17,000 Sami (formerly known as Lapps) in its population (Sami organizations place that number somewhat higher at 25,000 to 30,000). In 1993 the Government allowed the formation of a Sametinget (Sami Parliament) as an advisory body to the Government. Sami issues fall under the Ministry of Agriculture.

The Sami continued a protracted struggle for recognition as an indigenous people; historically, the Government has resisted granting the Sami such rights. For example, Sami children had no right to education in their native language until the provision of such education to immigrant group children under a 1977 law forced the Government to grant Sami at least equal treatment. As a result of such education, northern Sami dialects have enjoyed a renaissance; however, Sami dialects in the southern portions of traditional Sami lands may have too few native speakers to survive as living languages.

In 1994 the Government removed from the Sami the right to control hunting and fishing activities on Sami village lands, permitting instead completely unlimited hunting and fishing activity on all government property. Sami leaders continued to protest this change during the year.

Some Sami state that they face discrimination in housing and employment on an individual basis, particularly in the southern mountain regions. In 2000 the Government officially recognized the Sami people as a national minority.

*Religious Minorities.*—Citizens are tolerant of diverse religions practiced in the country; however, there is limited anti-Semitism, which in the past has manifested itself in the vandalization of synagogues with graffiti and in threatening letters. There were no cases of anti-Semitic vandalism reported during the year. The Government continued to take proactive steps to combat anti-Semitism by increasing awareness of Nazi crimes and the Holocaust. For example, the Government declared January 27, the anniversary of Auschwitz's liberation, as a national day of remembrance. In January approximately 50 countries attended the second annual Stockholm International Forum on the Holocaust.

The Muslim community received many threats following the terrorist attacks on the U.S. in September; several mosques received bomb threats, and a Muslim school in the western suburbs was firebombed on September 17; no one was injured in the attack. Police were conducting investigations at year's end.

*National/Racial/Ethnic Minorities.*—Approximately 11 percent of Sweden's population is foreign born, with the largest groups being from Finland, Iran, and the former Yugoslavia. Crimes with racial overtones increased during the year, but only 13 percent of the racist crimes reported could be linked directly to neo-Nazis or skinheads. Violent incidents with racial overtones have averaged approximately 100 per year, although no official statistics are kept.

Most estimates place the number of active neo-Nazis at fewer than 2,000, and there appears to be little popular support for their activities or sentiments. The Government investigates and prosecutes race-related crimes, although in many clashes between Swedish and immigrant youth gangs, authorities judge both sides to be at

fault. Neo-Nazi groups operate legally, but serious debate in the press continued about outlawing such groups. In 1994 a Supreme Court ruling, which stated that it may be illegal to wear xenophobic symbols or racist paraphernalia, entered into effect. Rightwing groups are not permitted to display signs and banners with provocative symbols at their rallies.

The public continued to urge a tougher stance against neo-Nazi groups. During the year, several demonstrations against violence and racism were organized throughout the country. The Government supports volunteer groups that oppose racism and xenophobia.

The Ombudsman for Ethnic Discrimination reported an increase during the year of 66 percent in the number of complaints of ethnic discrimination in the labor market; there were 274 complaints during the year compared to 164 complaints in 2000.

A 2000 law recognizes the Sami people, Swedish Finns, Tornedal-Finns, Roma, and Jews as national minorities. The Government supports and protects minority languages.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law entitles workers to form and join unions of their choice, and workers exercise this right. In December the work force consisted of approximately 4.38 million persons, of which approximately 80 percent was unionized. Career military personnel, police officers, and civilian government officials, as well as private sector workers in both manufacturing and service industries, are organized. Most business owners belong to counterpart employer organizations. Unions and employer organizations operate independently of the Government and political parties (although the largest federation of unions has always been linked with the largest political party, the Social Democrats).

The law provides for the right to strike, as well as for employers to organize and to conduct lockouts. Within limits protecting the public's immediate health and security, public employees also enjoy the right to strike. The Government generally respects these laws in practice. In March two legal strikes and one illegal strike were reported.

Unions have the right to affiliate with international bodies. They are affiliated with the International Confederation of Free Trade Unions and the European Trade Union Confederation among others.

*b. The Right to Organize and Bargain Collectively.*—The law provides for collective bargaining, and workers exercise this right. Cooperation between management and labor tends to be excellent and nonconfrontational. Labor and management, each represented by a national organization by sector (for example retailers and engineering industries), negotiate framework agreements every 2 to 3 years. More detailed company-level agreements put such framework agreements into effect at the local level. New framework agreements were signed during the year, resulting in a 3 percent wage increase per year for 3 years in most cases. Most agreements with labor unions provide for a degree of individualized pay, including merit bonuses.

The law provides both workers and employers with effective mechanisms for resolving complaints. The vast majority of complaints are resolved informally. The law protects union officials and members from dismissal or reprisals for official union activities. In some instances, unions even demand collective agreements regardless of the views and union status of employees. In 2000 a government agency, the National Mediation office, began working to strengthen the system of public mediation.

Agreements were reached in 1997 between 12 employer associations and 8 unions representing 800,000 manufacturing employees on steps to prevent strikes and lockouts, such as requiring serious wage negotiations to start 3 months before a collective agreement expires and appointing a mediator if an agreement has not been reached after 2 months. Similar agreements were signed in the municipal sector, in the retail-commercial, and service sectors.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor; however, women were trafficked to the country for the purpose of prostitution (see Section 6.f.).

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

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The law permits full-time employment at age 16 under the supervision of local authorities. Employees under age 18 may work only during the daytime and under supervision. Children as young as 13 years may work part-time or in "light" work with parental permission. Union representatives, police, and public prosecutors effectively enforce these restrictions.

The law prohibits forced and bonded labor by children, and there were no reports that such practices occurred (see Section 6.c.).

*e. Acceptable Conditions of Work.*—There is no national minimum wage law. Wages are set by collective bargaining contracts, which nonunion establishments usually observe as well. Even the lowest paid workers are able to maintain a decent standard of living for themselves and their families through substantial benefits (such as housing or daycare support) provided by social welfare entitlement programs.

The standard workweek is 40 hours or less. Both the law and collective bargaining agreements regulate overtime and rest periods. For workers not covered by a labor agreement, the law stipulates a limit for overtime at 200 hours per year, although exceptions may be granted for key employees with union approval; some collective bargaining agreements put the limit at 150 hours. The law requires a rest period after 5 hours of work but does not stipulate a minimum duration; in practice it is usually 30 minutes. The law also provides all employees with a minimum of 5 weeks of paid annual leave; labor contracts often provide more, particularly for higher ranking private sector employees and older public service workers. Amendments to the labor law in 1997 made it easier for employers to hire workers for limited periods, as well as empowering local unions to agree to exceptions to last-in, first-out laws.

Occupational health and safety rules are set by a government-appointed board and monitored by trained union stewards, safety ombudsmen, and, occasionally government inspectors. These standards are very high, making workplaces both safe and healthy in general. Safety ombudsmen have the authority to stop unsafe activity immediately and to call in an inspector. An individual also has the right to halt work in dangerous situations in order to consult a supervisor or safety representative without endangering continued employment.

*f. Trafficking in Persons.*—The law does not prohibit specifically trafficking in persons, although traffickers are prosecuted under other statutes; however, women were trafficked to the country for prostitution and sexual exploitation.

Trafficked women in past cases, numbering 200 to 500 per year, came principally from Central Europe, the Baltic states, and Russia. There have been occasional cases of trafficked women from Colombia and Cuba. The women typically are recruited in their own countries to come and work as cleaners, babysitters, or similar employment. Once in Sweden, victims are isolated and intimidated by traffickers, and work as prostitutes in hotels, restaurants, massage parlors, or private apartments. Some reportedly were “purchased” from other traffickers and brought into Sweden. A 1998 report suggests that the problem of trafficking is more widespread than the few prosecutions indicate.

The purchase or attempt at purchasing sexual services is illegal. Law enforcement primarily uses laws against pandering and an offense called “placing in distress,” which can be used in cases where traffickers lure women from other countries under false pretenses. Traffickers sentenced for pandering can face up to 6 years in prison, but most sentences are for 2 to 3 years. The Government prosecuted 11 cases against traffickers in 1998–99, which resulted in 6 convictions. All of the accused traffickers were Swedish residents with family and personal ties to Central and Eastern Europe and the Middle East.

Trafficked women in general do not receive temporary residence permits; in some cases they are deported immediately. Victims of trafficking rarely are detained; however, at times they are held for a short period prior to deportation by the police or in a camp run by the Migration Board. The Government provides funding to NGO’s and international organizations that combat trafficking worldwide. For example, the Government provides funds to the Foundation of Women’s Forums to combat trafficking in women in the Nordic and Baltic nations by creating interactive networks that link NGO’s and research institutions that deal with prevention and the rehabilitation of trafficked women.

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## SWITZERLAND

Switzerland is a constitutional democracy with a federal structure. The bicameral Parliament elects the seven members of the Federal Council, the highest executive body, whose presidency rotates annually. Because of the nation’s linguistic and religious diversity, the political system emphasizes local and national political consensus and grants considerable autonomy to the 26 individual cantons. Voters approved a new Constitution in 1999 that came into force in 2000. The Government respects the constitutional provisions for an independent judiciary in practice.

The armed forces are a civilian-controlled militia based on universal military service for able-bodied males. There is virtually no standing army apart from training cadres and a few essential headquarters staff. Police duties are primarily a responsibility of the individual cantons, which have their own police forces that are under effective civilian control. The National Police Authority has a coordinating role and relies on the cantons for actual law enforcement. Members of the police committed some human rights abuses.

Switzerland has a highly developed free enterprise, industrial, and service economy strongly dependent on international trade. The standard of living of the country's 7.3 million residents is very high.

The Government generally respects the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Cantonal police committed one killing, were involved in at least two other deaths, and occasionally used excessive force, particularly against foreigners and deportees. There were reports that the authorities arbitrarily detained asylum seekers. Violence against women continued to be a problem, although the Government took steps to address it. Some laws continued to discriminate against women. There continued to be reports of discrimination against foreigners. Trafficking in women for prostitution increased.

#### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—There were no reports of politically motivated killings committed by the Government or its agents. During the year, cantonal police shot and killed one person and were involved in the deaths of two others. The U.N. Human Rights Committee cited "instances of degrading treatment" in a November report, and "the excessive use of force during the expulsion of aliens, resulting on some occasions in death."

In May Samson Chukwu, a Nigerian deportee, died after being forcibly restrained while resisting deportation. According to an official investigation, his death was apparently the result of an unforeseeable "fatal chain of circumstances" that included the method by which he was subdued, his physical efforts to resist, and stress. Police claimed that they were forced to subdue Chukwu by cuffing his hands behind his back while he was prone on the floor. One police officer reportedly applied his weight on Chukwu's back. Charges against two policemen involved in the case were dismissed. Critics claim that police officers lack proper restraining techniques.

In July Bern police were videotaped using excessive force to subdue Cemal Gomec, a Turkish immigrant with mental problems who was threatening persons who approached him in his apartment with a knife. He died in a hospital 4 days after being subdued. The Bern forensic institute found that his death from cardiac arrest was not the sole result of the beating by police officers but rather a combination of several factors, including stress, and police use of sedatives, tear gas, other chemicals used during Gomec's apprehension, and chronic heart disease.

In August two police officers from Basel shot and killed Michael Hercouet just over the border in France. The unarmed Hercouet was trying to evade police arrest after stealing a car, and he allegedly attempted to run over the officers. No charges had been brought by year's end. In September an Algerian national facing deportation hanged himself in Chur (see Section 1.c.).

In July, in the 1999 case of Khaled Abuzarifeh, another immigrant who died from suffocation while resisting deportation, a Zurich court handed down a 5-month suspended sentence to the doctor who administered the gag. In addition the court ordered the doctor to pay \$30,000 (50,000 Swiss francs) in damages to the victim's family. Of the three policemen involved in the case, two were acquitted. The third was awaiting judgment at year's end.

On July 12, at the request of the U.N. chief prosecutor at the International Criminal Tribunal for Rwanda in Arusha, Tanzania, the Geneva police arrested a Rwandan priest, Emmanuel Rukundo, who was suspected of involvement in the 1994 genocide. Rukundo, a former army chaplain who had been working at a church in the Geneva area for a number of years was among indicted war crimes suspects apprehended in Switzerland, Belgium, and the Netherlands during a coordinated European-wide operation. He is accused of drawing up lists of Tutsis, which the Hutu-dominated military used to identify their victims. Rukundo was deported on September 20 to the U.N. International Criminal Tribunal in Arusha after the Federal Court rejected his appeal of extradition.

Fulgence Niyonteze, the former mayor of the Rwandan town of Mushubati, sought asylum in Switzerland in 1994 and was arrested in 1996. In May 1999, a military court convicted him of crimes committed during the 1994 genocide, including mur-

der (taking part in the massacre of Tutsis), attempted murder, incitement to murder, and war crimes. He was sentenced to life imprisonment. Niyonteze was tried by a military tribunal because Swiss law stipulates that alleged war crimes and violations of the Geneva Conventions be tried by a military tribunal (see Section 1.e.). In May 2000, a military appeal court heard Niyonteze's appeal of his sentence of life imprisonment. The court found Niyonteze guilty of war crimes and violations of the Geneva Conventions but dropped the first charges of murder and incitement to murder and declared that a military tribunal had no authority to try such offenses when committed abroad by a civilian. The military appeal court sentenced Niyonteze to 14 years in prison. Both the public prosecutor and Niyonteze filed appeals of the sentence, but in April the Military Supreme Court upheld the lower court's judgment.

*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 occasionally used excessive force, particularly against foreigners. In the Canton of Geneva, 33 of 715 reported cases of the use of force by police resulted in formal complaints. However, in 1999–2000 only one police officer was convicted for excessive use of force in Geneva Canton. In a November report, the U.N. Human Rights Committee “cited concern and called for effective responses to reported instances of police brutality during arrests and detentions, especially of foreigners.” A 1997 report by the U.N. Committee against Torture expressed concern about “frequent allegations of ill-treatment inflicted in the course of arrests and police custody.”

There were no significant developments, and none are likely, in the case of Brazilian national Luis Felipe Lourenco, whom prison guards allegedly beat in 1998. Lourenco was paralyzed in all his limbs after the incident. In April a reconstruction of the events took place in the Champ-Dollon prison in Geneva. All interested parties, including independent experts, were supposed to provide a Geneva magistrate with any further evidence that could lead to a trial by the end of July. The experts had not provided evidence of mistreatment by the deadline.

In the case of Clement Nwankwo, a Nigerian human rights monitor who accused the Geneva police of mistreatment during his arrest in 1997, the European Court of Human Rights unanimously denied Nwankwo's appeal in June on the grounds that there was no violation of his rights under the European Convention.

Prison conditions generally meet international standards. Some nongovernmental organizations (NGO's) have claimed that prisons were overcrowded, but the Government has taken measures to improve prison conditions and address overcrowding by expanding the number of detention facilities. The cantonal Government of Jura stated in November that it would investigate living conditions in its prison after the press reported that prison guards had abused inmates. Prisoners alleged that, besides insults and mistreatment, prison guards had encouraged some prisoners to commit suicide. The Penal Code requires that male and female prisoners be held separately and that juveniles be held separately from adults. Pretrial detainees also are held separately from convicted criminals.

The Government permits prison visits by independent human rights monitors. In February a delegation from the Council of Europe's Committee for the Prevention of Torture (CPT) carried out a routine, periodic visit that included visits to prisons.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions; however, some NGO's alleged that the authorities arbitrarily detained asylum seekers (see Section 2.d.).

The cantons are responsible for handling most criminal matters, and procedures vary from canton to canton. In general a suspect may not be held longer than 48 hours without a warrant of arrest issued by an investigative magistrate; however, asylum seekers and foreigners without valid documents may be held for up to 96 hours without an arrest warrant. A suspect may be denied legal counsel at the time of detention but has the right to choose and contact an attorney by the time an arrest warrant is issued. The State provides free legal assistance for indigents who may be jailed pending trial. Investigations generally are prompt; however, in some cases investigative detention may exceed the length of sentence. Release on personal recognizance or bail is granted unless the magistrate believes the person is dangerous or will not appear for trial. Any lengthy detention is subject to review by higher judicial authorities. During the year, approximately one-third of all prisoners were in pretrial detention, and the average length of such detention was 52 days.

The Constitution prohibits forced exile, and the Government does not use it.

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

All courts of first instance are local or cantonal courts. Citizens have the right to appeal, ultimately to the Supreme Court. Trials involving minor offenses are heard by a single judge, more serious or complex cases by a panel of judges, and the most serious cases (including murder) by a jury.

The 1967 revised Military Penal Code (MPC) requires that all war crimes or violations of the Geneva Convention be prosecuted and tried in Switzerland, notwithstanding where a crime was committed and whether the defendant is member of an army or a civilian. Normal civilian rules of evidence and procedure apply in military trials. The MPC allows the appeal of any case. The highest level of appeal is to the Military Supreme Court. In most cases the accused use defense attorneys assigned by the courts. Any licensed attorney may serve as a military defense counselor. Under military law, the Government pays for defense costs.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforces this right. Trials usually are expeditious. The Constitution provides for public trials, including the right to challenge and to present witnesses or evidence.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—Cantonal laws regulate police entry into private premises. These regulations differ widely from canton to canton, but all prohibit such practices without a warrant, and all government authorities generally respect these provisions in practice.

Instances of forced sterilization of women continued to be the subject of public debate during the year. A debate also was ongoing about the compensation of those forcibly sterilized in the aftermath of World War II. There is no comprehensive law against forced sterilization at the federal level, because medical treatment is a cantonal matter. In 1981 the Swiss Academy for Medical Science decided that forced sterilization is not permissible if a person is incapable of understanding the consequences. The academy completed the revisions of its guidelines during the year to strongly discourage the sterilization of mentally handicapped persons because of what the Academy called a “changed social understanding of the sexuality of the mentally disabled.”

In August the European Court of Human Rights (ECHR) held Switzerland guilty of a human rights violation because of the Zurich authorities’ 1997 refusal to renew the residence permit of an Algerian, Abdelouahab Boulouf. The man, married to a Swiss woman since 1993, spent 2 years in jail after a Zurich Court found him guilty of a 1994 robbery and battery of an elderly person. The ECHR noted that the Algerian man had served his sentence and had a regular job as an electrician since leaving prison. Refusal by the authorities to renew his residency permit was seen as excessive and interfered with his right to family life as defined under Article 8 of the European Convention on Human Rights. The Court also found that his wife was prevented from living in Algeria because she could not speak Arabic. In compensation the Government was required to pay \$3,240 (5,347 Swiss francs) for costs and expenses related to the domestic proceedings; the Government allowed Boulouf to stay in the country.

In May in response to a complaint arising from an attempt by local tax authorities to force taxpayers to relinquish previously undisclosed bank account information, the ECHR ruled that the Government could not allow local tax authorities to force such disclosure. The ECHR ruled that the right for persons to refuse to testify against themselves applied in these cases.

In February the ECHR upheld a Geneva court ruling that prohibited a Muslim primary school teacher from wearing a headscarf in the classroom (see Section 2.c.).

#### *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press, and the Government generally respects this right in practice; however, some municipalities restrict the public distribution of pamphlets, particularly by Scientologists (see Section 2.c.). An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom. The authorities legally may restrict these freedoms for groups deemed to be a threat to the State, but no groups were restricted during the year. In addition an article of the Penal Code criminalizes racist or anti-Semitic expression, whether in public speech or in printed material. In April the Zurich district prosecutor’s office opened an investigation of the Kosovo-Albanian newspaper Bota Sot for an alleged violation of antiracism law.

The press operates independently and is free from government intervention. The Federal Government subsidizes the press indirectly by paying \$60 million (100 million Swiss francs) yearly to lower the postal rates for newspaper distribution. The

nationwide broadcast media are government funded but have editorial autonomy. Private and foreign broadcast media operate freely.

Internet access is available and unrestricted. The Federal Office for Police provided an Internet monitoring service on its World Wide Web page in an effort to combat child pornography on the Internet.

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

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

There is no single state church, but all cantons support with public funds at least one of the three traditional denominations—Roman Catholic, Old Catholic, or Protestant. In all cantons, an individual may choose not to contribute to church funding. However, in some cantons, private companies are unable to avoid payment of the church tax. A religious organization must register with the Government in order to receive tax-exempt status. There have been no reports of a religious group applying for the “church taxation” status that the traditional three denominations enjoy.

Foreign groups are free to proselytize; however, foreign missionaries must obtain a “religious worker” visa to work in the country. Requirements include proof that the foreigner would not displace a citizen from doing the job, that the foreigner would be financially supported by the host organization, and that the country of origin of religious workers also grants visas to Swiss religious workers. Such permits are granted routinely and without any bias against any particular religion.

In December 2000, the Federal Department of Police published a followup report to a 1999 report by the Business Review Commission of the National Assembly regarding the need for state involvement in controlling “sects.” The December 2000 report concluded that the activities of sects, including Scientology, had not increased significantly and that special monitoring of sects therefore was not justified.

In 1998 the city of Basel passed a law banning aggressive tactics for handing out pamphlets. This action was prompted by complaints about Scientologists’ methods. In June 1999, the Scientologists lost an attempt in the Supreme Court to overturn a municipal law that barred persons from being approached on the street by those using “deceptive or dishonest methods.” The Court ruled that the 1998 Basel law, which was prompted by efforts to curb Scientology, involved an intervention in religious freedom but did not infringe on it.

The city of Buchs, St. Gallen, also passed a law modeled on the Basel law. However, it remains permissible in Buchs to proselytize in nonintrusive ways, such as public speaking on the street or by going door-to-door in neighborhoods.

In Zurich in 1995, Scientologists appealed a city decision that prohibited them from distributing flyers on public property. In 1999 a court held that the Scientologists’ activities were commercial and not religious, and that the city should grant them and other commercial enterprises, such as fast food restaurants, more freedom to distribute pamphlets on a permit basis. Fearing a heavy administrative and enforcement workload, the city appealed to the Supreme Court. The Supreme Court rejected the appeal in June 2000, affirming the decision by the lower court that the Scientologists’ activities were commercial in nature and thus should be permitted. The Supreme Court decision was expected to establish a nationwide legal guideline on the issue; however, in June 2000, the Federal Council stated that there was no need for specific legislation on sects because the existing legislative framework was sufficient to preserve the population’s best interests.

In Winterthur city authorities required Scientologists to apply for an annual permit to sell their books on public streets. The permit limits their activities to certain areas and certain days. The practice has been in effect since 1995, when a district court upheld fines levied on Scientologists by the city for accosting passersby to invite them onto their premises to sell them books and administer personality tests. The court ruled that the Scientologists’ activities were primarily commercial, rather than religious, which required them to obtain an annual permit for the book sale on public property and prohibited them from distributing flyers or other advertising material. The Supreme Court ruling in the Zurich case was expected to set a precedent for this case as well.

In a June referendum, voters approved the repeal of a constitutional provision that prevented the Catholic Church from setting up new dioceses without the express consent of the Government. The repealed provision was introduced in 1874 a year after Pope Pius IX unsuccessfully attempted to set up a diocese in the Reformed (Protestant) city of Geneva.

In February both the Swiss Federal Office for Justice and the European Court of Human Rights agreed that a regulation barring Islamic primary school teachers

from wearing their headscarves in the classroom did not violate the teachers' religious freedom. According to the decision, regulations restricting religious practices are permissible when they are set in law, are related to a legitimate objective, and are applied equally. The ECHR held that the prohibition achieved a legitimate end of maintaining a religiously neutral environment in which easily influenced children may be instructed impartially.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for these rights for citizens, and the Government generally respects them in practice. However, noncitizens convicted of crimes may receive sentences that include denial of reentry for a specific period following the completion of a prison sentence.

The law contains provisions for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, of which Switzerland was a co-drafter. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government provides first asylum. The Federal Office for Refugees estimated the total number of asylum applicants and temporary residents living in the country during 2000 at 98,480, a decrease of 26 percent from 1999. (This number included recognized refugees and persons granted temporary asylum, as well as persons who had a first asylum application pending, appealed a rejection, or were awaiting repatriation.) Applications for asylum increased by 17.2 percent, from 17,611 in 2000 to 20,633 during the year. Refugees whose applications are rejected are allowed to stay temporarily if their home country is experiencing war or insurrection. The Government denies having forced persons to return to countries where they have a well-founded fear of persecution and insists that each case be examined carefully; however, NGO's, including the well-known NGO Eyes Open accused the Government of expelling rejected asylum seekers in some cases when conditions in their native countries remained unfavorable.

The 1999 asylum law provides for the collective admission of victims of violence and authorizes the Federal Council to grant them temporary protective status. It also simplifies and accelerates the process of applying for asylum. At the same time, the law is designed to curtail the misuse of asylum regulations and enable the more rapid repatriation of uncooperative refugees or those who enter the country without identity papers. The Government may refuse to process the application of an asylum seeker who is unable to credibly justify a lack of identity papers. In such a case the applicant must submit an appeal to reactivate consideration of the application within 24 hours. NGO's contend that such a short time period does not constitute an effective remedy and therefore violates the European Convention on Human Rights.

The country traditionally has been a haven for refugees, but in 1999 public concern over the high number of asylum seekers entering the country in the wake of the Kosovo conflict generated domestic political pressure on the Government to tighten its policy regarding their acceptance. In 1998–99 the government granted temporary asylum to approximately 63,000 Kosovars seeking refuge from the armed conflict. Following the end of hostilities and the deployment of the international protection force, the Federal Council in 1999 deemed a return of refugees to Kosovo justifiable and ended its policy of granting temporary asylum collectively.

The Government initially offered material and financial aid worth \$50.5 million (86 million Swiss francs) to Kosovar refugees leaving the country voluntarily. Some 33,000 Kosovars accepted this offer, which ended in May 2000. The Federal Government granted a delay in departure in 1,962 cases that involved individual hardship (including families with children in school, members of ethnic minorities, the elderly, the sick, single mothers, and pregnant women).

The Government agreed to slow the flow of repatriations during the winter of 2000–01 after former U.N. Special Representative to Kosovo Bernard Kouchner claimed that some areas of Kosovo were then unsafe. Approximately 740 Kosovars nevertheless were repatriated during the year. According to the Federal Department for Refugees, more than 1,500 Kosovar expatriates remained in Switzerland legally at year's end.

Determining that the situation in the southern part of Sri Lanka was safe, the Federal Office of Refugees announced in August that it would proceed with the repatriation of 130,000 Sri Lankan refugees. Government representatives claimed that they carried out an ongoing review of the situation in Sri Lanka and that refugees would be repatriated to Colombo, but mandated that no returns would take place in the eastern and northern parts of the country, where conflicts persisted. The refugee office also announced that women, minors, elderly, and persons with disabilities might qualify for temporary residence permits. The NGO Swiss Association for Refugees stated that it regretted the decision and feared some refugees would be sent back to areas in which war was ongoing. Lump sums of \$588 (1,000 Swiss

francs) for adults and \$290 (500 Swiss francs) for minors were paid to facilitate the refugees' return to Sri Lanka, in addition to airfare.

In August 2000, the umbrella organization of NGO's concerned with aiding refugees, Swiss Aid to Refugees, criticized the Federal Government for some forced repatriations of Kosovo refugees that they termed excessively harsh and inhuman. Eyes Open criticized Zurich cantonal police practices in the compulsory repatriations of failed asylum seekers (see Section 1.c.). The group noted the excessive use of hand and leg restraints in the return of Congolese asylum seekers in August.

Some human rights NGO's have charged the authorities with abuses in connection with the implementation of a 1995 amendment to the Law on Foreigners. The amendment is aimed at asylum seekers or foreigners who live illegally in the country and who are suspected of disturbing the public order or avoiding repatriation. In particular these groups have alleged instances of abuse by police, including arbitrary detention as well as denial of access to established asylum procedures at the country's two main airports. They also charge that police officers use the law to detain or harass asylum seekers who were not suspected of having disturbed public order. Under the law, police actions are subject to judicial oversight, and the Federal Court overturned many cases in which it believed that there was insufficient regard for the rights of asylum seekers and foreigners. While NGO's claimed that the situation with regard to arbitrary detention has improved, they contend that the denial of access to asylum procedures at the two airports remained a problem. NGO's also acknowledged that asylum seekers have better access to legal counseling at the airport, but not to legal representation. Without legal representation, would-be asylum seekers often are unable to appeal a rejection of their asylum request within the 24-hour time limit.

On November 15, the Federal Tribunal overruled a cantonal government decision in Zurich to put an Iranian mother in custody before repatriation, stating that the cantonal authorities had used "excessive power" in attempt to prohibit the woman from escaping and hiding in the country.

In September, in what police claimed was a last attempt to avoid a scheduled repatriation to France a week later, a 30-year-old Algerian national allegedly hanged himself in his cell in Chur. The Graubunden cantonal police deny any involvement in the death and said the man hung himself with a self-made rope of fabric. The refugee reportedly already had resisted two other attempts to deport him at both Geneva and Zurich airports. There was no investigation into the death.

In December 2000, an independent commission of experts under Professor Bergier found that the Government systematically expelled Roma (Gypsies) or turned them away at the border during much of the 20th century, including during World War II. Thus the Commission found that Switzerland had refused asylum to Roma who faced persecution in Nazi-occupied territory. The commission report did not indicate the number of rejected applicants. In response to the Bergier report, the Government expressed to the Roma communities its deep regret over its policy prior to, during, and after World War II. In its statement the Government mentioned the foundation of "A Future for Swiss Itinerants," a fund that it established in 1997 and endowed with \$600,000 (1 million Swiss francs) to improve living conditions for Roma. In the same statement, the Government referred to its earlier statement following issuance of the Bergier commission report in December 1999, in which the Government apologized for its asylum policy during World War II, when thousands of Jewish refugees were refused entry to the country (see Section 5).

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Initiative and referendum procedures provide unusually intense popular involvement in the legislative process. In 1999 voters approved a new Constitution, which went into effect on January 1, 2000.

The percentage of women in government or politics does not correspond to their percentage of the population. According to the Federal Office of Statistics, the proportion of women in government after the 1995 and 1999 cantonal elections increased from 11 percent to 19.8 percent. Women occupy 55 of the 246 seats in the Parliament, 2 of 7 seats in the Federal Council (Cabinet), roughly one-fourth of the seats in the cantonal government executive bodies, and one-fifth of the seats in the communal executives. During 1999 Ruth Dreifuss served as the first female President. In 1999 the electorate overwhelmingly rejected a popular initiative to mandate equal gender representation in all federal institutions. In March 2000, an initiative that would have required gender parity in the National Council was rejected by 81.9

percent of the voters. Quotas already exist at the Federal level and ensure that males or females are not underrepresented in extraparliamentary commissions; the minimum level of representation for women is 30 percent.

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

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

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

The Constitution and laws prohibit discrimination on the basis of race, sex, religion, language, or social status, and the Government generally enforces these prohibitions effectively, although some laws tend to discriminate against women. The Constitution includes provisions for equal rights for the disabled and for minorities.

*Women.*—Violence against women was a problem. According to a 1997 government-funded study on domestic violence, one-fifth of all women suffer at least once in their lifetimes from physical or sexual violence, and approximately 40 percent suffer from psychological or verbal abuse. A 1998 study estimates that over 100,000 cases of domestic violence occur each year. The law prohibits domestic violence but does not differentiate between acts of violence committed against men and women. Spousal rape is a crime. The difficulty in gathering information about the number of persons prosecuted, convicted, or otherwise punished for spousal abuse stems in part from the fact that legal cases are handled by each canton, and data often are not up-to-date. However, some cantonal or district police forces have specially trained units to deal with violence against women. A total of 321 men were prosecuted for 404 rape offenses involving 384 victims during 2000.

Victims of domestic violence may obtain help, counseling, and legal assistance from specialized government and NGO agencies or from nearly a dozen hot lines sponsored privately or by local, cantonal, and national authorities. A total of 812 women and 842 children took refuge in 13 women's shelters across the country during 2000. Those in charge of the shelters estimated that nearly as many women were denied access due to a lack of space and limited funding. The Federation of Women's Organizations and numerous other women's NGO's continued their activities to heighten public awareness of the problem of violence against women.

Working as a prostitute is legal only for Swiss citizens and legal resident aliens; prostitution by foreigners is illegal. The Penal Code criminalizes sexual exploitation and trafficking in women; however, trafficking in women remained a problem (see Sections 6.c. and 6.f.).

Sexual harassment in the workplace is a problem. The law includes provisions aimed at eliminating sexual harassment and facilitating access to legal remedies for those who claim discrimination or harassment in the workplace. Although the Constitution prohibits all types of discrimination, and the law provides for equal rights, equal treatment, and equivalent wages for men and women, some laws continued to discriminate against women. A federal marriage law provides that in the event of a divorce, assets accumulated during the marriage will be divided equally; however, the Supreme Court ruled that the primary wage earner must be left with sufficient income to remain above the poverty level. Since the man is the primary wage earner in most marriages, when the income is too low to support both parties, it is usually the wife (and children) who are forced to survive on public assistance. Statistics from 1999 show that nearly 70 percent of women who did not work outside the home while married fell below the poverty line immediately after a divorce. Although mandated by a constitutional amendment in 1945, no federal law on maternity insurance exists.

Immigrant women who marry Swiss husbands but live in Switzerland for less than 5 years risk deportation if they divorce their spouse. The 5-year residency requirement may be reduced to 3 years under exceptional circumstances. NGO's argue that this prevents women with marital problems from being able to seek help—or leave their husbands—without serious consequences.

Varying police practices in different cantons sometimes take into consideration such factors as the country of origin, education, and income levels of the immigrant women. The women's purpose for being in the country officially is registered as "stay with spouse" until they receive their own long-term residency permits.

The law includes a general prohibition on gender-based discrimination and incorporates the principle of equal wages for equal work; however, professional differences between men and women are evident. Women less often occupy jobs with

significant responsibilities, and women's professional stature overall is lower than men's. A 2000 study found that discriminatory behavior by employers accounts for 60 percent of the overall wage gap between men and women. The study, which compared wages for women and men in the private sector from 1994 to 1996, found that wages were on average 21.5 percent lower for women than for men with identical jobs and levels of education. In September a court in the Canton of Vaud awarded \$12,000 (20,000 Swiss francs) in damages to Malica Skrijeli, a machine worker, after she successfully proved that her salary was between 30 and 40 percent lower than that of her male colleagues, despite holding an identical job. Individual cases of denial of equal pay for equal work are subject to the law. Women also are promoted less than men. In 1998, the latest year for which data was available, 25.3 percent of women between the ages of 15 and 61 were not in the work force (compared to 10 percent for men); women hold 82 percent of all part-time jobs. Only 38 percent of women hold managerial positions compared with 56.9 percent of men.

The law prohibits women from working during the 8 weeks after the birth of a child. Further measures also protect pregnant and breast-feeding women. For example, pregnant women are not allowed to work night shifts during the 8 weeks prior to giving birth. The law does not provide for compensation; however, 72 percent of working women have negotiated maternity benefits with their employers. In July 2000, a new proposal for paid maternity leave appeared in the Federal Council in alignment with the European Union standards. It called for 14 weeks of paid maternity leave and asked employers for full pay during the first 8 weeks in order to be consistent with the law prohibiting women from working in the first 8 weeks after birth. The Council of States—the upper house of Parliament—followed the lead of the Federal Council in December 2000 and required the Federal Government to develop a new maternity benefits scheme in line with the July 2000 proposal. In June the Federal Department of Justice submitted for discussion a draft bill on the financing of maternity leave through a mixture of public and private funding to various civic organizations, but it referred the matter back to the Parliament in November when consultations were unable to reach a consensus. Beginning in July, women in the Canton of Geneva were provided paid maternity leave. In 2000 the cantonal parliament also passed legislation providing for 16 weeks of leave following a birth at 80 percent of salary for all women who had previously worked in the canton for a minimum of 3 months; Federal authorities approved this law in January.

The Federal Office for Equality Between Women and Men and the Federal Commission on Women work to eliminate all forms of direct and indirect discrimination. In 1999 a federal level interdepartmental working group issued an action plan to improve the situation of women following Switzerland's commitments at the 1995 U.N. Convention on the Elimination of all Forms of Discrimination Against Women. The plan includes measures that address poverty, decision-making, education, health, violence against women, the economy, human rights, the media, and the environment. For example, the plan calls for financial support for childcare facilities at colleges and universities to enable a larger number of women to obtain a higher education; continued education and support for specialists in the area of addiction prevention for women; and ongoing analysis and data collection on the issue of wage differences between men and women. To achieve its mission, the Federal Office for Equality Between Men and Women was allocated a budget of \$3.25 million (5.54 million Swiss francs) for the year 2000; the office employs 13 persons. Parliament directed the Federal Council to report on progress made by the end of 2002.

Many cantons and some large cities have "equality services" mandated to handle gender issues. More than half of the cantons have an office in charge of promoting equality, but funding and personnel levels remain uneven. The majority of the cantons have commissions that report to the cantonal government.

*Children.*—The Government has no special programs for children, and there is no special governmental office for children's matters; nevertheless, the Government is strongly committed to children's rights and welfare. It amply funds a system of public education and need-based subsidies of health insurance. Education is free and compulsory for 9 years, from age 6 or 7 through age 16 or 17, depending on the canton. Some cantons offer a 10th school year. Almost all children attend school. The Government subsidizes the health insurance premiums of low-income families.

There is no societal pattern of abuse of children, although it does occur. The federal and cantonal governments, as well as about 80 NGO's that defend children's rights, have devoted considerable attention in the last few years to child abuse, especially sexual abuse. For convicted child sexual abusers, the law provides for imprisonment of up to 15 years. The statute of limitations in cases of child abuse is 10 years. In cases of severe sexual abuse, the statute takes effect only when the victim turns 18.

Two cases of child abuse were reported widely during the year. In August 2000, a 4-year-old girl died in the Canton of Zurich as a result of violence and hunger inflicted by her adoptive mother. While the mother was found guilty and sentenced to 5½ years in prison and a psychiatric follow-up, the Government failed to prove that the family doctor and three administrative personnel had misjudged the situation and ignored details such as bruises on the child's body. In May a 16-month-old girl died from starvation in Geneva after her mother was jailed and left her in their apartment. The mother's jail term was extended by another 3 months for abandonment and negligent homicide. Social and youth protection services were also under scrutiny for failing to check on the child's whereabouts and for not confirming that someone was taking care of her.

In September the Zurich district court in Horgen sentenced a former policeman to a 30-month suspended sentence after he was convicted of several sexual offenses committed against minors since 1994. The court recognized that the former policeman required psychological counseling but emphasized that the sentence would be carried out should the officer commit additional offenses.

To combat child pornography on the Internet, the Federal Office for Police provides an Internet monitoring service on its World Wide Web page. Individuals who find pornographic material involving children are asked to contact the Federal Office via e-mail. The production, possession, distribution, or showing of hard pornography are crimes punishable with fines or prison sentences. Any pornography involving children falls into this category. In March 1999, an NGO published the first compilation of cases of child pornography and prostitution in the country. The study cited 60 cases: most of the victims were girls between 13 and 17 years of age.

With respect to the prosecution of child sexual abuse abroad, the law provides for prosecution in Switzerland only if the act is considered a crime in the country in which it took place. Experts have proposed making such acts punishable in Switzerland regardless of where the crime took place, but there was no legislative action on the problem during the year.

Children of migrant seasonal workers are not permitted automatically to join their parents. Children of foreigners working as migrant laborers only are permitted to visit on tourist visas for a period of 3 months at a time. After 3 months, they must return to their home country for 1 month.

*Persons with Disabilities.*—The law prohibits discrimination directed at persons with disabilities in employment, education, and the provision of other state services. The total number of persons with disabilities is estimated to be 700,000 (10 percent of the population). Most cantons already have implemented some provisions for persons with disabilities, but there is no countrywide standard. Advocates for persons with disabilities have called for new measures to ensure greater protection for their rights. Article 8.4 of the new Constitution (in effect as of January 1, 2000) provides for equal opportunities for persons with disabilities.

An initiative called "Equal Rights for People with Disabilities" was launched in 1999 that would change the law and grant all persons with disabilities access to all public facilities and services, to the extent that the costs were within government means. Claiming that the financial consequences of the proposed change in law would have a negative impact on the economy, the Federal Council submitted an alternative draft law to Parliament in October. Parliament extended the period for debate of the bill until October 2002. Neither the Government nor the Constitution mandates that buildings or transportation facilities be made accessible, and advocates for persons with disabilities have called for easier access to buildings and public transportation. Under the Federal Council's draft law, public services would have to be made accessible over a period of 20 years. Opponents of this proposal claimed that the transition period would be far too long and urged that private premises, such as multiple-level housing, should also be required to implement the changes. Under the proposal, the Government would finance part of the costs but only up to a maximum of \$180 million (300 million Swiss francs). By some estimates, implementation costs could reach \$19 to \$28 million (31 to 47 million Swiss francs) per year.

*Religious Minorities.*—A 2000 survey showed that 16 percent of citizens are to some extent anti-Semitic. Among supporters of the rightwing Swiss People's Party, the figure was 33 percent. The study also found that the controversy over the country's World War II behavior affected survey results, particularly among the older generation. Conversely 92 percent of young persons polled harbored no anti-Semitic sentiments. The survey reflected inconsistencies; for example, during the survey period, public opinion actually strengthened in support of antiracism laws.

In June a visiting Israeli Orthodox rabbi was shot and killed in Zurich. Although the circumstances of the event stimulated speculation that it may have been a hate crime, police were unable to uncover any evidence of the perpetrator or his motives.

Reports of anti-Semitic slurs made in the context of discussions over Nazi gold and Holocaust-era assets appeared to have abated. Government officials, including President Leuenberger, have spoken frequently and publicly against anti-Semitism. According to the 2000 Swiss National Security Report, between 1995—when the antiracism law was enacted—and December 2000, 149 cases were tried under the antiracism law, which resulted in 68 convictions. Of those, 19 persons were convicted for anti-Semitism, 15 for revisionism (i.e., denying, doubting, or qualifying the Holocaust), 31 for racist oral or written slurs, and 3 for other reasons.

In response to the issue of Holocaust-era assets, the Government and the private sector initiated a series of measures designed to evaluate the country's past, provide assistance to Holocaust victims, and address legal claims to dormant bank accounts.

The Federal Council sought legislation to establish a solidarity fund, which would assist victims of human rights violations, including those who suffered during the Holocaust. In May 2000, the Federal Council endorsed and returned to Parliament revised legislation regarding a Swiss Solidarity Foundation. Under the modified act, the foundation would dispose of the proceeds from the management of 500 tons of central bank gold reserves, which were declared "excess." The Solidarity Foundation act had not been approved by Parliament by year's end. The alternative use of the extra gold reserves will be subject to a mandatory referendum.

The Swiss Fund for Needy Victims of the Holocaust has paid out \$176 Million (297 Million Swiss francs) worldwide to 312,000 Jews, Roma, homosexuals, and other survivors of Nazi death camps. Payments of between \$360–\$1,200 (533–1,776 Swiss francs) were made to persons in 40 countries, most in Eastern Europe and the former Soviet Union, Israel, and the United States. The final payments under the fund were made to 58 Roma in Kosovo who each received \$730 (1,620 German Marks). Swiss banks and industry contributed money to the fund, which is separate from a \$1.25 billion fund established in 1998 by Switzerland's two largest banks as part of the settlement of a class action lawsuit.

In 1999 in response to a 1998 report on anti-Semitism by the Federal Commission Against Racism, the Federal Council announced the creation of a Center for Tolerance in Bern. Planning under the chairmanship of a former parliamentarian continued at year's end; financing was to be provided by the public and private sectors. The center planned to produce exhibits designed to teach historical lessons, offer academic research opportunities, and host international symposiums. In November the center held its first symposium, entitled "Bern—Discussion for Tolerance."

*National/Racial/Ethnic Minorities.*—According to statistics gathered by an NGO, the Foundation Against Racism and Anti-Semitism, 76 reported incidents were directed against foreigners or minorities in the first 8 months of the year, compared with 82 during the same period in 2000. The total number of reported incidents in 2000 was 109. These figures include instances of verbal and written "attacks," which are much more common than physical assaults. Investigations of such attacks generally are conducted effectively and lead, in most cases, to the arrest of the persons responsible. Persons convicted of racist crimes commonly are sentenced to from 3 days' to 3 years' imprisonment and a fine of up to \$27,000 (40,000 Swiss francs). In 1999 and 2000, approximately 50 persons were convicted of racial discrimination.

Neo-Nazi, skinhead, and other extremist organizations attracted greater police and government attention during the year because of such groups' increasing organization at international levels, the violence such groups commit, and the youth of the group members. In June the Federal Council granted \$2.3 million (4 million Swiss francs) to the National Science Foundation to undertake research on rightwing extremist groups. Switzerland's central European location makes it a convenient meeting place for groups from around the continent, and police frequently monitored large gatherings of neo-Nazis and skinheads, such as parties and concerts. During the year, the Federal Police estimated that that 900 to 950 members of extremist organizations caused 94 disturbances, compared with 2000 when 850 members caused approximately 134 incidents.

The Government and private organizations have invested considerable resources to combat such groups and stem their growth. In one instance related to rightwing extremism, police monitored the gathering of 50 such extremists, who met in the Canton of Valais under the pretext of celebrating a member's birthday. Although authorities only recorded a few license plate numbers and did not disrupt the gathering, some accused the police of bias because of their conspicuous monitoring of the event.

In a highly publicized case, on January 28, 19-year-old Marcel von Allmen from the Interlaken town of Unterseen was killed by neo-Nazis with whom he was associated. Von Marcel was active among neo-Nazis, but in the previous few months had attempted to separate himself from them. Four of his companions (all between 17 and 22 years of age) admitted to killing von Marcel and disposing of his corpse in

Thun Lake. The three adult defendants were tried, convicted, and were scheduled to undergo a psychiatric evaluation, after which they were to be sentenced. The fourth defendant was tried as a juvenile; he is required to undergo a psychiatric and educational program for 2 years.

In October a court in Bern convicted two skinheads in their early 20's and sentenced them to 5 years in prison for firing 110 shots at an alternative youth center. No one was injured in the incident.

In May the Government recommended an increase in the monitoring of extremist Internet sites for criminal activity. Cantons were expected to take part in monitoring activities and share the costs of the project, which was scheduled to begin by early spring 2002. However, sources close to the Federal Police Department claimed that all xenophobic web sites already were shut down. Federal penal law already prohibits racial discrimination, and police have used this law to monitor and close such web sites.

Swiss Romani groups who claimed that they were victims of racial prejudice received assistance during the year from the Department of the Interior. The Department continued its \$90,000 (150,000 Swiss francs) per year donation to the organization, Future for Swiss Itinerants. Roma complaints included their exclusion from more camping sites, which do not allow or which limit the number of Roma allowed on the site. In February several Romani families filed a complaint with the Federal Government against the Canton of Vaud, challenging a cantonal decision to limit the number of such persons it permits in its territory. In October the Supreme Court upheld the cantonal decision.

Cantons have discretion regarding the naturalization of foreigners. In March 2000, the voters of Emmen, a small township in the Canton of Lucern, voted on local foreign residents' applications for citizenship. The voters rejected 48 applicants, almost all exclusively from southeast Europe, while approving 8 Italians' citizenship bids. The Federal Council determined that it should examine the process. The Emmen vote caused a national uproar and prompted several motions in Parliament. The critical reactions of other cantons and the response of the Federal Council in examining the Emmen vote prompted a debate regarding the extent to which the naturalization regulations of a particular township may be reviewed. In June Emmen held another vote on the applications of 13 foreigners for citizenship. All 13 were accepted, including 5 from the Balkans. However, in September a popular vote denied citizenship to 10 Turks living in Schwyz. The vote was the fourth rejection of citizenship applications for some applicants. In May controversy also arose when the Mariampillai family was denied citizenship in Bern. Some claimed that the family's German language skills were not sufficient for citizenship. When the Socialist Party challenged the decision, the Government reviewed the outcome but upheld the decision under the law granting cantons the right to autonomous discretion. However, the Socialist Party maintained that the language test was inappropriate and inaccurate, since "Anton Mariampillai has lived in Switzerland for 18 years and speaks fluent High-German and his son speaks Swiss-German."

In April the Zurich district prosecutor's office opened an investigation of the Kosovo-Albanian newspaper *Bota Sot* for alleged violation of the antiracism law. The newspaper, which has an editorial office in Zurich, allegedly used racist and inflammatory language when referring to Serbs in Kosovo and Macedonians in Macedonia. The publisher of *Bota Sot*, Xhevdet Mazrekaj, denied the accusations.

In August the Federal Parliament determined that Swiss victims of racist or xenophobic discrimination should have the ability to bring their complaints before the U.N. Committee on the Elimination of Racial Discrimination. Cases first must be litigated in national courts, but on the recommendation of an 18-member committee of experts who meet in Geneva, they may be appealed to the United Nations. Citizens have the choice of appealing to either the U.N. committee or the ECHR but may not appeal a U.N. decision to the ECHR or vice versa. Both fora are mutually exclusive and cannot overrule the other's decisions.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—All workers, including foreigners, have the freedom to associate freely, to join unions of their choice, and to select their own representatives, and workers exercise these rights in practice. Approximately one-quarter of the work force is unionized. Unions are independent of the Government and political parties.

The Constitution provides specific protection for the right to strike, but a unique labor peace under an informal agreement between unions and employers—in existence since the 1930's—has resulted in fewer than 10 strikes per year since 1975. The law prohibits retribution against strikers or their leaders.

The law prohibits strikes by public servants, as well as by workers in state-owned bodies such as the postal service. However, a new law concerning employees of the Federal Government generally recognizes their right to strike. Under the new law, the Government may curtail or suspend the right to strike for certain categories of government employees only for reasons of national security, safeguarding national foreign policy interests, or providing the population with essential goods and services. The new law was implemented in stages for different categories of employees throughout the year and is to continue to be implemented during 2002.

Unions associate freely with international organizations.

*b. The Right to Organize and Bargain Collectively.*—The Constitution provides for the right to organize and bargain collectively, and unions exercise this right. Periodic negotiations between employer and worker organizations determine wages and settle other labor issues at the local, or infrequently, at the industry sector level. Nonunion firms generally adopt the terms and conditions fixed in the unions' collective bargaining.

The law protects workers from acts of antiunion discrimination, and the Government generally respects this provision in practice.

Labor appeal courts exist at both the cantonal and district levels.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—There is no specific constitutional or statutory ban on forced or compulsory labor; however, trafficking in women for forced prostitution increased during the year (see Sections 5 and 6.f.).

The Government does not prohibit specifically forced and bonded labor by children, although such prohibitions are included implicitly in the Labor Act; however, such forms of labor are not known to occur.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for the full-time employment of children is 15 years, and children generally remain in school until this age. Children over 13 years of age may be employed in light duties for not more than 9 hours per week during the school year and 15 hours otherwise. The employment of youths between the ages of 15 and 20 is regulated strictly; they may not work at night, on Sundays, or in hazardous or dangerous conditions. The State Secretariat for Economic Affairs effectively enforces the law on working conditions. Government officials inspect companies that allegedly employ children illegally after receiving complaints. Each year a few employers are fined or receive conditional sentences for violations of the law.

The Government does not specifically prohibit forced and bonded labor by children; however, such practices are not known to occur (see Section 6.c.).

*e. Acceptable Conditions of Work.*—There is no national minimum wage. The lowest wages fixed in collective bargaining generally are adequate to provide a decent standard of living for a worker and family. However, the Swiss Association of Trade Unions in a 1999 study found that 60,000 full-time workers (or 3.4 percent) fall below the poverty line, which is defined as earnings of less than approximately \$15,500 (22,900 Swiss francs)—or half of the median wage.

The law sets a maximum 45-hour workweek for blue- and white-collar workers in industry, services, and retail trades, and a 50-hour workweek for all other workers. The law prescribes a rest period of 35 consecutive hours plus an additional half day per week. Annual overtime is limited by law to 170 hours for those working 45 hours per week and to 140 hours for those working 50 hours per week.

The Labor Act and the Federal Code of Obligations contain extensive regulations to protect worker health and safety. There have been no reports of lapses in the enforcement of these regulations, but the degree to which enforcement is effective is unclear. A 1998 law is designed to increase flexibility in the workplace and remove restrictions on women working at night. Workers have the right to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment.

The law generally protects legal and illegal foreign workers; however, the law is not always respected in practice. Illegal foreign workers are not covered by mandatory health insurance in case of illness or accident. Wage discrimination against foreign workers is not permitted. According to an NGO, more than 50,000 foreign workers were vulnerable to abuse of their rights during their participation in the "underground economy" for long periods. Late in the year, many of these workers demonstrated for legal status and more worker rights by occupying churches in major cities for several days in cooperation with religious and human rights groups.

In June the Minister of Justice criticized many cantons for tolerating the use of illegal aliens, who earn substandard wages without protection and proposed improved worker legislation. Also in June, a Member of Parliament admitted the use of illegal workers over several years in his vineyards and operations.

*f. Trafficking in Persons.*—The Penal Code criminalizes sexual exploitation and trafficking in persons; however, trafficking in women for prostitution increased. The country is a destination and, to a lesser extent, a transit location. According to authorities, most persons trafficked in 2000 originated in Thailand, parts of Africa, or South America. An increasing number of trafficked women arrived in every canton from Eastern Europe, particularly Hungary, Russia, Ukraine, or other states of the former Soviet Union. A large number of women were trafficked from the Dominican Republic, Brazil, and Columbia (to Zurich and Ticino), and parts of Africa and Thailand (to Bern and Basel).

Traffickers often forced many victims into prostitution, and in many cases subjected them to physical and sexual violence, threatened them or their families, encouraged drug addiction, withheld their documents, and incarcerated them. Many victims were forced to work in salons or clubs to pay for the cost of their travel and forged documents and found themselves dependent on the traffickers. Generally the victims were unable read, write, or speak the country's languages, and were afraid to seek help from the authorities.

Trafficking in persons may result in prison sentence of up to 5 years; coercing a person into prostitution or restricting a prostitute's personal freedom can carry a sentence of up to 10 years in prison. On April 9, the Criminal Court of Lausanne sentenced a 38-year-old Nigerian to 9 years in prison after he was found guilty of trafficking in women across Europe and of money laundering. The court found that the trafficker was not member of any specific criminal organization despite his having worked closely with his mother and sister, who lived in Nigeria. In March 2000, Neuchatel cantonal police arrested four persons, including two African women married to Swiss nationals, on trafficking-related charges.

Since 1905 the Government has had an office to combat the trafficking of girls for the purpose of commercial sexual exploitation. Over the years this office has evolved to include all forms of trafficking in persons. The office has existed in its present form since 1998 as part of the criminal intelligence unit of the Federal Department of Police. In order to confront modern forms of trafficking in women, especially via the Internet, the Federal police have increased the number of their agents since 1999. In 1998 the Government institutionalized an exchange of information on trafficking in persons with NGO's. The Department of Foreign Affairs helps fund programs intended to combat trafficking from Eastern Europe. In major cases, the Federal government establishes contacts with foreign government authorities. In March 1999, the Government introduced new visa requirements for applicants from four South American countries—Colombia, Cuba, Ecuador, and Bolivia. The Office for Equality between Men and Women operates a program to educate visa applicants in their native countries about the methods used by traffickers and the dangers of falling victim to them.

Because the investigation, enforcement, and prosecution of individual trafficking and related cases is the responsibility of the cantonal police authorities, the federal human trafficking office also supports the cantonal prosecution authorities with information concerning trafficking abroad.

In 2000 a Zurich-based NGO submitted a petition to the Federal Council and both houses of Parliament that called for the establishment of a protection program for trafficking victims, which would end the automatic expulsion of women arrested for illegal prostitution and legalize their stay for the duration of investigations and trials. Most women normally are expelled within 96 hours. The program also would provide shelter, protection from intimidation, counseling centers, and sensitivity training for police. The petition also called for a change in the legal definition of trafficking to include not only women forced into prostitution but also women whose migration to Switzerland for marriage or domestic work forces them into a state of dependency. Approximately 7,500 individuals, organizations, and parliamentarians signed the petition. Parallel to the submission of the petition, a parliamentary initiative called for similar measures. However, neither initiative had been implemented by year's end.

In response to the petition and the parliamentary initiative, in June 2000, the Federal Council adopted a motion calling for extended protection for all female victims of trafficking and, in particular, for a new definition under criminal law that would include all activities linked to trafficking in women. The Federal Council charged the Federal Department of Justice and Police with setting up an inter-departmental working group to assess whether the Penal Code required amendment, to determine what measures should be taken to better protect the victims of female trade, and to determine whether it was necessary to create additional consultation centers. A report was submitted to the Federal Council in late 2002.

In general persons responsible for trafficking may not be prosecuted unless the victims are willing to testify. However, very few victims are willing to testify be-

cause they fear retaliation or are concerned that they will be forced to leave the country because they are illegal immigrants. A motion adopted by the lower house of Parliament would require that foreign victims receive an extended residency permit to allow them to remain in the country to assist in the trial. Cantonal authorities already allegedly grant a residency permit on a case-by-case basis, but a legal framework providing this right had not been established.

A number of government-funded NGO's provide services to victims of trafficking. The organizations provide information and counseling, and in some cases, emergency assistance. Some cantons assist repatriated nationals, for example, by arranging escorts, ensuring that victims are met at the airport, and organizing meetings with victims' families.

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## TAJIKISTAN

Tajikistan is ruled by an authoritarian regime that has established some nominally democratic institutions. President Emomali Rahmonov and an inner circle of fellow natives of the Kulyab region continued to dominate the Government; however, Rahmonov's narrow base of support somewhat limited his control of the entire territory of the country. Rahmonov won reelection in a 1999 election that was flawed seriously and was neither free nor fair. As a result of 1997 peace accords that ended the civil war, some former opposition figures continued to hold seats in the Government. Rahmonov's supporters overwhelmingly won the February 2000 parliamentary elections that were neither free nor fair, but did allow several opposition parties to participate, one of which won two seats in parliament. Parliamentary by-elections held throughout the country in May were flawed. Although the Constitution was adopted in 1994 and amended in 1999, political decisionmaking at times took the form of power plays among the various factions in the Government. The legacy of the civil war continued to affect the Government, which still faced the problems of demobilizing and reintegrating former opposition troops and maintaining law and order while rival armed factions competed for power. The Constitution provides for an independent judiciary; however, it is not independent in practice.

The Ministries of Interior, Security, and Defense share responsibility for internal security, although in practice the Government relies on a handful of commanders who use their forces almost as private armies. Some regions of the country remained effectively outside the Government's control, and government control in other areas existed only by day, or at the sufferance of local former opposition commanders. The soldiers of some of these commanders are involved in crime and corruption. The Russian Army's 201st Motorized Rifle Division, part of a Commonwealth of Independent States (CIS) peacekeeping force established in 1993, remained in the country and continued to have a major influence on political developments; however, the division transitioned into a new status on a permanent military base after the peacekeeping mandate ended in September 2000. Members of the government security forces and government-aligned militias committed serious human rights abuses.

The country has a total population of approximately 6.4 million. The economy is a state-controlled system in the process of a difficult transition to a market-based system. Most of the work force is engaged in agriculture, part of which remained collectivized. Government revenue depends highly on state-controlled cotton production. The small industrial sector is dominated overwhelmingly by aluminum production (another critical source of government revenue). Most Soviet-era factories operated at a minimal level, if at all. Small-scale privatization was more than 80 percent complete, but the level of medium to large scale privatization was much lower (approximately 16 percent) with the heavy industry, wholesale trade, and transport sectors remaining largely under state control. Many, but not all, wages and pensions are paid. The country is poor, with a per capita gross national product of approximately \$290 (754 somoni), according to World Bank data. According to the International Monetary Fund (IMF), GDP grew 12 percent in the first 9 months of the year, with an estimated growth of 10 percent for the entire year. The IMF estimated GDP growth at 8.3 percent in 2000. The failure of the Soviet economic system has been accompanied by a rise in narcotics trafficking and other forms of corruption. This development has led to clear disparities of income between the vast majority of the population and a small number of former progovernment and opposition warlords, who control many of the legal and most of the criminal sectors of the economy. Official unemployment was estimated at approximately 10 percent; however, "hidden" employment is considered widely to be approximately 40 percent.

The Government's human rights record remained poor, and the Government continued to commit serious abuses. The February 2000 parliamentary elections rep-

resented an improvement in the citizens' right to change their Government; however, this right remained restricted. Some members of the security forces committed extrajudicial killings. There were a number of disappearances and kidnappings. Security forces at times tortured, beat, and abused detainees and other persons. These forces also were responsible for threats, extortion, looting, and abuse of civilians. Certain battalions of nominally government forces operated quasi-independently under their leaders. The Government continued to use arbitrary arrest and detention and also arrested persons for political reasons. Impunity remained a problem, and the Government prosecuted few of the persons who committed these abuses. Prison conditions remained harsh and life threatening. Lengthy pretrial detention remained a problem. The judiciary is subject to political and paramilitary pressure and there often are long delays before trials. The authorities infringed on citizens' right to privacy. The Government continued to restrict severely freedom of speech and the press and exercised controls over the electronic media. Journalists practiced self-censorship. The Government restricted freedom of assembly and association by exercising strict control over political organizations. A number of parliamentary candidates were prevented from registering for the elections. There were some restrictions on freedom of religion and on freedom of movement. Violence and discrimination against women was a problem, as is discrimination against persons with disabilities and religious and ethnic minorities. Child labor was a problem. There were some instances of forced labor, including children. Trafficking in women and children was a serious problem.

Some former opposition troops committed serious abuses, including killings and abductions. There were credible reports that paramilitary units threatened, extorted, and abused the civilian population.

#### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—There were reports of arbitrary or unlawful deprivations of life committed by the Government and its agents; however, it was difficult to estimate the total number of such killings or to attribute responsibility in many cases. Some killings were committed by competing government factions for both political and economic motives. A series of killings of high-level officials during the year were suspected widely to be the result of government infighting, organized crime, or narcotics trafficking. Government officials are rarely if ever, held accountable for such crimes, although other suspects may be tried and convicted in some cases.

In June, July, and August, the Government conducted a major military operation directed against former opposition warlord Rahmon "Hitler" Sanginov and his paramilitary forces. Local and international NGO's and the press reported that indiscriminate fire by government troops may have killed or injured approximately 80 civilians. The Government acknowledged the deaths of 6 civilians in the operation, in addition to at least 60 militia members, including Saginov and former United Tajik Opposition (UTO) commanders Mansur Muakkalov and Safar Podabonov. The Government commander of the operation subsequently was removed from his post.

There were reports of a number of deaths in custody; however, statistics were unavailable. It was unclear at year's end whether these deaths were the result of mistreatment by police and prison authorities, or due to poor conditions in the prisons.

Harsh prison conditions and lack of food and adequate medical treatment resulted in a significant number of deaths of prisoners while in custody (see Section 1.c.).

In September during the 10th anniversary independence celebration, an apparent suicide bombing at the sports stadium hosting the closing ceremonies killed a Tajik soldier and injured a woman. An investigation into the bombing found that the soldier who died was the bomber; the motive was unclear.

Both the Government and the opposition used landmines during the civil war. Landmine explosions in some unmarked mine fields in the Karetegin Valley reportedly killed civilians during the year. Landmines were laid along the northern segment of the border with Uzbekistan, which included some populated areas and is not demarcated clearly in most places. The Government of Uzbekistan claimed that it laid the mines as part of a counterinsurgency campaign. According to press reports, a total of 32 persons were killed by landmine explosions during the year throughout the country; however, the State Border Protection committee announced that there were only 15 deaths and 24 injuries from landmine explosions along the border during the year.

A number of local officials, businessmen, and professional figures were killed during the year, for a variety of political, economic, and ethnic reasons. In April three policemen were found dead several days after they were taken hostage by an un-

known group of armed men in Dushanbe. According to police the motive of the killings was unclear and an investigation was ongoing at year's end.

In May First Deputy Minister of the Interior Habib Sanginov and Sobirjon Begijonov, Chairman of the Jabboraslov District of the Sughd Region were killed in separate attacks. In July Karim Yuldoshev, President Rahmonov's Advisor on International Affairs, was killed. In September unknown persons killed Minister of Culture, Abdruahim Rahimov. There were numerous arrests in the murder of Habib Sanginov and other cases, but no suspects were named formally. International observers questioned the competence of the investigators and their independence from official interference. In May two men from the Gorno-Badakhshan Autonomous Oblast were tried and sentenced to be executed for the killing of former Deputy Minister of Security, Shamsullo Tobirov, in a February 2000 attack apparently directed at the Mayor of Dushanbe; the two men had not been executed pending an appeal at year's end.

There were no developments in some political killings from past years including: The 2000 killing of Sirojiddin "Sergei" Davlatov, Chairman of the Gharm District and a former Deputy opposition field commander; the 2000 killing of the Chairman of the State Radio and Television Committee, Saif Rahimov (Rahimzoda), the 2000 killing of Khovar State Information Agency correspondent Aleksandr Olpatov; the 1999 killing of Tolib Bobev an official of the Popular Unity Party, or the 1999 killing of Jumakhona Khotami, Ministry of Interior press center chief.

The Government Drug Control Agency reported instances in which Tajik border guards were killed on the Afghanistan border in gun battles with narcotics traffickers. International observers and Russian and Tajik Boarder forces also alleged that Tajik and Afghan criminal groups engaged in narcotics smuggling across the border killed members of the border area populations.

In April a bombing at a Dushanbe market killed 3 persons and injured 11 others; the bombing was believed to be connected to a dispute between Afghan organized crime groups.

On April 26, three children were killed and five were wounded in the eastern part of the country after an antitank grenade was thrown over a fence into the yard where they were playing. Police created a special unit to investigate the incident and found that the property owner was the intended target, not the children.

In August two students from the Islamic Institute of Dushanbe were convicted and executed for the October 2000 bombing of a Dushanbe Protestant church that killed seven persons (see Section 5).

There were no developments in identifying the individual or group responsible for an incident in February 2000 in which a landmine brought on board a public bus on the outskirts of Dushanbe killed at least five passengers; an investigation was ongoing at year's end.

The bodyguard of the First Deputy Prime Minister was sentenced in connection with the 1997 killing of a Russian border guard colonel. The charges appeared to be politically motivated (See Sections 1.b, 1.d, and 1.e). In October, two suspects, one a district-level government official, were arrested in connection with the 1996 killing of Russian journalist Viktor Nikulin (see Section 2.a.).

*b. Disappearance.*—During the year, there were no reports of politically motivated disappearances; however, there were numerous kidnappings.

Security forces appear to have been responsible for the October 2000 abduction of the driver and bodyguard of First Deputy Prime Minister Akbar Turajonzoda, who later appeared in police custody.

The taking of hostages for revenge or for bargaining purposes remained a common occurrence. In June paramilitaries commanded by Rahmon "Hitler" Sanginov took at least 12 Dushanbe militiamen hostage in protest against the arrest of Mukhtor Jalilov, Turajonzoda's bodyguard, and other former opposition members in connection with the killing of Deputy Minister Habib Sanginov, who is not related to Rahmon Sanginov (see Section 1.a.). The militiamen were released by August after a government operation to eliminate "Hitler" Sanginov's group (See Section 1.a.).

Also in June, a second group of former UTO fighters in Tavildara took hostage 15 humanitarian aid workers including 4 foreigners, also in response to arrests in the Habib Sanginov investigation. The hostages were released 2 days after negotiations by the Minister of Emergency Situation, Mirzo Ziyoev.

Political pressures, the central Government's lack of control over violently competitive factions within and outside the Government, and a lack of professional resources hamper police efforts to investigate disappearances. For example, there were no developments in the February 2000 abduction and later release of the sister of Deputy Prime Minister Nigina Sharapovna, or the September 2000 disappearance of the ethnic Uzbek mayor of a town in Khatlon District.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits torture; however, the Government uses it in practice. Security officials, particularly those in the Ministry of Interior, regularly beat detainees in custody and used systematic beatings to extort confessions. Impunity remained a serious problem, and the Government has prosecuted few of the persons who have committed these abuses. Unlike in the previous year, there were no public allegations that security forces mistreated or beat members of opposition parties or their relatives. The Government has acknowledged that the security forces are corrupt, and that most citizens choose to keep silent when subjected to mistreatment rather than risk retaliation by the police.

In the southern regions of the country, many border guards are involved in the drug trade, and the local population has made numerous complaints of harassment and abuses committed by them. During the year, there were reports of widespread invasive and degrading searches by border guards throughout 2000, particularly with regard to women. Women departing and entering the country commonly were subjected to strip searches including the examination of sexual organs with the objective of preventing narcotics trafficking.

Law enforcement authorities mistreated members of the country's Afghan refugee population—at times regardless of their social status or official connections. During the year, there were widespread claims of petty harassment of Afghan refugees; however, unlike in the previous year, there were no public claims of torture or beatings of Afghan refugees. There were no developments in the case of a prominent Afghan refugee who credibly claimed that Ministry of Interior officers beat him in 2000 in retaliation for previous claims of abuse (see Section 2.d.).

Law enforcement authorities (or armed individuals dressed as, and claiming to be law enforcement authorities) at times beat journalists (see Section 2.a.).

There were reports that Government officials facilitated trafficking (see Section 6.f.).

International NGO's and media reports stated that during military operations in the summer against "Hitler" Sanginov's paramilitary group, government forces employed excessive force against and abused civilian populations; their actions included killings, beatings, and looting (see Section 1.a.).

There were a number of shootings, bombings, and terrorist attacks that resulted in nonlethal injuries and serious property damage as well as deaths (see Section 1.a.). It is suspected that groups who have not accepted the peace process (i.e., organized crime groups, narcotics traffickers, or opposition groups) were responsible for these attacks.

According to credible counternarcotics law enforcement authorities in the central Government, Tajik and Afghan criminal groups engaged in narcotics smuggling across the country's border with Afghanistan and threatened, harassed, and committed abuses against the border area populations (see Section 1.a.).

Prison conditions remained harsh and life threatening. There are seven prisons in the country, which are administered by the Ministry of Justice. Prisons generally were overcrowded, unsanitary, and disease-ridden, which produced a serious health threat. This problem reflected in part the self-funded status of most prisons, under which, before 1992, prisoners grew much of their own food or made goods for sale. The general collapse of governmental programs and of the economy led to the virtual disappearance of such programs. Some food production has resumed, but it remained inadequate and some prisoners died of hunger. Family members were allowed access to prisoners only after a guilty verdict, in accordance with the law. Men and women are housed separately; there is one women's prison. There is one prison specifically for members of "power ministries" (police, KGB, military personnel). Pretrial detainees are held separately from those convicted. Juveniles are held in separate juvenile reform facilities.

In August the Government issued a decree providing amnesty to more than 19,000 prisoners, primarily the sick and the old, and those convicted of minor narcotics trafficking offenses; however, the actual release of prisoners was inconsistent. Allegedly many of those covered by the amnesty continued to be held while prison guards awaited bribes from the prisoners' families. According to local press reports, in December approximately 1,500 prisoners had been released and another 200 had their sentences shortened in the northern Sughd Oblast.

The Government made public statements recognizing the harsh prison conditions, and in May conducted a seminar with international organizations focused on improving prison conditions.

The Government does permit some prison visits by international human rights monitors; for example, there was a 2000 OSCE visit during which the OSCE found the conditions to be very poor. However, the Government has denied requests by

the International Committee of the Red Cross (ICRC) to make prison visits in a manner consistent with the ICRC's standard modalities.

*d. Arbitrary Arrest, Detention, or Exile.*—The Government continued to arrest and detain citizens arbitrarily. The Criminal Code has not been amended significantly since independence, and it retains many of the defects inherited from Soviet times. For example, the system allows for lengthy pretrial detention and provides few checks on the power of procurators and police to arrest persons.

Police legally may detain persons without a warrant for a period of 72 hours, and the procurator's office may do so for a period of 10 days, after which the accused must be charged officially. At that point, the Criminal Code permits pretrial detention for up to 15 months. The first 3 months of detention are at the discretion of the local procurator, the second 3 months must be approved at the regional level, and the Procurator General must sanction the remaining time in detention. The Criminal Code specifies that all investigations must be completed 1 month before the 15-month maximum in order to allow time for the defense to examine government evidence. There is no requirement for judicial approval or for a preliminary judicial hearing on the charge or detention. In criminal cases, detainees may be released and restricted to their place of residence pending trial. There is no provision for bail, and lengthy pretrial detention was a problem.

In most cases, the security officers, principally personnel from the Ministry of Internal Affairs or the Ministry of Security, do not obtain arrest warrants and do not bring charges. Those released sometimes claimed that they were mistreated and beaten during detention (see Section 1.c.).

The Government made politically motivated arrests, and there were credible allegations of cases of illegal government detention of members of rival political factions. For example, in October 2000 police detained the bodyguard and the former driver of First Deputy Prime Minister Akbar Turajonzoda, apparently as part of a campaign of intimidation by other elements of the Government against Turajonzoda (see Section 1.e.).

The number of political detainees was not clear. Since the law precludes visits to persons in pretrial detention, and the Government denies the ICRC or other observers access to these persons, estimates are uncertain.

According to the Ministry of Security, more than 105 members of Hizb ut-Tahrir were arrested during the year (see Section 2.c.).

Human Rights Watch reported that by December 1999, the Government had granted amnesty to approximately 5,000 United Tajik Opposition (UTO) fighters. There were reports in 2000 of several UTO fighters in the Gorno-Badakhshan Autonomous Oblast being arrested by local authorities despite this amnesty. The families of these fighters have called for their release, and the leader of the Lal-I Badakhshan movement was pursuing their case. According to press reports, in August an amnesty decree to mark the country's independence celebrations resulted in the suspension of a number of criminal prosecutions in the Oblast.

Unlike in the previous year, there were no reports that Border Force units detained family members of deserters and held them until the deserters returned to duty (see Section 1.f.).

The Constitution states that no one can be exiled without a legal basis, and no laws establish a legal basis for exile. There were no reports of forced exile; however, some opponents of the Government remained in self-imposed exile. In September Oleg Panfilov, the head of the Center for Journalism in Extreme Situations, who has been in self-imposed exile since 1997, returned to the country for a visit at the invitation of President Rahmonov. He reported positively on his visit; but returned to self-imposed exile.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however, in practice judges do not function independently of the executive branch and the judicial system is subject to the influence of executive authorities. In many instances, armed paramilitary groups directly influence judicial officials at all levels. Public order, which broke down during the civil war, has yet to be restored fully, and the virtual immunity from prosecution of armed militia groups has eroded further the integrity of the legal system.

Under the Constitution, the President has the right, with confirmation by the Parliament, both to appoint and to dismiss judges and prosecutors. Judges at the local, regional, and national level for the most part are poorly trained and lack understanding of the concept of an independent judiciary. The Government made some progress in this respect by instituting regular examinations to screen unqualified candidates for judgeships, which continued during the year. Judges at all levels have extremely poor access to legal reference materials. Bribery of prosecutors and judges appeared to be a common practice.

The court system, largely unmodified from the Soviet period, includes city, district, regional, and national levels, with a parallel military court system. Higher courts serve as appellate courts for the lower ones. The Constitution establishes additional courts, including the Constitutional Court.

Military courts only try civilians in extremely rare circumstances, such as when a crime is committed by both a serviceman and a civilian. A military judge and two officers drawn from the service ranks, instead of a jury hear such cases.

According to the law, trials are public, except in cases involving national security or the protection of minors. Once a case is entered for trial, the law states that it must be brought before a judge within 28 days; however, it is common for cases to be delayed for many months before trial begins (see Section 1.d.). The court appoints an attorney for those who do not have one. Defendants may choose their own attorney but may not necessarily choose among court-appointed defenders. However, in practice arrested persons often were denied prompt, and in some cases any, access to an attorney.

The procurator's office is responsible for conducting all investigations of alleged criminal conduct. According to the law, both defendant and counsel have the right to review all government evidence, to confront witnesses, and to present evidence and testimony. No groups are barred from testifying, and all testimony theoretically is given equal consideration, regardless of the ethnicity or gender of the witness. Ministry of Justice officials maintain that defendants benefit from the presumption of innocence, despite the unmodified Soviet legal statute that presumes the guilt of all persons brought to trial. However, in practice, bringing charges tends to suggest guilt.

In August Mokhtar Jalilov, the chief bodyguard of First Deputy Prime Minister Akbar Turajonzoda was tried for the 1997 murder of a Russian border guard colonel. The trial was believed widely to be an indirect attack on Turajonzoda by his political opponents. The evidence presented against Jalilov was poor, and numerous witnesses supported the defense's alibi. Jalilov was sentenced to 5 years in prison as a "witness" to the crime.

The obstacles to ensuring fair public trials were evident in the 2000 murder trial of Dilfuza Nimonova, a woman accused of murdering the man who raped her. The OSCE mission observed the trial and reported that there were numerous inconsistencies and violations of internationally accepted legal principles during the trial (see Section 1.c.). There were reports that Nimonova's lawyer was denied access to his client, and that the politically well-connected family of the victim pressured the judges hearing the case. In 2000 Nimonova was sentenced to death, although the Government later commuted her sentence to 16 years in prison after President Rahmonov received international appeals to intervene in the matter.

With the exception of the Jalilov case, there were no other new public allegations that the Government holds political prisoners.

The Government and the UTO exchanged multiple lists of prisoners of war and political prisoners for exchange as a result of the 1997 inter-Tajik talks in Moscow. By November 1999, the Government had released all UTO prisoners named on lists submitted by the UTO, with the exception of six individuals, of whom the Government claimed no knowledge. The families of the six individuals continued to seek their whereabouts without success. In 1998 the Government accepted the UTO's claim that it had released all of the prisoners of war that it held.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution provides for the inviolability of the home and prohibits interference with correspondence, telephone conversations, and postal and communication rights, except "in cases prescribed by law"; however, the authorities continued to infringe on citizens' right to privacy. Except for special circumstances, by law police may not enter and search a private home without the approval of the procurator. When they do enter and search without prior approval, they then must inform the procurator within 24 hours. However, police frequently ignored these requirements. There is no independent judicial review of police searches conducted without a warrant. Police also are permitted to enter and search homes without permission if they have compelling reason to believe that a delay in obtaining a warrant would impair national security.

Unlike in the previous year, there were no reports that security forces detained relatives of deserters in order to compel deserters to return to duty. According to the OSCE mission, during 2000 police harassed the family of Dilfuza Nimonova at the behest of her alleged murder victim's politically well-connected family after Nimonova's family sought international intervention in her case (see Section 1.e.). There also was strong evidence that Nimonova, a rape victim, was forced to undergo an abortion while in prison.

In some cases, the security services reportedly created difficulties for persons associated with opposition parties who sought employment. Unlike in the previous year, there were no reports that persons were pressured to join the ruling party (see Section 2.b.).

NGO's and media reports stated that during military operation in the summer against "Hitler" Sanginov's paramilitary group, Government looted civilian property (see Sections 1.a. and 1.c.).

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press; however, the Government severely restricts this right in practice. Journalists, broadcasters, and individual citizens who disagree with government policies were discouraged from speaking freely or critically. The Government exercised control over the media both overtly through legislation and indirectly through such mechanisms as "friendly advice" to reporters on what news should not be covered. The Government also controls the printing presses and the supply of newsprint and broadcasting facilities and subsidizes virtually all publications and productions. Editors and journalists, fearful of reprisals, exercised self-censorship.

The number of independent and local newspapers continued to increase during the year. Although only a small number of newspapers attempt to cover serious news, there were several new newspapers that focused on news and analysis. Several newspapers are organs of political parties or blocs.

The Government exerted pressure on newspapers critical of it. Najot, the official newspaper of the Islamic Renaissance Party, continued to publish during the year, although it experienced indirect government censorship in 2000, apparently in retaliation for publishing a serialized translation of a foreign human rights report critical of the Government. During 2000 the newspaper lost its access to state-run printing presses and was forced to rely on a small, privately owned printing press to publish its editions.

There is one government-run television network; its several local stations cover regional and local issues from an official point of view. Opposition politicians have had little access to it; although for the second consecutive year, it broadcast a series of political party debates organized by the International Foundation for Electoral Systems. There are 36 nongovernmental television stations, not all of which are operating at any one time and only a handful of which can be considered genuinely independent. Some of these independent stations have independent studio facilities. An independent station in Khojand broadcast a series of political party debates sponsored by the OSCE's Khojand office. The Islamic Renaissance Party broadcast a weekly television program on another independent station; however, the program closed broadcasting during the summer due to internal management disputes. Although the Government permits a daily Uzbek radio broadcast, broadcast time is dominated by Tajik and Russian language programs; however, there is a weekly television broadcast.

Independent stations continued to experience administrative and legal harassment. To obtain licenses, independent television stations must work through two government agencies, the Ministry of Communications, and the State Committee on Radio and Television. At every stage of the bureaucratic process, there are high official and unofficial fees. The process of obtaining licenses can take anywhere from months to years. Those who are denied licenses are allowed to reapply; however, there is no formal appeals process. The Government continued to prevent independent radio stations from operating by interminably delaying applications for broadcasting licenses. At least two independent radio stations in Dushanbe have had their license applications pending without explanation since 1998.

Journalists frequently are subject to harassment, intimidation, and violence. At times the perpetrators are government authorities. In July Russian authorities acting at the request of the Tajik government detained Tajik dissident journalist Dodjin Atovulloev in Moscow. The Government requested Atovulloev's extradition to Tajikistan on unspecified grounds, although it was reported widely that this was in retaliation for the journalist's previous outspoken criticism of the government. After pressure by domestic and international NGO's as well as foreign governments, Atovulloev was released and allowed to return to his home in Germany later that month.

In October the authorities arrested Ahtam Tohirov, Deputy Chairman of the Tax Committee of the Kofarnihon District, and a second man as suspects in the 1996 killing of Russian journalist Viktor Nikulin (see Section 1.b.).

There were no developments in the 2000 case of a reporter for the state-owned newspaper Jumhuriyat who was seized and severely beaten by Dushanbe militiamen.

In September a prominent journalist in self-imposed exile returned for a visit to the country at the invitation of President Rahminov; he participated in a forum on independent media (see Section 1.d.).

In other cases, perpetrators of violence against journalists were criminals or terrorists who are believed to have narcotics trafficking connections, as in the cases of Ministry of Interior press center chief Jumankhon Hotami, who was shot and killed near Dushanbe in 1999, and Sergei Sitkovskii, a Russian national working for the newspaper *Tojikiston*, who also was killed in 1999. Both were investigating narcotics trafficking at the time of their deaths. There were no developments in their cases by year's end.

Access to the Internet is limited partly by state control. There is one Internet service provider that is wholly state-owned and four private providers. The Government allowed a handful of Internet provider companies to begin operating during the year, but high fees and limited capacity meant that access to information over the Internet was out of the reach for most citizens.

Academic expression is limited principally by the complete reliance of scientific institutes upon government funding.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of peaceful assembly; however, the Government restricts this right in practice and exercises strict control over organizations and activities of a political nature. Nonpolitical associations, such as trade unions, are allowed to meet (see Section 6.a.). Registered organizations must apply for a permit from the local executive committee in order to organize legally any public assembly or demonstration. At times permits are granted, but the Government subsequently has been known to take reprisals against organizers. Fear of reprisal is so widespread that public assemblies or demonstrations of a political nature were rare during the year. In May local authorities in Kuylab prevented the Opposition Islamic Revival Party from holding a meeting and briefly detained two party members.

The Constitution provides for freedom of association; however, the Government restricts this right in practice by exercising strict control over organizations and activities of a political nature. Although freedom of association is permitted for nonpolitical associations (including trade unions), this right is circumscribed further by the requirement in the Law on Nongovernmental Associations that all organizations first must register with the Ministry of Justice. This process often is slowed by the requirement to submit documents in both Russian and Tajik. The Ministry of Justice's verification of the text inevitably delays the granting of registration. The Minister of Justice has made public statements in support of NGO's (most of which are involved in social work, rather than political activity), and has attempted to address problems that existing NGO's have experienced with registration and taxation.

Parties of religious character are permitted to register; one such party, the Islamic Renaissance Party, has done so.

There are five political parties and five "movements" registered with the Government. In January the Supreme Court banned the "Adolatkoh" (Justice) Party on the grounds of insufficient membership, although party officials alleged that the ruling was a result of criticism of the Government's economic policy. Three other parties are banned officially: The Party of Popular Unity (banned in 1998), the Agrarian Party (banned in April 1999), and the "Tehran platform" faction of the Democratic Party (banned in 1999). The Party of Economic and Political Revival of Tajikistan was not allowed to register in 1999 because of insufficient membership. The Party of Justice and Progress has not been allowed to register since the end of 1999 for unexplained reasons. In 2000 the party changed its name to "The Social and Democratic Party," and attempted to register again with the Government; however, the Government denied the party's registration for unexplained reasons four times during the year. A 1998 law prohibits political parties from receiving support from religious institutions.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, there were some restrictions, and the Government monitors the activities of religious institutions to keep them from becoming overly political. Members of the organization Hizb ut-Tahrir, who overstep this boundary, were subject to arrest and imprisonment for subversion. There is no state religion. President Rahmonov defends secularism aggressively and describes Islamists as a threat to national security.

According to the Law on Freedom of Faith, the Committee on Religious Affairs under the Council of Ministers registers religious communities and monitors the activities of the various religious establishments. While the official reason given to justify registration is to ensure that religious groups act in accordance with the law, the practical purpose is to ensure that they do not become overly political. There were several reports during the year that local authorities in various cities denied

registration to Christian churches. For example, in the spring, there were reports that local authorities in the city of Qurghanteppa (also, Kurgan-Tyube) prevented a Christian church from registering. The church was not registered by year's end; however, it continued its operations. It was reported also that authorities closed a number of unregistered mosques throughout the country; for example, during the summer, unregistered mosques in Khatlon and Sughd were closed, and during Ramadan unregistered Mosques were closed in Dushanbe, Khatalon, and Sughd.

In 2000 an unregistered Baptist congregation in Dushanbe was informed that it was required to register with the Government, but the Baptists refused on the grounds that they are a branch of the larger All-Baptist Churches, an organization of Baptist churches from throughout the former Soviet Union. Proceedings began against the Baptist congregation in March 2000, and the court fined the congregation a little more than 50 cents (1,000 Tajik rubles). The congregation refused to pay as a matter of principle. There have been some instances of petty harassment of the congregation, with the militia on at least one occasion taking down the sign outside the congregation's building; however, members of the congregation reported that they had no problems with local authorities during the year.

Government policies reflect a pervasive fear of Islamic fundamentalism. The Government has banned specifically the activity of Hizb ut-Tahrir, an Islamist movement with origins in the Middle East, which has developed a significant following among the ethnic Uzbek population in the north. This movement operates underground and apparently calls for a nonviolent overthrow of established authority and the reestablishment of government along the lines of the six "rightly-guided Caliphs" of early Islamic history. According to the Ministry of Security, more than 105 members of Hizb ut-Tahrir were arrested during the year. More than half of these persons were sentenced to between 1 and 2 years imprisonment. In October a court convicted two members of the Islamic Renaissance Party in a trial with members of the banned Hizb Ut-Tahrir Movement, but were granted immediate amnesties (see Section 2.c.). In 2000 one Hizb ut-Tahrir member reportedly died in police custody (see Section 1.a.).

Government imposed restrictions on the number of pilgrims allowed to undertake the Hajj continued; there were regional quotas on the number of pilgrims permitted to undertake the Hajj, which led to increased corruption as places were sold. The motivation for quotas and other restrictions appears to be profit (maximizing bribes from Hajj pilgrims), rather than discouraging a religious practice. Individuals ultimately were permitted to use private vehicles to travel to Mecca. In addition pilgrims were allowed to travel to Mecca and Medina by bus from Mashhad, Iran. In May, local authorities in Kuylab prevented the Opposition Islamic Revival Party from holding a meeting and briefly detained two party members.

Government officials at times restricted other religious activities by Muslims as well. For example, the mayor of Dushanbe has prohibited mosques from using microphones for the five daily calls to prayer. During the year, similar restrictions were initiated in the regions of Khatlon and Soghnd. There also were reports that some local officials have forbidden members of the IRP from speaking in mosques in their region. These restrictions reportedly are more a reflection of political than religious differences. Government printing houses reportedly are forbidden to publish texts in Arabic and as a rule do not publish religious literature. There are no longer restrictions on private Arabic language schools; however, restrictions on home-based Islamic instruction remained in place. These restrictions reportedly were based on political concerns, but have affected religious instruction. Missionaries are not restricted legally and proselytize openly; however, the Government's fear of Islamic terrorists prompts it to restrict visas for Muslim missionaries.

Members of the Baha'i community occasionally were confronted by the police guard outside Dushanbe's Baha'i Center and asked why they had forsaken Islam. Others were called in by the Ministry of Security and also asked why they had changed religious affiliation.

A 1999 constitutional amendment states that the State is secular and that citizens can be members of parties formed on a religious basis. Two representatives from the IRP sit in the lower house of the national Parliament.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for these rights; however, the Government imposed some restrictions on them. The Government has stipulated that both citizens and foreigners are prohibited from traveling within a 15-mile zone along the country's borders with China and Afghanistan without permission from the Ministry of Foreign Affairs. This restriction is not always enforced along the western part of the border with Afghanistan, but a special visa generally is required for travelers, including international workers and diplomats, to Gorno-Badakhshan. Travel to border areas near Uzbekistan in the southwest is not restricted significantly, except oc-

casionally at the border, which was closed intermittently by Uzbekistan during the year. In November the Ministry of Security announced that diplomats and international aid workers could travel to the Afghanistan border region without prior authorizations, although notice to the Ministry of Security was required 48 hours before a trip.

Early in the year, there were reports that during 2000 border guards in the Northern regions routinely subjected travelers to degrading searches for narcotics, particularly in the case of women (see Section 1.c.).

Residents of Dushanbe and those travelers who wish to remain in the city longer than 3 days are required to register with central authorities, and regulations require registration at the local Ministry of Interior office upon arrival and departure from a city. However, these regulations largely were ignored in practice. There are no legal restrictions on changing residence or workplace.

The Ministry of Security inhibits freedom of travel by requiring citizens who wish to travel abroad to obtain an exit visa. At times the process includes lengthy interviews. An exit visa costs approximately \$6 (15.6 Somoni). The Ministry of Security at times withheld or delayed exit visas when it believed that other ministries or NGO's were infringing upon its jurisdiction and had not adhered to its formalities for foreign travel.

There is no law on emigration. Persons who wish to migrate within the former Soviet Union must notify the Ministry of Interior prior to their departure. Persons who wish to emigrate beyond the borders of the former Soviet Union must receive the approval of the relevant country's embassy in order to obtain their passport and must receive an exit visa. Persons who settle abroad are required to inform the Tajikistan Embassy or Tajikistan interests section of the nearest Russian Embassy or consulate.

Persons who wish to return to the country after having emigrated may do so freely by submitting their applications to the Embassy of Tajikistan or Tajikistan interests section of the nearest Russian Embassy or consulate. The Government adjudicates requests on a case-by-case basis. There is no indication that persons, other than those who fled the country for political reasons after the civil war, are not permitted to return freely. Some persons active with the Tajik opposition, whose travel documents expired, at times have had difficulty obtaining new documents permitting them to return. In March some Tajik citizens who fled the country during the civil war (as well as economic migrants who left after the war) initially were denied entry after their deportation from Uzbekistan; all were eventually readmitted after their Tajik citizenship had been determined.

A number of persons remain displaced internally as a result of the civil war, but their total number was difficult to estimate. The U.N. High Commissioner for Refugees (UNHCR) no longer has estimates on the number of internally displaced persons (IDP's). These persons live throughout the country and are not concentrated in a single geographic area. The Government provided protection and modest assistance, and it actively cooperated with international organizations to resettle them. Resettlement was voluntary; IDP's were not returned forcibly to dangerous conditions.

Following the signing of the 1997 peace accords, all Tajik refugees from northern Afghanistan who wished to return to Tajikistan, as well as thousands from the former Soviet Union, returned to the country. There was continued incremental progress during the year in returning occupied houses to their original UTO fighter owners (approximately 15,000 to 16,000 persons). However, problems remained, including a small number of disputes regarding houses that were sold by departing fighters who since have attempted to reclaim their homes.

The Constitution provides for the granting of asylee and refugee status in accordance with 1951 U.N. Convention and its 1967 Protocol. Under the law, a person granted refugee status is provided with the right to work and to move freely throughout the country. The State Migration Service under the Ministry of Labor has responsibility for the registration of refugees. The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. According to the UNHCR, 720 asylum seekers submitted requests for refugee status to the State Migration Service during the year, of which 143 were granted temporary refugee status. However, the UNHCR does not have statistics on the number of refugees remaining in the country after receiving asylum because the majority of such persons use the country as a transit point en route to other European countries.

The Government continued to face the problem of several hundred dependent family members and camp followers of Islamic Movement of Uzbekistan militants. During the year, several hundred of these persons were sent in buses to Afghanistan. The Government did not consider them for refugee status and officially refused to acknowledge the presence of these persons.

The Government does not provide specifically for first asylum. During the year, it issued "temporary" refugee status to 143 persons. Throughout the year, it remained unclear whether the Government would admit a potential mass influx of refugees fleeing fighting in Afghanistan; Government and Russian border guard officials made contradictory statements regarding this issue. The Government closed its border with Afghanistan in 2000. In November 2000, a large group of displaced Afghans took up residence on islands in the Pyanj River on the border with Afghanistan. The group, numbering as many as 10,000 persons at one point, consisted of Northern Alliance combatants and their families fleeing Taliban advances in Afghanistan. When Taliban lines fell in Afghanistan in December, the fighters and some of the noncombatants departed the islands, leaving approximately 2,000 families who continued to live in semi-permanent housing structures and received international humanitarian aid from Tajikistan-based NGO's.

The Government denies official status to Afghan spouses of returning Tajik refugees. The UNHCR has aided the admission of such spouses to the country (avoiding their being jailed as illegal immigrants); however, their legal status remained uncertain. There were no cases during the year of Afghan spouses being denied residency by the Government.

In April the government announced on Dushanbe television that it would begin implementing a decree requiring Afghan refugees in Dushanbe to relocate to "pre-determined" areas by the end of June. After protests by international organization and foreign governments, the decree was not implemented. This action was similar to the governments plan in 2000 for "Operation Foreigner," in which numerous Afghan refugees in Dushanbe were detained by security forces and reportedly slated for relocation to refugee camps elsewhere. This action also was cancelled after protests by UNHCR and others. As before, government officials continued to maintain that Dushanbe was still "off-limits" for refugees.

Members of the country's Afghan refugee population, sometimes regardless of social status or official connections, are singled out for mistreatment by law enforcement authorities (see Section 1.c.).

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

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

The Constitution provides for the right of citizens to change their Government peacefully and freely through elections of the President and members of Parliament; however, the Government restricted this right in practice. The country made little progress in its transition from a Soviet-model system to a more open and competitive one, and President Rahmonov and his inner circle from the Kulyab region continued to dominate the Government. The leadership of certain opposition parties reported threats and harassment by the authorities in their workplaces. In the past, there were reports that citizens often were pressured to join the People's Democratic Party of Tajikistan, the ruling party (see Section 1.f.).

The 1999 Presidential election was flawed seriously. A cumbersome registration process required candidates to obtain large numbers of signatures during a short period of time. Only President Rahmonov, who used his political apparatus throughout the country for this purpose, was able to do so by the deadline. Prospective opposition candidates complained that local, progovernment administrators prevented them from gathering signatures. Days before the election, an apparently arbitrary Supreme Court decision allowed one of the three aspiring opposition candidates, Economics and Foreign Economic Relations Minister Davlat Usmon of the Islamic Renaissance Party, to register. Although Usmon announced that he would boycott the election unless the other two opposition figures also were allowed to run, the Central Election Commission included his name on the ballot. President Rahmonov exercised a virtual monopoly over mass media access, and there were obvious irregularities in the operation of polling places, such as multiple voting by pro-Rahmonov supporters. The Government claimed that 98 percent of the electorate voted and that 96 percent of those voting supported Rahmonov; however, these claims lacked credibility.

President Rahmonov's highly centralized People's Democratic Party of Tajikistan controls an overwhelming majority of seats in both houses of Parliament. This fact, combined with a lack of democratic culture, results in a legislative branch that is not genuinely independent of the executive branch.

A joint mission of the U.N. and the OSCE observed the February 2000 parliamentary elections to the Lower House of the new bicameral national Parliament. This joint observation mission noted that there were improvements in the process compared to previous elections. Six parties, including two former segments of the dis-

banded UTO, were allowed to participate in the electoral process, and voters elected two members of an openly Islamic political party. However, the joint observation mission concluded that the elections failed to meet the minimum standards for equal, fair, free, secret, transparent, and accountable elections. State organs, particularly regional and local administration officials, interfered in the preparations for and conduct of the elections. At least one prospective independent candidate for the Lower House of Parliament was prevented from registering for apparently political reasons. While state television provided free broadcast time to parties competing in the election, it failed to provide balanced news and editorial coverage of the campaign. There were particular problems with the independence of election commissions and the conduct of the vote count and tabulation of results. Irregularities in a number of constituencies including proxy voting, unsealed ballot boxes, stuffed ballot boxes, votes added in favor of a particular party, lack of consistency between the sum of votes counted and the number of ballots issued, discrepancies between votes considered invalid during the count and the final result sheet, and blank copies of protocols signed before the counting of ballots and filled in with pencil during the count.

Local district assemblies elected the members of the upper house of the national Parliament in March 2000, in elections that were not held under international observation. Most observers and citizens believed that the large number of appointed and indirectly elected members of the upper house made the elections largely pointless and it was assumed that these elections would result in the distribution of political favors by the ruling party.

On May 27, Parliamentary by-elections took place in three districts: The city of Dushanbe and the regions of Khatalon and Sughd. Candidates from the Islamic Renaissance Party and Democratic party were not allowed to register, leaving the remaining candidates from the President's People's Democratic Party (in Sughd and Khatlon) and the Communist Party (in Dushanbe) to run unopposed. There were reports of the inflation of voter turnout and proxy voting in all three districts. After being denied the opportunity to register, the Islamic Revival Party and the Democratic chose to boycott participation in the government election commission during the by-elections.

The percentage of women in government or politics does not correspond to their percentage of the population, although there were no formal barriers to women's participation in the electoral process. In the parliamentary election campaign, only 17 out of the 365 registered candidates were female, and only 5 of the 17 were elected. There is one female Deputy Chairperson in each house of Parliament. The President has one female state advisor, and there is one female minister in the Government.

The percentage of ethnic Uzbeks in government or politics does not correspond to their percentage of the population.

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

A number of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights abuses; however, fear of harassment and abuse by government or paramilitary elements tended to discourage citizens from forming their own human rights organizations, although the Government did not block the registration of local NGO's addressing human rights. Several such organizations exist. The Government prevented some citizens, especially government officials, from participating in international and local seminars sponsored by the OSCE, the ICRC, U.N. agencies, NGO's, and foreign governments on such topics as the rule of law, an independent judiciary, and international humanitarian law. Discussion at such seminars, including those held in the country, frequently were critical of the Government. Government officials are somewhat responsive to the views of human rights groups.

The Government permits international NGO's to operate in the country on a regular basis.

The OSCE mission in Dushanbe continues to monitor human rights issues with the help of its five field offices; however, these field offices experienced varying levels of cooperation with local authorities. The ICRC also maintained a delegation in the country; however, the Government continued to refuse the ICRC unconditional access to prisons (see Section 1.c.).

Within the Parliament, the Committee on Legislation and Human Rights is charged with monitoring human rights violations; however, like the rest of the Parliament, it is not independent in practice. During the year, the Commission was not very active and issued no reports, apart from replies to complaints submitted by individual citizens. The Committee generally is regarded as an ineffective body, al-

though it continued to receive reports both from private citizens and from individual deputies.

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

The Constitution provides for the rights and freedoms of every person regardless of nationality, race, sex, language, religious beliefs, political persuasion, or social status and also explicitly states that men and women have the same rights; however, in practice there is some discrimination against women.

*Women.*—Violence against women, including spousal abuse was a widespread problem. In both urban and rural areas, many cases of wife beating go unreported and many reported, cases were not investigated. There is a widespread reluctance to discuss the issue or provide assistance to women in abusive situations. In addition the abduction of young women, who are raped or forced to marry their abductors, is reported widely.

The Criminal Code prohibits rape, which is punishable by up to 20 years in prison; however, it is believed widely that most cases are unreported, and that the problem is growing, particularly in urban areas. The threat of rape often is used to intimidate women. There are no special police units for handling rape cases. There are no statistics on the number of rapists prosecuted, convicted, or punished each year. In one widely publicized case in 2000, Difuza Nimonova, an alleged victim of rape was convicted, in a trial of questionable fairness, of having killed the man who raped her. She was forced to undergo an abortion (see Sections 1.e. and 1.f.).

There are many domestic and international NGO's that sponsor women's resource centers, which address the concerns of victims of rape and domestic abuse. However, the Government's funding of social programs has been cut, which affects the funding of such programs.

Prostitution is illegal; however, in practice prostitutes are not tried in court, but instead are given a cursory fine and released. Pimps and madams are prosecuted regularly. The law prohibits keeping brothels, procuring, making, or selling pornography, infecting another person with a venereal disease, and the sexual exploitation of women; however, prostitutes operate openly at night in certain urban areas.

Trafficking of women for the purposes of sexual exploitation and forced labor, was a serious problem (see Section 6.f.).

There have been reports that conservative Muslims in rural areas physically harassed women for not wearing traditional attire.

According to the law, women have equal rights with men; however, discrimination against women remained a problem.

Traditionally there has been a high level of female participation in the work force and in institutes of higher learning. There is no formal discrimination against women in employment, education, or housing; and in urban areas, women can be found employed throughout government, academic institutes, and enterprises. However, women face diminishing opportunities for education and rising poverty. Some women hold the same jobs as men, although not in equal numbers. Women legally are entitled to receive equal pay for equal work; however, this regulation is not always enforced in practice.

Articles in the Criminal Code protect women's rights in marriage and family matters; however, girls often are pressured to marry men that they do not choose themselves, and polygyny is increasingly common, although it is illegal. Divorce rates in urban areas comparatively are high, and women tend to carry the burden of child-rearing and household management, whether married or divorced. Women are provided 3 years of maternity leave and monthly subsidies for each child. In rural areas, women tend to marry younger, have larger families, and receive less university education than women in cities do. In rural and traditional areas, women receive less education in general, often leaving school after the eighth year. Due to the prevalence of large families, women in rural areas also are much less likely to work outside the home. Inheritance laws do not discriminate against women; however, in practice some inheritances pass disproportionately to sons.

*Children.*—The Government is committed to children's rights and welfare; however, due to a lack of financial resources the Government has been unable to fulfill its commitment and the government's social security network for child welfare has deteriorated. Education is compulsory until age 16; however, the law is not enforced. Public education is intended to be free and universal; however, a lack of resources has caused the public school system to deteriorate to the point at which it barely functions. Parents who can afford to do so send their children to private schools, or join together in groups that hire teachers to give their children lessons for a fee. While most children are enrolled in school up to the completion of the secondary level, actual attendance is estimated to be lower because of the need to supplement

family income by working in the home or in informal activities (see Section 6.d.). A significant number of school-age children—as many as one in eight, according to World Bank data—work instead of attending school. The old Soviet practice, which is illegal, of closing high schools at cotton harvest time and putting the students to work in the field continued in some areas (see Section 6.c.).

Health care is free, although the quality and quantity of medical services available has declined significantly since the Soviet era. It is estimated that one child in three is malnourished in the country. The Government has acknowledged that malnourishment is a severe problem, and they were working with international humanitarian organizations to address the problem.

There is no societal pattern of abuse of children.

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

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

On November 28, the third Tajik Youth forum “Youth in Development” initiated by the governmental Tajik youth committee was held. The conference was held as a follow up to the national conference on child protection.

*Persons with Disabilities.*—The law stipulates the right of persons with disabilities to employment and adequate medical care; however, in practice the Government does not require employers to provide physical access for persons with disabilities. Persons with disabilities suffer from high unemployment and widespread discrimination as a result of financial constraints and the absence of basic technology to assist.

There is no law mandating accessibility for persons with disabilities. There are facilities for persons with disabilities; however, funding is limited and the facilities are in poor condition. Several international NGO's provided limited assistance to persons with disabilities.

*Religious Minorities.*—Some Muslim leaders occasionally have expressed concern that minority religious groups undermine national unity. Baha'i and Hare Krishna groups experience limited discrimination.

In August two Dushanbe Islamic Institute students were executed in connection with the October 2000 bombing of a Protestant church in Dushanbe (see Section 1.a.). A third student suspected in the case escaped and was not rearrested. The students confessed to the bombing and said that their motive was religious; however, they were not known to have any ties with extremist groups.

In December 2000, the Svyato-Nikolskii Russian Orthodox Church and a Seventh Day Adventist Church in Dushanbe were bombed. There were no injuries at either church, both of which were closed at the time. Government law enforcement and security agencies were investigating the bombings, but no progress was made by year's end.

Although the vast majority of citizens consider themselves Muslim, there is a significant fear of Islamic fundamentalism among much of the population.

*National/Racial/Ethnic Minorities.*—Ethnic Uzbeks make up approximately a quarter of the population. The number of Uzbek language newspapers, television broadcasts, and schools has declined significantly since 1992. With the exception of the trilingual (Tajik/Uzbek/Russian) school structure, the Uzbek language has no official status.

In practice Russian is the language of interethnic communication and is used widely in government. Ethnic Russians and other Russian speakers, for example, Ukrainians, make up less than 2 percent of the population. While the Government repeatedly has expressed its desire for the ethnic Russian and Slavic populations to remain, economic conditions provide little incentive for them to do so, and some local Russians and other Slavs perceived an increase in negative social attitudes toward them. A Slavic university and a Russian high school operate in Dushanbe with Russian as the language of instruction, but also include ethnic Tajik and Uzbek students. In 2000 a similar university opened in Khujand. An agreement ratified by the Russian Duma in December 1996 allows for dual Russian and Tajik citizenship.

Tensions persisted between ethnic Uzbeks and Tajiks in some areas. Since the signing of the peace treaty in 1997, there have been multiple killings of ethnic Uzbeks in the Panj district; however, there were no such reports of killings during the year. Some of these cases appeared to be a matter of retaliation by returned ethnic Tajik refugees for injuries done to them by ethnic Uzbeks during the civil war. As a result of these attacks, some ethnic Uzbek families have moved to other locations in the district where Uzbeks predominate or to neighboring countries that formerly were part of the Soviet Union. Government officials have organized meetings at the local level to resolve conflicts.

*Section 6. Worker Rights*

*a. The Right of Association.*—The law provides all citizens with the right of association, including the right to form and join associations without prior authorization, to organize territorially, and to form and join federations. According to official figures, approximately 90 percent of the labor force was organized. The Federation of Trade Unions remained the dominant labor organization. The Federation consists of 19 professional trade unions and claims 1.5 million members, virtually all non-agricultural workers. The separate, independent Trade Union of Non-State Enterprises has registered unions in more than 3,000 small and medium-sized enterprises, totaling approximately 30,000 employees (according to 1998 figures). Many of the enterprises in which these two organizations nominally are present are not functioning because of the general economic crisis, and the membership of both has declined as a result. The Council of Ministers formally consults both organizations during the drafting of social welfare and worker rights legislation.

The law mandates arbitration before a union legally may call a strike. Depending on the scale of the labor disagreement, arbitration may take place at the company, sectoral, or governmental level. In the event that arbitration fails, unions have the right to strike, but both labor unions have disavowed publicly the utility of strikes in a period of deepening economic crisis and high unemployment, and have advocated compromises between management and workers. There were no official, union-sanctioned strikes, nor were there any wildcat strikes during the year.

The law provides citizens, but not unions, with the right to affiliate freely with international organizations, including international labor organizations. It does not prohibit unions from affiliating with international organizations; however, there are no unions with international affiliations.

*b. The Right to Organize and Bargain Collectively.*—Various laws provide for the right to organize and bargain collectively. Employees, members of the trade unions, and management participate in collective bargaining at the company level. Negotiations involving an industrial sector include officials from the relevant ministry and members of the union's steering committee for that particular sector. As the economic situation worsens, it increasingly is difficult for enterprises to engage in effective collective bargaining.

The law prohibits antiunion discrimination, the use of sanctions to dissuade union membership, and the firing of a worker solely for union activity. Any complaints of discrimination against a labor union or labor union activist are considered first by a local labor union committee and, if necessary, raised to the level of the Supreme Court and investigated by the Ministry of Justice. The law compels an employer found guilty of firing an employee based on union activity to reinstate the employee.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced labor, except in cases defined in the law; however, forced labor occurred in some cases. Neither the Law on Labor Protection nor the Law on Employment, both of which predate the existing Constitution, specifically prohibits forced or compulsory labor; the Constitution supercedes national laws. Although the practice was banned, university and secondary school students regularly are compelled to participate in the cotton harvest. Residents of state or collective farms still may be required to pick cotton, although wages usually are not paid and these institutions no longer provide the services they once did. Trafficking in persons, particularly women, was a problem (see Section 6.f.).

The law does not specifically prohibit forced or bonded labor by children; however, trafficking in children was a problem (see Section 6.f.). In addition children traditionally participate in family agricultural or home craftsman work.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—According to labor laws, the minimum age for the employment of children is 16 years of age, the age at which children also may leave school legally (see Section 5). With the concurrence of the local trade union, employment may begin at the age of 15. By law workers under the age of 18 may work no more than 6 hours a day and 36 hours per week. However, children as young as 7 years of age may perform household-based labor and participate in agricultural work, which is classified as family assistance. As many as one in eight school age children work instead of attending school (see Section 5). Many children under 10 years of age work in the bazaars or sell newspapers or consumables on the street. Trade unions are responsible for reporting any violations in the employment of minors. Cases not resolved between the union and the employer may be brought before the Procurator General, who may investigate and charge the manager of the enterprise with violations of the Labor Code.

The Government lacks the resources and ability to regulate effectively acceptable working conditions for youths and adults, and there were no governmental or judi-

cial initiatives to strengthen or enforce child labor legislation or regulations during the year.

The Government does not have a comprehensive policy for the elimination of the worst forms of child labor. The Government has not signed ILO Convention 182 on the Worst Forms of Child Labor.

The law prohibits forced or bonded labor by children; however, trafficking in girls was a problem (see Section 6.f.).

*e. Acceptable Conditions of Work.*—The President, on the advice of the Ministry of Labor and in consultation with trade unions, sets the minimum monthly wage, which officially was \$1.60 (4 Somoni). The minimum wage does not provide a decent standard of living for a worker and family. The Government has recognized this problem and has retained certain subsidies for workers and their families at the minimum wage. Although slightly improved, the economy remained extremely weak during the year, with a majority of industrial operations standing idle. As factories and enterprises either remained closed or were shut down, workers were laid off or furloughed for extended periods. Some establishments, both governmental and private, compensated their employees in kind with food commodities or with the products produced by the enterprise, which the employee can sell or barter in local private markets.

The legal workweek for adults (over age 18) is 40 hours. Overtime payment is mandated by law, with the first 2 hours of overtime to be paid at 1.5 times the normal rate and the rest of the overtime hours paid at double the rate. Payment of overtime is inconsistent in all sectors.

The Government has established occupational health and safety standards, but these fall far below accepted international norms, and the Government does not enforce them in practice. The enforcement of work standards is the responsibility of the State Technical Supervision Committee under the Council of Ministers. While new statistics were not available, it virtually is certain, given the continuing economic decline, that 1993 statistics, which reported that over one-fifth of the population worked under substandard conditions, greatly underestimates the number that worked under those conditions during the year. Workers may leave their jobs with 2 months' notice; however, given the poor employment situation, few choose to do so. The law provides that workers can remove themselves from hazardous conditions without risking loss of employment; however, due to the poor prospects for finding another job, few do so.

Foreign workers are protected under the labor laws.

*f. Trafficking in Persons.*—The Law does not prohibit specifically trafficking in persons, and it was a significant problem. There were reports that low-level government officials and border guards are tolerant of, if not involved in, trafficking of persons. Tajikistan is a country of origin, and possibly (and to a lesser extent) a country of transit for trafficked persons, primarily women. Ministry of Security figures based on records of crimes and deportations contain more than 900 cases of women prior to 2000 that may have been victims of trafficking. A report by the Tajikistan Mission of the International Organization for Migration (IOM) issued during the year, estimated that more than 1,000 women were trafficked from the country during 2000. Victims come primarily from Khojand or Dushanbe, and most commonly are trafficked to the Middle East, including the United Arab Emirates (UAE), Russia, other former Soviet Union countries, Turkey, and Iran. There also may be trafficking of Afghan women through the country to these destinations. The majority of victims are female, ethnically Tajik, single, aged 20 to 26, usually with at least one child (the children typically come under the care of extended family), and are new arrivals to Dushanbe or Khojand from a rural upbringing with little education. Ethnic minorities are overrepresented among victims, particularly those of Slavic origin.

There were reports of trafficking in children who are used as drug couriers, and the trafficking of children for the removal of organs also was reported.

Victims commonly are recruited through false promises of employment or business trips abroad in order to purchase items for resale in Tajikistan. "Advertising" often is done through social contacts, because traffickers employ their local status and prestige to help recruit victims. There also are cases of false weddings and, more rarely, kidnappings (usually in rural areas). Traffickers generally transport victims by air to the Middle East and by train to Russia and other former Soviet Union countries. Traffickers tightly control arrangements for travel and lodging, and employ wide contacts among tourism agencies. They also may employ document falsification services in order to escape restrictions such as those in the UAE, where a woman under 31 may not enter the country unaccompanied by her parents or spouse. Victims commonly are not separated from their travel documents until arrival in the destination country. Debt bondage is a common form of control. In the

case of at least one respondent interviewed by the IOM, after her escape from forced prostitution, her trafficker blackmailed her with videotapes of her previous "occupation." The victim killed her trafficker and was serving a prison sentence.

Victims of trafficking face psychological stress, social ostracism, blackmail, and extortion, and in certain cases, physical abuse. In at least one reported case, a woman was kidnaped and forced into prostitution through forced injections of narcotics; the victim then became addicted and continued engaging in prostitution in order to obtain drugs.

Traffickers include individuals who rose to positions of power and wealth as field commanders during the Tajik civil war, the so-called "warlords." Others are extremely powerful local figures who use their wealth to cultivate patron-client relationships throughout their community; this creates a network that communicates supply and demand for trafficking victims. A number of prominent traffickers are women.

Corruption is endemic in the country and reports indicated that low-level government authorities working in customs, border control, immigration, police, and tourism received bribes from traffickers. Further, there is reason to believe that certain figures in the Government act as patrons or protectors of individuals who are involved directly in trafficking. However, there is no indication of widespread institutional involvement in trafficking by the Government.

There is no law specifically prohibiting trafficking in persons. Traffickers may be prosecuted under laws prohibiting exploitation of prostitution, rape, kidnaping, buying and selling of minors, illegal limitations on arrival and departure in and out of the country, document fraud, and immigration violations. The penalties for these offenses are in most cases fines or imprisonment of up to 3 years, though certain immigration violations carry a sentence of up to 10 years, and rape is punishable by up to 20 years in prison. There have been no reported prosecutions for trafficking in persons.

There is no government agency responsible for combating trafficking. The IOM reports that the Ministry of Security has taken some interest in the problem of trafficking and was collecting data on potential cases of cross-border trafficking. The Ministry of the Interior is charged formally with investigating cases of prostitution, although it has not yet begun to prosecute suspected cases of trafficking in persons.

There are no government programs aimed at preventing trafficking as a result of the government's unwillingness to publicly acknowledge the problem. The Government has not prosecuted any reported victims of trafficking. There are few resources available to victims of trafficking, and none from the Government. Blackmail is employed commonly in the country's conservative society-nearly half of the trafficked women in IOM's survey reported extortion by local officials upon return to the country. Victims usually do not pursue legal recourse against traffickers due to the social stigma attached to the problem.

Some NGO's involved in social services and gender issues offer services potentially for trafficking victims. The NGO "Women Scientists" runs a crisis center for abused women, which provides services to trafficked women as well. Some NGO programs intended to increase awareness of trafficking exist, with support from international organizations. One such program in 2000 held seminars in Dushanbe, Khojand, and Qhurgantepa for journalists, lawyers, and law enforcement officials.

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## TURKEY

Turkey is a constitutional republic with a multiparty Parliament, the Turkish Grand National Assembly, which elects the President. After the 1999 parliamentary elections, Bulent Ecevit's Democratic Left Party (DSP), the Nationalist Action Party (MHP) led by Devlet Bahçeli, and former Prime Minister Mesut Yılmaz's Motherland Party (ANAP) formed a Government with Ecevit as Prime Minister. In May 2000, the Parliament elected Ahmet Necdet Sezer as President for a 7-year term. The military exercises indirect influence over government policy and actions in the belief that it is the constitutional protector of the State. The Government respects the Constitution's provisions for an independent judiciary; however, various officials acknowledge the need for constitutional and legislative changes to further strengthen the judiciary's independence in practice.

From 1984 through 1999, the Government engaged in armed conflict with the terrorist Kurdistan Workers Party (PKK), whose goal was the formation of a separate state of Kurdistan in southeastern Turkey. The level of violence decreased in the second half of 1999, and has remained low for the past 2 years. Although the situation in the southeast remained a concern, the conflict between government security

forces and separatist PKK terrorists continued to be at a low level, and according to the military, there were only approximately 45 armed clashes during the year. More than 30,000 persons have returned to their villages or moved to "consolidated villages" near their original homes. Despite the end of the war, a state of emergency, declared in 1987, continued in four southeastern provinces that had faced substantial PKK terrorist violence. Security forces continued to target active PKK units as well as those persons they believed supported or sympathized with the PKK, and conducted operations against villages throughout the region which yielded ammunitions caches. The governor of the state of emergency region has authority over the provincial governors in the four emergency provinces, as well as in seven adjacent provinces. Under the state of emergency, this regional governor may exercise certain quasi-martial law powers, including imposing restrictions on the press, removing from the area persons whose activities are deemed detrimental to public order, and ordering village evacuations. Only limited judicial review of the governor of the state of emergency region's administrative decisions is permitted. In November the state of emergency decree was renewed in Diyarbakir, Hakkari, Sirnak, and Tunceli provinces for four months.

The Turkish National Police (TNP) have primary responsibility for security in urban areas, while the Jandarma (paramilitary forces under joint Interior Ministry and military control) carry out this function in the countryside. Unlike in the previous year, the military no longer directly carries out operations against the PKK inside the country, and has ended its internal security function. However, Jandarma (national police) troops continued to carry out such operations, and were under operational control of the military when performing these functions. Although civilian and military authorities remained publicly committed to the rule of law and respect for human rights, members of the security forces, including police "special teams" and anti-terror squads, other TNP personnel, village guards, and Jandarma committed serious human rights abuses.

The country's population is approximately 67.8 million. During the year, the country went through its worst economic crisis in a generation, although by year's end, the economy began to recover. Early in the year, delays on an ambitious structural reforms program led to a loss of investor confidence, which resulted in the country's abandoning its pegged exchange rate regime and converting to a floating exchange rate. The lira depreciated nearly 50 percent and the economy shrank by 8.5 percent by year's end. Inflation increased to 88.6 percent during the year; the per capita gross national product was approximately \$2,400. The country embarked on a strengthened reform program, backed by new International Monetary Fund and World Bank funding.

The Government generally respected its citizens' human rights in a number of areas; however, its record was poor in some areas, and several serious problems remained. Extrajudicial killings continued, including deaths due to excessive use of force and torture. There were two disappearances of political activists. Torture, beatings, and other abuses by security forces remained widespread, although the number of reported cases declined. There were reports that police and Jandarma often employed torture and abused detainees during incommunicado detention and interrogation. In the southeast, nation-wide problems such as torture were exacerbated by substantially abridged freedoms of expression and association. The lack of universal and immediate access to an attorney, long detention periods for those held for political crimes (particularly in the state of emergency region), and a culture of impunity are major factors in the commission of torture by police and other security forces. The rarity of convictions and the light sentences imposed on police and other security officials for killings and torture continued to foster a climate of impunity. Prison conditions remained poor, despite some improvements. As a result of the continuing hunger strikes to protest new small-cell prisons, 48 prisoners and sympathy strikers outside prison died during the year. In December 2000, Parliament passed the "Law on Probation of Sentences and Deferment of Judgements" (Conditional Suspension of Sentences Law) which granted the conditional release at that time to thousands of prison inmates and suspended the trials of hundreds of others. Police and Jandarma continued to use arbitrary arrest and detention, although the number of such incidents declined. Prolonged pretrial detention and lengthy trials continued to be problems. Even when a decision was reached, the appeals process could reverse the decision and bring cases back to lower courts. Prosecutions brought by the Government in State Security Courts (SSC's) reflected a legal structure that protects state interests over individual rights. The Government infringed on citizens' privacy rights.

Limits on freedom of speech and of the press remained a serious problem. Authorities banned or confiscated numerous publications and raided newspaper offices, which encouraged continued self-censorship by some journalists. At times the Gov-

ernment restricted freedom of assembly and association. The police beat, abused, detained, and harassed some demonstrators. The Government continued to impose some restrictions on religious minorities and on some forms of religious expression. At times the Government restricted freedom of movement. The Government permitted thousands of forcibly displaced persons to return to their villages in the southeast and initiated some resettlement efforts; some villagers returned by themselves. The Government restricted the activities of some political parties and leaders. The Government continued to harass the pro-Kurdish People's Democracy Party, HADEP, through various methods including police raids and detentions. The Government continued to harass, indict, and imprison human rights monitors, journalists, and lawyers for ideas that were expressed in public forums. Branches of several nongovernmental organizations (NGO's) were closed, temporarily or indefinitely, particularly in the southeast. The Government exerted disproportionate pressure on ethnic Kurdish NGO's in the southeast. Human Rights Association (HRA) offices in Malatya and Gaziantep were closed throughout the year, but Mazlum-DER's Malatya branch reopened in August after being closed for 2 years. Violence against women, particularly spousal abuse, remained a serious problem, and discrimination against women persisted. Abuse of children remained a serious problem. Restrictions on and discrimination against ethnic minorities persisted, particularly for the Kurdish minority. There were restrictions on workers' rights to associate, strike and bargain collectively. Child labor remained a serious problem. Trafficking in persons, particularly women and girls, remained a problem.

In October Parliament passed an extensive constitutional reform package that aims to improve human rights. The 34-article amendment package received a significant majority of the votes, including both Government and opposition parties. The reforms, which must be implemented through legislation, potentially apply to areas such as free speech, free assembly, free association, the role of the military, privacy, detention periods, equality of spouses, and constitutional challenges to more than 800 laws; however, most implementing legislation had not been enacted by year's end. In December the Justice Minister issued a circular to all prosecutors instructing them to act in accordance with the new amendments pending implementation.

PKK abuses, including kidnappings and bombings, which were common during its violent campaign against the Government and civilians, have decreased significantly. Thousands of heavily armed, militarily organized PKK members remain encamped in neighboring countries close to the country's borders. Although the climate of violence engendered by the PKK insurgency has declined, other terrorist organizations, most notably DHKP-C and Turkish Hizbullah, engaged in violence.

#### RESPECT FOR HUMAN RIGHTS

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

*a. Arbitrary or Unlawful Deprivation of Life.*—There were credible reports of extrajudicial killings by government agents; however, accurate figures were unavailable. According to the Human Rights Foundation (HRF) and press reports, there were 9 reports of deaths of detainees, and 21 persons killed by police or Jandarma, allegedly for not heeding "stop warnings" or for resisting arrest. The 1996 amendment to the Anti-Terror Law that gives wide powers to the police to open fire if suspects do not heed a call for surrender was challenged successfully in the Constitutional Court but has not been replaced. In January the Constitutional Court published the detailed reasoning of its decision in the Official Gazette and gave Parliament 12 months to replace the provision. There is no rule mandating a non-lethal response in the case of unarmed suspects.

There were allegations that two HADEP officials, Serdar Tanis and Ebukeir Deniz, who disappeared while in custody at a Jandarma station in Silopi in January, were killed (see Section 1.a.). In March police killed a man in Aydin during a house search; in July a trial against 13 policemen charged in his death began. Two relatives of the dead man also were being tried on the charge of resisting an officer. In August two police officers detained a 16-year-old boy in Erdemit, on the Aegean coast, on the charge of harassing two women. The next day the boy was dead; police claimed that it was a suicide. No action was taken against the police. In August in Akkise village in Konya, during a routine identity check at a coffeehouse, villagers tried to stop Jandarma from detaining two persons without identity papers. Fighting broke out and one man was killed; 3 civilians and 25 Jandarma were injured. Inspectors found that the use of firearms by the Jandarma was appropriate. In September Istanbul police raided a HADEP office, and a youth fleeing the police fell off the roof of the building and died. In October a suspected DHKP-C bomber was found dead in his detention cell; police alleged that he committed suicide by

hanging himself. Investigations into the case were started on the order of the Public Prosecutor, and in December the Minister of the Interior reported a finding of suicide.

The courts investigated most alleged extrajudicial killings; however, the number of arrests and prosecutions in such cases remained low compared with the number of incidents, and convictions remained rare. Punishments, when handed down, generally were minimal; monetary fines have not kept pace with the high rate of inflation; and sentences were frequently suspended. Jurisdictional questions, efforts by the police leadership to protect officers, prosecutors' failure to investigate and bring charges, and the failure of courts to hand down appropriate sentences were all obstacles to resolving the apparent impunity of security forces for such deaths.

According to the Minister of Interior, between 1995 and 2000, a total of 62 persons died in custody; some died as a result of illness or suicide.

According to the HRF and press reports, eight ongoing trials in cases of past extrajudicial killings by security officials ended during the year. Out of the 27 police, Jandarma, or prison officials on trial in these cases, 9 were convicted and 12 were acquitted; charges were suspended against 6 others. In cases of past extrajudicial killings by police, Jandarma, or prison guards, 10 trials began during the year or continued from previous years. In September a court acquitted three police officers for killing suspect Fuat Unlu in March 1999 in Istanbul; the court held that the suspect had fired first at the police while fleeing, thereby giving the police the right to shoot back; in July a police officer was given an 8-year sentence for killing detainee Mustafa Koca in 1999. Also in July, the Court of Cassation confirmed the 2000 acquittal of Sami Sen, a police officer accused of firing 7 of 48 bullets found in the body of Suleyman Ors, who was shot during a house raid in Istanbul in 1997. Sen had also been acquitted of the 1998 shooting deaths of two suspects and the 1994 shooting deaths of three suspects. In June in Istanbul, the trial of policeman Abdullah Bozkurt for the 1994 shooting and killing of Vedat Han Gulsenoglu ended with a conviction; the court sentenced Bozkurt to 2 years' imprisonment for intentional murder, increased to 36 years because he used an officially issued weapon. His appeal was pending at year's end. On July 4, a court convicted policemen for torturing to death Ankara college student Birtan Altinbas, in 1991, while trying to coerce a confession; the four were given sentences of 4½ years' imprisonment each.

In May 4 of the 6 police officers accused of shooting and killing 2 persons during a raid in Adana in October 1999, were convicted of murder and sentenced to 8 years' imprisonment. Their sentences subsequently were reduced to 7 months' imprisonment, then suspended due to the officer's clean records; 2 other suspects were acquitted.

Trials continued in a number of cases from previous years, including: The case of 161 Jandarma officials accused of killing 10 prisoners and seriously injuring others during the September 1999 uprising at Ulucanlar prison; 10 policemen accused of the July 1999 killing of Alpaslan Yelden while in custody in Izmir's Public Order Branch; 3 police officers accused of killing trade unionist Suleyman Yeter in March 1999 while he was in custody at the Istanbul security directorate political police center; the appeal of the Diyarbakir Provincial Administrative Board's refusal to prosecute police officers who allegedly killed 18-year-old Hamit Cakar in 1998 following a hunger strike at Diyarbakir's HADEP provincial organization building; 29 Jandarma soldiers and 36 antiterror police officers charged with manslaughter in the 1996 beating deaths of 10 prisoners while quelling a prison disturbance in Diyarbakir; the retrial of two police officers whose 2000 conviction for the 1995 shooting deaths of nine persons in the Gazi district of Istanbul was annulled by the Court of Cassation; the retrial of six members of a Diyarbakir Jandarma antinarcotics squad accused of killing a businessman in 1991 and whose convictions were reversed in 2000.

During the year, the European Court of Human Rights (ECHR) ruled against the country on 8 cases in which 18 persons had been killed in detention or taken into custody and then disappeared. The court noted that most domestic legal remedies were insufficient; citizens may pursue a case in the ECHR before all domestic legal remedies have been exhausted.

The Government and PKK continued to commit a few human rights abuses against noncombatants in the southeast. According to statistics from the state of emergency region governor, 23,512 PKK members, 5,044 security force members, and 4,472 civilians have lost their lives in the fighting since 1987. During the year, 9 civilians, 22 members of the security forces, and 111 terrorists died as a result of armed clashes, according to the military. According to human rights groups, less than 10 civilians were killed due to clashes with security forces. Human rights groups, villagers, and the Government disagreed on whether some deaths were of civilians or of "terrorists," as defined by the Government. In September soldiers al-

legedly killed a young deaf shepherd in Van province who was working near an antismuggling operation and did not hear the gunshots or warnings.

Landmine explosions in the southeast killed more than 15 persons, mainly children or military personnel; many more persons were maimed. Landmines near the Greek border killed 7 persons who were trying to cross the border illegally.

The PKK discontinued its practice of targeted political killings, but it remained armed and in some cases clashed with soldiers, Jandarma, and state-paid paramilitary village guards. Other armed groups, such as Revolutionary Left (Dev Sol/DHKP-C), the Islamic Eastern Raider's Front (IBDA-C), and the Turkish Workers and Peasants' Liberation Army (TIKKO), continued to commit acts of terrorism, in some cases leading to deaths. In January and September, DHKP-C suicide bombers attacked police stations in Istanbul, killing several police officers and civilians. Operations against Marxist TIKKO guerillas, mostly in the east, resulted in a number of reported deaths of alleged TIKKO operatives.

Members of the Turkish Hizbullah terrorist group are suspects in the shooting death of the Diyarbakir chief of police and four other police officers in a January ambush and claimed responsibility for the shooting death of two police officers in Istanbul in October. Meanwhile, the trial continued of 21 alleged Turkish Hizbullah militants who were indicted in July 2000 for a number of murders, including those of journalists Ahmet Taner Kislali and Ugur Mumcu. An unrelated suspect in Mumcu's killing also remained on trial. During an interrogation, a Hizbullah suspect reportedly confessed to killing moderate Islamic scholar Konca Kuris in the early 1990's.

The HRA reported a nationwide total of 171 unsolved killings by the end of September, some of which may have had a political component. Unlike in the previous year, there were 2 reports of killings of pro-Kurdish politicians, journalists, or lawyers.

Women continued to be victims of "honor killings" (see Section 5).

*b. Disappearance.*—There were at least two credible reports of disappearances of political activists during the year. In early January, HADEP officials Serdar Tanis and Ebubekir Deniz helped open a Subprovincial office in Silopi (Sirnak Province); Tanis and his father allegedly received threatening phone calls from Jandarma officials regarding the office. In late January, Tanis and Deniz disappeared; they were seen last entering the Jandarma station in Silopi after allegedly being asked to report to the station. Several eyewitnesses gave sworn testimony stating that they had seen them entering the Jandarma police station. After initially denying that the two had been detained, the Jandarma admitted they had been in the station but that they had left after half an hour. Tanis and Deniz remained missing at year's end. There were reports that they had moved to northern Iraq, but observers do not view these reports as credible. In October the ECHR accepted their relatives' petition to investigate the case. In the wake of these disappearances, several other unconfirmed cases of disappearances were reported in the southeast; however, there were no reports of official investigations.

In February the U.N. Special Rapporteur for Missing and Disappeared Persons, Asma Jihangir, visited the country and met with government officials and non-governmental contacts. She expressed her view that the security forces appeared to be responsible for the disappearances of Tanis and Deniz, but she did not have sufficient information to comment on other alleged cases. She stated publicly that conditions regarding disappearances had improved greatly, but that security force impunity continued.

Accurate statistics on the disappearance in previous years of persons under detention, or seen being taken into custody by security forces or law enforcement officials, were difficult to confirm. There was no new information available and none is expected on the case of Aydin Esmer who, according to Amnesty International, disappeared in September 1999.

The Government continued to make efforts to investigate and explain some reported cases of disappearance. The Ministry of Interior operates the Bureau for the Investigation of Missing Persons, which is open 24 hours a day. In March the Minister of Interior reported that since 1996, a total of 426 reports of disappearances related to terrorist groups had been reported. Of these 426 missing, 46 were found dead; 90 were found alive; 18 were found in prison; and 272 cases remained unsolved at year's end. According to the Bureau, during the year, there were 29 new disappearances reported; 10 of these were solved by year's end, 1 person was found dead, 8 persons were found alive, and 1 person was in jail. Most families of persons who disappeared hold the Government and security forces responsible and consequently avoid contact with the Bureau for the Investigation of Missing Persons. In 2000 Amnesty International criticized the Bureau's findings for falling short of

the thorough and impartial investigations required in accordance with international standards.

Unlike in previous years, there were no reports that Turkish citizens may have been kidnaped or secretly killed by Turkish Hizbullah.

*c. Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits such practices; however, members of the security forces continued to torture, beat, and otherwise abuse persons regularly. Despite the Government's cooperation with unscheduled foreign inspection teams, public pledges by successive governments to end the practice, and government initiatives designed to address the problem, torture continued to be widespread, particularly in the southeast. However, based on reports from a number of sources, the incidence of torture appears to have slightly declined, including in the southeast (see Section 1.d.).

The HRF estimated the number of credible applications by torture victims at its 5 national treatment centers to be approximately 1,200, an increase from 1,023 reports in 2000. These figures included complaints stemming from previous years' incidents, and do not represent the actual number of persons tortured during the year while in detention or prison. Human rights advocates believe that thousands of detainees were tortured during the year in the southeast, where the problem is particularly serious, but that only 5 to 20 percent reported torture because they fear retaliation or believe that complaints are futile. In September the Diyarbakir HRF center was raided and torture treatment files of patients were compromised (see Section 4).

Some of the factors affecting the lower rate of torture are the decreased use of incommunicado detention and a slight decline of detentions in general; the near-absence of PKK violence, which has eased treatment by security officials of detainees; and increased concern about the problem from many sources. Human rights monitors reported some improvement, but also reported that torture remained widespread in the southeast and in large cities. In a book published in October, MP Sema Piskinsut stated that "starting in 1996, and particularly from 1998, there is a decrease in torture during interrogation and in prisons . . . Despite this decrease, in different provinces, different detention places and different times, torture practices continue with the same methods." Amnesty International, which sent a delegation to the country in June, alleged that torture remains widespread and methods reportedly were severe.

Human rights attorneys and physicians who treat victims of torture say that most persons detained for or suspected of political crimes were generally tortured by police and Jandarma during periods of incommunicado detention before they were brought before a court; ordinary criminal suspects also reported frequent torture and mistreatment by police. In October the constitution was amended to allow the Government to demand members of the security forces who are responsible for torture to pay compensation for civil torture claims; the methods of compliance had not been created by year's end.

Because the arresting officer is responsible for interrogating the suspect, officers frequently resorted to torture to obtain a confession that would justify the arrest. Although there is a law prohibiting evidence obtained under torture from being used in court, in practice prosecutors rarely followed up on detainees' allegations of torture (see Section 1.e.). Reportedly police practice for those arrested for ordinary crimes (who are beaten until they give a confession) and those arrested for "political" crimes differ. Observers say that security officials often tortured political detainees in order to express anger and to intimidate the detainees. For example, many alleged Hizbullah members claim that they were tortured in custody, a claim that has been supported in some cases by medical evidence.

Human rights monitors and medical experts say that security officials often use methods that do not leave physical traces, such as beating detainees with weighted bags instead of clubs or fists, or applying electric shocks to a metal chair where the detainee sits, rather than directly to the body. Commonly employed methods of torture reported by the HRF's treatment centers include: Systematic beatings; stripping and blindfolding; exposure to extreme cold or high-pressure cold water hoses; electric shocks; beatings on the soles of the feet (falaka) and genitalia; hanging by the arms; food and sleep deprivation; heavy weights hung on the body; water dripped onto the head; burns; hanging sandbags on the neck; near-suffocation by placing bags over the head; vaginal and anal rape with truncheons and, in some instances, gun barrels; squeezing and twisting of testicles; and other forms of sexual abuse. In some cases, multiple torture methods (e.g., hanging and electric shocks) are employed at the same time. Other methods used are forced prolonged standing, isolation, loud music, witnessing or hearing incidents of torture, being driven to the countryside for a mock execution, and threats to detainees or their family members.

Female detainees often face sexual humiliation and, less frequently, more severe forms of sexual torture. After being forced to strip in front of male security officers, female detainees often are touched, insulted, and threatened with rape. An NGO called the Legal Counsel Project Against Sexual Harassment and Rape (affiliated with the HRA) indicated that three-quarters of female detainees had experienced sexual violence, but only one-sixth of those who had undergone such violence reported it to the authorities. In one case, an alleged victim faced social ostracism and divorce after publicly accusing a policeman of rape.

On January 8, a group of 28 youths in Viransehir, Urfa province, some as young as 10, were detained on the charge of "supporting the PKK" for chanting slogans. According to Amnesty International, they were subjected to verbal and physical abuse. Six of them were kept in jail until their first hearing, a month later.

In January Ercument Ozturk, a human rights activist, alleged that in December 2000 in Eskisehir, two men who said they were policemen kidnaped him, forced him to drink pesticide, and left him for dead in a field. He was rescued and recovered after being in a coma for 3 days.

State-employed doctors administer all medical exams for detainees. Medical examinations occur once during detention and a second time before either arraignment or release; however, the examinations generally are exceedingly brief and informal, often lasting less than a minute. In some cases doctors were brought reports to sign, but no examinees. Former detainees asserted that some medical examinations occur too long after an incident of torture to reveal any definitive evidence of torture. Lawyers contend that medical reports—their only basis for filing a claim of torture—were not placed regularly in prisoners' files. The Turkish Medical Doctor's Association played a leading role in the development, under U.N. auspices, of the December 2000 "Istanbul Protocol," which is an alternative medical report process that instructs doctors how to identify and treat victims of torture.

The Government took actions against doctors who have attempted to report torture. Dr. Sebnem Korur Fincanci, who had reported and certified the death by torture of a man while in detention, lost her position in February at the Government's Forensic Medicine Institute. She has appealed her dismissal but had not received a response by year's end. She also faced a case in a felony court for "insulting the security forces"; an investigation against her by her employer, Istanbul University, continued and was based on unspecified complaints by the SSC. Dr. Fincanci brought a lawsuit against the Governor of Istanbul in 2000 for trying to get her fired from the University by writing a letter against her. The case was dismissed and she appealed to the High Administrative Court which upheld her appeal. According to Dr. Fincanci's attorneys, the Governor then requested a "Correction of Decision," which is the final stage of the courts process. After the Governor's request, all members of that chamber of the Court, except the Chairman, changed; the Court subsequently ruled in favor of the Governor.

Citing security reasons, members of security and police forces often stay in the examination room when physicians are examining detainees, resulting in the intimidation of both the detainee and the physician. Health Ministry regulations allowed doctors to ask security force members to leave during examinations; however, some doctors claimed that in practice they cannot do so because they could face disciplinary procedures or court cases. According to the Medical Association and other human rights observers, the presence of a security officer can lead physicians to refrain from examining detainees, perform cursory examinations and not report findings, or report physical findings but not draw reasonable medical inferences that torture occurred.

The law mandates heavy jail sentences and fines for medical personnel who falsify reports to hide torture, those who knowingly use such reports, and those who coerce doctors into making them. The highest penalties are for doctors who supply false reports for money. In practice there were few such prosecutions.

Government officials admitted that torture occurs but denied that it was systematic. In July Minister of Interior Yucelen stated that government officials investigate "all claims of torture" and "punish those personnel who are accused of torture." He also issued a circular noting the ECHR decisions against the country and warning officials to comply with existing regulations against torture, particularly those regulating detention registration, timing and conditions, and those relating to access to an attorney (see Section 1.d.). The armed forces emphasized human rights in training for officers and noncommissioned officers throughout the year. Non-commissioned police officers receive 2 years training, an increase from only 10 months in the past. Police and Jandarma also receive human rights training.

The investigation, prosecution, and punishment of members of the security forces for torture or other mistreatment is rare, and accused officers usually remained on duty pending a decision, which can take years. Legal, administrative, and bureau-

cratic barriers impede prosecutions and contributed to the low number of convictions for torture. The 1999 Civil Servant Prosecution Law has not resulted in a greater number of prosecutions, because civil servants generally are immune from direct prosecution unless their superiors grant permission to investigate them. The law authorizes prosecutors to begin collecting evidence immediately to substantiate claims of torture by security officials, but in practice this occurs rarely. Within a 30-day deadline, with a possible 15-day extension, a civil servant's supervisor must decide whether that employee can be prosecuted (or whether the employee is to be disciplined otherwise). The law allows prosecutors to open investigations against persons suspected of falsely accusing a civil servant based on "enmity, hatred or slandering."

The failure to enforce domestic and international bans on torture fosters a climate of official impunity that encourages the systematic abuse of detainees. Detainees state that prosecutors ignored their claims of abuse during interrogation. Some prosecutors believe that all allegations of torture are manipulated by political organizations such as the PKK and claim that detainees fabricated torture claims and injured themselves to accuse and defame the security forces.

Prosecutors may initiate investigations of police or Jandarma officers suspected of torturing or mistreating suspects, but cannot prosecute without their supervisor's permission. If the case involves the police chief or Jandarma commander, the prosecutor must obtain permission to initiate an investigation from the Ministry of Justice, because these officials are deemed to have a status equal to that of judges. In the state of emergency regions, any prosecution or legal action directed at government authorities must be approved by the state of emergency governor; approval is rare.

According to a 1999 directive from Prime Minister Ecevit, public prosecutors are required to make unscheduled inspections of places of detention to look for torture and other maltreatment, and to report to the Prime Minister the results of their inspections. Although the Ministry of Interior states that thousands such inspections have taken place and were reported to the Ministry, human rights advocates and some prosecutors term such inspections cursory and unlikely to lead to criminal charges against the police. The reports were not made public at year's end.

On March 12, former detainees (or family members of current detainees) who spoke out in late 2000 at a conference about their sexual abuse under detention at various times during the last 7 years were indicted under article 159 of the Penal Code for "insulting security forces." In several of the detainees' cases, police officers were on trial for the alleged sexual abuse. In May new charges were brought against five of these women, on the grounds that they "incited racial and religious enmity" because they used the expression "Kurdish women" in their speeches. Subsequently in August, a book of their speeches was banned and the editor was standing trial for "divisiveness" at year's end (see Section 2.a.).

The Government has not followed up on February 2000 revelations by then-chair of Parliament's Human Rights Committee, Sema Piskinsut, and two other Members of Parliament of their findings in an Istanbul police station. At the station, the Members of Parliament found several instruments of torture, including a so-called Palestinian hanger, and turned the instruments over to the police. A public prosecutor questioned police officials and asked the parliamentary committee for the names and addresses of persons tortured in the police station. However, the committee has refused to violate the principle of confidentiality and would not reveal the names of the alleged torture victims. As a result, in December the prosecutor dropped the investigation.

In May and June 2000, the Parliament's Human Rights Committee, under then-Chairman Sema Piskinsut, released a series of comprehensive and highly critical reports on prison conditions throughout the country. Piskinsut, who interviewed over 8,000 prisoners, refused to divulge the names of the alleged torture victims. In July the Acting Chief Prosecutor asked Parliament to lift Piskinsut's parliamentary immunity so that she could be prosecuted for refusing to provide the names of those alleging torture in her prison reports; in October the President of the Parliament decided to comply with the prosecutor's demand. A final decision must be taken jointly by the Constitution and Justice Committees, but had not been made by year's end.

The Minister of Interior reported that by October 31, 4,897 police officers had been charged with either "mistreatment" or "torture" of detainees that resulted in 186 convictions, 944 acquittals, 314 "mistreatment" cases that were suspended under the Conditional Suspension of Sentences Law, and 1,813 cases that were brought to trial. According to the Turkish National Police, during the year, 124 police officers received administrative punishments, such as short suspensions, for torture or mistreatment.

According to the Justice Ministry, during the year, 1,258 cases were brought to prosecutors against police and Jandarma, and of these, 449 investigations were ongoing; 78 indictments were forwarded to the courts, and 227 cases did not go forward. Of the 78 cases forwarded to the court and ongoing cases from previous years, there were 86 acquittals and 45 convictions; other cases remained pending at year's end.

Many cases from previous years remained ongoing or were unresolved, including the cases of: Christian Kemal Timur who alleged that he was beaten on the soles of his feet while in detention in 2000 (see Section 2.c.); HADEP officials including the deputy mayor of Diyarbakir, Ramazan Tekin, and the president of HADEP who alleged that they were tortured while in detention in 2000; Dr. Zeki Uzun, a gynecologist who volunteers at the HRF Izmir treatment and rehabilitation center, who continued to pursue legal redress through a civil court and the ECHR for his alleged torture while in custody in October 1999; four police officers accused of sexually harassing, raping with a truncheon, and torturing two female high school students arrested in March 1999 (the girls were convicted of belonging to a terrorist organization and firebombing a bus) based solely on their confessions which allegedly were obtained under torture; and eight policemen on trial in Diyarbakir for allegedly raping a female detainee, accused of being a PKK member, in 1997.

Also pending were the cases of 10 police officers accused of torturing 15 teenagers in Manisa in 1995, whose trials had concluded in November 2000 after 5 years and three appeals, were reopened because the defendants' attorney resigned during the final court session; police and security personnel charged with beating to death 10 prisoners during a prison disturbance in Diyarbakir in 1996; four defendants in Istanbul have been jailed since 1995 without having been convicted (they are accused of being members of TIKKO) and whose trials were pending the outcome of a case against four police officers accused of torturing them (one of the accused persons was released from prison following a hunger strike); and seven police officers who allegedly raped and tortured a 45-year-old female suspect in 1992.

A court case against 12 policemen accused of torturing the September 1997 "Musa Anter Peace Train" detainees was suspended under the December 2000 Conditional Suspension of Sentences Law. In October eight police officers were acquitted of torturing six detainees in 1994; the prosecutor stated that medical reports did show marks consistent with torture on the detainees' bodies, but he requested the case's dismissal because the statute of limitations had expired.

The ECHR ruled against the country in several cases of torture from previous years. The ECHR noted that domestic legal remedies were insufficient because prosecutors had not taken adequate steps to investigate the torture claims. In August the ECHR required the country to pay Abdalbaki Akbay \$37,000 (50 billion TL) in compensation for his torture in 1995. Akbay requested, and received, a written statement from the Government expressing regret for the mistreatment of detainees. There are unsubstantiated claims that persons who applied to the ECHR for decisions have been harassed by the police.

Police harassed, beat, and abused demonstrators (see Section 2.b.). Police allegedly harassed and abused some lawyers who represented clients in political cases (see Section 1.e.). There were reports that police facilitated trafficking (see Section 6.f.).

As a result of the 1984 to 1999 conflict with the PKK, the Government continued to organize, arm, and pay a civil defense force of more than 65,000 in the southeast region. This force is known as the village guards. Village guards have a reputation for being the least disciplined of the Government's security forces and have been accused repeatedly of drug trafficking, rape, corruption, theft, and human rights abuses. Inadequate oversight and compensation contribute to this problem, and in some cases Jandarma allegedly have protected village guards from prosecution. In addition to the village guards, Jandarma and police "special teams" are viewed as those most responsible for abuses. However, the incidence of credible allegations of serious abuses by security forces, in the course of operations against the PKK, is low.

In February a former Batman provincial governor admitted that during his 1993 to 1997 term, his office acquired weapons worth \$1.1 million (1.5 trillion TL) to equip extraordinary units fighting the PKK. He stated that most were given to the Jandarma and some to the police; some allegedly were given to village guards as well, and may have been used to commit human rights abuses. The then-Prime Minister agreed to fund the purchase in order to "protect the State," she explained, although the Ministry of Interior had not agreed. The foreign-made weapons entered the country without clearing customs. The extralegal aspects of the transaction fueled speculation that some weapons may have disappeared. There was no parliamentary investigation following the revelations. However, a case that was opened

against four officials from the Foreign Trade Undersecretariat's General Directorate of Imports for "allowing illegal importation of weapons by the Batman governate," was dropped under the Conditional Suspension of Sentences Law, which applies to the misuse of public authority.

Prison conditions remained poor, despite some improvements. Between December 2000 and January 2001, the Government released 23,600 prisoners under the new nation-wide Conditional Suspension of Sentences Law, resulting in less overcrowding of prisons. However, with some exceptions (i.e., for high-profile political prisoners or for those with gang connections), underfunding, and very poor administration of penal facilities remained problems. Most prisons lacked adequate medical care for routine treatment or even medical emergencies. Inmates' families often had to supplement the poor quality food. Human rights observers estimate that at any given time, at least one-quarter of those in prison are awaiting trial or the outcome of their trial. Men and women are held separately. Despite the existence of separate juvenile facilities, at times juveniles and adults were held together. However, pre-trial detainees are not usually held separately from convicted prisoners.

Until late 2000, prisons were run on the ward system and most prisoners lived in 50–100 person wards. Prisoners accused of terrorism and those who shared similar ideological views were incarcerated together. In some cases, the ward inmates indoctrinated and punished fellow prisoners, resulting in gang and terrorist group domination of entire wards. Between December 2000 and January 2001, the Ministry of Justice moved hundreds of prisoners to small-cell "F-type" prisons, which left many of the prisoners in strict isolation; human rights groups and prisoners' groups criticized this action. Critics of the F-type cells claimed that prison authorities isolate inmates from each other and control prisoners' access to water, food, electricity, and toilets. There were allegations that prisoners were badly beaten during the transfer and denied medical assistance for severe injuries.

In November and December 2000, hundreds of prisoners, mostly affiliated with far-left terrorist groups, went on hunger strikes to protest F-type prisons, and claimed that they intended to starve themselves to death. The Government entered the prisons in December 2000, after the fast had reached its 60th day and negotiations to end it had not been successful. During and after the government intervention, at least 31 inmates and 2 Jandarma were killed. Weapons and other illegal materials were found in the cells during the operation. The cause of many of the deaths—including those who allegedly set themselves on fire on the order of their organization—was unclear. Many hunger-striking prisoners were released from jail for temporary medical reasons. Groups linked to terrorist organizations also strongly protested this change in the prison system. Prisoners and sympathizers conducted hunger strikes; approximately 150 hunger strikes continued at year's end. By year's end, 48 hunger strikers had died. The Government alleged that terrorist groups forced weaker members to conduct the hunger strikes and threatened family members of those who want to quit.

In July a mainstream newspaper, *Radikal*, published alleged secret government autopsy reports and asserted that: Prisoners were responsible for the death of only one of the two Jandarma who died during the December Government intervention in the hunger strike; that Jandarma or prison guards used tear gas at inappropriately close quarters; that prisoners were shot at great distances, contradicting the idea that some had killed each other; and that some prisoners may have been tortured before they died. The Council of Europe's Committee to Prevent Torture (CPT) also found serious and credible allegations that prison guards and Jandarma burnt prisoners to death in the women's section of Bayrampasa prison. The Ministries of Justice and Interior issued a joint statement that the newspaper accounts were illegal and incorrect. In August a prosecutor opened a case against *Radikal* for publishing the reports but the paper was acquitted on the grounds that they had not violated the Press Law. In October an Istanbul prosecutor opened a case against 1,615 persons on duty at Bayrampasa prison during the hunger strike, charging them with mistreatment and dereliction of duty. At year's end, a trial was ongoing against 167 prisoners for fomenting violence at Bayrampasa and against hundreds of other prisoners at other prisons where violence occurred. The Bayrampasa defendants allegedly were beaten by Jandarma when they tried to read a statement at their October hearing.

In March the CPT recommended that the Government amend the Anti-Terror Law to end the practice of total isolation of political prisoners; to create opportunities for limited social interactions among prisoners; to allow telephone calls; and to create visiting committees for outside review of prison conditions and special prison judges. In May the Government amended the Anti-Terror Law to allow limited interaction among political prisoners and passed legislation creating the position of

special prison judges who would be responsible for examining the complaints of prisoners regarding their conditions and treatment.

In August implementing legislation was passed for the creation of the five-person visiting committees composed of nongovernmental experts, such as doctors and lawyers; the committees will have unrestricted access to prisons and prisoners. According to the Ministry of Justice, as of December 117 visiting committees had been established. In November and December, the Government appointed 130 special prison judges and took steps by year's end to allow some social interaction, visits by some family members, and telephone calls.

The Government permits prison visits by representatives of some international organizations, such as the CPT and the U.N. Special Rapporteur on Torture; the CPT visited in January, April, and September, and conducts ongoing consultations with the Government. Requests by the CPT to visit prisons are routinely granted; however, domestic NGO's do not have access to prisons. In June a European Parliament committee visited some prisons.

*d. Arbitrary Arrest, Detention, or Exile.*—Arbitrary arrest and detention continued to be problems. According to the HRA, there were 35,389 detentions by the end of September, compared with 35,007 in 2000. During the year, police routinely detained demonstrators, including those protesting prison conditions, and anti-war demonstrators following U.S. and UK airstrikes on Afghanistan in October (see Sections 1.c. and 2.b.). Police detained dozens of members of the legal pro-Kurdish party HADEP on several occasions (see Section 3). The Government continued to detain persons, particularly in the southeast, on suspicion of links to Hizbullah, including teachers and imams. Over 2,000 Hizbullah suspects remained in detention pending trial or investigations. Police also detained human rights monitors (see Section 4). In November police briefly detained women who were mailing postcards to women in prison on terror-related charges.

To take a person into custody, a prosecutor must issue a detention order, except when suspects are caught committing a crime by the police. In the state of emergency area, the use of a prosecutor's detention order is in practice extremely rare.

The maximum detention period for those charged with individual common crimes is 24 hours, which may be extended by a judge to a maximum of 7 days; this period is longer for groups.

Under the Criminal Code, those detained for individual common crimes are entitled to immediate access to an attorney and may meet and confer with an attorney at any time. In practice, legal experts assert that the authorities did not always respect these provisions and that most citizens did not exercise this right, either because they are unaware of it, or because they feared antagonizing the authorities. By law a detainee's next of kin must be notified as soon as possible after arrest; in criminal and civil cases this requirement is observed. Once formally charged by the prosecutor, a detainee is arraigned by a judge and allowed to retain a lawyer. After arraignment the judge may release the accused upon receipt of an appropriate assurance, such as bail, or order him detained if the court determines that he is likely to flee the jurisdiction or destroy evidence.

In state security cases, the pretrial detention period without charge is longer, and the law provides for no immediate access to an attorney. The lack of early access to an attorney is a major factor in the continued use of torture by security forces (see Section 1.c.). Persons detained for individual crimes under the Anti-Terror Law must be brought before a judge within 48 hours. Those charged with crimes of a collective, political, or conspiratorial nature may be detained for an initial period of up to 4 days at a prosecutor's discretion and, with a judge's permission, which is almost always granted, for up to 7 days in most of the country and up to 10 days in the southeastern provinces under the state of emergency. Attorneys are allowed access only after the first 4 days. In October Parliament amended the Constitution to limit incommunicado detention for such crimes to a maximum of 4 days; however, as a result of another constitutional provision that allows for repeated and prolonged detention in areas under state of emergency rule, this new amendment does not apply in the state of emergency region. In October in Diyarbakir, two students were detained for 44 days under the law and then charged with being members of a terrorist organization.

Private attorneys and human rights monitors reported uneven implementation of these regulations, particularly attorney access. Lawyers rarely are permitted adequate access to their clients, even after the fourth day, although they may be allowed to exchange a few words during a brief interview in the presence of security officers. According to the Lawyers Committee for Human Rights, the secretive nature of arrests and detentions often leaves the detainee's lawyer and family members with no information about the detention, and police often refused to disclose the place of detention or even the fact that the detainee was being held. Regulations

on detention and arrest procedures exempt the authorities from the obligation to inform relatives in the case of state security detentions if it could compromise the investigation. The police maintain 24-hour monitoring bureaus that are required to record detentions on computers. However, at times legal limits on detention periods reportedly were circumvented by subjecting a detainee to successive charges or falsifying detention records. According to the HRA, in the state of emergency region the police detained, beat, and then released groups after the maximum period of detention in order to intimidate them. Juveniles have been detained with adults.

The decision concerning early access to counsel in such security cases is left to the public prosecutor, who often denies access on the grounds that it would prejudice an ongoing investigation. Although the Constitution specifies the right of detainees to request speedy arraignment and trial (see Section 1.e.), judges have ordered that some suspects be detained indefinitely, at times for years. Many such cases involve persons accused of violent crimes, but there are cases of those accused of nonviolent political crimes being kept in custody until the conclusion of their trials, generally in SSC cases.

The Constitution prohibits forced exile, and the Government does not employ it, although it retains the authority to authorize internal exile. Since 1990 the state of emergency region's governor in the southeast has had the authority to "remove from the region," for a period not to exceed the duration of the state of emergency (in place for 15 years), citizens under his administration whose activities "give an impression that they are prone to disturb general security and public order." Teachers, party officials, and trade unionists have been affected by this provision in the past, and dozens of unionists were kept out of the southeast during the year, according to press reports (see Section 6.b.). There were occasional press reports that teachers working in the southeast had been transferred to assignments in other parts of the country following their participation in political or union activities.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and in practice the general law courts generally act independently of the executive and legislative branches; however, various government and judicial officials discussed the need to adopt legislative changes to strengthen the judiciary's independence. The Constitution prohibits state authorities from issuing orders or recommendations concerning the exercise of judicial power; however, in practice the Government and the National Security Council (NSC) periodically issue announcements or directives about threats to the State, which could be interpreted as instructions to the judiciary. The seven-member High Council of Judges and Prosecutors, which is appointed by the President and includes the Minister of Justice and a deputy, selects judges and prosecutors for the higher courts and is responsible for oversight of those in the lower courts. Its decisions are not subject to review. The composition of the High Council is widely criticized as restricting the independence of the judiciary, since the Minister of Justice is part of the legislative branch of the Government. Although the Constitution provides for security of tenure, the High Council controls the career paths of judges through appointments, transfers, promotions, and other mechanisms.

The judicial system is composed of general law courts, military courts, the SSC's, and the Constitutional Court, the nation's highest court. The Court of Cassation hears appeals for criminal cases, including appeals from the SSC's. The Council of State hears appeals of administrative cases or cases between government entities. Most cases are prosecuted in the general law courts, which include civil, administrative, and criminal courts. Public servants, including police, can be tried only after administrative approval from the governor or subgovernor, which are centrally appointed positions.

The Constitutional Court examines the constitutionality of laws, decrees, and parliamentary procedural rules and hears cases involving the banning of political parties. If impeached, ministers and prime ministers can be tried in the Constitutional Court as well. However, the Court may not consider "decrees with the force of law" issued under a state of emergency, martial law, or in time of war.

Military courts, with their own appeals system, hear cases involving military law, members of the armed forces, and may try civilians who are accused of impugning the honor of the armed forces or undermining compliance with the draft. In September a military court acquitted 16 civilians who had republished, as an act of civil disobedience, a banned article criticizing mandatory military service.

SSC's are composed of panels of five members: Three civilian judges and two prosecutors. SSC's sit in eight cities and try defendants accused of crimes such as terrorism, gang-related crimes, drug smuggling, membership in illegal organizations, and espousing or disseminating ideas prohibited by law, such as those "damaging the indivisible unity of the State." These courts may hold closed hearings and may admit testimony obtained during police interrogation in the absence of counsel. SSC

verdicts may be appealed only to a specialized department of the Court of Cassation (Appeals Court) dealing with crimes against state security. During the year, the SSC's dealt mainly with cases under the Anti-Terror Law and sections of the Criminal Code relating to free expression. Human rights observers cite prosecutions of leaders of the political Islamic movement, political leaders associated with the Kurdish issue, and persons who criticize the military or the Government's practices as evidence that the SSC's often serve the primarily political purpose of silencing persons who criticize the Government. According to press reports and human rights advocates, during the year, police began investigating an SSC judge in Diyarbakir when he refused a Jandarma request to extend the detention period of several Kurdish suspects.

The law gives prosecutors far-reaching authority to supervise the police during an investigation. Prosecutors complain that they have few resources to do so, and many have begun to call for "judicial police" who could help investigate and gather evidence. Human rights observers and Ministry of Justice officials note that problems can arise from the fact that the police report to the Interior Ministry, not to the courts. Prosecutors also are charged with determining which law has been broken and objectively presenting the facts to the court.

Defense lawyers do not have equal status with prosecutors. Defense attorneys continued to face intrusive searches when visiting incarcerated clients. Prisoners also are searched before and after meeting their attorneys. Although prisoners may by law be forced to surrender defense-related documents for review, this rarely occurs in practice. Attorneys are suspected by prison authorities and prosecutors of acting as couriers for their clients, particularly those incarcerated for Mafia or terror crimes. Defense attorneys generally have access to the public prosecutor's files only after arraignment and routinely are denied access to files that the Government asserts deal with national intelligence or security matters, particularly in SSC cases.

The harassment of lawyers involved in political cases in the southeast and throughout the country continued, although there were fewer legal cases brought against attorneys than in 2000. Many attorneys are willing to defend politically sensitive cases and provide greater mutual support within the profession. However, attorneys can face criminal charges and other harassment, particularly if they defended clients accused of terrorism or illegal political activity, pursued torture cases, or sought prompt access to their clients (which police often viewed as interference). Malatya lawyer Hasan Dogan faced a number of charges related to his work defending human rights and HADEP; most of his trials have ended due to the December 2000 Conditional Suspension of Sentences law. In 2000 a court case was opened against Dogan at a misdemeanor court for allegedly having a dirty Turkish flag at the HADEP headquarters while he was provincial chairman; the case was ongoing at year's end. In March the lawyer for the teenagers tortured in Manisa (see Section 1.c.) was acquitted of charges that she showed pictures of the accused policemen to the media.

In February the trial of 25 Diyarbakir lawyers at the Diyarbakir SSC ended under the December 2000 Conditional Suspension of Sentences Law. In 1993 and 1994, the defendants were charged with "aiding and abetting the PKK" and "membership in an illegal terror organization." Human rights monitors believed that their prosecution was intended to punish them for representing clients unpopular with the Government and for publicizing human rights violations in the southeast (see Section 1.e.). The lawyers have been free pending the outcome of their trial after an initial detention period in 1993.

In October Parliament approved a constitutional amendment providing for the "right to a fair trial"; however, the amendment had not been implemented by year's end.

There is no jury system; a judge or a panel of judges decides all cases. The Constitution provides for the right to a speedy trial; however, at times trials last for years (see Section 1.d.). Trials for political crimes or torture frequently last for months or years, with one hearing scheduled each month. Proceedings against security officials often are delayed because officers do not submit statements promptly or attend trials. Illegally gathered evidence may be excluded by law. However, this rarely occurs and then only after a separate case determining the legality of the evidence is resolved. In practice a trial based on a confession allegedly coerced under torture may proceed and even conclude, before the court has established the merits of the torture allegations (see Section 1.c.).

By law the Bar Association must provide free counsel to indigents who make a request to the court, except for crimes falling under the scope of the SSC's. In practice only a tiny percentage of defendants have lawyers. The court consistently provides attorneys only to minors or deaf-mutes who cannot represent themselves. Bar

Associations in large cities, such as Istanbul, have attorneys on call 24 hours a day; costs are borne by the Association. Defense lawyers generally have access to the public prosecutor's files only after arraignment.

In law and in practice, the legal system does not discriminate against minorities; however, while legal proceedings are conducted solely in Turkish with some interpreting available, some defendants whose native language is not Turkish may be disadvantaged seriously.

The Government recognizes the jurisdiction of the ECHR. During the year, the Government lost 154 cases to which it was a party, most of which pertained to dispossession of property (from villages in the southeast), due process, torture, deaths, and past disappearances. In 57 additional cases the Government accepted a friendly settlement and paid \$2 million (approximately 2.7 trillion TL); and the ECHR dismissed a further three cases. The Government paid several million dollars in fines and friendly settlements.

Convicted PKK leader Abdullah Ocalan faces a sentence of execution, which was suspended by the Prime Minister, pending the results of his appeal to the ECHR which was ongoing at year's end. The ECHR is inquiring into Ocalan's allegations regarding irregularities of his capture and trial in the country. Human rights observers, including the U.N. High Commissioner for Human Rights, had raised several due process concerns in the Ocalan case.

There is no reliable estimate of the number of political prisoners in the country. The Government claims that alleged political prisoners are in fact security detainees convicted of being members of, or assisting, terrorist organizations. After the December 2000 "conditional release" of prisoners, approximately 1,660 prisoners who had been convicted of "assisting terrorist organizations" (in some cases for providing food and shelter, or for participating in public demonstrations) were released from prison.

International humanitarian organizations are allowed access to political prisoners, provided the organization can obtain permission from the Ministry of Justice. With the exception of the CPT, which generally has good access, in practice few such permissions are granted (see Section 1.c.).

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution provides for the inviolability of a person's domicile and the privacy of correspondence and communication; however, at times the Government infringed on these rights. With some exceptions, government officials may enter a private residence or intercept or monitor private correspondence only after the issuance of a judicial warrant. These provisions generally are respected outside the state of emergency region. If delay may cause harm to a case, prosecutors may authorize a search. Searches of private premises may not be carried out at night, unless the delay would be damaging to the case or the search is expected to result in the capture of a prisoner at large; other exceptions include persons under special observation by the security directorate general, places anyone can enter at night, places where criminals gather, places where materials obtained through the commission of crimes are kept, gambling establishments, and brothels.

In the provinces under the state of emergency, the regional governor empowers security authorities to search without a warrant, residences or the premises of political parties, businesses, associations, or other organizations. The Bar Association maintained that it is not constitutional for security authorities in these provinces to search, hold, or seize without warrant persons or documents. Seven provinces remained under "adjacent province" status, which authorizes the Jandarma to retain security responsibility for municipalities as well as rural areas, and grants the provincial governor several extraordinary powers. Due to the improved security situation, the use of roadblocks to stop and search vehicles in the southeast decreased.

According to a 1999 law that permits wider wiretapping, a court order is needed to carry out a wiretap; however, in an emergency situation, a prosecutor may grant permission. The wiretap may last only 3 months, with two possible extensions of 3 months each. A constitutional amendment passed in October protects the right to privacy of person and domicile by requiring written authorization for searches and wiretapping, and they may only be used for reasons of national security. These regulations are generally respected in practice.

Defense attorneys continued to face intrusive searches when visiting incarcerated clients (see Section 1.e.).

Between 1984 and 1999, and particularly in the early 1990's, the Government forcibly displaced a large number of persons from villages. Approximately 1 million persons remained internally displaced as a result of these actions (see Section 2.d.).

The Government bans the wearing of religious head coverings in government offices, other state-run facilities, and universities (see Sections 2.b. and 2.c.).

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press; however, the Government continued to limit these freedoms. The Government, particularly the police and judiciary, limits freedom of expression through the use of constitutional restrictions and numerous laws including: Article 8 of the 1991 Anti-Terror Law (disseminating separatist propaganda); Penal Code Articles 312 (incitement to racial, ethnic, or religious enmity); 159 (insulting Parliament, the army, republic, or judiciary); 160 (insulting the Turkish Republic); 169 (aiding an illegal organization); the Law to Protect Atatürk; and over 150 articles of the Press Law (including a provision against commenting on ongoing trials). While prosecutors bring dozens of such cases to court each year, which constitute a form of harassment against writers, journalists, and political figures, judges dismiss many charges brought under these laws.

The Government continued to restrict the free expression of ideas by individuals sympathetic to some Islamist, leftist, and Kurdish nationalist or cultural viewpoints. Active debates on human rights and government policies continued, particularly on issues relating to the country's EU membership process; the role of the military; political Islam; and the question of ethnic Kurds as "minorities;" however, persons who wrote or spoke out on such highly sensitive topics risked prosecution. Many individuals and groups who voiced opposition to the new "F-type" prison regime faced charges, as did a group of women who publicly accused security forces of rape (see Section 1.c.). In September a court convicted 16 trade unionists of "aiding and abetting an illegal organization" for their statements protesting the new F-style prisons. Officials of the teacher's trade union face charges of "insulting the army and judiciary" for statements made during a December 2000 labor rally. On several occasions in October, police prevented the reading of public statements in protest against U.S.–UK military actions in Afghanistan.

In October Parliament passed amendments to the Constitution which expanded freedom of expression; however, the amendments had not been implemented by year's end. For example, previously the Constitution prohibited the manifestation of an intent or willingness to abuse to criticize fundamental principles such as national security or the secular, unitary state. Under the amendments, only actions against fundamental principles are prohibited. However, the Penal Code and the Anti-Terror Law, which codified the pre-amendment constitutional provisions, remained on the books in contradiction to the new constitutional provisions.

In January the Ministry of Foreign Affairs issued a letter to the judiciary noting the large number of cases at the ECHR involving free expression, and urged that judges take the country's international obligations into account. The chairman of the Court of Cassation, Sami Selcuk, responded that the judiciary is following the law and that Parliament has the responsibility for changing these laws. In July the Council of Europe adopted an Interim Resolution regarding a number of judgements before the ECHR regarding violations of free expression. The resolution urges the Turkish authorities to erase the criminal records and end restrictions on the civil and political rights, of successful applicants to the courts; the ECHR further urged the Government to bring Turkish law into conformity with the European Convention on Human Rights.

Independent domestic and foreign periodicals that provide a broad spectrum of views and opinions, including intense criticism of the Government, were available widely, and the newspaper business was extremely competitive. However, news items may reflect a progovernment bias. For example, persons killed by the security forces during operations in the southeast often are described as "terrorists" without providing proof of terrorist activities. Government censorship of foreign periodicals is rare, although forms of censorship against domestic periodicals exist.

Broadcast media reach almost every adult, and their influence, particularly that of television, is great. According to the High Board of Radio and Television, there are 229 local, 15 regional, and 22 national officially registered television stations, and 1,052 local, 116 regional and 40 national radio stations. Other television and radio stations broadcast without an official license. The wide availability of satellite dishes and cable television allows access to foreign broadcasts, including several Turkish-language private channels. The State owns and operates the Turkish Radio and Television Corporation.

The law makes it illegal for broadcasters to threaten the country's unity or national security and limits the private broadcast of television programs in languages other than Turkish that are not world languages, such as Kurdish. The High Board of Radio and Television (RTUK) monitors broadcasters and sanctions them if they are not in compliance with relevant laws. Parliament elects the RTUK members (divided between ruling and opposition parties) and provides its budget. Although nominally independent, the RTUK is subject to some political pressures. The RTUK

penalizes private radio and television stations for the use of offensive language, libel, obscenity, instigating separatist propaganda, or broadcasting programs in Kurdish. In general RTUK suspended television broadcasts for a day, and radio broadcasts for longer terms such as 3 to 6 months, usually for violating laws prohibiting the broadcast of "terrorist organization declarations." The human rights monitoring group Mazlum-DER (the Organization of Human Rights and Solidarity for Oppressed Peoples) recorded closures of 28 television stations for a total of 824 closure days, and closures of 37 radio stations for a total of 1,654 days, while according to the Press Council, RTUK closed 38 television stations for 1,407 days, and 30 radio stations for 2,651 days; some of these stations were closed more than once. In July RTUK closed Ozgur Radyo, which had started broadcasting in 1995, for one year for playing a Kurdish song; the station continued to broadcast on the Internet. In January RTUK closed a Batman radio station for 90 days for playing a Kurdish song reportedly containing the word "Kurdistan."

RTUK decisions may be appealed to the provincial administrative court and then to the Council of State (Danistay). In some cases, such appeals were successful. In September a Diyarbakir radio station won its appeal of a 1999 RTUK decision to close the station for a year for playing a Kurdish song; however, because it was without revenue for a year, the station had to close permanently. In August RTUK issued an order to ban rebroadcasting of programs by British Broadcasting Coalition (BBC) and Deutsche Welle. In October the Ankara Administrative Court ruled against the RTUK Chairman who had sued his board over the decision; the Chairman's appeal was pending before the Danistay at year's end. Neither BBC nor Deutsche Welle rebroadcast by year's end.

The governor of the state of emergency region, courts, police, and the state broadcasting oversight body denied the Kurdish population, the largest single ethnic group in the southeast, the use of its language in election campaigning, education, broadcasting, and in some cultural activities. Kurdish-language broadcasts of news, commentary, or discussion are illegal throughout the country. One radio station broadcasts in Kurdish but is believed widely to be government-sponsored. Kurdish music is played on radio and television programs with certain restrictions, particularly in the emergency zone and adjacent provinces. The state of emergency regional governor frequently bans from the region Kurdish recordings that may be played legally elsewhere in the country. Stations that play Kurdish songs not on the limited play list risk temporary bans or closure. Radio stations that mix small amounts of Kurdish songs into their predominantly Turkish broadcasting appear to face fewer problems. Pro-PKK Medya-TV, which is banned, broadcasts in Kurdish from Europe and can be received via satellite dish. Another station that is not banned, Kurdistan-TV, is based in northern Iraq and can be received via satellite.

A Government decree gives the Interior Ministry, upon the request of the state of emergency regional governor, the authority to ban the distribution of any news viewed as misrepresenting events in the region. In the event that a government warning is not obeyed, the decree provides for a 10-day suspension of operations for a first offense and 30 days for subsequent offenses. This and other pressures, such as RTUK suspensions, lead to self-censorship by journalists on some issues.

Despite Government restrictions, the media criticized government leaders and policies daily and has adopted an adversarial role vis-a-vis the Government. However, some journalists remained in prison at year's end for writing about sensitive subjects. The European Union reported that 80 journalists were imprisoned between January and November, including some who were jailed for political activities. The Committee to Protect Journalists (CPJ) reported that 13 journalists were imprisoned at year's end, compared with 14 in 2000; however, some local journalists' groups dispute whether all of them are legitimate journalists. According to the Government, 9 journalists remained in jail. In June Dr. Fikret Baskaya, an economist, was imprisoned for writing an article about the history of Kurdish uprisings, following the arrest of Abdullah Ocalan. He was sentenced to 16 months in prison. Journalist associations note that some persons imprisoned for media crimes are political activists with only tenuous journalistic credentials.

Several cases also continued against journalists. A columnist with the mainstream newspaper Radikal, Nese Duzel, faced charges at year's end of "inciting religious enmity" for an interview she conducted in 1996 with an Alevi foundation about the problems of the Alevi community. She also faced charges in another case for "insulting the military." Burak Bekdil, who writes for the English-language Turkish Daily News was investigated in September for an article he wrote that was critical of the justice system; he may face charges of "insulting state institutions." Metin Munir, a journalist for the mainstream newspaper Sabah, has been charged with "insulting the judiciary" for an article regarding a prosecutor with alleged Mafia connections. In June four writers from the newspaper Yeni Asya were sentenced on the charge

of inciting religious enmity, and the editor-in-chief, general director, and four writers also faced charges at year's end. In June the trial of Ahmet Altan, a journalist who criticized the intervention of the armed forces into politics, began for "insulting the government and armed forces". In September when the Court of Cassation confirmed sentences against the editor-in-chief and a journalist of the daily *Yeni Asya*, and required the newspaper to close for 1 month; it was closed from September 10 to October 10. The editor and journalist had not been imprisoned by year's end; however, *Yeni Asya's* owner was imprisoned for statements "inciting religious separatism" (see Section 2.c.). According to journalist Abdurrahman Dilipak, there are more than 100 charges against him relating to articles or speeches outstanding; most of the charges were suspended under the 1999 Conditional Suspension of Sentences for Journalists Law; 11 charges, mostly related to inciting religious enmity, continued by year's end in the Felony Courts, SSC and other criminal courts.

In December 2000, Parliament passed the Conditional Suspension of Sentences Law. In addition to leading to the eventual release of thousands of ordinary criminals, this law allowed for the release and suspension of trials of many persons prosecuted on charges related to free expression. The suspension of trials applies to those whose "criminal act" took place before April 23, 1999. In January Esber Yagmurdereli was released from prison. Under an earlier suspension law, charges were dropped against journalists or writers if they did not commit the same crime again during the 3-year period; if a second offense was committed during this time, the suspension was revoked. Human rights advocates, journalists, and other writers claimed that the conditions for this suspension amounted to censorship, although in practice few if any have been reimprisoned.

SSC prosecutors ordered the confiscation of numerous issues of leftist, Kurdish nationalist, and pro-PKK periodicals and banned several books on a range of topics. For example, in August a book of speeches detailing several women's abuse in police custody was banned and the editor is standing trial for "divisiveness" (see Section 1.c.). Police frequently raided the offices of such publications.

Kurdish-language audio cassettes and publications were available commercially, although the periodic banning of particular audio cassettes or singers continued, particularly in the state of emergency region. In January in Adana, police seized 1,500 Kurdish-language 2001 calendars published by the Mesopotamian Cultural Center (MKM) during a raid on a HADEP branch. In January the governor of the state of emergency region ordered the closing of a play which opened in Diyarbakir and included a song in Kurdish. In October Kurdish writer Mehmet Uzun's book "Creating a Language" was confiscated by the Istanbul SSC on the grounds that it "incited hatred and enmity." In April a court acquitted Uzun of charges of "assisting illegal organizations" (the PKK) for his book "Brightness Like Love, Darkness Like Death."

A group of human rights activists, actors, journalists, and academicians have mounted a series of challenges to existing legal restrictions on expression by republishing banned articles and signing their names as the "publishers." In September a military court acquitted 16 members of this group of charges that they "turned persons away from military service", but at year's end they still faced charges at the Istanbul SSC. In October another group of 65 activists published a new "Freedom of Thought" booklet and began their trial at the Istanbul SSC on charges of supporting illegal organizations and spreading separatism.

Internet use was growing. Although it faces few government restrictions (some banned newspapers can be accessed freely on the Internet), in March the police closed an anti-military web site. In November the manager of another Internet site was acquitted on appeal of charges that he had insulted the Turkish security forces. The manager had been tried on the basis of an anonymous message posted on his web site's "forum" page.

Academic freedom generally is respected; however, there reportedly is some self-censorship on sensitive topics.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly; however, the Government often restricted this right in practice. Significant prior notification to the authorities is required for a gathering, and the authorities may restrict meetings to designated sites. The authorities may deny permission to assemble if they believe that a gathering is likely to disrupt public order. In October a constitutional amendment expanded the rights of free assembly and association by placing the emphasis on citizens' rights and reducing the number of restrictions on their activities.

Authorities prevented some demonstrations. For example, some provincial governors, including the governor in Ankara, issued temporary blanket bans on street demonstrations following violent protests in April of the economic crisis. The Ankara governor also denied permission to several groups for a demonstration in October

against U.S. actions in Afghanistan. On several occasions in October, the police prevented peace marches in Istanbul.

The police beat, abused, detained and harassed some demonstrators. For example, in February large unsanctioned demonstrations were held in the southeast following the disappearance of two HADEP officials (see Section 1.b). The demonstrations mainly were peaceful; however, police forcibly disrupted the demonstrations, injured several persons, and detained 33 others; it is not known if they were formally charged.

For the second year in a row, the March 21 Kurdish Nevruz ("New Year") celebrations were marked by calm and respectful behavior among most participants and security forces. Celebrations were held in major cities, including one in Diyarbakir with at least 100,000 participants. However, in Istanbul participants and police clashed during such celebrations, and there were some detentions.

Security forces in Diyarbakir prevented demonstrators from holding rallies to celebrate the May 1 holiday. The police dispersed the demonstrators peacefully, but detained some of them after they chanted slogans. Governors in Mardin, Sanliurfa, Tunceli and Elazig also denied permission for May 1 rallies.

Prior to World Peace Day on September 1, Minister of Interior Rusta Yucelen instructed all provincial governors and the governor of the state of emergency region to facilitate Peace Day activities. However, Ankara's governor did not accept a HADEP petition for a rally in an Ankara convention hall on September 1, citing problems with moving out military equipment leftover from August 30 "Victory Day" celebrations. The refusal came on August 29, as HADEP members were gathering in Diyarbakir to board buses for Ankara. Police dispersed the several thousand persons waiting in Diyarbakir and briefly detained dozens of them. In September Istanbul police raided a HADEP office and a youth fleeing the police fell off the roof of the building and died (see Section 1.a.). Police also detained demonstrators in Tatvan, Kars, and Batman. A week later, during protests in Tunceli, Istanbul, and Van against police suppression of World Peace Day events, police detained HADEP officials and members, and allegedly drove an armored vehicle into a crowd in Van, injuring 1 person.

In August the new chief of police in Ankara issued a circular reorganizing the 1,500-member antiriot police squad and ordering them not to use truncheons under any circumstances; the circular had a positive affect in practice.

Police have detained and, on occasion, mistreated members of groups that protested prison conditions. In March an Istanbul criminal court released 67 members of the HRA who had been detained for attempting to hold an illegal demonstration in support of prisoners on a hunger strike (see Section 1.c).

In March Oktay Konyar, an environmental activist who has led several peaceful, illegal demonstrations to protest a gold mine in the northern Aegean region of the country was convicted under the Demonstrations Law and given a sentence of 18 months in prison. His appeal of the decision was pending at year's end.

In February a court acquitted some police officers of the charge of staging an illegal demonstration for participating in riots in Izmir in December 2000 after terrorist attacks killed two antiriot police officers; the court held that they had not intended to commit a crime. In December a representative of TNP stated that following December 2000 demonstrations, a total of 1,827 police were investigated, of whom 1,500 had received administrative penalties. Several court cases continued at year's end.

Dr. Alp Ayan, a psychiatrist with the HRF Izmir Treatment and Rehabilitation Center; Günseli Kaya, who also works at the Center; and 66 others face charges of "holding an unauthorized demonstration" for participating in the funeral procession in October 1999 of one of the prisoners killed in the September 1999 Ulucanlar incident. Their trial began in January 2000 and was ongoing at year's end.

The Constitution provides for freedom of association; however, there are some restrictions on this right. Associations and foundations must submit their charters for government approval, which is a lengthy and cumbersome process. The Government has closed some opposition political parties alleging that they were centers for illegal activity (see Section 2.c. and 3).

In an October amendment to the Constitution, the Parliament removed the ban on challenging the constitutionality of the highly restrictive "Law on Associations"; no court cases had been brought under the law by year's end. In June Prime Minister Ecevit called on civil servants to treat civil society and NGO's with tolerance rather than restrictions and prohibitions, stressing the need to comply with EU standards.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, it imposed some restrictions on religious minorities and on religious expression in government offices

and state-run institutions, including universities. The Constitution establishes the country as a secular state.

The Government oversees Muslim religious facilities and education through its Directorate of Religious Affairs (Diyanet). The Diyanet, which some groups claim reflects the beliefs of the Sunni Islamist mainstream to the exclusion of Alevi adherents, regulates the operation of the country's more than 70,000 mosques. Local and provincial imams, who are civil servants, are employed by the Diyanet. The Government states that the Diyanet treats equally all who request services.

A separate government agency, the Office of Foundations (Vakiflar Genel Mudurlugu), regulates some activities of religious minorities, including those established under the Lausanne Treaty in 1923 (Greek Orthodox, Armenian Orthodox, and Jewish), and their affiliated churches, monasteries, and religious schools. The Vakiflar, which dates back to the Ottoman Empire, must approve the operation of churches, monasteries, synagogues, schools, and charitable religious foundations, such as hospitals and orphanages. The Vakiflar oversees 160 minority religious foundations, including Greek Orthodox (approximately 70 sites); Armenian Orthodox (approximately 50); and Jewish (20); as well as Syrian Christian, Chaldean, Bulgarian Orthodox, Georgian, and Maroni foundations.

The military and judiciary, with support from other members of the country's secular elite, continued to wage a private and public campaign against Islamic fundamentalism, which they view as a threat to the secular republic. The armed forces regularly dismiss individuals whose official files reflect participation in Islamist fundamentalist activities. Participation in certain mystical Sunni Islamic, quasi-religious, social orders (Tarikats) was banned in the 1920's but is largely tolerated. The NSC has called for stricter enforcement of the ban against Tarikats as part of its campaign against Islamic fundamentalism; however, prominent political and social leaders remain associated with Tarikats or other Islamic communities. The trial of Fetullah Gulen, the leader of a moderate Islamic religious community who was charged with plotting to overthrow the State by force, continued at year's end. Gulen, who lives abroad, was still being tried in absentia.

Alevi (an offshoot of Shi'a Islam) are a minority within the predominant Sunni Muslim faith. Many Alevi alleged discrimination in the State's failure to include any of their doctrines or beliefs in religious instruction classes. Alevi also charge that there is a Sunni bias in the Diyanet since the Directorate tends to view the Alevi as a cultural rather than a religious group and does not fund its activities. Some Sunni Islamic political activists charge that the secular State favors and is under the influence of the Alevi.

There is no law that explicitly prohibits proselytizing or religious conversions; however, religious groups that proselytize occasionally are subject to government restrictions or harassment. Many prosecutors regard proselytizing and religious activism on the part of evangelical Christians, and particularly Islamists, with suspicion, particularly when such activities are deemed to have political overtones. Police sometimes arrest proselytizers for disturbing the peace, "insulting Islam," conducting unauthorized educational courses, or distributing literature that has criminal or separatist elements; courts usually dismiss such charges. If the proselytizers are foreigners, they may be deported, but they usually are able to reenter the country.

In January two men were detained for alleged Baha'i proselytizing in Sivas and were released immediately pending an investigation that was ongoing at year's end. At year's end, two university professors at Sivas' Cumhuriyet University faced expulsion for allegedly ignoring official duties due to Baha'i related activities.

On December 6, the State Security Court acquitted Aydogan Fuat, a Sufi Muslim preacher and a foreigner, of the charge of inciting others to racial or religious enmity. In October police officers at the felony court trial hearing recanted sworn statements that they had made against Fuat, stating that they had been told what to say by another officer. Fuat still faces charges of engaging in illegal activities and dressing in violation of public order; his trial in the Izmir felony court is scheduled for March 2002. In August the trial in Ankara of a group of Islamist politicians and business figures of the "National View Organization" ended, when the court decided to apply the December 2000 Conditional Suspension of Sentences Law and dismissed the trial.

By law religious services may take place only in designated places of worship, although non-Muslim religious services often take place in nondesignated places of worship. However, police occasionally bar Christians from holding services in private apartments and from proselytizing by handing out literature. These activities also occasionally lead to police detention and trials. A Christian congregation in Gaziantep encountered difficulty in obtaining permission to hold services. One member of the group was briefly detained for allegedly bribing persons to convert to

Christianity. Several Christians in Istanbul continued to stand trial on charges of opening a Christian training institute without legal permission and violating Law 2911, which “prohibits unauthorized meetings and demonstrations,” for holding church and bible study meetings in an apartment. In January the trial began of Turkish Christian Kemal Timur who was charged with insulting Islam. Timur, who was arrested and detained for a day in May 2000, alleges that he was beaten on the soles of his feet while in detention. His trial continued at year’s end. In August the Interior Ministry issued a circular warning governors of the laws restricting unauthorized religious gatherings, particularly by Protestant Christians.

The Government continued to enforce a more than 50-year-old ban on the wearing of religious head coverings at universities or by civil servants in public buildings, claiming that such coverings were inconsistent with the secular principles of the state and could constitute a form of pressure on other women. Dozens of women who wear head coverings, and both men and women who actively have shown support for those who defy the ban, have lost their jobs in the public sector as nurses and teachers; some others were not allowed to register, as university students. According to Mazlum-DER, during the year 44 teachers lost their jobs for wearing head coverings and there were small-scale protests against the headscarf ban. In March the Turkish Higher Education Council (YOK) ruled that Fatih University could not register new students for the upcoming academic year, and might be subject to further sanctions, because the university allegedly has close ties to Fetullah Gulen and had violated the dress code by allowing students to wear headscarves. However, a higher administrative court reversed the YOK decision in May. In October three lawyers and a student were detained while documenting the ban against headscarved students entering the Marmara University Theological Faculty.

In June the Constitutional Court ruled to close the Islamist Fazilet Party and expel two party members from Parliament. The Court found Fazilet guilty of being a center of activities “contrary to the principle of the secular Republic.” The Court cited in part the “statements and actions” of Merve Kavakci and others who had advocated an end to the headscarf ban (see Section 3). Kavakci, who was elected to Parliament as a Fazilet Party Member of Parliament in April 1999, had unsuccessfully sought to take her Parliamentary oath while wearing a headscarf. In July the ECHR upheld the Government’s 1998 closure of Fazilet’s predecessor party, Refah, on the grounds that the closure did not violate the European Human Rights Convention.

In May an Islamic leader began serving a 2-year prison sentence for “inciting religious hatred.” Mehmet Kutlular, leader of the Nur Cemaati religious community and owner of the newspaper, Yeni Asya, had published a statement in October 1999 that the earthquake (that killed over 17,000 persons) was “divine retribution” for laws banning headscarves in state buildings and universities (see Section 2.a.). In September a trial began against senior columnist for the Islamist newspaper Yeni Safak, Fehmi Kuru, on charges of “inciting religious enmity” for a television broadcast in October 1999 upholding Kutlular’s right to make such a claim.

In November an Istanbul NGO hosted an Iftaar dinner attended by the head of the Diyanet, the Armenian and Greek Orthodox Patriarchs, the Chief Rabbi, and the heads of the Syrian Orthodox, Roman Catholic, Bulgarian, Anglican and other Protestant churches, with the theme of brotherhood and tolerance.

There are legal restrictions against insulting any religion recognized by the State, interfering with that religion’s services, or debasing its property. Religious affiliation is listed on national identity cards. Some members of religious minorities claim that they have limited career prospects in government or military service as a result of their religious affiliation.

Minority foundations, including those of religions recognized under the Lausanne Treaty, may not acquire property for any purpose, although they can lose it. If a community does not use its property because of a decline in the size of its congregation over 10 years, the Vakiflar takes over direct administration and ownership; however, according to Vakiflar no properties were taken over by the Government during the year. If such minorities can demonstrate a renewed community need, they may apply legally to recover their properties. According to the Armenian community, the case of an Armenian church in Kirikhan which may be taken over by the Vakiflar remained pending at year’s end. Bureaucratic procedures and considerations relating to historic preservation at times have impeded repairs to existing religious facilities. Restoration or construction may be carried out in buildings and monuments considered “ancient” only with authorization of the regional board on the protection of cultural and national wealth.

Syriac Christians have been allowed to renovate their historic buildings in Mardin, although their efforts remain closely monitored by the authorities. Syriac Christian churches in Nusabayin and Gercus were re-opened in the past 2 years.

In November there were press reports that a Syriac Christian church in Harput, Elazig province, was reopened after 51 years; it is the second oldest church in the country.

In February the Baha'i community lost a legal appeal against government expropriation of a sacred site near Edirne and brought the case for a final appeal to the High Administrative Court. The Ministry of Culture had granted cultural heritage status to the site in 1993, but in January 2000, the Baha'i community was notified by the Ministry of Education that the property had been expropriated for future use by the adjacent primary school.

The Ecumenical Patriarchate in Istanbul consistently has expressed interest in reopening its seminary on the island of Halki in the Sea of Marmara. The seminary has been closed since 1971 when the State nationalized most private institutions of higher learning. Under existing restrictions, including a citizenship requirement, religious communities remain unable to train new clergy. Coreligionists from outside the country have been permitted to assume leadership positions.

State-sponsored Islamic religious and moral instruction in all public primary and secondary schools is compulsory. Upon written verification of their non-Muslim background, minorities recognized by the Government under the 1923 Lausanne Treaty (Greek Orthodox, Armenian Orthodox, and Jewish) are exempted by law from Muslim religious instruction. Other minorities, such as Catholics, Protestants, and Syriac Christians, are not exempted. Students who complete the 8-year primary school may study the Koran in government-sponsored schools. The Government does not permit private Koran courses.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—Citizens generally enjoy freedom of movement domestically and the freedom to travel abroad; however, at times the Government limited some of these rights. The Constitution provides that a citizen's freedom to leave the country may be restricted only in the case of a national emergency, civic obligations (military service, for example), or criminal investigation or prosecution. As the security situation continued to improve in the southeast, security officials decreased the use of roadblocks and vehicle and passenger searches.

Between 1984 and 1999, and particularly in the early 1990's, the Government forcibly displaced a large number of persons from villages. The practice was justified by the Government as a means of protecting civilians or preventing PKK guerrillas from obtaining logistical support from the inhabitants. The Government reported that 378,000 persons had "migrated" (it disputes the term "evacuation") from 3,165 state of emergency region villages between 1994 and 1999; many left before that due to the fighting. A credible estimate of the number of persons who remained internally displaced during the year was as high as 1 million. The Interior Minister confirmed that in 25 provinces in the state of emergency region, 4,455 villages and hamlets were have been destroyed or deserted.

Migration to cities for reasons connected to terrorism and the Government's response to terrorism has ended, although economic migration still occurred at a much slower rate. During the period of migration, regional cities in the southeast doubled and tripled in size, without a commensurate increase in services such as schools, health services or housing. Many persons from the area went to major cities in the West of the country. A 1998 parliamentary committee investigation concluded that the State was partly responsible for the displacements and had failed to compensate adequately villagers who had lost their homes and lands in the region.

In April the Interior Ministry issued a circular requiring anyone wanting to visit Syriac villages in the east and southeast to obtain prior permission from the authorities. Diaspora Syriac Christians and others from Europe frequently visited these villages, some of which were evacuated and re-settled by village guards, according to local observers. In June the Prime Minister issued a circular to all Ministries stating that: Some Syriac-origin Turks had alleged that they could not visit their property or villages; these allegations had led to criticism of the country; the Interior Ministry would conduct all necessary arrangements to allow Syriac-origin Turks to "freely use their rights" to visit or return to their villages of origin.

In July security forces forcibly evacuated two villages in Sirnak province following a landmine explosion which killed one soldier and wounded another. Although the villagers were allowed to return in September, their villages remained under a "food embargo," in which security forces severely restricted the amount of food villagers could buy for their personal use in nearby towns. In August security forces in Sirnak arrested and imprisoned a young villager from the area, Rasim Asan, who described the evacuation of his village to visiting journalists and human rights activists. In November Asan was released; however, he faces other charges of insulting the state and security forces under Article 159 of the Penal Code in the Sirnak Fel-

ony Court. An HRA official with whom Asan spoke, Osman Baydemir, also was briefly detained and remained a codefendant on the same charge.

Citing security concerns, provincial authorities continued to deny some villagers access to their fields and high pastures for grazing, but have allowed other villagers access to their lands. Voluntary and assisted resettlements were ongoing. In some cases, persons may return to their old homes; in other cases, centralized villages have been constructed. Only a fraction of the total number of evacuees has returned. Some villagers and southeast Members of Parliament alleged that the Government only compensated those who claim that they left their homes due to "terrorism", rather than due to government actions. There also have been charges that resettlement priority was given to village guards and their families.

According to the Interior Ministry, between June 2000 and December, 35,513 persons had returned to 470 villages or pastures; over 6,000 homes had been constructed and the state had given over \$3 million (4 trillion TL) in construction materials or other supplies. In August the governor of the state of emergency region estimated that since 1999, 18,600 persons had returned to their villages in that region with government assistance, with a total of 5,853 houses constructed for the "citizens who were forced to abandon their villages due to terrorism." In August the Tunceli provincial governor announced that he had given permanent settlement permission to 30 villages during the year and temporary settlement permission to 50 others. The governor stated that these villages would be resettled by families who migrated to big cities, noting that a total of 151 villages in the province had been abandoned or evacuated. The province provides some public services and financial aid to the returnees. In Diyarbakir 80 families applied to return to a village which was evacuated in 1992; they received financial aid and services from the Government, according to media reports. The Bitlis governor announced that 220 families (952 persons) had returned to 31 villages in 2000, and 35 more villages are scheduled to be reopened. Hakkari provincial authorities have distributed sheep to returning villagers, noting a return to normal economic production after a 2-year period of peace.

The law provides for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, upon ratifying the Convention, the Government exercised the option of accepting the Convention's obligations only with respect to refugees from Europe. Although it has not lifted the geographic limit of its treaty obligation, since 1994 the Government has granted temporary asylum to all those recognized as refugees. Asylum-seekers apply to the Government for temporary protection and to the U.N. High Commissioner for Refugees (UNHCR) for resettlement. If both procedures recognize the asylum-seeker as a refugee, UNHCR proceeds with resettlement and submits the case to other countries. European refugees are given temporary residence permits by the Government, renewable until they achieve resettlement or a durable solution. The UNHCR intervenes with government officials if it disagrees with their negative decisions about individual asylum claims. An appeal may be lodged within 15 days of a negative decision by the authorities. After the appeal procedure, rejected applicants are issued a deportation order that may be implemented after 15 days. According to the UNHCR, there were 2,658 cases of asylum seekers during the year, representing 5,041 persons; out of these cases and cases from previous years, the UNHCR rejected the asylum applications of 969 and accepted 1,287.

A regulation obliges asylum seekers to apply within 10 days of their arrival and submit proof of identity in order to register as asylum seekers. The time limit for registration in the Government's asylum program is implemented strictly and remained an obstacle to the full access by asylum seekers to procedures to determine their refugee status. According to the UNHCR, during the year, 97 refugees and asylum-seekers were returned to a country where they feared persecution without being given access to a complete asylum determination process. The obstacles in the Government's asylum procedures lead to many refugees being considered as "illegals." The UNHCR estimates that approximately 14 percent of asylum-seekers who approached the UNHCR were unable to register with the Government on procedural grounds. Furthermore, detained illegal immigrants found near the border areas were more likely to be questioned about their asylum status and referred for processing than those found in the interior of the country. The UNHCR and government authorities continued to work to resolve this problem and to find ways to allow greater access of all asylum seekers to processing.

If they comply with the asylum regulations' requirements, asylum seekers are registered by the Government and processed for eligibility determination. According to the law and in practice, the failure to submit an asylum claim within a fixed time limit should not be a reason to refuse to address the application or grant asylum.

In March according to the UNHCR, more than 8,000 Macedonian refugees, mostly ethnic Albanians, entered the country as a result of hostilities in the Tetovo area, but most had left by the end of the month. More arrived after renewed fighting in June and July, and approximately 3,000 to 4,000 Macedonians were in the country as of the end of August, living with friend, or relatives.

The country continued to be a transit and departure point for illegal migrants and asylum seekers of various nationalities on the way to other European countries, who travel in small groups utilizing land routes, boats, and ships.

Since 1998 the UNHCR and the Government have continued to cooperate in training border guards and other government officials responsible for asylum seekers and refugees. During the year, approximately 80 officials received UNHCR-sponsored training in Ankara. The training has been successful and has led to increased contacts between the UNHCR and local, military, and judicial authorities. The UNHCR also noted that the incidence of repatriation has declined as a result of this training, and credits the Government for its willingness to improve the functioning of the national asylum procedure. The UNHCR works with local partners including the Turkish Red Crescent Society, the Association for Solidarity with Asylum Seekers and Migrants, and the Anatolian Development Foundation to integrate refugees into society. In the past 2 years, the UNHCR has initiated several new projects to support NGO's in providing counseling and specialized assistance directed in particular at women, children, and other vulnerable groups.

In March in connection with the country's EU candidacy, Parliament adopted the "National Program of Action for the Adoption of the EU Acquis" (NPAA) (see Section 4). The NPAA chapter on migration contained the Government's intention to lift the geographical limitation on asylum seekers and to intensify training of asylum officials; however, no action to lift the geographical limitations had been taken 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 generally exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage; however, the Government restricted the activities of some political parties and leaders. The country has a multiparty parliamentary system, in which national elections are held at least every 5 years, with mandatory universal suffrage for all citizens 18 years of age and over. More than 30 political parties are active (most of them are very small), 6 of which are represented in Parliament. Parliament elects the President as Head of State every 7 years or when the incumbent becomes incapacitated or dies.

In accordance with the Constitution, the NSC, a powerful, constitutionally mandated advisory body to the Government composed of senior military officers and civilian government leaders and chaired by the President, plays a significant role in shaping government policy. Nevertheless the Government disregards NSC advice at times; in February Prime Minister Ecevit dismissed NSC concerns that the release of 1,660 prison inmates who had been accused of "aiding and abetting terrorists" (many of whom were unconnected to any violent activity) would be a security threat. In August Deputy Prime Minister Yilmaz was criticized strongly by the military and some other party leaders for statements that politicians, not the NSC, should define the limits of "national security." In October Parliament passed a constitutional amendment to add more civilian members to the NSC and revise the description of its function to underline its advisory capacity; however, the amendment had not been implemented by year's end.

The Government neither coerces nor forbids membership in any political organization; however, the chief public prosecutor may bring cases seeking the closure of political parties before the Constitutional Court, which may close them down for unconstitutional activities. The chief public prosecutor opened cases in 1999 to close two significant opposition parties, the Islamist party Fazilet and the pro-Kurdish party HADEP, alleging that they were centers of illegal activities. In June the Constitutional Court ruled to close Fazilet and expel two party members from Parliament on the grounds that Fazilet was guilty of being a center of activities "contrary to the principle of the secular Republic" (see Section 2.c.).

In July the ECHR ruled that the four Democracy Party (DEP) Members of Parliament who had been convicted in December 1994 of belonging to an armed organization in relation to alleged activities in support of the PKK, had not been given a fair trial. The ECHR stated that the Ankara SSC was not an independent and impartial tribunal; that the applicant's rights to a fair trial had been violated because they were not given key information about charges and witnesses; and that the alleged membership in an organized gang had not been proved. The ECHR

awarded \$25,000 to each applicant and an additional \$10,000 for costs and expenses. The deputies remained in prison at year's end.

The case to close HADEP, whose predecessor parties were also closed by the Government, was pending at year's end. The case cannot be resolved without the resolution of several other SSC cases against HADEP officials, which were ongoing at year's end. Elected HADEP officials were able to perform their duties during the year. However, throughout the year, the police raided dozens of HADEP offices, particularly in the state of emergency region, and detained hundreds of HADEP officials and members. Although most were released within a short period, many of those detained faced trials, usually for "supporting an illegal organization"; "inciting separatism"; or for violations of the Law on Meetings and Demonstrations. In September an unknown assailant threw a hand grenade into a HADEP office in Cizre (Sirnak province) and caused some damage, but no injuries; a police investigation was inconclusive.

Former HADEP Secretary General Ahmet Turan Demir served 35 days in jail in August and September for his convictions under the Anti-Terror Law of promoting separatism, for a speech he gave in October 1999. His pretrial detention counted towards his 4-month sentence. On December 12, the Ankara SSC acquitted Demir and 15 administrators on the charge of making propaganda against the indivisibility of the state. These charges were based on a statement by HADEP on the occasion of World Peace Day in September 2000. Demir's conviction under Article 169 for his remarks at the Ankara Provincial Convention were also suspended.

During the year, the Government brought 10 cases against HADEP mayors, most for charges of "separatist propaganda." One mayor faces possible charges for speaking Kurdish to a visiting delegation of Kurdish women. Three southeast HADEP mayors, who were arrested in February 2000, continue to stand trial for "supporting an illegal organization (the PKK)" under Article 169 of the Penal Code. However, they were able to conduct their official duties without impediment. The HADEP mayor of Semdimli remained suspended from office pending resolution of similar charges against him.

Shortly after a July announcement that former Istanbul mayor Tayyip Erdogan was forming a new political party, the Court of Cassation Chief Prosecutor applied to the Constitutional Court for a review of Erdogan's eligibility to lead a party. Erdogan, who was convicted and served a 1999 jail term for violations of Penal Code Article 312 ("inciting religious enmity") is barred by the Constitution from being a Member of Parliament. The Chief Prosecutor asked the courts to suspend Erdogan's authority as a party leader; the case was ongoing at year's end. In July a similar case was adjudicated by the Court, concerning former "Re-birth" party leader Hasan Celal Guzel, who had also been convicted under Article 312. The Court allowed Guzel to resume political activities by ruling that the December 2000 Conditional Suspension of Sentences Law effectively released him from a previous political ban.

The Democratic Mass Party (DKP), which the Government closed in February 1999, has not yet had its closure decision published in the official gazette, preventing its founders from forming or joining another party.

The percentage of women in government and politics does not correspond to their percentage of the population, although there are no legal restrictions on political activity by women, the Constitution calls for equal political rights for men and women, and many women are active politically. There are 22 women in the 550-seat Parliament, there are no female ministers in Prime Minister Ecevit's 35-member Cabinet, and there are no female governors. However, the leader of the main opposition party in Parliament is female. Several women are subgovernors.

There are no legal restrictions on political activity by minorities; however, the percentage of some minorities does not correspond to their percentages of the population in government and politics. Nevertheless, some ethnic minorities are active in political affairs; for example, many Members of Parliament and senior government officials are Kurds (see Section 5).

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

NGO's operate in many regions but face government obstruction and restrictive laws regarding their operations, particularly in the four provinces that comprise the state of emergency region. The Associations Law governing the activities of most NGO's (some fall under the Law of Foundations, and others incorporate themselves as businesses) has restrictive provisions regarding membership, fundraising, and scope of activities.

The HRA has branches nationwide and claims a membership of approximately 20,000 persons. The HRF, established by the HRA, operates torture rehabilitation centers in Ankara, Izmir, Istanbul, Diyarbakir, and Adana and serves as a clearing-

house for human rights information. Other domestic NGO's include the Istanbul-based Helsinki Citizens Assembly, the Ankara-based Turkish Democracy Foundation, the Turkish Medical Doctor's Association, human rights centers at a number of universities, and Mazlum-DER. Some human rights organizations are represented on the Provincial and Sub-provincial human rights councils.

Human rights organizations and monitors, as well as lawyers and doctors involved in documenting human rights violations, continued to face detention, prosecution, intimidation, harassment, and formal closure orders for their legitimate activities. Two of the four HRA offices that were closed in December 2000 for anti-prison protests, were reopened in Van and Bursa in July and December respectively; however, Malatya and Gaziantep offices remained closed throughout the year. In January police searched the Ankara headquarters of the HRA, ostensibly on the grounds of a news report, which alleged Greek Government funding for the HRA. After the search and seizure of HRA documents, prosecutors opened a trial alleging improper activities on the part of HRA and requesting its closure. The "improper activities" included anti-prison protests, which HRA argued successfully were within its organizational goals and parameters. In October the trial ended with a rejection of the prosecutor's closure request. The HRA's Ankara branch remained on trial at year's end for allegedly "helping an illegal organization." Police seized documents and computers from the branch office in December 2000. In October HRA administrators in Rize were acquitted of charges of "unauthorized gathering" following a December 2000 anti-prison demonstration. Former HRA Chairman Akin Birdal remained on trial for alleged statements in September 2000 that the Government "should apologize for the Armenian genocide," a statement that he denies making. Other charges against him for 1995 and 1998 speeches were suspended mid-year under the Conditional Suspension of Sentences Law.

In September police raided the Diyarbakir torture treatment center of the HRF and seized confidential files on torture victims, allegedly to research whether the HRF was exceeding its mandate. The files were returned a month later. In late October, the Office for Foundations conducted an unscheduled audit of HRF administrative and financial files. Since September the Diyarbakir torture treatment center has been under government investigation on the grounds that it had not obtained necessary permission from the Health Ministry to operate as a health care provider. The SSC concluded that the case does not fall under its jurisdiction, and no court case had been opened by year's end.

In August Mazlum-DER's Malatya branch reopened after being closed since 1999. The Mersin Migrants' Association (Goc-Der) was able to function normally throughout the year, after having been closed from 1998 through 2000.

Dr. Seyfettin Kizilkan, the former director of Diyarbakir's largest hospital who was arrested after police allegedly found bomb materials and PKK documents in his home, no longer faces charges of "assisting and sheltering an illegal organization"; the charges were suspended under the Conditional Suspension of Sentences Law. He continued to work at a state hospital in Urfa at year's end.

The CPT visited the country several times during the year and received excellent access during the year (see Section 1.c). In June a delegation from the France-based "International Federation for Human Rights" visited the country. The delegation drew attention to the nearly 10,000 prisoners who are in jail for "political" or terrorism-related crimes, alleging that the definition of such crimes is so wide it criminalizes free speech (see Section 2.a.). In November the Council of Ministers turned down Amnesty International's application for permission to form a legal association in the country. Unofficial Amnesty International groups continued to work in Ankara, Istanbul, and Izmir on human rights issues in other nations, such as Russia and the Balkans.

In February Dr. Asma Jahangir, the U.N. Special Rapporteur for Missing and Disappeared Persons, visited the country. Her visit had been scheduled previously in response to the reports of the disappearances of two HADEP officials in Sirnak (see Section 1.b). She was given full cooperation in her investigation of those cases as well as in her overall access. Dr. Jahangir visited Istanbul, Ankara, Diyarbakir, and Batman, but could not get to Sirnak because of weather conditions; however, she was able to meet with the press delegation which investigated the HADEP case. She met with the governor of the state of emergency region, prosecutors, police officials, Jandarma, NGO's, lawyers and private citizens, as well as officials at the Ministries of Foreign Affairs, Interior, and Justice.

Representatives of diplomatic missions who wish to monitor human rights are generally free to speak with private citizens, groups, and government officials; however, security police routinely place such official visitors in the southeast under visible surveillance. Visiting foreign government officials and legislators were able to meet with human rights monitors; however, in one case the Government discour-

aged EU diplomats from meeting Mazlum-DER officials. There were no public reports of officials representing foreign governments being denied permission for such visits.

In March the Cabinet adopted the NPAA, in line with its commitment to the EU candidacy process (see Section 2.d.). The NPAA is the roadmap for actions in all areas of the *acquis* that would bring the country into compliance with EU standards. In the section on political criteria, the program calls for examining existing laws restricting free expression, while reiterating a commitment to the existing Penal Code restrictions; commits to a review of laws governing police behavior and modernization of forensic medicine facilities to address the problem of torture; and provides for a review of the military-dominated NSC and a lifting of the state of emergency “in due regard to threat assessments and developments on the ground.” The plan also commits the country to: Review the Penal Code with revisions relating to freedom of expression, death penalty, and torture; enhance constitutional safeguards for NGO’s; introduce a constitutional provision to ensure adequate legal defense to detainees; enact the Turkish Civil Code; enact a new Criminal Procedure code with improved regulations for detention and attorney access; and review the Political Parties Law and the ongoing state of emergency. Many of these goals were incorporated in the constitutional reform package passed in October; however, full implementation of the constitutional amendments had not occurred by year’s end.

The Parliamentary Human Rights Committee, which has a mandate to oversee compliance with the human rights provisions of domestic law and international agreements, investigate alleged abuses, and prepare reports, did not play an active role in investigating prison problems or the issue of torture, as it had in the past. By year’s end, members of the Committee had visited detention centers in four cities, and prepared a publication and website on international human rights conventions.

Provincial and Subprovincial Human Rights Councils have been established in all 81 provinces and hundreds of subprovinces. These councils are intended to institutionalize consultations among NGO’s, professional organizations, and the Government; however, in practice, they have received few human rights complaints. The Government argues that this demonstrates the lack of real human rights concerns versus those that are politicized by NGO’s. Other observers argue that there is a lack of trust in the councils, since the government-affiliated members generally outnumber the NGO’s. Some human rights NGO’s have boycotted the councils, while others were not invited to participate.

In August 2000, Parliament passed a law creating a Human Rights Presidency that is intended to monitor the implementation of legislation relating to human rights. Parliament established numerous government bodies to monitor the human rights situation in the country including a High Human Rights Board, which is an interministerial committee responsible for making proposals intended to promote and to strengthen human rights protections and a Human Rights Consultation Board designed to serve as a permanent forum for an exchange of ideas between the Government and NGO’s.

In August Parliament passed a law establishing a Board for the “Examination and Investigation of Alleged Human Rights Violations.” Its duties and functions will be defined through regulations, which were being finalized at year’s end; it will involve groups of ad hoc experts who will investigate specific human rights problems. During the year, the Presidency and the High Human Rights Board were active in pursuing training activities and coordinating the introduction of legislation including the constitutional amendments. Other boards were still being formed at year’s end and were not yet active.

The Government’s “Ten Year Human Rights Education Committee” held regional seminars to educate civil servants and others on human rights problems. Minister for Human Rights Arseven attended these seminars and spoke forcefully against the country’s problem of torture. Regional bar associations and the EU held training seminars with the police and judges and prosecutors in several provinces and in Ankara headquarters, focusing on EU human rights standards.

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

The Constitution provides that the country is a secular state, regards all citizens as equal, and prohibits discrimination on ethnic, religious, or racial grounds; however, discrimination remained a problem in several areas.

*Women.*—Violence against women remained a problem, and spousal abuse was serious and widespread. According to the Family Research Institute in the Prime Minister’s office, beating in the home is one of the most frequent forms of violence against women. Despite 1998 legislation that made spousal abuse illegal, complaints

of beatings, threats, economic pressure, and sexual violence continued. According to a 2000 survey, at least 10 percent of women experienced violence on a daily or weekly basis. However, spousal abuse is considered an extremely private matter, involving societal notions of family honor, and few women go to the police. Police are reluctant to intervene in domestic disputes and frequently advised women to return to their husbands.

The law allows women to apply for restraining orders against their husbands and therefore to stay in their own homes. Observers and government officials noted that this provision has been very successful in some of the cities and rural areas of the country but less so in the more traditional southeast. The law is also limited to spouses, and therefore does not address some other sources of violence such as in-laws. Citizens of either sex may file civil or criminal charges for abuse but rarely do so.

There are 9 government-sponsored shelters and 6 consultation centers for battered women; in addition the child protection and social services agency provides services to victims of domestic violence through its 19 social centers.

The law prohibits rape and spousal rape; however, laws and ingrained societal notions make it difficult to prosecute sexual assault or rape cases. According to national police statistics, there were 945 complaints of rape throughout the country during the year; however, cases of rape were believed to be underreported.

"Honor killings"—the killing by immediate family members of women who are suspected of being unchaste—continued in rural areas and among new immigrants to cities; according to media reports, there may be dozens of such killings every year. Under the law, persons convicted of killings that were "provoked" (such as honor killings) may receive a lighter sentence than for other types of killings. Because of further sentence reductions for juvenile offenders, observers note that young male relatives often are designated to perform the killing. In June three brothers were convicted of murdering their 15-year old sister after she ran away from an arranged marriage to an older man. The court imposed sentences between 4 and 12 years; however, the court stated that they would only have to serve approximately  $\frac{1}{3}$  of their sentences because of their young age and because the boys were provoked. In May in Adana, a 14-year old boy was arrested for stabbing his mother to death. Government authorities have tried to send a clear message of intolerance for this practice through the prosecution of those responsible for the killings.

The problem of suicide among young girls forced into marriage persisted and was prevalent particularly in the southeast, where suicides have risen by more than 50 percent since 1993 and where 80 percent of suicide victims are women. A study in Batman province showed that for young girls with physical and psychological problems, an early marriage can be catalyst to suicide. The traditional practice of "virginity testing" also continued, despite governmental regulations prohibiting it unless requested by the woman.

Trafficking in women for the purpose of sexual exploitation was a serious problem (see Section 6.f.).

Some laws discriminate against women. The Civil Code prohibits granting gender-based privileges or rights but retains some discriminatory provisions concerning marital rights and obligations. Because the husband is the legal head of household, he is authorized to choose the domicile and represents the conjugal unit. As parents, husband and wife exercise joint child rearing rights, but when they disagree, the husband's view often prevails. An October constitutional amendment codified the equality of the sexes within the family, ending the husband's legal status as the head of family. A single woman who gives birth to a child out of wedlock is not considered automatically to be the legal guardian of her child; a court decision may be required. Divorce law requires that the divorcing spouses divide their property according to the property registered in each spouse's name. Because in most cases property is registered in the husband's name, this provision can create difficulties for women who wish to divorce. Under inheritance laws, a widow generally receives  $\frac{1}{4}$  of the estate, and her children receive the rest. According to a 1994 government survey, households headed by women have 50 percent less income than those headed by men. In December a new Civil Code was passed, which addresses many discriminatory aspects of family law; the new Constitution is scheduled to be implemented in 2002.

Particularly in urban areas, women continued to improve their professional position, including in the professions, business, and the civil service, and women constitute more than one third of university students. However, women continued to face discrimination in employment to varying degrees. Women are generally underrepresented in managerial-level positions. Women generally receive equal pay for equal work in the professions, business, and civil service jobs, although a large per-

centage of women employed in agriculture and in the trade, restaurant, and hotel sectors work as unpaid family help.

According to 1999 statistics, the literacy rate for women was 78 percent, compared with 94 percent for men, but in rural areas the rate can be as low as 50 percent for women. One reason for the higher rate is that men must serve in the army; if they do not know how to read, they are taught upon entry.

Independent women's groups and women's rights associations exist but have not significantly increased their numbers or activities, mostly because of funding problems. The concept of lobbying for women's rights, including changes to the civil code and greater elected representation, continued to gain support. There are many women's committees affiliated with local bar associations. Other organizations include the Association to Support Women Candidates (Ka-Der), "The Flying Broom" women's advocacy group, the Turkish Women's Union, and the Foundation for the Evaluation of Women's Labor. Women continued to be very active in ongoing debates between secularists and Islamists, particularly with respect to the right to choose whether to wear religious head coverings in public places, such as government offices and universities (see Section 2.c.).

*Children.*—The Government is committed to furthering children's welfare and works to expand opportunities in education and health, including a further reduction in the infant mortality rate. The State Minister for Women's and Family issues oversees implementation of the Government's programs for children. In 2000 the Children's Rights Monitoring and Assessment High Council was established to focus on children's rights issues.

Government-provided education through the age of 14 or the eighth grade is compulsory. Traditional family values in rural areas place a greater emphasis on advanced education for sons than for daughters; the relatively new 8-year compulsory education requirement (implemented in 1998) was expected to ensure that more girls continued their education. According to the Ministry of Education, this policy has increased successfully the number of female students over the past 3 school years by more than 450,000, while the number of male students increased by 270,000 in the same period. However, in rural areas, the literacy rate for girls remained low, and many do not complete primary school. The literacy rate for boys, most of whom complete primary school, is higher. Some children continued on to high school, for which they generally must travel or live away from home.

The social security system aims to provide social security and health insurance for all its citizens, but there are still gaps in this coverage, leaving approximately 20 percent of families and their children without coverage, according to a 2000 UNICEF report on "The State of Women and Children in Turkey." Persons not covered by insurance may use a special program to access public health care. According to the UNICEF report, the rates of immunization, infant mortality, and malnutrition in the country remained at levels that were not compatible with the level of development and resources in the country. Only approximately 40 percent of children aged 12 to 23 months are immunized fully. Infant mortality has declined rapidly over the past decade, and, as of 1998, stood at 43 per 1,000. UNICEF estimates that, during the year, the rate decreased and is at approximately 33 per 1,000.

Although the law provides special safeguards for children in police custody, police officers and prosecutors frequently circumvented or ignored these provisions. The law stipulates that the state prosecutor or a designated assistant should carry out interrogations of minors and that minors must be provided with lawyers; however, in practice police and prosecutors often denied minors access to lawyers and failed to inform parents. Children and juveniles detained under the Anti-Terror Law also often were held for up to 4 days in incommunicado detention, and may have been subjected to other forms of mistreatment. Children as young as 11 years of age who are accused of SSC crimes are treated as adults.

Children have suffered greatly from the cycle of violence in the southeast. In the past, the migration—forced or voluntary—of many families, past terrorism against teachers, and school closings in the southeast uprooted children and moved them to cities that were hard pressed to find the resources to provide basic, mandatory services such as schooling. Many cities in the southeast continued to operate schools on double shifts, with as many as 100 students per classroom. However, in many provinces, schools have reopened. In October the Interior Minister stated that there were no longer any schools in the east and southeast that remained closed for security reasons, but that 78 schools remained closed due to poor building conditions. The Government has built regional boarding schools to help deal with this problem, but they remained insufficient in number.

Instances of child beating and abuse were reported more frequently than in previous years, according to women's groups. In March a member of an Istanbul Chamber of Doctors Children's Rights Commission reported that sexual abuse and vio-

lence towards children was increasing. She noted that the social attitudes that violence towards children is the parents' right persisted.

Trafficking in girls for the purpose of sexual exploitation was a serious problem (see Section 6.f.).

*Persons with Disabilities.*—According to a 2000 UNICEF report on women and children in the country, welfare institutions “provide limited financial, employment and educational support to the handicapped.” According to the report, the number of persons with disabilities is unknown. The Ministry of Education reports that there are 1.1 million children with disabilities in the country. Although there are many Government institutions for persons with disabilities, most attention to persons with disabilities remained at the individual and family level. The Government established an “Administration of Disabilities” office under the Prime Ministry in 1997, with the mandate of developing cooperation and coordination among national and international institutions, and to conduct research into issues such as delivery of services. Companies who employ more than 50 employees are required to hire persons with disabilities as 2 percent of their employee pool, although there is no penalty for failure to comply. The law does not mandate accessibility to buildings and public transportation for the disabled.

*Religious Minorities.*—Jews and numerous Christian denominations are generally free to practice their religions and report little discrimination in daily life. However, some incidents against religious minorities still occur, and extremist groups or individuals target minority communities from time to time. In April the Jewish community in Istanbul received a phone threat against a 500-year-old synagogue. Police provided additional security upon request.

No laws prohibit religious conversion; however, individuals contemplating conversion from Islam, particularly to Christianity, often faced family and community pressures.

Proselytizing remains socially unacceptable. In January a local imam in Sivas criticized proselytizing by members of the Baha'i faith. In his public remarks, he read a Koranic verse alluding to those “whose killing is necessary.” The Baha'i have pressed charges against the imam.

Many religious minority members, along with many in the secular political majority of Muslims, fear the possibility of Islamic extremism and the involvement of even moderate Islam in politics. Islamist journals frequently publish anti-Semitic material.

*National/Racial/Ethnic Minorities.*—The Constitution does not recognize the Kurds as a national, racial, or ethnic minority, although they are in fact the country's largest ethnic and linguistic minority. Kurds who publicly or politically assert their Kurdish identity or publicly espouse using Kurdish in the public domain risk public censure, harassment, or prosecution. However, Kurds who are long-term residents in industrialized cities in the West are in many cases assimilated into the political, economic, and social life of the nation, and much intermarriage has occurred over many generations. Kurds migrating westward (including those displaced by the conflict in the southeast) bring with them their culture and village identity, but often little education and few skills.

Private spoken and printed communications in Kurdish are legal; however, the use of minority languages, including Kurdish, in television and radio broadcasts, by political parties, and in schools is restricted by many laws and articles of the Constitution (see Section 2.a.); these restrictions are invoked arbitrarily. A reform of the Constitution in October removed references to “languages prohibited by law” in two articles referring to broadcasting and public dissemination; however, the relevant laws (Press Law and Radio/Television law) must be amended for the use of Kurdish to become legal, which had not occurred by year's end. In January the Diyarbakir Security Director informed the HADEP central district organization of that province that they were not allowed to use any language other than Turkish for their rules and regulations; programs; indoor and outdoor meetings and gatherings; brochures, posters, and tapes.

Some groups such as the MKM, a corporation with branches in several cities outside the southeast, established to promote Kurdish language and culture were able to function but faced occasional government interference. Three of the four centers run by the MKM, the NGO that seeks to promote Kurdish language and culture, remain closed in Sanliurfa, Diyarbakir, and Van by government order. The Mersin center continued to operate. Some officials alleged that the MKM was linked to the PKK. Police exert pressure against the groups and hinder their activities, and local officials monitor and often interrupt their cultural events. The Kurdish culture and research foundation (Kurt-Kav) remained open and continued some activities, including Kurdish language training and a study of Kurdish oral tradition; however, Kurt-Kav faced charges of promoting separatism based on its cooperation with a

Swedish university to promote study of the Kurdish language. The trial against the foundation's chairman, Hasan Kaya, continued at year's end.

The Ministry of Education tightly controls the curriculum in schools (except foreign-language schools not part of the Turkish system). The small numbers of Greek-language students have little opportunity to continue their education in the country, and consequently many go to Greece, often never to return.

Although there is little discrimination against Armenian Turks, a foreign couple with an Armenian surname was prevented from opening a hotel in Van in part because the hotel has an Armenian name. According to press reports and local business sources, local security forces harassed the couple because of their perceived Armenian identity. In October an employee of the couple was detained briefly.

No accurate accounting of the Romani population exists, but it may be significant in regions near Bulgaria and Greece. No incidents of public or government harassment directed against Roma were reported; however, experts claimed that Roma experienced discrimination, for example, regarding employment. In September the Ministry of Education announced its intention to change the definition of "gypsy" in Turkish dictionaries that are published by the Ministry. The old definition had included terms such as "shameless" and "thief"; the new definition will be "a community whose first homeland was northern India and who are either settled or nomadic in different countries, primarily in Europe, who speak Romani and the mother tongue of the countries where they live."

#### *Section 6. Worker Rights*

*a. The Right of Association.*—Workers, including civil servants with the exception of police and military personnel, have the right under the Constitution to associate freely and form representative unions. The Constitution stipulates that no one shall be compelled to become, remain a member of, or withdraw from a labor union. In June Parliament passed a Law on the Union Rights for Public Servants, which permits the formation of unions for the first time since 1971. The law states that unions and confederations may be founded without prior authorization based on a petition to the governor of the province of the prospective union's headquarters. Unions are independent of the Government and political parties. However, there are some limits to the right of association. Unions must obtain official permission to hold meetings or rallies and must allow police to attend their conventions and record the proceedings. A constitutional amendment passed in October removed the requirement that candidates for union office must have worked previously in the industry for 10 years; the amendment took effect immediately. Prosecutors may ask labor courts to order a trade union or confederation to suspend its activities or to go into liquidation for serious infractions, based on alleged violation of specific legal norms; however, the Government may not dissolve a union summarily.

Just over 13 percent of the total civilian labor force (15 years of age and above) are unionized. The labor force numbers approximately 24 million, with approximately 35 percent employed in agriculture. There are four confederations of labor unions: The Turkish Confederation of Workers Unions (Turk-Is); the Confederation of Turkish Real Trade Unions (Hak-Is); the Confederation of Progressive Trade Unions (DISK); and the National Confederation (Misk). There also are 3 public employees unions and 27 independent unions. Unions and their officers have a statutory right to express their views on issues directly affecting members' economic and social interests. The Constitution prohibits unions and confederations from being involved in activity against the basic democratic principles of the country. Unions cannot give financial assistance or receive financial assistance from public authorities and political parties; unions also cannot be founders of political parties, use the name or emblem of a political party, or be involved in commercial activity.

Another constitutional amendment passed in October, which narrowed the scope of possible restrictions on the formation of unions, and another amendment made the State responsible for protecting the unemployed; however, no concrete steps towards implementing the legislation had been taken by year's end. The existing law provides for the establishment of trade unions and establishes rights and procedures for organizing unions.

The constitutional right to strike is restricted. For example, the Constitution does not permit strikes by civil servants, workers engaged in the protection of life and property, and those in the mining and petroleum industries, sanitation services, national defense, and education. The right to strike is suspended for the first 10 years of a company's operations in the nine free trade zones (see Section 6.b.).

Collective bargaining is required before a strike. The law specifies the steps that a union must take before it may strike or before an employer may engage in a lock-out; nonbinding mediation is the last of those steps. A party that fails to comply with these steps forfeits its rights. Unions are forbidden to engage in secondary (sol-

idity), political, or general strikes, or in slowdowns. The employer may respond to a strike with a lockout but is prohibited from hiring strikebreakers or using administrative personnel to perform jobs normally done by strikers. The law governing collective bargaining, strikes, and lockouts, prohibits the employer from terminating workers who encourage or participate in a legal strike. In sectors in which strikes are prohibited, disputes are resolved through binding arbitration.

The Government has the statutory power under the law to suspend strikes for 60 days for reasons of national security or public health and safety. Unions may petition the Council of State to lift such a suspension. If this appeal fails, and the parties and mediators fail to resolve the dispute, the strike is subject to compulsory arbitration at the end of the 60-day period. The International Labor Organization's (ILO) Committee of Experts and the Committee on the Application of Standards regard the Government's application of the law as too broad, and they have called on the Government to limit recourse to compulsory arbitration to essential services in the strict sense of the term. The Government asserts that the law does not contradict the Committees' principles.

According to the Labor Ministry, during the year, there were 4 strikes in the public sector involving 737 workers and 30 strikes in the private sector involving 9,174 workers. There were no lockouts in the private or public sectors. Some labor union members faced government limits on freedom of speech and assembly (see Sections 2.a. and 2.b.), while some civil service organizations continued to demonstrate for the right to strike and for higher salaries.

With government approval, unions may and do form confederations and join international labor bodies, as long as these organizations are not hostile to the country or to freedom of religion or belief. Turk-Is, Hak-Is, and DISK are affiliated with the International Confederation of Free Trade Unions (ICFTU).

*b. The Right to Organize and Bargain Collectively.*—All industrial workers have the right to organize and bargain collectively, and most industrial and some public sector agricultural workers are organized. Civil servants also have the right to organize and engage in collective bargaining. However, there were limits on this right. The law requires that, in order to become a bargaining agent, a union must represent 51 percent of the employees at a given work site, and 10 percent of all the workers in that particular industry. This barrier has the effect of favoring established unions, particularly those affiliated with Turk-Is, the confederation that represents nearly 73 percent of organized labor. The Ministry of Labor reportedly manipulated membership figures to prevent unions from acquiring bargaining rights or to rescind such rights. The ICFTU reports that, as a result of the law, workers in many sectors of economic activity are not covered by a collective agreement.

The ILO has called on the Government to rescind the 10 percent rule, stating that it violates ILO Convention 98 on the Rights to Organize and Collective Bargaining. However, both Turk-Is and the Turkish employers' organization favor retention of the 10 percent rule, since each confederation has an established membership area. The Government has taken no action to amend the 10 percent rule.

The ILO has urged the Government to take the necessary measures to ensure that workers have effective protection against antiunion discrimination. The law on trade unions stipulates that an employer may not dismiss a labor union representative without rightful cause. The union member may appeal such a dismissal to the courts, and if the ruling is in the union member's favor, the employer must reinstate him and pay all back benefits and salary. These laws generally are applied in practice. However, private sector employers continued to try to eliminate unions. During the year, as a result of the privatization of 61 entities in 7 sectors, 1,384 workers were laid off.

The law prohibits antiunion discrimination and the Constitution prohibits pressuring a worker into becoming or refusing to become a union member; however, such discrimination occurred occasionally in practice. Some violence against union members continued during the year.

The continuing state of emergency in the southeast has resulted in restrictions on labor organizations in the four provinces under the state of emergency (see Section 1.d.). Dozens of unionists were kept out of the southeast during the year. In February a representative of the teacher's union told the media that 36 union members had been re-assigned out of the state of emergency region.

A law enacted in 1984 provides for the establishment of free trade/export processing zones, which are intended to attract domestic and particularly foreign investment, and to promote international trade. There are nine such zones operating in Mersin, Antalya, the Aegean region, Trabzon, Istanbul (two), Eastern Anatolia, Mardin, and Rize. Union organizing and collective bargaining are permitted in the zones; however, the right to strike is suspended for the first 10 years of operation of a particular business in the zone. In the meantime, labor disputes that cannot

be settled by the parties are subject to compulsory arbitration. Workers inside the zones are paid in foreign exchange rather than in Turkish currency, giving them some protection against inflation.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution and statutes prohibit forced or compulsory labor; however, trafficking in women was a problem (see Section 6.f.).

The Constitution prohibits forced or compulsory labor by children; however, trafficking in girls was a problem (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The Constitution and labor laws forbid the full-time employment of children younger than age 15, with the exception of those 13 or 14 years of age who may engage in light, part-time work if enrolled in school or vocational training. The Constitution also states that “no one shall be required to perform work unsuited to his/her age, sex, and capacity.” With this article and related laws, the Government undertakes to protect children from work unsuited to their age and capacity, such as underground mining, and from working at night. According to the Labor Law, children who attend school can work no more than 7½ hours a day, inclusive of school time. The Ministry of Labor effectively enforces these laws only in large-scale industrial and service sector enterprises. Children working in agriculture, in household-based establishments, in establishments with three or fewer workers, in apprenticeship training centers, and those working as domestic servants are subject to the Code of Obligations, which fails to provide a minimum age of employment. However, according to the Code of Obligations, children between the ages of 12 and 16 may not work at night and may work for no more than 8 hours a day.

Child labor is widespread. According to a 2000 U.N. Children’s Fund report, 1.07 million children between the ages of 6 and 14, and 2.4 million children between the ages of 15 and 17 are in the labor force. This represents approximately six percent of all children aged 6 to 14, and 60 percent of those aged 15 to 17. According to figures released by the State Statistical Institute in December, there are 12,670,000 children between the ages of 6 and 12 who should be enrolled in school; however, only 10,633,000 children attended school on a regular basis. Of the 1,434,000 children who did not attend school, 768,000 children between the ages of 6 and 12 were employed. The State Statistical Institute reported that between 1994–99 the number of children who attended school increased and the number of children who were employed decreased. According to the latest statistics provided in an October 1999 State Statistics Institute report, 961,000 children worked in family businesses and did not receive wages, 257,000 were seasonal workers, and 387,000 were wage earners. Approximately 1.1 million of the working children are boys. Child labor is used most often in small-sized enterprises. According to a study on child labor conducted by Hacettepe University in August, 79.4 percent of children who were employed live in rural areas and 92.6 percent of those children were engaged in the agricultural sector. Among children employed in urban centers, 40.2 percent were employed in industry, 22.4 percent in commerce, and 25.8 percent in the services sector.

In practice many children work because families need the supplementary income. An informal system provides work for young boys at low wages, for example, in auto repair shops. Girls rarely are seen working in public, but many are kept out of school to work in handicrafts, particularly in rural areas. The bulk of child labor occurs in rural areas and often is associated with traditional family economic activity, such as farming or animal husbandry. It is common for entire families to work together to bring in the harvest.

The gradual elimination of child labor is a national priority. The seventh 5-year development plan created during the year committed the Government to enact legislation to restrict further child labor and to adopt legislation to conform to relevant international conventions. The Government recognizes the serious problem of child labor and works with the ILO to document its extent and to determine solutions. The Ministry of Labor, the ILO’S International Program on the Elimination of Child Labor (IPEC) government partner, actively has been combating child labor since 1992, when it established a child labor unit and trained Ministry of Labor inspectors specifically in child labor issues. In 1996 the Government and the ILO signed an agreement to extend IPEC until December 2001. Approximately 70 of the 700 field inspectors have been trained to handle child labor issues, while the total number of establishments falling within the jurisdiction of the Ministry is 4 million. Labor inspectors only cover areas that are defined in the labor laws. Many children are working in areas that are not covered by labor laws, such as agriculture or the informal economy and are therefore beyond the reach of the inspectorate.

Small enterprises prefer child labor because it is cheaper and provides practical training for the children, who subsequently are preferred for future employment in the same workplace. If children employed in these businesses are registered with

a Ministry of National Education training center, they go to the center once a week for training, and the centers are obliged by law to inspect their workplaces. There are 318 centers located in 80 cities; these centers provide apprenticeship training in 86 occupations. Only 22.8 percent of working children take advantage of these schools.

On August 2, the Government ratified ILO Convention 182 on the Worst Forms of Child Labor. The Constitution prohibits compulsory labor, including that performed by children; however, trafficking in girls was a problem (see Sections 6.c. and 6.f.).

*e. Acceptable Conditions of Work.*—The Ministry of Labor is obliged legally to set minimum wages at least every 2 years through a minimum wage board, a tripartite government-industry-union body called the Minimum Wage Commission—which historically it had done annually. Public workers who are part of collective labor agreements also received an inflation-indexed increase and a 5 percent prosperity rate increase. As of December, the monthly gross minimum wage rates were approximately \$124 (168 million TL) for workers over age 16, and \$106 (143 million TL) for workers under 16. The national minimum wage does not provide a decent standard of living for a worker and family. It is difficult for a single worker, and impossible for a family, to live on the minimum wage without support from other sources. However, most workers earn considerably more than the minimum wage. According to the results of a 2000 survey conducted by the Public Workers' Labor Union, a four-member family requires \$396 (534 million TL) per month to live above the poverty line. Workers covered by the labor law, who constitute approximately one-third of the total labor force, also receive a hot meal or a daily food allowance and other fringe benefits that, according to the Turkish Employers' Association, make basic wages alone account for only approximately 37.3 percent of total compensation.

The labor law sets a 45-hour workweek, although most unions have bargained for fewer hours. The law prescribes a weekly rest day and limits the number of overtime hours to 3 per day, for up to 90 days in a year. The Labor Inspectorate of the Ministry of Labor effectively enforces wage and hour provisions in the unionized industrial, service, and government sectors, which cover approximately 12 percent of workers.

The law mandates occupational health and safety regulations, but in practice the Government does not carry out effective inspection and enforcement programs. The law allows for the shutdown of an operation if a five-person committee, which includes safety inspectors, employee, and employer representatives, determines that the operation endangers workers' lives. In practice financial constraints, limited safety awareness, carelessness, and fatalistic attitudes result in scant attention to occupational safety and health by workers and employers alike. The law sets out procedures under which workers may remove themselves from hazardous conditions without risking loss of employment; for example, workers may issue a warning, resign, or demand compensation.

*f. Trafficking in Persons.*—There is no specific law prohibiting trafficking, although other laws may be used to prosecute traffickers; however, trafficking in women and girls for prostitution was a serious problem. The country is a transit country and a destination country for victims of trafficking; reportedly there is almost no trafficking of Turkish women and girls out of the country. There are no statistics on the number of trafficking victims. There are allegations that police allow operation of informal brothels in Istanbul and may also be bribed by traffickers at ports of entry.

Women and girls are trafficked to Turkey, mostly from Romania, Georgia, Russia, Ukraine, Moldova, Armenia, Azerbaijan and Uzbekistan. Turkey is also a transit country for the trafficking of women primarily from Central Asia, the Middle East, Africa, and the former Yugoslavia to other countries in Europe. According to a 1995 study by the International Organization for Migration (IOM), victims arrive by foot, trains, boats, and planes. Most trafficking activity occurs in Istanbul, Izmir, and Trabzon. Many women and girls come to the country believing that they will be working as models, waitresses, or dancers and find themselves forced into prostitution. In some cases, girls from Romanian orphanages have been kidnaped and trafficked. Women who attempt to escape their trafficking often were beaten, raped, or killed. There are reports that criminal syndicates force women to sign work contracts which amounted to debt bondage. Russian and Ukrainian organized crime groups reportedly are the primary trafficking organizations.

There is no law that specifically prohibits trafficking in women. A 1999 law dealing with "profit-motivated gangs" (Mafia) was intended to combat trafficking in persons, although it is not exclusively focused on the crime; this law provides for penalties of up to 6 years' imprisonment. Under the Penal Code, it is illegal to abduct and detain a woman or child. However, this law relates more to the old custom of

kidnaping a bride, in which punishment is suspended if abductor and abductee get married. A further provision prohibits persons from inciting or forcing a woman to become a prostitute; those who force a woman into prostitution through violence face 1 to 3 years in prison, or more if the perpetrator is a relative of the victim. A further article of the Penal Code makes it a crime to send a prostitute from one place to another by force or fraud. There was no new information available on the 850 persons captured in 2000 for offenses relating to trafficking or facilitating illegal immigration.

The Government deals with the problem of trafficking in persons through laws relevant to organized crime, prostitution and illegal immigration. The Ministries of Justice and the Interior are responsible for the problem, and the police, particularly the immigration and organized crime authorities, enforce antitrafficking laws. The Ministry of the Interior's organized crime department is primarily responsible for combating trafficking. According to press reports, there was an increase in police raids on brothels during the second half of the year. In August the Ministry of Interior issued a circular to all provincial police chiefs, calling on them to combat those who aid and abet prostitution.

There is little formal interagency cooperation in dealing with the problem of trafficking. Representatives from the Ministries of Interior, Justice, and Health, among other ministries and NGO's, have met on this issue. The police are the most active governmental entity addressing this problem.

There have not been any official antitrafficking information campaigns; however, in 1999 teams from Ukraine and Moldova received extensive cooperation from Turkish police to film educational documentaries designed to discourage women and girls from those countries from going to Turkey. The IOM, ILO and UNHCR work closely with the Government.

Those who have been trafficked into Turkey generally are detained and deported. According to the Passport Law, if a prostitute or a trafficker is a foreigner, the person is immediately deported. The Law on Residence and Travelling authorizes the Ministry of Interior, governors, and subgovernors to deport foreigners after 15 days notice. If the same person is reported again for the same offense, no further notices are made and the person may be deported immediately if captured again. After women are deported, they often are re trafficked back to Turkey.

The Government does not provide any formal protection, aid, or education to victims of trafficking, and does not allocated any funding to victims. Victims are not encouraged to file civil suits or seek legal action against their traffickers. There are nine domestic violence shelters in Turkey; non-Turkish citizens in theory may use these shelters, but they are unlikely to know how to access them.

In September the NGO Turkish Female Law Association held a seminar on the issue of trafficking in women; representatives from 20 countries attended the seminar.

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## TURKMENISTAN

Turkmenistan is a one-party state dominated by its president and his closest advisers, who continued to exercise power in a Soviet-era authoritarian style despite Constitutional provisions nominally establishing a democratic system. The seriously flawed December 1999 parliamentary (Mejilis) elections and the 1999 passage of a law exempting President Saparmurat Niyazov from term limits were backward steps. Niyazov, head of the Turkmen Communist Party since 1985 (renamed the Democratic Party in 1992) and President of Turkmenistan since its independence in 1991, legally may remain in office until his death, although he has publicly announced his intention to step down in 2010. Niyazov retained his monopoly on political power and on the Democratic Party, which remained the sole political party in the country. Emphasizing stability and gradual reform, official nation-building efforts continued to focus on fostering Turkmen nationalism and the glorification of President Niyazov. The 50-member unicameral Parliament (Mejilis) has no genuinely independent authority, and in practice the President controls the judicial system.

The Committee on National Security (KNB) has the responsibilities formerly held by the Soviet Committee for State Security (KGB); primarily to ensure that the regime remains in power through the tight control of society and the suppression of dissent. During the year, the President gave the Chairman of the KNB additional responsibilities to supervise both the military and the Ministry of Foreign Affairs. The KNB reportedly exercised wide discretion over issues such as exit visas and Internet access and worked to limit personal freedoms. The Ministry of Internal Af-

fairs directs the criminal police, which work closely with the KNB on matters of national security. During the year, members of the KNB and the Ministry of Internal Affairs were appointed to positions by the President in other ministries. Both forces committed human rights abuses.

The country has a total population officially estimated at 5 million. It is largely a desert with cattle and sheep raising, intensive agriculture in irrigated areas, and huge oil and gas reserves. The country's economy remained dependent on central planning mechanisms and state control, although the Government has taken a number of small steps to make the transition to a market economy. Agriculture, particularly cotton cultivation, accounts for nearly half of total employment. Gas, oil and gas derivatives, and cotton account for almost all of the country's export revenues. Most of the workforce is engaged in agriculture. There are few reliable statistics available on standard of living. Anecdotal evidence indicates the standard of living is not high. The Government released figures for gross domestic product (GDP) growth in 2000 (17.6 percent) and at year's end (20 percent), which were inflated. There were no reliable statistics for the GDP and its growth. GDP was estimated at approximately \$2 billion during the year.

The Government's human rights record remained extremely poor; however, there were some minor improvements. The Government continued to commit serious human rights abuses, and the authorities severely restricted political and civil liberties. Citizens did not have the ability to change their government peacefully. The Government registered no parties during the year and continued to repress all opposition political activities. Security forces continued to beat and otherwise mistreat suspects and prisoners. Arbitrary arrest and detention were problems. Both the criminal police and the KNB operated with relative impunity and abused the rights of individuals as well as enforced the Government's policy of repressing the political opposition. Prison conditions remained poor and unsafe. The judiciary was not independent. Prolonged pretrial detention and unfair trials remained problems. Approximately 9,000 prisoners were amnestied at year's end, and another 9,000 received reduced sentences. Interference with citizens' privacy remained a problem. The Government held at least one political prisoner. The Government continued to demolish large numbers of private homes; many displaced homeowners received little or no compensation for their loss. The Government sought to limit marriages between citizens and foreigners.

The Government severely restricts freedom of speech and does not permit freedom of the press. The Government completely controlled the media, censored all newspapers, and never permitted independent criticism of government policy. The only Internet provider is state-owned Turkmen Telecom. Criticism of officials was only permitted if it was directed at those who have fallen out of favor with the President. The media further intensified its focus on President Niyazov, the subject of a personality cult throughout the country. Academic freedom declined. The Government restricted freedom of assembly and association. The Government continued to place limitations on the activities of nongovernmental groups, including minority religious groups, most of which were unable to register with the government. The Government exercised control over religious expression. Adherents of unregistered religions were subject to various forms of harassment including arrests and abuse. The Government restricted freedom of movement within the country and travel abroad to all citizens of the country, and restricted the travel of foreign diplomats within the country. However, in December the Government announced it would abolish exit visas effective January 2002. There were no domestic human rights groups because of restrictions on speech and association. In September the Government allowed the Organization For Security and Cooperation in Europe (OSCE) access to a correctional facility and allowed foreign observers in several trial proceedings. Domestic violence against women was a problem, and women experienced discrimination. The Government generally gave favored treatment to ethnic Turkmen over minorities. The Government severely restricted labor rights.

#### RESPECT FOR HUMAN RIGHTS

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

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

There were no further developments in the 1999 death of political prisoner and Russian citizen Khoshali Garayev who was found hanged in his cell in the maximum security prison in Turkmenistan.

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

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits torture or other cruel, inhuman, or degrading treatment; however, there were widespread credible reports that security officials frequently beat criminal suspects and prisoners and often used force to obtain confessions, although there were fewer such reports than in the previous year. There were credible reports that political prisoners were singled out for cruel treatment. There were reports that prisoners needing medical treatment were beaten on their way to and from the hospital. Security forces also used denial of medical treatment and food, verbal intimidation, and placement in unsanitary conditions to coerce confessions. There were unconfirmed reports that a member of the Baptist Church was tortured due to his refusal to perform military service. In November 2000, KNB officials in Anau, outside of Ashgabat detained, interrogated, and tortured four ethnic Turkmen Baptists after local police found Christian literature in their car (see Section 2.c.).

Prison conditions were poor, and prisons were unsanitary, overcrowded, and unsafe. Disease, particularly tuberculosis, was rampant. Food is poor and prisoners depend on relatives to supplement inadequate food supplies. Facilities for prisoner rehabilitation and recreation were extremely limited. Some prisoners have died due to the combination of overcrowding, untreated illnesses, and lack of adequate protection from the severe summer heat. In Turkmenbashi prison, inmates reportedly are housed 14 to a cell and are permitted visits from relatives once every 3 months. Relatives may bring food once every 2 months. Those who do not receive food from relatives suffered greatly. In Kizlkaya prison, near Dashoguz, prisoners were forced to work in a kaolin mine under hazardous and unhealthy conditions (see Section 6.c.).

There are three types of prisons throughout the country: Labor colonies; correctional institutions; and maximum security prisons. Men are held separately from women, and juveniles are held separately from adults. Political prisoners are not held separately, and usually are sent to maximum security facilities. Pretrial detainees are held separately from convicted prisoners in detention centers.

In the past, the Government did not permit independent monitoring of prison conditions; however, on September 12, for the first time and in response to a long-standing request, the OSCE Mission was given permission to visit a correctional facility near Turkmenabat. The visit was scheduled in advance and Government officials accompanied OSCE representatives. These facts may have affected the conditions observed by the OSCE representatives and the responses of the inmates they interviewed. The OSCE representatives determined that the prison was generally well organized and professionally maintained.

*d. Arbitrary Arrest, Detention, or Exile.*—Arbitrary arrest and detention are problems. Those expressing views critical of or different from those of the Government have been arrested on false charges of committing common crimes (see Sections 1.e., 2.a., and 2.b.).

A warrant is not required for an arrest. A detainee must be charged within 10 days of initial detention and should be afforded the right to call an attorney within 24 hours of his initial detention. Under the law, a person accused of a crime may be held in pretrial detention for up to 10 months; however, in practice authorities often denied these rights.

In November 2000, four ethnic Turkmen Baptists were detained, interrogated, and tortured by KNB officials in Anau after Christian literature was found in their car by local police (see Section 1.c.). In December 2000, the KNB again detained and harassed the same four Baptists in Ashgabat and Turkmenabat. In May a Baptist pastor and two fellow church members were detained and questioned by KNB officials in Mary after the KNB broke up an open air religious service conducted by the pastor outside Mary. Local police officials prohibited the Baptists from returning to Mary.

The Government held political detainees; however, the precise number held at year's end was unknown.

The Government used forced exile and internal exile as punishment during the year. In 1999 President Niyazov announced plans to deport to remote areas any government officials who were found to have committed crimes. During the year, there were reports that former ministers had been ordered to leave Ashgabat and placed under house arrest in their family homes for various criminal accusations after being dismissed by President Niyazov. President Niyazov proposed that the officials, accompanied if they desired by their families, could work off their sentences in exile. Almost all prominent political opponents of the Government have chosen to move to either Russia, Sweden, Norway, or the Czech Republic for reasons of personal safety; none returned during year.

In March 2000, the Government arrested religious leader Hoja Ahmed Orazgylychev and tore down an unregistered mosque and religious school run by Orazgylychev and his followers; he subsequently was released and sentenced to in-

ternal exile in Tedjen (see Section 2.c). This occurred after he reportedly gave an interview to the press that was critical of the President.

*e. Denial of Fair Public Trial.*—The Constitution provides for the independence of the judiciary; however, in practice the judiciary is not independent. The President's power to select and dismiss judges subordinates the judiciary to the Presidency. The President appoints all judges for a term of 5 years. There is no legislative review of these appointments, except for the Chairman (Chief Justice) of the Supreme Court, and the President has the sole authority to remove all appointees from the bench before the completion of their terms.

The court system has not been reformed since the Soviet era. It consists of a Supreme Court, 6 provincial courts (including 1 for the city of Ashgabat), and, at the lowest level, 61 district and city courts. The Government abolished all military courts in 1997. Criminal offenses committed by members of the armed forces are tried in civilian courts under the authority of the Office of the Prosecutor General.

The law provides for the rights of due process for defendants, including a public trial, the right to a defense attorney, access to accusatory material, and the right to call witnesses to testify on behalf of the accused. In practice authorities often deny these rights, and there are no independent lawyers, with the exception of a few retired legal officials, available to represent defendants. When a person cannot afford the services of a lawyer, the court appoints one. A person may represent himself in court.

In practice adherence to due process is not uniform, particularly in the lower courts in rural areas. Even when due process rights are observed, the authority of the government prosecutor is so much greater than that of the defense attorney that it is very difficult for the defendant to receive a fair trial. In past years, foreign diplomats have not had access to several ostensibly open court proceedings; however, in January the Government allowed foreign diplomats access to court hearings of a Pentecostal pastor who was being evicted from his home.

Lower courts' decisions may be appealed, and the defendant may petition the President for clemency. On November 23, the Government announced the release of approximately 9,000 prisoners as part of a presidential amnesty; all were released at year's end. A further 9,000 prisoners were granted a reduction in sentence. In 2000 the Government released political prisoners Nurbedy Nurmamedov and Pirkuli Tanrikuliev.

At year's end, the Government held at least one political prisoner, Mukhametkuli Aimuradov; although his sentence was reduced by half in accordance with the November 23 amnesty.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution provides for protection from arbitrary interference by the State in a citizen's personal life; however, government authorities violated this right frequently. There are no legal means to regulate the conduct of surveillance by the state security apparatus, which regularly monitored the activities of government officials, citizens, opponents and critics of the Government, foreign residents, and visitors. Security officials use physical surveillance, telephone tapping, electronic eavesdropping, and the recruitment of informers. Critics of the Government, and many other persons, credibly reported that their mail was intercepted before delivery.

In April 2000, the President ordered the implementation of new rules restricting searches of private homes (see Section 2.c.). In June 2000, the legislature formally approved the measures and they became effective immediately. The rules restricting searches on private homes are not enforced in practice.

In the past, the authorities have dismissed children from school and removed adults from their jobs because of the political activities of relatives. During the year, internal security organizations reportedly arrested the relative of a former government official, in part to exert control over that official's political activities, although there may have been legitimate grounds for the arrest. The relatives of a democracy activist convicted on charges of embezzlement lost a government job and access to the state-run university. The authorities also threaten supporters of opposition political movements with loss of employment and homes (see Section 2.b.). In October 2000, President Niyazov called for background checks that would span three generations in order to determine the "moral character" of university students prior to entry (see Section 2.a.). Bribery has become a main component of the admission process at prestigious departments in universities. Although officially free, admission to many faculties at Turkmen State University in Ashgabat reportedly costs between \$7,000 and \$10,000. Paying bribes for good grades also is a common practice.

During the year, the Government continued to demolish large numbers of private homes in Ashgabat as part of the President's beautification program. The authorities erected additional monuments and luxury apartment buildings which remained vacant, forcing numerous families to find alternate housing. Citizens who built their

homes without the approval from the Government were not offered alternate accommodations, despite their personal investment in the property, their length of occupancy, or the degree of hardship they faced as a result. Most had built their homes with the acquiescence of government officials, who extorted bribes to allow the construction. In some cases, the same government officials ordered the subsequent destruction of the homes. Others who had the proper building permits were offered apartments or plots of land in compensation, but such compensation was often not at fair market value for example, desert plots with no amenities, or was inadequate for large families.

On June 4, a Presidential Decree was issued which stated that foreigners or stateless persons cannot marry citizens without meeting several requirements. The non-citizen must have been resident of the country for a year, own a home, be at least 18 years of age, and must post a "divorce bond" of \$50,000 with the Government. There were no reports of marriages in the country under the new 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; however, in practice, the Government severely restricts freedom of speech and does not permit freedom of the press. The Constitution states that citizens "have the right to freedom of belief and the free expression thereof and also to obtain information unless it is a state, official, or commercial secret." However, in practice those expressing views critical of or different from those of the Government have been arrested on false charges of committing common crimes (see Sections 1.e. and 2.b.). Criticism of the Government also can lead to personal hardship, including loss of opportunities for advancement and employment (see Section 1.f.).

The Government prohibits the media from reporting the views of opposition political leaders and critics, and it never allows criticism of the President. The obsessive focus of the media on President Niyazov intensified during the year and amplified the cult of personality centered around the President. Public criticism of government officials is done almost exclusively by the President himself.

The Government funds almost all print media. The Government censors newspapers; the Office of the President's Press Secretary must approve prepublication galleys. There is only one official Turkmen newspaper published in the Russian language. Russian language and foreign newspapers from abroad are not easily obtainable, but can be purchased in kiosks or hotels and by subscription. The Government uses Turkmen language newspapers to attack its critics abroad. In order to regulate printing and copying activities, in 1998 the Government ordered that all publishing houses and printing and copying establishments obtain a license and register their equipment.

The Government completely controls radio and television. Owners of satellite dishes have access to foreign television programming. Use of satellite dishes throughout the country is widespread.

Unlike in the past year, there were no reports of the Government subjecting those responsible for critical foreign press items to threats and harassment.

All publishing companies are state-owned and works by authors of fiction who write about particular periods of history or other topics that are out of favor with the Government are not published. The government-controlled Union of Writers has in the past expelled members who have criticized government policy; libraries have removed their works.

The Government requires all foreign correspondents to apply for accreditation. On numerous occasions in the past, the Government has warned its critics against speaking with visiting journalists or other foreigners wishing to discuss human rights issues.

In 1999 the Government arrested human rights and democracy advocate Vyacheslav Mamedov for remarks attributed to him on a Russian radio broadcast that were critical of the Government's treatment of ethnic Russians. Mamedov was released but he remained under investigation during the year; his nongovernmental organization (NGO) remained unregistered at year's end (see Section 2.b.).

Intellectuals and artists have reported that the security institutions have instructed them to praise the President in their work and have warned them not to participate in receptions hosted by foreign diplomatic missions. The Ministry of Culture must approve plays before they open to the public, ensuring they do not contain antigovernment or antipresidential content. During the year, the President closed the state-sponsored opera and ballet in Ashgabat, claiming that there was no place for such institutions in Turkmen society; however, foreign music is still taught and performed throughout the country.

While Internet access is available, state-owned Turkmen Telecom is the sole Internet provider. In May 2000, the Government withdrew the licenses of all private

Internet providers. There were credible reports that the Government took this measure in order to monitor Internet activity, especially electronic mail. Internet access is prohibitively expensive for most citizens. The only Internet provider is state-owned Turkmen Telecom. There was evidence that the Government monitored access to an opposition Web site, based in Russia through Turkmen telecom.

During the year, the Government increased its already significant restrictions of academic freedom. It does not tolerate criticism of government policy or the President in academic circles, and it discourages research into areas it considers politically sensitive, such as comparative law, history, or ethnic relations. No master's degrees or doctorates have been granted in the country since 1998. Although in December the President announced the abolishment of exit visas, during the year, exit visas for study and training abroad, particularly for non-ethnic Turkmen, became more difficult to obtain (see Section 2.d.). The President also decreed that foreign languages in the public education system could be taught only in special language centers and classes. Foreign language instruction also is available in private centers.

During the year, "Ruknhama", the President's spiritual guidebook for the Turkmen, became a basic school text (see Section 2.c.). Teachers were discouraged from bringing alternative viewpoints into the classroom. The works of several writers, poets, and historians were placed on a blacklist because their portrayal of Turkmen history differed from that of the Government. According to an international human rights organization, in April the works were withdrawn from public schools and libraries. Following remarks by President Niyazov on September 2000, in which he criticized an elementary school history textbook for its portrayal of Turkmen history, all copies of the book were recalled from schools and most were destroyed. As a result, scholars are very reluctant to begin textbook projects.

In 2000 President Niyazov called for background checks that would span three generations in order to determine the "moral character" of university students prior to entry (see Section 1.f.).

*b. Freedom of Peaceful Assembly and Association.*—The Constitution allows for peaceful assembly; however, the Government restricts this right in practice. Permits are required for public meetings and demonstrations; however, they rarely are granted and applications are screened carefully. Unregistered organizations, especially those perceived to have political agendas, were not allowed to hold demonstrations. For example, in September there were reports the authorities prevented the demonstration of a group of citizens of Dashoguz who wanted to protest the forced closure of the market by city authorities. According to Government regulations, the demonstrators should have applied for a permit before the event; the Government tried to prevent the demonstration and sent police to disperse the demonstrators. The police failed to break up the demonstration, which resulted in the reopening of the market in Dashoguz.

The Constitution allows for freedom of association; however, the Government restricts this right in practice. No political groups critical of government policy have been able to meet the requirements for registration. The Government uses laws on the registration of political parties to prevent the emergence of potential opposition groups. The only registered political party is the Democratic Party, the former Turkmen Communist Party. It is extremely difficult for new NGO's to register with the Government (see Section 2.a.). NGO's that cannot register successfully with the Government often are forced to join an already registered NGO as a subgroup in order to gain the registered NGO's legal benefits.

The Government does not forbid membership in a political organization; however, in practice those who claim membership in political organizations other than the Democratic Party of Turkmenistan have been harassed and, in the past, tortured.

During September social and cultural organizations without political purposes came under increased pressure by the Government; however, during the year, the Government reportedly registered at least 10 NGO's; these were all social clubs, Sunni Islam associations, or charitable societies. Two registered NGO's that had experienced legal difficulties and were in danger of being closed by the Government early in 2000 had resolved their legal disputes by year's end.

Under the law citizens have the freedom to associate with whomever they please; however, the authorities have fired or threatened to fire supporters of opposition movements from their jobs, removed them from professional societies, and even threatened them with the loss of their homes (see Section 1.f.). In addition, some citizens with links to foreigners are subject to official intimidation.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion; however, in practice the Government exercises control over all forms of religious expression. The Law on Freedom of Conscience and Religious Organizations, which was

amended in 1995 and 1996, also provides for freedom of religion; however, in practice the law has been interpreted to restrict the activities of minority religions.

There is no state religion, but a modest revival of Islam has occurred since independence. The Government has incorporated some aspects of Muslim tradition into its efforts to define a Turkmen identity, and the Government pays the salaries of Muslim clerics. However, the Government places some restrictions on Muslims. For example, the Government controls the establishment of Muslim places of worship. The Government also limits access to Islamic education. The Government has concentrated Islamic education at two theological centers, the Theological Faculty at Turkmen State University in Ashgabat and the Zamakhshari Madrasa in Dashoguz; however, in June the Government closed the Zamakhshari Madrasa, leaving only one institution for the study of Islam in the country. The Government also exercises control over the Hajj, the Muslim pilgrimage to Mecca, by choosing the participants. In February only 185 pilgrims were chosen, although the country's quota was 4,600.

Under the Law on Freedom of Conscience and Religious Organizations, all congregations are required to register with the Government; however, in order to register a congregation must have 500 citizens (each at least 18 years old) in every locale in which the congregation wishes to register. The authorities have interpreted the law to mean that a congregation with 500 members throughout the country cannot register; that number must be in a single locale. As a result of these requirements, the Government continued to deny registration to religious communities, except Sunni Muslims and Russian Orthodox Christians most of whom have succeeded in registering.

Nonregistered religious congregations are present in the country, including Bahai's, Baptists, Hare Krishnas, Jehovah's Witnesses, and Pentecostals, among others; however, the Government restricts their activities. They are prohibited from establishing churches and from conducting religious activities including gathering, proselytizing, and disseminating religious materials. The Government's interpretation of the law also limits their ability to meet in private homes. While the Law on Religious Organizations does not prohibit nonregistered religious groups from gathering, government permission is required for any mass meetings or demonstrations for religious purposes. The Law on Public Associations specifically excludes its application in the case of religious gatherings; the authorities have applied this law to limit meetings of nonregistered religious groups, even in private homes. Participants are subject to fines and administrative arrest, according to the country's administrative code, and, once administrative measures are exhausted, are subject to criminal prosecution. In such cases, the Soviet-era 1988 regulation on the "procedure for conducting gatherings, meetings, marches, and demonstrations" is applied, although gatherings in private homes are not within the scope of this regulation.

The Government disrupted a number of religious gatherings of unregistered groups and punished some persons for holding such gatherings. In March an unregistered Baptist congregation was evicted from the private house in which they had held religious services. In April a Jehovah's Witness service in a private apartment was disrupted by a group of KNB, police, and city officials. In April a Pentecostal pastor lost his court battle against eviction from the house in which he held religious services. The Ashgabat city government claimed that he had made unauthorized renovations, which rendered it unsafe for occupation. Despite the pastor's intention to appeal, the city allowed 20 workers to live in the house. In May after breaking up an open-air religious service conducted by a Baptist pastor outside Mary, KNB in Mary detained the pastor and two fellow church members and questioned them for several hours. The Baptists were prohibited from returning to Mary. In June the city of Ashgabat determined that the owner of the apartment, a member of Jehovah's Witnesses, should be evicted. The city authorities declared that the tenant would not be provided with another apartment, because she had used it for holding unauthorized religious meetings. There were reports that on September 4, the police, district administration, and the KNB raided a prayer meeting held by the Greater Grace Protestant Church in Ashgabat. All those present reportedly were detained and interrogated by the officials. The Protestants were told that they were not allowed to meet for prayer because their church was not registered.

Unregistered religious groups face government harassment if they attempt to distribute religious literature. In November 2000, four ethnic Turkmen Baptists were detained, interrogated, and tortured by KNB officials in Anau, outside of Ashgabat, after Christian literature was found in their car by local police.

In 1999 the Government demolished the Seventh Day Adventist church in Turkmenbat. In October 2000, the Adventist pastor was detained and questioned in Turkmenabat after police and KNB officials broke up a religious service he was conducting in a private apartment. He subsequently was released and was not tried, but the owner of the private apartment was tried on charges of sponsoring an un-

registered religious group. The court confiscated the apartment and the owner decided to leave the country. In December 2000, three Turkmen Baptists were forced to sign documents relinquishing to the Government their homes that they had used for religious purposes.

The state-supported Council on Religious Affairs (CRA) is part of the government bureaucracy and appears to exercise direct control over the hiring, promotion, and firing of both Sunni Muslim and Russian Orthodox clergy, despite the fact that this role is not listed among the CRA's duties in the Law on Religion.

Foreign missionary activity is prohibited, although there is evidence that both Christian and Muslim missionaries are present in the country.

According to Human Rights Watch in January, the President claimed that during 2000, law enforcement agents had confiscated 350,000 religious books and 80,000 cassettes that were incompatible with the country's faith. In March authorities banned the sale of Bibles in Russian or Turkmen.

The Government beat, detained, and otherwise harassed adherents of some religious groups. For example, the Government restricts the travel of clergy or members of religious groups to the country. Ethnic Turkmen who have converted to Christianity have been subjected to official harassment and mistreatment. Ethnic Turkmen members of unregistered religious groups who are accused of disseminating religious material receive harsher treatment than nonethnic Turkmen, especially if they have received financial support from foreign sources.

In February the local authorities of the Niyazov district of Ashgabat reportedly closed the country's last functioning Baptist church. In March the authorities reportedly broke the seals and removed all of the church's contents. The church had been in existence for 20 years and was owned corporately by the congregation, which had been registered under the Soviets but had lost registration in 1997 under the new law.

In February human rights organizations and the international press reported that Shagged Atakov, a prominent member of the Baptist faith, had suffered a heart attack in prison and was gravely ill. Atakov has been in prison since 1999 for allegedly making an illegal transfer of automobiles in 1994. His original sentence of 2 years was extended to 4 years when the prosecutor protested the leniency of the original sentence. Atakov was fined \$12,000, an unusually large fine for such an offense. Atakov has continued to deny the charges and maintains that he was imprisoned due to his religious beliefs. Following requests from foreign diplomats in March and April, Atakov was transferred to the prison hospital near Mary. After his recovery, the Government agreed to allow foreign diplomats to meet with Atakov in Ashgabat and with his family in Kakkha to discuss Atakov's situation. In December Atakov's prison sentence was reduced.

Several members of Jehovah's Witnesses who had been imprisoned for conscientious objection were not released at the end of their term because they refused to swear an oath of loyalty to the President.

In the past, the Government has mistreated dissident Muslims. In March 2000, the Government arrested religious leader Hoja Ahmed Orazgylychev and tore down an unregistered mosque and religious school run by him and his followers. President Niyazov ordered that all copies of Orazgylychev's Turkmen translation of the Koran be burned. Orazgylychev subsequently was released and sentenced to internal exile (see Section 1.d.). He earlier had criticized President Niyazov for directing that Turkmen children dance around a Christmas tree during New Year's celebrations (see Section 1.d.).

The Government has attempted to restrict the freedom of parents to raise their children in accordance with their religious beliefs. When an Adventist pastor was detained in Turkmenabat in October 2000, one of the Government's formal charges against him was that he was corrupting minors because children of congregation members were present at the prayer service.

In October the President published a spiritual and historical guidebook for the nation entitled "Rukhnama." The President is attempting to use these teachings in part to supersede other established religious codes, as well as historical and cultural texts, and thereby shape citizens' religious and cultural behavior. There has been intense Government promotion of the text as one upon which all actions and behavior in the country should be based. Prizes have been created to award citizens who faithfully follow Rukhnama's code and most high-level Government officials are required to own a copy of the book.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Government restricted both freedom of movement within the country and travel abroad to all citizens of the country, and restricted the travel of foreign diplomats within the country.

Citizens still carry internal passports. These documents are used primarily as a form of identification, rather than as a means of controlling movement. The Government has tightened restrictions on travel to border cities and regions, and has declared large parts of the country restricted zones. Residence permits are not required, although the place of residence is registered and noted in passports.

The Government used its power to issue passports and exit visas as a means of restricting international travel; however, in December the President announced the abolishment of exit visas. Any citizen who wished to visit a foreign country had to obtain an exit visa, which could take up to 5 weeks to process. During the year, many exit visas were denied for political reasons. During the year, exit visas for study and training abroad, particularly for nonethnic Turkmen, became more difficult to obtain (see Section 2.a.). According to the decree, as of January 1, 2002, a foreign entry visa or an invitation to travel outside of the country will suffice. Certain categories of citizens, including convicted criminals, those required to complete compulsory military service, and those with access to state secrets, are not affected by the decree.

Most citizens are permitted to emigrate without undue restriction, although there were credible reports that authorities harassed those who intended to emigrate or who had emigrated and returned to the country for a visit.

The Government discourages immigration by ethnic Turkmen living in Iran, Iraq, Turkey, and other countries and immigration by non-Turkmen from the former Soviet Union (see Section 5).

The law provides for the granting of refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The law establishes procedures and conditions for recognizing refugee status and sets the legal, economic, and social rights of refugees. The country provides first asylum if the person is recognized under the mandate of the U.N. High Commissioner for Refugees (UNHCR). The Government has granted refugee or asylee status to some ethnic Turkmen from Afghanistan and has allowed some Tajik refugees and migrants to reside in the country. During the year, between 30 and 40 persons were granted first asylum. The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. After the start of international military operations in Afghanistan, the Government agreed to increase its cooperation with the UNHCR, the International Organization for Migration (IOM), and other international refugee and relief agencies to assist refugees from Afghanistan. The Government also played an important role in facilitating the flow of humanitarian assistance for refugees who remained in Afghanistan.

The UNHCR confirmed reports that individual border guards forcibly returned a group of Afghan refugees after the initiation of military operations in Afghanistan. However, according to the UNHCR, this was not part of a pattern of abuse or forced expulsion of refugees, but rather an incident of low-level harassment.

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

Citizens do not have the ability to effect peaceful change in the Government and have little influence on government policy or decisionmaking. The 1992 Constitution declares the country to be a secular democracy in the form of a presidential republic. It calls for the separation of powers among the various branches of government, but vests a disproportionate share of power in the Presidency. In practice President Niyazov's power over the state was absolute; despite the appearance of decisionmaking by consensus, most decisions are made at the presidential level, and the country remained a one-man state. In 1999 the Elder Council (Halk Maslahaty) proposed, and the newly elected Parliament approved, a law making an exception to the constitutionally mandated maximum of two 5-year terms for the President; however, the exception only applies to Niyazov, as the country's first president, conferring on him a lifetime term in office. During the year, Niyazov stated publicly that he would step down in 2010.

In the 1992 presidential election, the sole candidate was Saparmurat Niyazov, the incumbent and nominee of the Democratic Party. The Government announced the election barely a month before the voting day, giving opposition groups insufficient time to organize and qualify to submit a candidate. A 1994 national referendum, which was neither free nor fair, extended the President's term to 2002, obviating the need for the scheduled presidential election in 1997. According to the official results, 99.9 percent of those voting cast their ballots to extend his term. The policy of the Democratic Party, according to its leadership, is to implement the policy of the President. In 1999 the Government changed the national oath to require that citizens swear personal allegiance to President Niyazov in particular, rather than just to the presidency as a general institution.

The 50-member Parliament (Mejilis) routinely supports presidential decrees and has no real independence. In the 1994 Parliamentary elections, no opposition participation was permitted. The Government claimed that 99.8 percent of all eligible voters participated. In 1998 President Niyazov promised that the parliamentary elections scheduled for December 1999 for a reconstituted Parliament would be free and fair and conducted on a wide democratic basis; however, the elections were flawed seriously. Although there were at least two candidates for each Mejilis seat, every candidate was selected by the Government, and there was no open discussion of the issues. The Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE declined to send an observation or limited assessment mission for the elections. In its public explanation, ODIHR cited serious concerns that the broad electoral framework in the country fell short of its OSCE commitments. The Government claimed that 98.9 percent of eligible voters participated. Diplomatic observers noted many empty polling stations, extensive use of mobile ballot boxes, and numerous instances of family voting.

In 1998 President Niyazov called for local councils and village leaders to have greater power and authority to deal with local issues; however, in practice even local leaders were selected and dismissed by the President and were reluctant to make decisions without his approval.

In 1998 the President announced that any Turkmen citizen who desired to write to him with a complaint could do so directly. Special mailboxes were set up throughout the country and, in the first year, approximately 140,000 letters were received by the President. Reportedly citizens continued to write to the President because these letters often were cited in the local media, but the numbers received during the year were not reported.

The percentage of women in government and politics does not correspond to their percentage in the population, although there are no legal restrictions on the participation of women in the political process. Thirteen members of the 50-member Mejilis are female. Women serve in the following positions: Deputy Chairman for Economy and Finance; Prosecutor General; Ambassador to the U.N.; Chief of Presidential Protocol; Head of the Mejilis (Parliamentary) Committee on Science, Education, and Culture; Deputy Minister for Economy and Finance; and Deputy Minister for Social Protection. No women serve as provincial governors (Hakims); however, the position of deputy Hakim often is given to a woman.

The percentage of minorities in government and politics does not correspond to their percentage of the population, although there were no legal restrictions on the participation of minorities in the political process. However, preference is given to ethnic Turkmen. The Mejilis consists of 48 ethnic Turkmen, 1 ethnic Russian, and 1 ethnic Uzbek. The largest tribe—Teke—holds the most prominent roles in cultural and political life. Observers believed that the Government's preference for ethnic Turkmen officials reflects a desire to overcome the Soviet period when Turkmen were treated as second class citizens.

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

There are no domestic human rights monitoring groups, and government restrictions on freedom of speech, press, and association make it extremely difficult to investigate and criticize publicly the Government's human rights policies. Government officials are not cooperative and responsive to their views. Several independent journalists based in Russia report on human rights in the Russian press and have contact with international human rights organizations. On numerous occasions in the past, the Government has warned its critics against speaking with visiting journalists or other foreigners wishing to discuss human rights problems.

In March local KNB officials and tax police repeatedly harassed two NGO's in Turkmenbashi. The new Hakim in Turkmenbashi told the leader of one of the NGO's that the harassment was ordered by his predecessor, who was embarrassed by a conference that the two NGO's held on the role of NGO's in the country.

There are no international human rights NGO's operating in the country.

In September the Government allowed the OSCE to visit a correctional facility (see Section 1.c.). The OSCE also was permitted to attend court trials during the year (see Section 1.e.).

In 1999 President Niyazov established a human rights commission, which he nominally heads. The commission oversees the work of law enforcement agencies, the military, and the judiciary, but it appears to have little real authority. The commission continued to receive complaints during the year. The commission is subordinate to the National Institute for Democracy and Human Rights under the President, which has been in operation since 1997. The institute's mandate is to support the democratization of the Government and society and to monitor the protection

of human rights. The institute maintains four full-time staff members to receive and resolve citizen complaints of arbitrary action. In general the institute conducts a study of complaints and returns its findings to the individual and the organizations involved; however, the institute is not an independent body, and its ability to obtain redress is limited by government interests. In October the Government published a book by the institute containing a collection of Noyazov's speeches praising the country's human rights record.

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

The Constitution provides for equal rights and freedoms for all, independent of nationality, origin, language, and religion, and further specifies equal rights before the law for both men and women. However, cultural traditions and the Government's policy of promoting Turkmen nationalism limit the employment and educational opportunities of women and nonethnic Turkmen.

*Women.*—Anecdotal reports indicate that domestic violence against women was common, but no statistics were available. The subject is not usually discussed in society, and the majority of victims of domestic violence keep silent, partly because they are unaware of their rights, or because they are afraid of increased violence from their husbands and relatives. However, in April the Women's Union, a government-sponsored NGO cohosted a seminar on women's rights that focused on domestic violence. There were no court cases and no references to domestic violence in the media. One unofficial group to support battered women operates in Ashgabat. The law states that rape is illegal and these laws were enforced effectively.

Prostitution is illegal and it was a growing problem due to few educational and occupational opportunities for young women.

There is no law that specifically prohibits sexual harassment; however, a case could be tried under existing legislation. Anecdotally, sexual harassment is said to exist in the workforce; however, the Government does not discuss this topic publicly.

Women are underrepresented in the upper levels of state-owned economic enterprises and are concentrated in the health care and education professions and in service industries. Women are restricted from working in some dangerous and environmentally unsafe jobs. However, the military academy is scheduled to graduate its first class of female cadets in 2002. Under the law, women enjoy the same inheritance and marriage rights as men. However, in traditional Turkmen society, the woman's primary role is as homemaker and mother, and family pressures often limited opportunities for women wanting to enter careers outside the home and advance their education. Religious authorities, when proffering advice to practicing Muslims on matters concerning inheritance and property rights, often favor men over women.

There is only one officially registered women's group, which is headed by the Deputy Chairperson of the Mejlis and dedicated in honor of the President's mother. The Government does not acknowledge that women suffer discrimination, and therefore has no specific program for rectifying women's disadvantaged position in society.

*Children.*—The Government's social umbrella covers the welfare needs of children; however, the Government has not taken effective steps to address the environmental and health problems that have led to a high rate of infant and maternal mortality. In 1999 the Government cut the number of years of basic education from 10 to 9 years; however, children in their eighth, ninth, or tenth year of education at the time were not affected. There is little difference in the education provided to girls and boys.

Education is free and compulsory; however, class sizes in the country continued to increase rapidly, facilities deteriorated, and funds for textbooks and supplies decreased. During the year, the number of teachers in the country was reduced by 10,000 as in accordance with a presidential decree in 2000. Educators were concerned that this exacerbated the problems of already crowded classrooms and overworked teachers, and further reduced the quality of education in the country. The ostensible reason for the reduction was to increase salaries for the remaining teachers; however, past similar promises have been unfulfilled, and teachers routinely were paid 2 to 3 months late. Wages for teachers and administrators are in arrears in many districts; this, coupled with the fact that salaries are low, has caused some teachers to leave the field and seek jobs in the private sector, increasing the ratio of pupils to teachers.

There is no societal pattern of abuse against children. During the annual cotton harvest, some schools in agricultural areas are closed and students work in the fields.

*Persons with Disabilities.*—There is some discrimination against persons with disabilities in employment, education, and the provisions of state services. The Govern-

ment does little for persons with disabilities. Although some societal discrimination exists, many citizens engage in activities to assist persons with disabilities. Government subsidies and pensions are provided for persons with disabilities, although the pensions are inadequate to maintain a decent standard of living. Pensions usually range between \$10 to \$30 per month (200,000 to 300,000 manats). Care for persons with disabilities is provided at the local level. Disabled children, including those with mental disabilities are placed in boarding schools, in principle with educational and future employment opportunities provided if their condition allows for them to work; in practice neither is provided. The psychological hospital in Bekrova and the psychological clinic in Gok Tepe were closed in 2000. In 2000 a psychiatric hospital opened in Dashoguz for those in need of in-patient care. There also is a hospital for the criminally insane in Lebap Velayat. Out-patient facilities exist in Ashgabat, Yoloten, and Tedjen. In theory patients receive food, clothing, and medical care at in-patient facilities; however, in practice, supplies are inadequate and services are poor.

According to existing legislation, facilities to allow access by the disabled must be included in new construction projects; however, compliance with the legislation is inconsistent and most older buildings are not so equipped.

*Religious Minorities.*—The majority of the population is Sunni Muslim. Ethnicity and religion are acquired at birth. Although most citizens do not emphasize mosque attendance or observance of many Islamic customs practiced in other parts of the Muslim world, they view being Muslim as an integral part of the national culture and of Turkmen identity. The societal attitude toward conversion from Islam to any other religion generally is surprise, and often disapproval.

*National/Racial/Ethnic Minorities.*—The Constitution provides for equal rights and freedoms for all citizens. Approximately 77 percent of the population is Turkmen; Uzbeks make up 9 percent; and Russians 7 percent. There are smaller numbers of Kazakhs, Armenians, Azeris, and many other ethnic groups. The country has not experienced ethnic turmoil since independence.

As part of its nation-building efforts, the Government has attempted to foster Turkmen national pride, in part through its language policy. The Constitution designates Turkmen as the official language, and it is a mandatory subject in school, although it is not necessarily the language of instruction.

The Constitution also provides for the rights of speakers of other languages to use such languages. While Russian remained common in commerce and everyday life, during the year, the Government has intensified its campaign to conduct official business solely in Turkmen. In the past, the President publicly has criticized some high-ranking government officials for their failure to speak Turkmen. In accordance with his directives, Russian language usage in newspapers has been cut back sharply during the past few years (see Section 2.a.). There is only one official Turkmen newspaper published in the Russian language. Nonethnic Turkmen employees at government ministries reportedly were given until December 1999 to learn Turkmen, and there have been reports that some government employees, such as doctors and teachers, have been dismissed from their positions because they failed to learn the language.

Non-Turkmen fear that the designation of Turkmen as the official language places their children at a disadvantage educationally and economically. They complain that some avenues for promotion and job advancement are no longer open to them. Only a handful of non-Turkmen occupy high-level jobs in the ministries, and there are reports that managerial positions were closed to non-Turkmen. As a result of these restrictions, more and more ethnic Russians view their situation in the country as deteriorating and are seeking citizenship in Russia.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution and the law do not provide for the right to form or join a union. While no law specifically prohibits the establishment of independent unions, there are no such unions, and no attempts were made to register an independent trade union during the year. The Government controls all trade unions. The Colleagues Union is the only legal central trade union federation permitted, and it claims a membership of 1.3 million; its member unions are divided along both sectoral and regional lines. Unions may not form or join other federations.

The law neither prohibits nor permits strikes, and it does not address the issue of retaliation against strikers. Strikes are extremely rare, and no strikes were known to have occurred during the year.

There was no information available on union affiliation with international unions.

*b. The Right to Organize and Bargain Collectively.*—The law does not protect the right to collective bargaining. In practice in the state-dominated economy, the close

associations of both trade unions and state-owned enterprises with the Government seriously limits workers' ability to bargain. The Ministry of Economics and Finance prepares general guidelines for wages and sets wages in health care, culture, and some other areas. In other sectors, it allows for some leeway at the enterprise level, taking into account local factors. The Government determines specific wage and benefit packages for each factory or enterprise. Workers, including teachers, often went months without pay or received their paychecks late (see Section 5). The law does not prohibit antiunion discrimination by employers against union members and organizers, and there are no mechanisms for resolving such complaints.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced labor; however, there were reports in 2000 of prisoners being forced to work in a kaolin mine in Kizlkaya prison, near Dashoguz, under hazardous and unhealthy conditions (see Sections 1.c. and 2.b.).

The Government prohibits forced and bonded labor by children and generally enforces this prohibition effectively, with the exception of children who work in cotton harvesting in rural areas (see Sections 5 and 6.d.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for employment of children is 16 years; in a few heavy industries, it is 18 years. The law prohibits children between the ages of 16 and 18 years from working more than 6 hours per day (the normal workday is 8 hours). A 15-year-old child may work 4 to 6 hours per day but only with the permission of the trade union and parents. This permission rarely is granted.

Violations of child labor laws occur in rural areas, particularly during the cotton harvesting season, when teenagers work in the fields (see Section 5). At times children as young as 10 years of age help with the harvest for up to 2 months. The Government strongly encourages children to help in the cotton harvest, families of children who do not help may experience harassment by the Government. The Government has not signed ILO Convention 182 on the worst forms of child labor.

The Government prohibits forced and bonded labor by children and generally enforces this prohibition effectively, with the exception of cotton harvesting in rural areas.

*e. Acceptable Conditions of Work.*—There is no minimum wage. In 1999 the Government raised the average wage in the state sector to approximately \$77 (400,000 manats) per month at the official rate. While the Government subsidizes the prices of many necessities and provides others free of charge, this wage does not provide a decent standard of living for a worker and family. Most households are multigenerational, with several members receiving salaries, stipends, or pensions; however, many persons lack the resources to maintain an adequate diet, and meat is a luxury for most citizens.

The standard legal workweek is 40 hours with 2 days off. Individuals who work fewer hours during the week or are in certain high-level positions also may work on Saturdays.

During the Soviet era, production took precedence over the health and safety of workers; legacies of this system remain. Industrial workers often labor in unsafe environments and are not provided proper protective equipment. Some agricultural workers are subjected to environmental health hazards. The Government recognizes that these problems exist and has taken some steps to address them, but it has not set comprehensive standards for occupational health and safety. Workers do not always have the right to remove themselves from work situations that endanger their health or safety without jeopardy to their continued employment.

*f. Trafficking in Persons.*—The law does not prohibit specifically trafficking in persons, but there were no reports that persons were trafficked to, from, or within the country. There were unconfirmed and anecdotal reports of women from the country traveling to Turkey and the United Arab Emirates and working as prostitutes in 1999; however, due to the Government's tightening of exit visas during the year, it was more difficult than in the past for persons to leave the country.

The Penal Code prohibits prostitution, which is punishable by 2 years' imprisonment or hard labor. The penalty for involvement of a minor in prostitution or using force, threat, or blackmail to involve someone in prostitution is 3 to 8 years' imprisonment. The penalty for procuring persons for prostitution is 3 to 8 years' imprisonment with the possibility of confiscation of property.

The Government does not have programs in place to combat trafficking in persons, but cooperates with the International Organization for Migration (IOM) in educational efforts on this topic.

## UKRAINE

Ukraine is governed by a directly elected President, a Prime Minister who heads a Cabinet of Ministers, and a unicameral parliament (Rada). The Prime Minister is nominated by the President and approved by the Rada. The cabinet is nominated by the Prime Minister and approved by the President, but generally is under the President's direction. The Parliament is elected partially according to proportional representation and partially by direct constituency mandate. Incumbent President Leonid Kuchma was reelected in 1999 in an election described by the Organization for Security and Cooperation in Europe (OSCE) as having failed to meet a significant number of the OSCE election-related commitments. In June 2000, by-elections were held to fill 10 vacant parliament seats; opposition candidates complained of voting irregularities, a lack of access to the media, and government pressure on behalf of propresidential candidates. Despite irregularities most observers agreed that the results of the 1999 and 2000 elections generally reflected the will of the electorate. In an April 2000 referendum, which observers described as flawed in several respects, voters approved changes to the Constitution that would expand presidential powers and increase executive branch influence over Parliament. The Constitutional Court struck down two of the six proposed amendments before the referendum. The Constitution provides for an independent judiciary; however, the courts are funded through the Ministry of Justice, are subject to political interference and corruption, and are inefficient.

There are two principal security agencies, which have equal responsibility for internal security: The Security Service of Ukraine (SBU), which is responsible for intelligence gathering, and the Ministry of Internal Affairs, which controls the various police forces. The Minister of Internal Affairs is a member of the Cabinet of Ministers, while the SBU enjoys special status within the executive branch of Government and reports directly to the President. The State Tax Administration also has law enforcement powers, which it exercises through the tax police. The Office of the Prosecutor General prosecutes criminal cases and is responsible for enforcement of court decisions in criminal cases. The armed forces largely remained outside of politics. However, government agencies interfered indirectly in the political process through criminal and tax investigations of politicians, journalists, and influential businessmen. While civilian authorities generally maintained effective control of the security forces, there have been cases in which actions by the military have been inconsistent with stated government policy. Members of the security forces committed human rights abuses.

The country has a total population of approximately 48,860,000 (based on the preliminary results of an official census concluded during the year), and its economy incorporates both privately owned and state-owned enterprises. The private sector accounts for approximately 60 percent of gross domestic product (GDP). While the official GDP was only approximately 44 percent of its preindependence (1990) level; the economy grew by 5.8 percent in 2000 and 9 percent during the year. Inflation was 6.1 percent, less than half of the original forecast of 13.6 percent. The country's economic output includes agriculture and heavy industry as well as construction, coal, and other raw materials. The bulk of the workforce—23 percent—is engaged in agriculture and forestry (including production on individual plots). Industry employs 19 percent of the workforce; education, culture, science, and arts employ 6.3 percent. The economy is burdened by nonpayments and wage arrears, and a significant proportion of income is earned in the shadow economy (defined as activity deliberately unreported for purposes of tax evasion). Wage arrears began to decrease in 2000, and by November had decreased by approximately 58 percent. The economy has made significant progress in moving away from barter and non-cash payments. Investment remained at low levels, with many potential investors discouraged by rampant corruption, onerous taxation, arbitrary licensing practices, and an inefficient, politically influenced, judicial system that bends to political pressure. Wealth is concentrated in the political elite and among directors of the state-dominated sectors such as metals, oil, and gas.

The Government's human rights record was poor; however, there were improvements in a few areas. Police and prison officials tortured and beat detainees and prisoners, at times killing them. The beating of conscripts in the army by fellow soldiers was common and at times resulted in death. Police abuse and harassment of racial minorities was a continuing problem. The Government rarely punishes officials who commit abuses. The Rada adopted a progressive criminal code that entered into force on September 1, which includes several criminal offenses, including penalties for torture. Prison conditions remained harsh and life threatening, particularly because of exposure to disease. Arbitrary arrest and detention were prob-

lems, as was lengthy pretrial detention in very poor conditions. However, the number of defendants released from confinement pending trial increased during the year. Political interference and corruption affected the judicial process. The judiciary also was overburdened, inefficient, and lacked sufficient funding and staff. Long delays in trials were a problem. In July a series of amendments to the laws that regulate the system of courts and the administration of justice were implemented and included the transfer of the right to issue arrest warrants, residential search warrants, and wiretap orders from prosecutors to the courts. The amendments also provided for a unified system of courts, introduced an appellate process, and allowed appellate and commercial courts, as well as the Supreme Court, to nominate and elect their own chairmen. The Government continued to infringe on citizens' privacy rights.

The Government interfered with the news media by intimidating journalists and using libel laws. Nevertheless a wide range of opinion is available in newspapers and periodicals. There were some limits on freedom of assembly, and the authorities forcibly disrupted some demonstrations. Freedom of association was restricted. Some minority and nontraditional religions continued to encounter bureaucratic difficulties from local officials; however, the Government continued to return properties expropriated during the Soviet era to religious groups. There were some limits on freedom of movement; however, in November the Constitutional Court held that the "propyska" system was unconstitutional. Violence and discrimination against women, including sexual harassment in the workplace, were problems. Violence against children was a problem. Societal anti-Semitism and discrimination against religious, racial, and ethnic minorities also were problems. The Government discouraged some workers from organizing unions. Trafficking in women and girls for sexual exploitation was a serious problem, one which the Government, through the Ombudsman's office, took steps to combat.

#### 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 past years, there were no confirmed reports of political killings; however, abuse of prisoners and detainees, and harsh prison conditions at times led to death (see Section 1.c.). During the first 6 months of the year, there were 865 deaths in prison and detention facilities, many due to harsh conditions.

Members of the armed forces have killed soldiers during violent hazing incidents in previous years (see Section 1.c.); for example, according to a government official, in 1998 (the latest year for which information was available) 10 to 12 military personnel were beaten to death, and a total of 20 to 30 died as an indirect result of injuries sustained from hazing. At times the authorities reportedly label these deaths as suicides. For example, the Kharkiv branch of the Association of the Soldiers' Mothers reported that a soldier in the Donetsk region who died during the year, apparently from two gunshot wounds to the head, was said to have committed suicide. Human rights groups stated that this practice continued to be widespread, although no official data was available.

In May a parliamentary committee urged the prosecutor's office to open a case against police who allegedly tortured Yevhen Kornuta, a resident of the Cherkasy region who was detained in 1999 on suspicion of theft. He later died from injuries sustained from the beating. Local authorities have exhumed his body and opened a criminal case, but no one had been charged with a criminal act by year's end.

The pervasiveness of corruption, connections between government officials and organized crime, and the political activities of organized crime figures often blurred the distinction between political and criminal acts. Politicians, politically connected businessmen, and journalists have been the victims of attacks that were sometimes fatal and possibly were politically motivated. No official statistics for contract killings during the year were available. According to the nongovernmental organization (NGO) Reporters Without Borders, physical attacks on journalists during the year resulted in at least four deaths (see Section 2.a). For example, on July 3, unknown assailants brutally beat a director of a Donetsk regional television station, Ihor Aleksandrov. On July 7, Aleksandrov died from his injuries. Aleksandrov had aired a number of critical reports of Donetsk-based politicians and was a noted critic of alleged corruption among local law enforcement authorities. President Kuchma assigned high level members of his Government to investigate Aleksandrov's killing. In August the Prosecutor General announced that there was no high-level political motivation behind Aleksandrov's killing; Aleksandrov's son issued a public letter in the same month criticizing the conduct of the investigation. According to the police, a homeless man later confessed that he had been hired to kill the head of the tele-

vision station's legal department and had mistaken Aleksandrov for this person; his trial was scheduled for 2002.

In September 2000, prominent journalist Heorhiy Gongadze disappeared; in November 2000, police found a decapitated body outside of Kiev, which Gongadze's friends and family believed was his. Gongadze was the editor of the on-line news journal *Ukrayinska Pravda* and was a frequent critic of both the Government and leading business figures. In a July 2000 open letter addressed to the Prosecutor General, Gongadze complained of government harassment, including being followed and questioned by security forces. The Government asserted that it was conducting a full-scale investigation into his disappearance, but the authorities did not request a DNA test until the end of 2000. The results of the test were released on January 10. Experts at the Russian Interior Ministry's forensics laboratory determined that the body was that of Gongadze. Another foreign forensics team also asked to administer tests on the body, later confirmed this judgement. In November 2000, the leader of the Socialist Party, Oleksandr Moroz, accused the President and other senior government officials of complicity in the disappearance of Gongadze, and Gongadze's widow also has asserted that the authorities most likely were involved. In May the Ministry of Internal Affairs claimed that Gongadze had been murdered by two thieves who themselves had been killed, but the Prosecutor General's Office did not uphold this charge. The investigation of the killing officially still was ongoing at year's end and remained a source of great concern to observers. Although the Government cooperated with international law enforcement agencies in the identification of Gongadze's body, the authorities did not conduct a prompt and transparent investigation into his killing. As a result, Gongadze's widow and mother, the OSCE representative on Freedom of the Media, and the NGO Reporters Without Borders, called for the creation of an international commission of inquiry into Gongadze's disappearance and killing.

The Government made no known progress in resolving a number of high profile and possibly politically motivated killings from 1999. For example, no progress was made in solving the 1999 killing of the security chief of the independent television station STB or the 1999 killings of the chairman of the regional arbitration court, Borys Vihrov, and the director of local television station, Ihor Bondar in Odesa.

*b. Disappearance.*—There were no reports of politically motivated disappearances during the year. No charges have been filed in the 2000 disappearance and killing of journalist Heorhiy Gongadze (see Section 1.a.).

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits torture; however, police and prison officials regularly tortured and beat detainees and prisoners, and there were numerous reports of such abuse. Amnesty International and other human rights groups continued to receive regular reports that special militia detachments known as Berkut tortured and beat inmates as part of regular training exercises. The media and human rights groups reported that police subjected detainees to various methods of physical torture, including the "swallow," in which the detainee is placed on his stomach and his feet are tied to his hands behind him, forcing his back to arch. Another abuse is the "baby elephant," in which a gas mask is placed on the prisoner's head and the flow of oxygen slowly reduced. Detainees also were subjected to a method called the "monument," in which a prisoner is suspended by his hands on a rope and beaten. Human rights lawyers reported that requesting an attorney often leads to a worse beating, and detainees may be beaten until they waive their right to an attorney.

In January Volodymyr Ivanchenko, who was charged with plotting the killing of former presidential candidate Nataliya Vitrenko, claimed in his trial that police had suffocated, beaten, and used electroshock on him and his codefendants while they were in pretrial detention.

There is no effective mechanism for registering complaints about mistreatment or for obtaining redress for such actions, although in May the Supreme Court ruled that detainees may address complaints directly to the court instead of the Ministry of Internal Affairs. Prisoners and detainees also address complaints to the Ombudsman for Human Rights, and that office received several hundred reports of torture in pretrial detention during the year; however, only 150 official cases have been identified since 1999. According to the Office of the Ombudsman, most of the complaints that it received centered on human rights violations by law enforcement personnel. The Ombudsman also maintained that detainees who were unable to pay a deposit for meals went hungry and that this qualifies as another form of torture. The Ombudsmen has publicized reports of such practices actively; however, the Ombudsman has no enforcement authority, and authorities made little documented effort to end such practices or to punish officials who committed or abetted abuse.

Disciplinary action against law enforcement authorities that commit abuses was rare. In its 2000 report, the Ombudsman noted that in 1998 and 1999, 285 members

of the police were charged with torture and mistreatment of prisoners. In October the Kiev Appeals Court convicted three policemen for beating to death a man in custody in 1995. One policeman was sentenced to life imprisonment and two others received 5-year jail terms. A new Criminal Code that came into effect on September 1 mandates 3 to 10 years of imprisonment for torture; however, human rights groups reported that during the year there were no prosecutions for torture under the new Criminal Code.

Police also abused Roma, particularly in the Transcarpathian region, and harassed and abused dark-skinned persons. Representatives of these groups claimed that police officials routinely ignored, and sometimes abetted, violence against them (see Section 5). Police also harassed refugees (see Section 2.d.).

Police corruption remained a serious problem. There were reports that local officials abetted or aided organized crime groups involved in trafficking (see Section 6.f.).

In January the police forcibly dispersed antipresidential demonstrations in Kharkiv and Rivne. In March police were accused of the mistreatment of protesters and rioters in the aftermath of a wreath-laying by the President in honor of the national poet, Taras Shevchenko (see Section 2.b.). Police reportedly hit Socialist parliamentarian Valentyna Semenyuk on the head with a truncheon. There were reports that police beat some protesters while in custody. The press reported that police beat and fractured the skull of Andriy Shkil, the leader of the oppositionist UNA-UNSO party, who was arrested for allegedly attacking riot police (see Section 2.b.).

Police also harassed journalists (see Section 2.a.).

Despite extensive legislation on the protection of service member rights and official regulations concerning relations among military personnel, reports continued during the year of harsh conditions and violence against conscripts in the armed forces. Unlike in the previous year, there were no reports that senior officers required malnourished recruits to beg for food or money, or employed them in unsanctioned labor activities. Senior conscripts often beat recruits, sometimes to death (see Section 1.a.) and forced them to give them money and gifts that they received from home. According to human rights associations, garrison prosecutors often do not investigate complaints of physical harassment. Punishment administered for committing or condoning such activities did not serve as an effective deterrent to the further practice of such abuses. Between 1991 and 1998, 450 soldiers were convicted of violent harassment of their colleagues; approximately 200 military personnel were prosecuted in 1998 for violent hazing (10 to 12 conscripts were beaten to death, and 20 to 30 died from injuries related to hazing). Although official statistics on the incidence of hazing during the year are unavailable, human rights groups, including the Association of Soldiers' Mothers, reported that violent hazing continued to be widespread. In January according to media reports, a sergeant was sentenced to a 5-year prison term for hazing a conscript who subsequently committed suicide. In June the press reported that military prosecutors opened five new cases against servicemen accused of physical harassment.

In past years, some politically active individuals were wounded in violent attacks; however, there were no reports of such attacks during the year. In June the Dnipropetrovsk Regions Court sentenced several defendants to jail terms ranging from 4 to 15 years for the October 1999 bombing in which presidential candidate Nataliya Vitrenko was wounded slightly, and more than 30 others were injured. No progress was reported in resolving the April 1999 shooting of Kiev municipal government official Mykola Pidmohylny or the November 1999 shooting of Vinnytsia Mayor Dmytro Dvorkis. There were a number of violent attacks by unknown persons on journalists during the year (see Section 2.a.).

No progress was made in resolving the 1999 firebombing of the office of the Tatar Assembly Mejlis in Simferopol or the 1999 bombing of the office of the Communist Party leader Leonid Hrach in Simferopol. Accusations by former opposition presidential candidate and head of the National Security and Defense Committee, Yevhen Marchuk, linking the Presidential Administration to a false bomb threat that disrupted a 1999 meeting between Marchuk and local residents were never proven.

In 1998 the Government created a penal department to oversee reform of the penal system and to serve as the administrative center of the penal system. The new department originally was placed under the oversight of the Ministry of Internal Affairs, but it was given the status of an independent government agency by presidential decree in 1999; however, human rights groups reported that the reorganization did not affect the Department's practices and that there is little civilian oversight of its activities. Although the Government has implemented some programs for the retraining of prison and police officials, it has punished only a small

minority of those who committed or condoned violence against detainees and prisoners. In March the leadership of the penal department changed; some human rights groups reported that the department has addressed human rights complaints more effectively as a result.

Prison conditions remained harsh and life threatening. According to official sources, information on the physical state of prison walls and fences, as well as pretrial detention blocks is considered to be a government secret. Nevertheless the press reported freely about harsh prison conditions. According to complaints received from the Office of the Ombudsman and human rights NGO's, prison officials intimidated and mistreated inmates. Due in part to severe economic conditions, prisons and detention centers were severely overcrowded and lacked adequate sanitation and medical facilities. According to official statistics of the Penal Department, the first 6 months of the year there were 865 deaths in the prisons. Poor sanitary conditions resulted in 300 deaths from diseases such as tuberculosis and 13 from dysentery during the first half of the year. There were frequent incidents of killings by fellow inmates and 13 individuals were reported officially to have committed suicide, although human rights groups believe the suicide figure to be higher. Because the country lacks a well-developed system of suspended sentences, and the law does not differentiate between misdemeanors and felonies, at least one-third of inmates in 2000 were imprisoned because of minor violations. Between July and August, 28,818 minor offenders were released from prison as a result of a general amnesty. This measure did relieve overcrowding to some extent; however, the prisons had begun to fill up again by year's end, and pretrial facilities remained overcrowded.

Unlike in the previous year, there were no reports during the year that prisoners were not being permitted to correspond or that family visits were limited to one per year. Prisoners may complain to the Ombudsman about the conditions of detention, but human rights groups reported that inmates were punished for initiating complaints. In January the Parliament passed amendments to the Penal Code, relaxing Soviet-era restrictions in high-security prisons and removing a requirement that all prisoners' letters should be read. In August, as a result of a petition by the Office of the Ombudsman, the State Penal Department discontinued the transfer of female detainees from a facility in Dnipropetrovsk to Kryvyi Rih. Beginning in 1998 approximately 15,000 female prisoners had traveled to and from the two eastern facilities in small train compartments, without water, toilet facilities, or ventilation.

Conditions in pretrial detention facilities also were harsh. Inmates sometimes were held in investigative isolation for extended periods and subjected to intimidation and mistreatment by jail guards and other inmates. Overcrowding is common in these centers. For example, the pretrial detention center in Kiev houses 4,000 persons, although it was constructed to hold 2,850. The SBU still maintained its own pretrial centers at year's end, although that it had announced it would close them by mid-year.

Conditions in the Corrective Labor and Treatment Centers for Alcoholics (LTP's), operated by the Ministry of Internal Affairs, where violent alcoholics are confined forcibly by court decision, differ little from those in prisons. Although some centers were transferred to the Health Ministry during 2000, the Government has not met its earlier commitment to transfer all of the LTP's to the ministry. Virtually no treatment for alcoholism is available in these centers. In August 1999, the Government issued a decree directing the closure of LTP's by the end of 2000; however, the press reported in June that 5 LTP's with over 2,000 inmates continued to operate during the year.

The Government continued to allow prison visits from human rights monitors; however, some monitors reported that at times it can be difficult to obtain access to prisons to visit specific prisoners. For example, reportedly human rights organizations initially were denied access to Serhiy Potomanov, a journalist detained and later imprisoned in Simferopol, who had complained of severe beatings by other inmates; however, after the prisoner went on a hunger strike, the visit was permitted. Potomanov maintained that the case against him was fabricated and stated that he was tortured after complaining of prison conditions. During the year, the Ombudsman continued to make the treatment of prisoners a priority and to investigate conditions in a number of prisons. In September the Rada ratified the first and second protocols of the European Convention on Prevention of Torture which mandates the inspection of prisons by international observers. Human rights groups hope these visits may lead to a reduction in the incidence of torture.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest and detention; however, arbitrary arrest and detention remained problems. The Constitution provides for compensation for unlawful conviction and the law allows compensation for illegal arrests; however, these provisions rarely were invoked.

The law provides that authorities may detain a suspect for 3 days without a warrant, after which an arrest order must be issued. Amendments to the law that took effect in July transferred the authority to extend detention without an arrest warrant for an additional 10 days from the prosecutor's office to the courts. Suspects who believe that further investigation may lead to their immediate exoneration also may petition the court for an additional 15-day detention. The law further provides that pretrial detentions may not last more than 2 months. In cases involving exceptionally grave offenses, the Prosecutor General may petition a judge of the Supreme Court to extend the period of detention to 18 months. The law does not limit the aggregate time of detention before and during a trial. The law permits citizens to contest an arrest in court or appeal to the prosecutor. The Constitution requires immediate notification of family members concerning an arrest, but this action often is not taken in practice.

By law a trial must begin no later than 3 weeks after criminal charges have been filed formally with the court, but this requirement rarely is met by the overburdened court system (see Section 1.e.). Months may pass before a defendant finally is brought to trial, and the situation did not improve during the year. Complicated cases may take years to go to trial. Although an amendment to the Criminal Procedures Code provides for the imposition of monetary bail, it has been used rarely; many of the defendants cannot pay the monetary bail amounts imposed by law. Instead courts increasingly have imposed restrictions on travel outside a given area as an alternative measure to pretrial confinement. Approximately 70 percent of defendants awaiting trial—approximately 150,000 individuals—were released from pretrial confinement during the year, many of them under restrictive travel conditions. The July amendments incorporated changes intended to streamline the bail reform law so that the imposition of monetary bail may be used by the courts as another option in determining whether to release a defendant from pretrial confinement.

According to official statistics published in June, the prison population was 223,000 persons, including 175,000 in prisons and 48,000 in pretrial custody. Many of the individuals in pretrial confinement have been charged with serious violent crimes. Since only the courts may authorize the continuation of pretrial detention pursuant to the July amendments, they began to take a closer look at cases in which defendants had been confined for extended periods in pretrial detention based on previous authorization by prosecutors.

The law stipulates that a defense attorney must be provided without charge to an indigent detainee from the moment of detention or the filing of charges, whichever comes first. There are insufficient numbers of defense attorneys to protect suspects from unlawful, lengthy imprisonment under extremely poor conditions. Although the concept of providing attorneys from the state system exists in principle, public attorneys often refuse to defend indigents for the low Government fee. While in custody, a suspect or a prisoner is allowed by law to talk with a lawyer in private; however, human rights groups reported that the client-attorney privilege occasionally was denied by prison or investigative officials. To protect the defendant, each investigative file must contain a document signed by the defendant attesting that the charges against him, his right to an attorney, and his right not to give evidence against himself or his relatives have been explained to him. An appeals court may dismiss a conviction or order a new trial if this document is missing. As defendants increasingly became aware of their rights, they insisted on observance of these procedures; however, many persons remained unaware of these safeguards.

A package of laws which entered into force on July 5 amended criminal and criminal procedure laws and laws on the judiciary (see Section 1.e.). These amendments and related legislation brought about a number of key reforms in the legal system, including the transfer of the right to issue arrest warrants from the prosecutor's office to the courts. With the exception of a number of serious offenses, the prosecutor's office may no longer initiate new criminal investigations (see Section 1.e.).

The Government occasionally detained persons (usually opposition politicians or editors and journalists from the opposition press) who were openly critical of the Government or challenged the interests of the oligarchs, on charges such as criminal libel or tax evasion (see Section 2.a.). In January the Prosecutor General announced the filing of criminal charges against Yulyia Tymoshenko, Deputy Prime Minister for Energy. The charges led to her dismissal and her arrest in February. Deputy Prime Minister's Tymoshenko's efforts to reform the energy sector had drawn strong opposition, most notably from powerful business persons closely tied to the Government, and Tymoshenko claimed that the charges were politically motivated. In March she was released from detention and in September some of the charges against her were dropped for lack of evidence. In August 2000, her husband, Oleksandr Tymoshenko, and a business associate were arrested on charges of em-

bezzlement of state funds. Although the investigation of Oleksandr Tymoshenko and his associate reportedly had been underway for some time, some observers believed that timing of the arrests was intended to pressure Yuliya Tymoshenko. In August, after 12 months of detention, Oleksandr Tymoshenko was released from pretrial custody on the orders of a lower court, and the Supreme Court subsequently invalidated his arrest warrant. Borys Feldman, former vice president of Bank Slovyansky and manager of Yuliya Tymoshenko's business interests, continued to be held in pretrial detention; although one court ordered his release pending trial, another competing court ordered his continuing detention; he has been held since March 2000 on charges of financial mismanagement and tax evasion.

Opposition groups claimed that the detention of several hundred protesters and the criminal charges brought against 15 demonstrators involved in the March antipresidential protests were motivated politically (see Section 2.a.).

Human rights groups reported that they continue to receive complaints from Roma in the Transcarpathia region regarding arbitrary detention and physical harassment by the police.

Police arbitrarily detained persons for extensive document checks and vehicle inspections (see Section 1.f.).

Police have the right to take detain and transport forcibly any person appearing drunk in public to special sobering centers, which were transferred during the year from the Interior to the Health Care Ministry (see Section 1.c.). Police reportedly were more reluctant to transport persons appearing drunk to such centers. Unlike in the previous year, there were no reports of police mistreating, robbing, or beating detainees on the way to and at such centers, although there were reports of police harassing such persons on the street.

At times persons involved in property, inheritance, or divorce disputes were diagnosed wrongfully with schizophrenia and confined to psychiatric institutions.

The Constitution prohibits forced exile and the Government does not employ it.

*e. Denial of a Fair Public Trial.*—The Constitution provides for an independent judiciary; however, in practice the judiciary is subject to considerable political interference from the executive branch and also suffers from corruption and inefficiency. The courts are funded through the Ministry of Justice, which controls the organizational support of the courts, including staffing matters, training for judges, logistics and procurement, and statistical and information support. The Presidential Administration also reportedly continued the old Soviet tradition of telephoning justices directly to influence their decisions.

Although the Constitution requires that comprehensive implementing legislation to establish an independent judicial system be enacted by June 26, the Rada did not meet this deadline, nor had the legislation been passed by year's end. Pending the passage of the required enabling legislation, the court system remained organized along Soviet lines, with the exception of the Constitutional Court. However, in July the Government adopted a series of laws designed to bring existing legislation regulating the court system and the administration of justice more in line with constitutional requirements for an independent judiciary. These laws gave the courts the right to issue warrants, adjusted the framework of the court system, and introduced an appellate process. The prosecutor's office is no longer authorized to issue arrest or search and seizure warrants. These powers may be exercised only by the courts and by duty judges in the local courts that have been designated to decide on the issuance of warrants. The reforms also give commercial, appellate, and Supreme Court judges the right to nominate and elect their own chairmen. Although local court judges can also nominate their own chairmen, the Ministry of Justice appoints them.

The judiciary lacks sufficient staff and funds, which engenders inefficiency and corruption and increases its dependence on the executive, since the court receives all its funding from the Ministry of Justice. The court reorganization necessitated by the July amendment package requires more funds than were allotted in the budget and observers believe that significant additional funding is needed to modernize the court system in general and to provide the courts with adequate facilities and equipment.

The authority and independence of the judicial system also are undermined by a lack of compliance with court decisions in civil cases. Provisions calling for criminal punishment for noncompliance with court decisions rarely are used. Compliance is particularly poor if the decision clashes with government interests. The Chairman of the Supreme Court, the chairmen of regional courts, and the chairman of the Kiev municipal court (or the deputies of these officials) can suspend court decisions, which leads to interference, manipulation, and corruption.

In 1999 the State Executive Service was established as a special department in the Ministry of Justice to execute court decisions. The State Executive Service was

authorized specifically to enforce judgments in civil cases; decisions in criminal and administrative courts involving monetary compensation; and judgements of foreign courts, the Constitutional Court, and other authorities. The number of court decisions involving monetary or material compensation referred to the Department has grown substantially. In the first half of the year, over 1 million court decisions were executed, representing approximately 48 percent of the judgements referred to the State Executive Service.

Critics of the Government also claimed credibly that the Government abused its authority over officers of the court by selectively charging and dismissing politically unsympathetic judges. In May the Prosecutor General opened a criminal case against the Chairman of a Kiev district court, Mykola Zamkovenko, on charges of negligence and abuse of office. In July President Kuchma dismissed Zamkovenko for intentionally withholding case files in order to delay citizens' appeals to the court. This decision followed his suspension by the Judiciary Qualification Commission and a High Judicial Council recommendation in favor of his dismissal. However, Zamkovenko's supporters charged that he had been targeted for his release of former Deputy Prime Minister Yulia Tymoshenko from pretrial custody and his recognition of Heorhiy Gongadze's mother and wife as victims of a crime (see Sections 1.a. and 1.d.).

The July amendments to a series of laws concerning the judiciary and the administration of justice introduced important reforms to the court system. The amendments provided for a unified system of courts consisting of a Constitutional Court, a system of courts of general jurisdiction that includes the Supreme Court and specialized commercial (formerly arbitration) courts, and military courts. General jurisdiction courts are organized on four levels: Local courts, regional appellate courts, specialized high courts (the High Commercial Court), and the Supreme Court. The arbitration courts were redesignated as commercial courts and are intended to operate as specialized courts within the single unified system of courts. As a result, the Supreme Court may review their judgments, including those rendered by the High Commercial Court. Military courts are specialized courts that hear cases only involving military personnel.

The July amendments also introduced a new appeals process to the court system. Regional courts, including the Supreme Court of Crimea, and the Kiev and Sevastopol City courts, became appellate courts for the lower-level courts. They may examine evidence independently in a case, call for additional witnesses or evidence, and render a decision that supercedes the judgment of a lower court.

The Constitutional Court consists of 18 members appointed for 9-year terms in equal numbers by the President, the Parliament, and the Congress of Judges. The Constitutional Court is the ultimate interpreter of legislation and the Constitution, and it determines the constitutionality of legislation, Presidential edicts, cabinet acts, and acts of the Crimean Autonomous Republic. The President, at least 45 Members of Parliament, the Supreme Court, the Ombudsman, and the Crimean legislature may request that the Constitutional Court hear a case. Citizens may apply to the Constitutional Court through the Ombudsman, who started to exercise this right in selected cases. In some limited cases, the Constitutional Court can interpret law for individual citizens, when the applying citizen provides compelling proof that a constitutional provision is violated, or that it is interpreted differently by different government bodies. During the year, the Constitutional Court considered two cases in response to petitions initiated by individuals but submitted by the Ombudsman for Human Rights and a joint stock company.

Many local observers regard the Constitutional Court as the country's most independent judicial body. Human rights groups state that, overall, the Constitutional Court has maintained a balance of fairness. However, in March 2000, the Court ruled that the President's proposed referendum on expanding presidential authority was constitutional, although it threw out two of the six original questions. Observers believed that this decision indicated a pro-presidential bias.

The Constitution includes procedural provisions to ensure a fair trial, including the right of a suspect or witness to refuse to testify against himself or his relatives; however, pending the passage of legislation to implement these constitutional provisions, a largely Soviet-era criminal justice system remained in place, which limits these rights. While the defendant is presumed innocent, conviction rates have changed little since the Soviet era, and nearly all completed cases result in convictions. According to official statistics, in the first half of 2000, there were 113,902 convictions and 375 acquittals. However, since judges frequently send back to the prosecutor for "additional investigation" cases that lack sufficient evidence to support the charges (which usually leads to the dropping of the case), these statistics are somewhat misleading. During the period of 1999-2000, the courts returned more than 10 percent of pending criminal cases to investigative agencies because of the

lack of sufficient evidence. In addition, there were indications that suspects often bribe court officials to drop charges before cases go to trial, to lessen sentences, or to commute them.

Under the existing court system cases are decided by judges who sit singly, occasionally with two public assessors ("lay judges" or professional jurors with some legal training), or in groups of three for more serious cases. The Constitution provides for public, adversarial trials, including a judge, public assessors, state prosecutor, defense, and jury (when required by law). With some qualifications, these requirements are respected in practice. The July legislative amendments provide for a jury system, including procedures for the selection of jurors, but the amendments did not address the function and jurisdiction of jurors. Observers believe that the jury system not function until a comprehensive judicial reform is completed and additional funding is provided for the courts.

Complicated cases can take years to go to trial, and pretrial detention is a problem; however, in increasing numbers, defendants are released from confinement pending trial (see Section 1.d.). The condition normally imposed by the court is non-monetary bail in the form of restrictions on travel. Many of the remaining defendants in pretrial confinement were awaiting trial for very serious criminal offenses. Judges report that there has been a significant increase in the number of defendants who have been charged with very serious crimes during the transitional period from a Soviet command-based economy, which partly accounts for the substantially high number of individuals in pretrial detention.

Prosecutors, like the courts, are organized into offices at the rayon (district), oblast (regional), and national levels. They are responsible ultimately to the Prosecutor General, who is appointed by the President and confirmed by the parliament for a 5-year term. Regional and district prosecutors are appointed by the Prosecutor General. Although by law prosecutors and defense attorneys have equal status, in practice prosecutors are more influential. Although the authority to issue search and arrest warrants has been transferred to the courts and prosecutors may no longer suspend court decisions, they still may file appeals (as may defense attorneys). Before July the procuracy at times used its judicial review powers to annul court decisions unfavorable to the administration's economic or political interests and ordered the case reexamined by a different court. The Office of the Prosecutor General practiced selective prosecution and initiated investigations against the political or economic opponents of the President and his allies. The Prosecutor General also ignored parliamentary and court requests for investigations into high-ranking persons if the accused were presidential allies.

The Constitution and the July amendments have curtailed prosecutors' authority greatly, limiting it to prosecution, representing the public interest in court, oversight of most investigations, and implementation of court decisions in criminal cases. However, prosecutors retain the right to conduct investigations in cases initiated before the amendments were implemented and in cases involving a range of serious offenses, including murder, corruption, and high economic crimes. The procuracy no longer may initiate new criminal cases; its powers are limited to supervising the observance of laws by law enforcement agencies only. In May the Constitutional Court ruled that citizens may challenge court actions by the prosecutors and investigative agencies, as well as government actions regarding national security, foreign policy, and state secrets.

During the year, the High Judicial Council dismissed 41 judges,—38 for breach of oath and 3 for criminal convictions.

Criminal groups routinely used intimidation to induce victims and witnesses to withdraw or change their testimony. The law requires that a special police unit protect judges, witnesses, defendants, and their relatives; however, the unit has not yet been formed, and trial participants were vulnerable to pressure. There is a witness protection law, but it is in abeyance because of lack of funding. Under a law adopted in March 2000, the names and addresses of victims and witnesses can be kept confidential if they request protection due to fear for their lives.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The authorities infringed on citizens' privacy rights. July legislative amendments to the laws on the judiciary and administration of justice require that search warrants for residential properties and wiretaps—functions that were performed previously by prosecutors—be issued only by the courts (see Section 1.e.); however, prosecutors retain the right to issue warrants for searches of nonresidential properties.

In accordance with the July amendments, the SBU may not conduct intrusive surveillance and searches without a court-issued warrant. The Office of the Prosecutor General has the constitutional responsibility to oversee the observance of the law by law enforcement agencies, including the SBU; however, the extent to which the

Prosecutor General uses his authority to monitor SBU activities and to curb excesses by security officials is unknown. The Constitution provides citizens with the right to examine any dossier on them in possession of the SBU and to sue for physical and emotional damages incurred by an investigation; however, necessary implementing legislation has not been passed and the authorities do not respect this right in practice.

Under the law, the police have the right to stop and search a person based on a suspicion that the person has committed a criminal offense. A person suspected of committing an especially grave crime may be arrested and searched without a warrant, but the court must be informed of the arrest within 72 hours. In 2000 the Rada enacted legislation prohibiting the police from stopping vehicles without a reason and levying an immediate fine; only the courts may impose such fines. The law has had an increasing deterrent effect on the police, who no longer can collect spot fines after stopping vehicles for alleged traffic violations, although abuses still occur. However, the police may detain a person arbitrarily for up to 3 hours to verify identity (see Sections 1.d. and 1.e.). There have been reports that police sometimes abused this right.

Journalists whose reports are critical of the Government or who covered opposition politicians and NGO's that engaged in nonpartisan political activity reported that they were frequently followed by SBU agents and that their telephones were wiretapped (see Section 2.a.).

Under the "propyska" mandatory registration system which was in effect throughout most of the year, internal passports contain a stamp indicating residence and matrimonial status (see Section 2.d.). In November the Constitutional Court ruled that the propyska system was unconstitutional; a new "informational" registration mechanism was envisioned but had not been implemented by year's end.

In the period prior to the 1998 parliamentary elections, mass—perhaps coerced—enrollment of public sector and government employees augmented the ranks of progovernment parties, particularly the People's Democratic Party (see Section 2.b). The press and political observers reported that the Donetsk-based Regions of Ukraine Party was recruiting state employees in a similar manner in preparation for the March 2002 parliamentary elections.

At times persons involved in property, inheritance, or divorce disputes were diagnosed wrongfully with schizophrenia and confined to psychiatric institutions. The disputes often entailed the corruption of psychiatric experts and court officials. In February 2000, Parliament adopted a new Law on Psychiatry which bans abuse of psychiatry for political and non-medical reasons and provides safeguards against such abuse; however, human rights monitors reported that procedures regarding the application of psychological treatment have not been determined, and the Soviet system of classifying mental illness was still in use. Persons diagnosed with mental illness may be confined and treated forcibly, declared not responsible for their actions, and stripped of their civil rights without being present at the hearings or notified of the ruling. There are approximately 1.2 million registered psychiatric patients in the country. Within 3 days after forcible confinement to a hospital, a patient must be examined by three doctors. Patients (including convicted prisoners) subsequently must be examined by the senior regional psychiatric commission within 6 months. According to the Ukrainian Psychiatric Association, the Health Care Ministry has not always cooperated with human rights groups attempting to monitor abuse of psychiatry.

In October the Parliament passed the Land Code, creating a legal basis for land ownership as defined in the Constitution and clarifying the property rights of former collective farm workers as well as urban dwellers. Although the Code needs amendment and further clarification, it represents a significant step toward strengthening the rights of landowners. At year's end, the Government was working to develop regulations and additional implementing legislation to reinforce land ownership and use rights.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution and a 1991 law provide for freedom of speech and of the press; however, the Government did not always respect these rights. The Government continued to interfere with news media by intimidating journalists and the use of the libel laws, although the use of libel laws declined in comparison with the previous year. Unlike in the previous year, arbitrary and unannounced tax, fire, and building code inspections were not used during the year to interfere with the news media. A wide variety of privately owned newspapers and periodicals were available which espoused different political points of view and there was an active debate over sensitive questions in the mass media and Parliament. Throughout the year, journalists consistently reported that the prin-

cial limitations on their freedom to write came from private owners who were interested in advancing their political interests.

Government entities used criminal libel cases or civil suits based on alleged damage to a "person's honor and integrity" to influence or intimidate the press; however, the use of such cases decreased during the year. Article 7 of the Civil Code allows anyone, including public officials, to sue for damages if circulated information is untrue or insults a person's honor or dignity. Article 125 of the Criminal Code, in effect until September, prescribed imprisonment of up to 3 years for libel. The new Criminal Code that entered into effect on September 1 eliminated any criminal penalty for libel. In addition, a May Resolution of the Plenum of the Supreme Court mandated that in order to prove libel, plaintiffs must demonstrate that journalists had prior knowledge of the falsity of information before publishing it. There is no limit to the amount of damages that may be awarded under a civil libel suit. Before the new Criminal Code came into effect, the Prosecutor General could file criminal libel charges, and libel fines were so large that accounts were frozen and equipment confiscated by the State Tax Administration to enforce payment. Even when the actions of the Tax Administration were overturned by subsequent court decisions, the damage to the newspapers' finances at times was irreparable because accounts remained frozen until all appeals were completed. Lower courts still may order that the accounts of a newspaper be frozen pending an appeal of a civil libel case. Journalists complained that because the law did not limit damages, it was used to drive opposition newspapers out of business. While figures were unavailable, the number of libel cases during the year reportedly decreased.

In October the Kiev Regional Appeals Court annulled the conviction of Oleh Lyashko, editor-in-chief of an opposition newspaper, *Svoboda*, who had been convicted in June, sentenced him instead to 2 years on probation, and prohibited him from practicing journalism for 2 years; he had been convicted for libel for a series of articles on Vasily Durdinets, the former acting Prime Minister, and the former chief of the Odesa section of the Ministry of Internal Affairs. The Kiev court's decision was based on the September decriminalization of libel. The Government had harassed Lyashko and his publications for some time. Government officials initiated more than 20 criminal and civil libel cases against Lyashko and his publication *Polityka* (which was forced to close in 1999), asking for more than \$40 million in damages.

In July the Kirivohrad local court imposed a \$8,500 fine on the newspaper *Vidomosti* for a critical report on parliamentary deputy Hanna Antonyeva; the newspaper subsequently ceased publication.

Two libel suits were filed against Radio Free Europe/Radio Liberty (RFE/RL) during the year, one in February by Rada Deputy Oleksandr Volkov and the other in June by the Darnytsya pharmaceutical factory; however, no decision or settlement had been reached by year's end for either suit. Rada Deputy Viktor Pynzenyk, generally considered a strong supporter of market reforms, filed a libel suit against the *Kievskie Vedomosti* newspaper after the newspaper alleged his involvement in the embezzlement of compensation funds for individuals forced to work in Germany during World War II. In September a Kiev court upheld Pynzenyk's libel suit, ordering the newspaper to print a series of retractions. The newspaper appealed but the Supreme Court supported the lower court's judgement.

The print media, both independent and government-owned, sometimes demonstrated a tendency toward self-censorship on matters that the Government deemed sensitive. Private newspapers have been established and are free to function on a purely commercial basis, although very few are profitable. However, they are subject to various pressures such as, dependence on political patrons who may facilitate financial support from the State Press Support Fund; and close scrutiny from government officials, especially at the local level. The dependence of some of the press on government patronage has inhibited criticism, particularly at the local level.

Unlike in previous years, there were no reports that the State Committee for Information Policy warned periodicals against fomenting ethnic tensions and conducting antistate propaganda or that the Government targeted opposition newspapers with unannounced inspections or fire and building code inspections.

Many major newspapers are financed by wealthy businessmen with political interests that often favor the Government. This backing gives these newspapers an advantage over smaller, more independent newspapers. Unlike in the previous year, the owners of independent newspapers did not face the threat of litigation from political opponents to force them to sell their shares in the papers.

Despite government pressure and media self-censorship, the variety of newspapers and periodicals on the market, each espousing the view of its respective

sponsor, provides a variety of opinions. Foreign newspapers and periodicals circulate freely.

Broadcast media, the primary source of news for most citizens, are either state-owned or owned by oligarchs and powerful business interests. There are six national television stations. State-run television has the widest geographic coverage but low viewership. Most other television stations are associated with political parties or powerful business interests; such interests may or may not coincide with the interests of government authorities, depending on the issue. The third and fourth most popular stations are seen as pro-presidential. Two of the more outspoken stations have considerable foreign ownership.

In April the National Council for Television and Radio Broadcasting decided against renewing the license of Radio Kontynent (RK), an independent radio station that rebroadcasts news reports of the British Broadcasting Corporation (BBC), Voice of America (VOA), and Deutsche Welle, and has been critical of the Government in its own broadcasts, and whose owner has been highly critical of President Kuchma's relationship with the media. After a successful challenge to its initial rationale that RK's rebroadcasts of foreign stations was illegal, the Council cited a debt owed by the station to the government as grounds for its decision. In October the Kiev Municipal Arbitration court denied RK's request to block the sale of the radio station's frequency. RK continued to operate at year's end pending further appeal.

In 2000 the authorities took steps to strengthen their control over the broadcasting sector. The President and the Parliament each appoint half of the members of the National Council for Television and Radio Broadcasting, which issues licenses and allocates broadcasting time. President Kuchma did not name his half of the eight-member board until June 2000, after the Parliament had replaced its original four members in May 2000. In the absence of a functioning council, the Government had virtually unchallenged control over media licensing in the period before the 1999 presidential election and in the period prior to the April 2000 referendum on amendments to the Constitution to increase Presidential powers. As a result, the 1999 presidential campaign saw a marked imbalance in the coverage of candidates on national television and radio channels, with opposition candidates receiving very limited and often negative coverage at the national level. Opposition candidates had more success in obtaining access to smaller local and regional television channels. Likewise in the period leading up to an April 2000 referendum, television coverage was overwhelmingly pro-presidential and pro-referendum.

The press reported in July assertions by RFE/RL Ukrainian Service chief Roman Kupchinsky that SBU agents warned him against seeking to reenter the country, a charge the Government denied. He subsequently did enter the country and as of year's end there were no reports that any measures had been taken against him.

Intensive international scrutiny has led government authorities to begin addressing their relations with the media. In December 2000, President Kuchma issued a decree to protect the media; however, the decree is judged widely to be ineffectual. In 1999 the Parliament had adopted a resolution on the media, also seen as ineffectual, that called for investigations into complaints of harassment of nonstate media by the State Tax Administration, the Prosecutor General's Office, or the Presidential Administration. In December 2000, government authorities immediately responded to diplomatic protests about interference by the State Tax Administration in the operation of the Eastern Economist magazine; an unwarranted seizure of accounts was remedied quickly and the authorities apologized to the magazine's management. In February the State Tax Administration, in a gesture of transparency, began publishing a monthly list of media outlets scheduled for audits, rather than conducting audits arbitrarily. Since the publication of this list there have been no reported cases in which the State Tax Administration targeted media outlets for arbitrary inspection.

In 2000 the Cabinet of Ministers issued new regulations governing broadcast fees. State and independent channels are subject to the same rates for the majority of broadcasting fees as State channels; however, the Government rarely enforced fee payments for state channels. Private and foreign companies also must obtain licenses in order to establish and operate their own transmission facilities.

The SBU has broad powers over the media in regard to the publication of state secrets, which include information on executions, the physical state of prison infrastructure, pretrial detention blocks, and centers for the forcible treatment of alcoholics (see Section 1.c.). Journalists report that, in general, the SBU did not interfere with their activities and that they were able to report about harsh prison conditions without any inhibition (see Section 1.c.). However, in June independent reporter Oleh Yeltsov complained of harassment by the SBU after he published several articles critical of a former SBU chief in the Internet journal *Ukraina*

Kriminalnaya. The SBU searched Yeltsov's home and questioned him for allegedly failing to hand over sensitive state documents.

During the year, journalists were subjected to some physical attacks that may have been related to their professional activities. The national affiliate of Reporters Without Borders reported that 28 similar incidents of physical and verbal harassment against journalists occurred during the year and that 4 had been killed, allegedly due to their trenchant reporting about local and national political authorities. The 2000 disappearance and killing of journalist Heorhiy Gongadze and the July 3 killing of Ihor Aleksandrov have raised serious concerns regarding whether the authorities are targeting journalists specifically for critical political reporting (see Sections 1.a. and 1.c.). On December 13, the Minister of Internal Affairs issued a ruling allowing journalists covering politics, corruption, and crime, to carry guns firing rubber bullets.

In January an unidentified man attacked Yanina Sokolovskaya, the Kiev correspondent for the Russian newspaper *Izvestia*, in her apartment building. She sustained knife cuts to her hands and face after attempting to resist the attacker. She blamed the attack on her newspaper's coverage of opposition protests against the Presidential Administration. As of year's end, no suspect had been identified in the June 24 killing of Oleh Breus, the publisher of the regional weekly *XXI Vek* in Luhansk. Breus was shot to death in front of his home; the motive for the killing was unclear. Breus was a businessman and held a senior position in the regional Communist Party of Workers and Peasants. He had experienced at least one previous attempted killing in December 2000, and his colleagues at the newspaper also had received threats. In July unknown assailants attempted to break down the door of Valentyna Vasylchenko, a reporter for the Cherkasy newspaper *Antenna*. She had been assaulted by two men in August 2000 in the stairway outside her apartment. She attributed the attacks to her coverage of criminal groups. In August an assailant fractured the skull of a Luhansk television reporter, Oleksiy Movesyan. The press has speculated that he may have been targeted for his coverage of a power struggle in the Luhansk city council. On September 22, the assistant editor of *XXI Vek* was hit by a car in Luhansk. According to the NGO Reporters without Borders, the police asserted that the event was an accident, but the victim asserted that it was motivated politically.

Some press observers have commented that the Government has become more sensitive to criticism regarding failures to uphold freedom of the press and has been hesitant to intervene against oppositionist media outlets. However, reportedly journalists who pursued allegations of high-level government involvement in the killing of journalist Heorhiy Gongadze were subject to harassment by the Government (see Section 1.a.). In January representatives of RFE/RL complained that the SBU harassed their employees in an attempt to alter the service's coverage of the country's politics. The SBU denied these charges. While the press continued to cover the disappearance of Gongadze and anti-Government demonstrations related to it, they practiced some self-censorship.

A July 2000 Presidential decree identified the development of the Internet as a priority of national information policy and instructed the Government to design a state program to develop the Internet network. According to the SBU, it has set up an Internet monitoring network in order to fight corruption and further the country's integration into the European Community; however, human rights organizations fear that this network has increased the SBU's ability to supervise citizens without cause. Though limited in readership, Internet publications, in particular *Ukrayinska Pravda*, played a key role in covering the disappearance of Heorhiy Gongadze and the scandal surrounding allegations of Presidential involvement in the case (see Section 1.a.).

While major universities are state-owned, they operate for the most part under full autonomy; however, academic freedom is an underdeveloped and poorly understood concept. Nepotism and bribery reportedly are common during entrance exams and also influence the granting of degrees. Administrators of universities and academic and research institute directors possess the power to silence colleagues by denying them the ability to publish, withholding pay and housing benefits, or directly terminating them. Restrictions by the Communications Ministry on the mailing of scientific documents also have caused concern. Student protesters complained that university administrators in Kiev and Lviv pressured them not to participate in anti-Presidential demonstrations held at the beginning of the year (see Section 2.b). The SBU maintains offices for the protection of state secrets in state scientific and research institutes, including those not conducting any classified research. All private and religiously affiliated universities operated without any reported state interference or harassment.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution and law provide for freedom of assembly and the Government generally respects this right in practice; however, there were some instances in which this right was restricted. While the Constitution requires that demonstrators merely inform the authorities of a planned demonstration in advance, the law on public assembly stipulates that organizations must apply for permission to their respective local administration at least 10 days before a planned event or demonstration; the new Criminal Code prescribes up to 2 months of corrective labor or a fine for repeatedly staging unauthorized demonstrations. Under the law, demonstrators are prohibited from inciting violence or ethnic conflict and from calling for the violent overthrow of the constitutional order. In practice unlicensed demonstrations are common, and most but not all occur without police interference, fines, or detention.

Antipresidential demonstrations took place in central Kiev early in the year. While such demonstrations generally were peaceful, the police forcibly dispersed anti-presidential demonstrations in Kharkiv and Rivne, and in February city marshals acting on a court order dismantled tents erected by protesters on Kiev's main thoroughfare. In March protesters clashed with police while attempting to prevent the President from laying a wreath in honor of the national poet, Taras Shevchenko. Later on the same day, protesters threw rocks and Molotov cocktails at the police. The police arrested several hundred demonstrators, many of whom later were acquitted or given light sentences. The police maintained that the protesters had assaulted the security forces that were trying to keep the peace; however, human rights advocates maintained that some of those arrested were unlawfully detained and beaten while in custody. Subsequent demonstrations proceeded without incident and were small in size.

Communist groups regularly complained that the authorities failed to punish nationalist groups who harassed them during demonstrations held to protest the Government and to mark former Soviet holidays. Nationalist groups in turn complained that the authorities do not protect them from harassment by Communist groups.

The Constitution, the law, and government regulations restrict freedom of association to varying degrees.

In May a new law on political parties entered into force, which provides that a party must inform the Government about its financial holdings and any change in its leadership or program. Political parties may not receive financial support from the state or any foreign patron. In accordance with the Constitution, the law also forbids the establishment of political parties in the executive and judicial branches, military units, law enforcement organizations, state-owned enterprises, and other public institutions; however, this prohibition often is ignored in practice. In the period prior to the 1998 parliamentary elections, the mass—perhaps coerced—enrollment of public sector and government employees augmented the ranks of progovernment parties, particularly the People's Democratic Party. The Supreme Court reserves the right to ban any political party upon the recommendation of the Ministry of Justice or the Prosecutor General.

The new law requires that a political party maintain offices in one half of the regions; however, in practice the law has not impeded greatly the formation of ethnic-based parties and ethnic minorities occupied leadership positions in national political parties (see Section 3).

Groups must register with the Government to pursue almost any purpose. Unregistered groups are prohibited from opening bank accounts, acquiring property, or entering into contracts. However, unlike in the previous year, there were no reports during the year that the Government used this power to limit freedom of association. The registration law also gives the Government the right to inspect the activities of all registered groups. This law requires that a party specify all its activities in its charter, but the party is not required to notify the authorities of all its meetings. A change in the group's charter necessitates reregistration.

In the past, some authorities interpreted a provision in the Law on Public Organizations stating that public organizations are created to protect the interests of their members to mean that public organizations may offer services only to their members. However, there were no reports that this requirement was used to restrict the activities of any group during the year.

The law provides also for restrictions on organizations that are considered dangerous, such as those which advocate violence or racial and religious hatred, or which threaten the public order or health. The Government had not publicly identified any such groups as "dangerous" as of year's end; however, far right political organizations report that they are subject to harassment and surveillance by government authorities.

*c. Freedom of Religion.*—The Constitution and the law provide for freedom of religion, and the Government generally respects this right in practice; however, some

minority and nontraditional religions continued to experience difficulties registering, and buying or leasing property at the local level, although there were fewer reports of such difficulties than in the past. The Constitution and the law provide for the separation of church and state.

The law requires all religious organizations to register with the State Committee on Religious Affairs. If a group chooses to register as a national organization, it must register with the central office of the State Committee for Religious Affairs, and each of its local groups must register with the local office of the State Committee in the region where it is located. Those groups that choose to register as local organizations must register only with the regional office of the State Committee. This status is necessary to own property or carry out many economic activities, such as publishing religious materials or opening bank accounts. By law this process should take not more than 1 month, or 3 months if the State Committee requests an expert opinion on legitimacy of a group applying for registration; however, in practice this process can take up to 6 months or longer.

Some nonnative and minority religious organizations have reported that, especially at the local or regional levels, officials of the State Committee delayed registration of their organizations for extended periods. However, there were fewer such reports during the year. Representatives of the Progressive Jewish communities claimed that pressure from Chabad Lubavitch officials on local Dnipropetrovsk authorities has led to a 5-year delay in the granting of registration to a Progressive Jewish community in the city. According to representatives of Jewish communities and the press, the Dnipropetrovsk Chabad community opposed the registration of any Jewish community but Chabad in the city, which was the home to the father of the Lubavitcher Rebbe, Menachem Schneerson. In October members of the Community withdrew their petition for registration, citing harassment by local authorities. In April a longstanding registration case was resolved in Sevastopol, when an 18 month-old registration application from a Progressive Jewish community finally was approved by the local Committee for Religious Affairs.

No religious communities claimed to have experienced problems obtaining religious worker visas during the year and in previous years the State Committee on Religion reported that less than 1 percent of applications were refused, usually because forms were completed improperly.

The law restricts the activities of nonnative, foreign-based, religious organizations ("native religions" are defined as Orthodox, Greek Catholic, and Jewish), and narrowly defines the permissible activities of members of the clergy, preachers, teachers, and other foreign citizen representatives of foreign-based religious organizations. They may preach, administer religious ordinances, or practice other canonical activities "only in those religious organizations which invited them to Ukraine and with official approval of the governmental body that registered the statutes and the articles of the pertinent religious organization." However, in practice the Government has not used the law to greatly limit the activity of nonnative religious organizations. Nonnative religions reported some difficulties in obtaining visas for foreign religious workers, registering, and carrying out their activities during the year; however, the Government generally did not discriminate against individual believers of nonnative religions.

There is no state religion, although the Ukrainian Orthodox Church, Moscow Patriarchate, tends to predominate in the east, the Ukrainian Orthodox Church, Kiev Patriarchate and the smaller Ukrainian Autocephalous Orthodox Church are strong in the central regions, and the Ukrainian Greek Catholic Church predominates in the west. These churches exerted significant political influence at the local and regional levels. Reportedly each of these churches, within its respective sphere of influence, also pressured local officials to restrict the activities of the others.

The dispute among competing Orthodox Christian administrative bodies continued (see Section 5). The State Committee on Religious Affairs, although supportive of a unified, independent Orthodox Church for the country, has maintained neutrality in its relations with the various Orthodox churches. The Kiev Patriarchate of the Orthodox Church and the Greek Catholic church complained of harassment by local authorities in the predominantly Russian-speaking eastern region of the country, while the Moscow Patriarchate of the Orthodox Church complained that local governments ignored the appropriation of its churches by Greek Catholics in the western region.

Representatives of evangelical Christian communities expressed concern over instances of discrimination against their adherents. Such incidents appeared to be isolated. In two cases, they asserted that believers were forced to leave jobs in the military or in military production because their evangelical churches had contact with missionaries from abroad. An evangelical pastor also noted that local authorities in some cities had denied permits for religious processions and that in a village in the

Odesa region an evangelical church opposed by a local Orthodox community had been refused permission to hold regular Church services. Evangelical churches, like many other religious communities, experienced difficulties in obtaining land plots.

Representatives of the Ukrainian Autocephalous Orthodox Church cited instances of difficulties in providing religious services to soldiers and of the need to obtain approval for prison ministry activities from prison chaplains of the Moscow Patriarchate.

Members of numerous communities encountered difficulties in dealing with the Kiev municipal administration in obtaining land permits and building permits, problems not limited to religious groups.

According to the State Committee for Religious Affairs, the transfer of most places of worship to their original owners according to a 1992 decree on restitution was nearing completion. At year's end, 268 former houses of worship that were used for non-religious purposes had not been returned; however, 215 of them were not claimed by any religious group. During the year, the State Committee oversaw the return of 44 religious buildings (including 2 mosques, 2 Roman Catholic cathedrals, 1 Greek Catholic cathedral, and 3 Orthodox monasteries). Outstanding claims for restitution remain among all the major religious communities. Many properties that remain subject to restitution are occupied, often by state institutions, or are historical landmarks. The slowing pace of restitution is, among other things, a reflection of the country's difficult economic condition, which severely limits funds available for the relocation of the occupants of seized religious property. Competition among Orthodox churches for particular properties also complicates the restitution issue. In conjunction with a Cabinet of Ministers decree issued on January 15, the State Committee on Religious Affairs began a project to facilitate the periodic usage by religious groups of religious buildings that are state architectural landmarks whose return is not planned.

The Government also continued to return to religious groups properties expropriated during the Soviet era. It returned two churches that were rebuilt with government funds. The government has finalized the return of a number of major religious edifices for use by the main Orthodox churches in Ukraine. In May 2000, the Kiev Patriarchate received the newly rebuilt, historic St. Michael's Cathedral in central Kiev for its exclusive use. In September 2000, the Moscow Patriarchate received for its use the newly rebuilt Uspensky Cathedral of the Lavra Monastery, which also was restored using government funds. In August the Cabinet of Ministers issued an order confirming the respective use of these two religious properties and the use of St. Andrew's Church in Kiev for the Ukrainian Autocephalous Orthodox Church and St. Magdalene's Cathedral in Lviv for the Greek Catholic Church. According to Jewish community representatives, progress on restitution generally is satisfactory, although more could be done.

Officially religious instruction is prohibited in the public school curriculum. Schools run by religious communities can and do include religious education as an extracurricular activity. During the year, the Government began attempts to introduce training in "Basic Christian Ethics" into the schools. While the country's Jewish leaders support the teaching of ethics and civics in school, they insist on a non-sectarian approach to this training. A working group of the All-Ukrainian Council of Churches has been formed to discuss the content of such a program.

President Kuchma issued an official invitation to Pope John Paul II to visit, despite criticism by the Moscow Patriarchate. The Pope's June visit widely was considered successful. The Government actively promoted the Pope's visit as a sign of tolerance and most religious and political leaders supported it. The Moscow Patriarchate organized small peaceful protests before the visit but not during the event itself. Public services led by the Pope were attended by tens of thousands of persons in Kiev and hundreds of thousands of persons in Lviv, including President Kuchma himself.

In September the Government commemorated the massacre at Babyn Yar, one of the most serious Nazi crimes of the Holocaust. In March Kiev municipal authorities also granted land for the building of Babyn Yar Jewish Community.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for these rights, and the Government generally respects them in practice; however, there were some limits. Until November the propyska system—a nationwide requirement to register at the workplace and place of residence in order to be eligible for social benefits—remained in place; access to certain social benefits was limited to the place where one was registered. For example, persons who moved to other regions for work in the private sector could be denied formal access to free medical care and other services provided by the Government. In November the Constitutional Court ruled that the propyska system was unconstitutional. The Government had not yet implemented a substitute informa-

tional register by year's end and while fines for residence were no longer applied, information was insufficient at year's end to determine whether individuals who had not been registered had access to the social benefits they had been denied previously. Human rights groups reported cases of persons being stripped of their residence registration, evicted from their homes, and made homeless through criminal fraud or court error. Police also arbitrarily detained persons for extensive document checks and vehicle inspections (see Section 1.f.).

Citizens who wished to travel abroad generally were able to do so freely. Exit visas are required for citizens who intend to take up permanent residence in another country but there were no known cases of exit visas being denied to citizens during the year. The Government may deny passports to individuals in possession of state secrets, but denials may be appealed.

A new Citizenship Law implemented in March provides the right to citizenship for all individuals who were born or lived in the country before independence and to their descendants who lived outside the country as of November 13, 1991. Dual citizenship is not recognized. Under the terms of the new Citizenship Law, refugees may acquire citizenship if they have lived legally in the country for 3 years (instead of 5 years for other foreigners) and can communicate in the Ukrainian language. Furthermore refugees do not have to terminate foreign citizenship with their home country formally unless the Government has signed a specific agreement with this country mandating such a procedure; they must only notify the authorities of their rejection of foreign citizenship. Since independence over 1.5 million Ukrainians have returned to the country, while over 1 million persons, mostly ethnic Russians have left the country.

The Government has not supported a foreign-funded program to facilitate travel to the country of some emigrants who qualify for resettlement as refugees; however, more than 260,000 Crimean Tatars have returned from exile to Crimea, mainly from Central Asia. According to the U.N. High Commissioner on Refugees (UNHCR), between 220,000 and 230,000 Tatars have acquired citizenship. Crimean Tatar leaders have complained that their community has not received adequate assistance in resettling and that an onerous process of acquiring citizenship previously excluded many of them from participation in elections and from the right to take part in the privatization of land and state assets. However, amendments to the 1991 Citizenship Law facilitated the acquisition of citizenship by Crimean Tatars, who were deported victims of political oppression, by waiving some of the usual residence and language requirements. In addition, a 1998 agreement signed with Uzbekistan, where many of the Crimean Tatars outside Crimea resided, provided a simplified procedure for Crimean Tatars to renounce their former citizenship and acquire Ukrainian citizenship; however, this agreement expired at the end of the year. A new citizenship law enacted in March gave citizenship to all persons and their descendants who resided on Ukrainian territory prior to July 16, 1990. Under the terms of this agreement, citizens of foreign countries with which there are bilateral agreements mandating renunciation of foreign citizenship before new citizenship can be acquired, still must fulfill this obligation. Citizens of other countries must demonstrate renunciation of foreign citizenship one year after they acquire Ukrainian citizenship.

In August the revised Law on Refugees entered into effect. It provides for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The new law governs the treatment of refugees and entitles refugees to all of the benefits accorded to citizens. It also extended the term of refugee status from 3 months to 1 year. The Government cooperates with the UNHCR, and other humanitarian organizations in assisting refugees; however, the UNHCR and refugee protection groups reported that in practice the Government generally did not consider petitions for refugee status on a regular basis following the new law's passage. The Law on Refugees raised the Department for Nationalities and Migration to the rank of a State Committee and transferred authority for refugee adjudication from local branches of the former Department to the Committee. However, the law did not prescribe an adjudication mechanism for this new body. According to UNHCR statistics, 265 persons (112 of whom were Afghans) were granted refugee status during the year. A commitment was made to award refugee status to all Afghans who arrived in the country before 1995. Under the new Citizenship Law, legally registered refugees may apply for citizenship after 3 years of permanent residence. Under the Refugee Law, refugees are entitled to material assistance. The Cabinet allocates funds in the national budget for payment of refugee pensions and small allowances for indigent refugees, plus transportation fare to a refugee center. In cooperation with the UNHCR in 1997, the Government established a refugee reception center in Vinnytsya. In June a small refugee reception center was opened in Odesa.

According to the State Committee for Nationalities and Migration, the Government has a first asylum policy, but no data was available on the number of persons granted first asylum status during the year.

Instances of police harassment of certain categories of refugees reportedly decreased during the year. The UNHCR issued beneficiary cards to persons it recognized as refugees. Presentation of this card to law enforcement authorities reportedly led to some reduction in harassment, although this procedure did not help the large numbers of unrecognized refugees. In May the UNHCR began holding training seminars for police to prevent further harassment.

There were no reports during the year of the forced return of persons to a country where they feared persecution, although there were such cases in past years.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens generally exercise this right in practice; however, the 1999 presidential elections were marred by government pressure on the media that resulted in significantly unbalanced election coverage and by the efforts of the administration to influence voters by pressuring local leaders and officials. Subsequent parliamentary by-elections and a constitutional referendum also were marred. However, most observers agreed that all of these votes generally represented the will of the electorate.

The Constitution provides universal suffrage for citizens at least 18 years of age and for periodic elections every 4 years for Parliament and every 5 years for President. A Presidential election was held in October and November 1999. Parliamentary elections took place in 1994 and in 1998 and are scheduled for March 2002. In the view of many observers, the March parliamentary elections are likely to constitute a major test of the country's democratic political development.

According to the Constitution, power is divided among the executive, legislative, and judicial branches. Although nominally independent, the judicial branch in practice is influenced heavily by the executive (see Section 1.e.). The President appoints the Prime Minister, who appoints the remainder of the Cabinet with the President's consent. The appointments of the Prime Minister and certain other officials, including the Prosecutor General, are subject to parliamentary approval. The Constitution grants the President limited power to pass binding decrees and directives that have the power of law.

In June 2000, by-elections were held to fill 10 vacant parliament seats. Opposition candidates complained of voting irregularities, a lack of access to the media, and government pressure on behalf of pro-presidential candidates. However, observers believed that it was unlikely that these problems significantly altered the outcome of the election (see Section 2.a.).

In the April 2000 referendum on amendments to the Constitution that would increase presidential powers, the voting process was conducted in a generally free and fair manner; however, there were some serious problems. While most observers agreed that there were few procedural irregularities on voting day, the period leading up to the referendum was marked by unbalanced media coverage and inappropriate involvement of Government officials in turning out the vote and influencing voters on behalf of President Kuchma. Voter turnout was reported to be higher than during the October 1999 Presidential election, raising suspicions of manipulation on the part of the presidential administration. For example, an unusually high number of voters were allowed to vote before election day. Pollsters reported that exit poll results on turnout were notably lower than results reported by the Government. However, most observers believe that the outcome of the referendum generally reflected the will of the electorate.

In the month before the April referendum was to take place, the Constitutional Court invalidated two questions planned for inclusion: the first asked if the population wanted to disband the Rada and the second asked if the Constitution should be adopted by a future referendum. The Court ruled that the Constitution did not provide for the disbanding of the Rada by a popular vote of no-confidence and that the Constitution's validity could not be the subject of a popular referendum.

International observers noted violations of election day procedures in the 1999 Presidential elections, with more numerous and serious violations occurring in the second round of voting. In addition, the media coverage was significantly unbalanced. The OSCE also was concerned over pressure exerted on voters in prisons, hospitals, and educational institutions on behalf of President Kuchma. A representative of the Parliamentary Assembly of the Council of Europe declared that the elections were "far from fair and democratic." OSCE observers noted that unauthorized persons, including SBU officers, were present in polling stations, especially during

the runoff election; they also stated that they had received reports of militia involvement in campaigning. After the first round of voting, three regional administrators were dismissed, allegedly for failing to produce sufficient votes for President Kuchma in their districts. After the second round of voting, President Kuchma dismissed two oblast governors and six rayon heads in those regions where Kuchma received fewer votes than Communist Party rival Symonenko. Very high voter turnouts, particularly in western districts, aroused suspicion of ballot stuffing on President Kuchma's behalf in the second round of voting. However, because of President Kuchma's 18-point margin of victory, observers concluded that it was unlikely that these problems significantly altered the final outcome of the election.

In the 1999 preelection period, various forms of government pressure on the media served to limit the independence of the press (see Section 2.a.). The Parliamentary Assembly of the Council of Europe found that state media coverage of the presidential campaign was biased strongly in favor of President Kuchma. The Government allegedly used official agencies, especially the State Tax Administration, to disrupt or eliminate the businesses of political opponents prior to the elections. Presidential candidate Yevhen Marchuk reported that police ordered a meeting with voters evacuated in Luhansk in August 1999, citing an anonymous bomb threat. Political candidates also reported difficulty in renting meeting halls, closure of their local campaign offices by government officials, confiscation of campaign vehicles, and pressure on employees from directors of state-owned enterprises. Many opposition presidential candidates credibly complained that the SBU overstepped its mandate and interfered in the campaign to the benefit of President Kuchma. Presidential candidates complained about the presidential administration's dominance over the media and the illegal involvement of state officials in Kuchma's campaign. There were confirmed reports that the SBU monitored NGO's engaged in nonpartisan political activity (see Sections 1.f. and 4). In November 1999, the Supreme Court threw out lawsuits challenging the presidential election results, ruling that according to the election law the Central Election Commission's decision regarding President Kuchma's electoral victory could not be disputed or annulled.

While in the past a number of mayors reported harassment by law enforcement and other authorities, there were no such reports during the year.

In February Kirovohrad mayor Oleksandr Nikulin, who also supported the opposition during the 1999 presidential elections, was arrested on bribery charges; some in the press believe the charges against him are credible.

The percentage of women in government and politics does not correspond to their percentage of the population, although some women are active in government and politics. Women hold 37 of the 450 seats in the Rada. Only one woman holds a ministerial post. The 18-member Constitutional Court has 2 female members.

Jews are well represented among the political elite and hold several parliamentary seats. Many Crimean Tatars are unable to participate fully in the political process, primarily because they do not constitute a majority in any one Crimean electoral district. Previous delays in granting citizenship to Crimean Tatars also negatively affected their ability to influence the political process (see Section 2.d.).

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases; however, there were confirmed reports that the SBU monitored NGO's engaged in nonpartisan political activity during the 1999 Presidential election campaign (see Section 3). According to Amnesty International, in what reportedly was an isolated incident, local police summoned Amnesty International's members in Lviv and questioned them about their activities related to human rights problems in Pakistan. Government officials frequently were cooperative and responsive to the views of NGO's; however, human rights groups reported continued difficulties in investigating penal conditions, which are a significant human rights problem (see Section 1.c.).

The Parliamentary Commissioner on Human Rights is a constitutionally mandated independent human rights ombudsman. In 1988 Parliament elected the first Ombudsman, who serves a 5-year term and, in principle, is invested by law with very broad powers. The law provides the Ombudsman with unrestricted and unannounced access to any public official, including the President; unrestricted access to any Government installation; and the oversight of implementation of human rights treaties and agreements to which the country is a party. However, the law provides no penalties for those who obstruct the Ombudsman's investigations, nor does it create sufficient enforcement authority for the Ombudsman. The law requires the Government to submit amendments to existing laws to provide the legal framework for

the operation of the Ombudsman's office; however, although the Ombudsman noted the lack of effective mechanisms for protection of human rights in a November 2000 report to Parliament, no such amendments had been enacted by year's end. All citizens and residents can address their concerns to the Ombudsman, and the Ombudsman serves as an intermediary between citizens and the Constitutional Court, since citizens cannot address the Court directly (see Section 1.e.).

In September the Ombudsman's office reported that it had received letters from more than 180,000 individuals since its inception; however, many of those letters were requests for information rather than complaints of human rights violations. The office's staff grew by 12 percent during the year to approximately 76 full- and part-time workers; however, according to the Ombudsman, underfunding of the office continued to hamper its activities. The Ombudsman continued to make the combating of trafficking in persons (see Section 6.f.) and improving prison conditions (see Section 1.c.) major priorities during the year.

Citizens have the right to file appeals with the European Court of Human Rights in Strasbourg about alleged human rights violations. From January to July, 1,725 appeals were made to the court. Of these 786 were registered with the court for further review and 6 accepted for determination. No judgements were rendered during the year, but one case was settled amicably outside the court; in April the Government agreed to enforce a domestic court ruling regarding the payment of back wages and compensation to 13 miners (see Section 6.b.).

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

The Constitution prohibits discrimination on the basis of race, sex, and other grounds; however, due in part to the absence of an effective judicial system, the Government does not enforce these provisions effectively.

*Women.*—Violence against women reportedly was pervasive. While statistics compiled by the United Nations Development Program showed that the number of reported rapes and attempted rapes had decreased over the previous few years, surveys indicated that the majority of rapes and other cases of physical abuse went unreported. Past surveys by women's groups indicated that between 10 and 15 percent of women had been raped, and that over 25 percent were abused physically in their lifetimes. The International Helsinki Federation for Human Rights reported in 2000 that 20 percent of women aged 17 to 21 had faced attempted rape. During the year, 1,051 rape cases under Article 117 of the old Criminal Code and 152 under the new Criminal Code were opened. Information on convictions was not available. Spousal abuse is illegal, but the authorities often pressure women not to press charges against their husbands. The Criminal Code outlaws rape and "forced sex with a materially dependent person," which may allow prosecution for spousal rape. Official statistics on prosecutions for wife beating or on average sentences were not available; however, the Institute of Sociological Research reported in September 2000 that 12 percent of women under the age of 28 had been victims of domestic violence.

Violence against women does not receive extensive media coverage, despite the efforts of human rights groups to highlight the problem. State-run hot lines, shelters, and other practical support for victims of abuse are few in number. Municipal authorities in Kiev run a women's center, the only municipally supported shelter in the country. NGO's have attempted to provide services for abused women through the establishment of women's support centers in seven cities (see Section 6.f.).

The country is a significant source and transit country for women trafficked abroad for sexual exploitation (see Section 6.f.).

Women's groups reported that there was widespread sexual harassment in the workplace, including coerced sex. Apart from the law that prohibits forced sex with a "materially dependent person," which applies to employees, legal safeguards against harassment are inadequate. There were no known prosecutions for sexual harassment during the year.

Labor laws establish the legal equality of men and women, including equal pay for equal work, a principle that generally is observed; however, the economic decline of the past decade has harmed women disproportionately. Women are much more likely to be laid off than men. At the end of 2000, according to the State Committee on Statistics, overall unemployment was 4.2 percent and women accounted for 65 to 70 percent of the unemployed. Industries that are dominated by female workers also are those with the lowest relative wages and the ones that are most likely to be affected by wage arrears problems. At the end of 2000, the average monthly wage for women was 70.9 percent of the average monthly wage for men.

The Constitution and the Law on Protection of Motherhood and Childhood prohibit the employment of women in jobs that are hazardous to their health, such as those that involved heavy lifting. However, despite implementation of a government

program to combat dangerous labor, these laws remain poorly enforced. The Ministry of Labor estimated that at the end of 2000, 16 percent of working women are employed in hazardous jobs, and human rights groups have maintained that management selectively observed the law only as necessary to lay off or fire female workers. Many women's rights advocates expressed concern that the law may be used to bar women from the best paying blue-collar jobs. By law pregnant women and mothers with small children enjoy paid maternity leave until their children reach the age of 3 years. However, this benefit is a disincentive for employers to hire women for high-responsibility or career track jobs.

Few women attain top managerial positions in state and private industry. A March 2000 business survey found that half of private-sector employees are women, and that women run 30 percent of private small businesses and 13 percent each of large and medium businesses. According to Government statistics, at the end of 2000, 72.7 percent of the country's approximately 1,825,000 civil servants were female, including 52.2 percent of the managerial positions. However, of the highest "first" category offices, only 8.3 percent were women. (These numbers do not include the "power ministries"—the Ministries of Defense, Internal Affairs, Foreign Affairs, and the SBU, which have substantially more male employees at all levels.)

Educational opportunities for women generally continued to be equal to those enjoyed by men; however, the Government has limited the number of women who can receive military officer training to only 20 percent of the total number of students accepted. In addition, the military forces limited the role of women to certain functions, which limited their chances for promotion and training opportunities; women in the military generally occupy low-paying, routine positions.

*Children.*—The Government is committed publicly to the defense of children's rights, but the economic decline has limited severely its ability to ensure these rights. The Government has attached a low priority to children's rights, as has the public. There is an absence of government or NGO groups that aggressively promote children's rights. In May the Parliament passed a new Law on the Protection of the Child to bring the country into line with U.N.-mandated standards regarding children's safety and quality of life. Children's protection groups have commended the law's stated purposes, but noted that it does not include an implementing mechanism for the large variety of services it proposes.

Education is free, universal, and compulsory until the age of 15; however, the public education system has deteriorated as a result of the Government's financial disarray. Teachers were paid their salaries during the year, but other monetary benefits due to them were not paid in some localities. Increasing numbers of children from poor families dropped out of school, and illiteracy, which previously was very rare, has become a problem. Of the 6.5 million children attending school, 3.2 million were girls and 3.3 million were boys. Official statistics on the proportion of school-age children attending school were not available at years end; however, according to a Ministry of Education sponsored organization, Vseobuch, more than 8,000 school-age children did not attend school. The All-Ukrainian Committee for the Protection of Children reported that lack of schooling remained a significant problem among the rural population. The problem of growing violence and crime in and outside of schools continued, especially in the notoriously violent vocational schools. The Government has ignored this problem.

Health care is provided equally to girls and boys, but economic problems worsened the overall quality of the health care system.

Child abuse was a problem. An October 2000 survey by the UNICEF found that 38 percent of the children it polled had suffered some form of violence. In 1997 the All-Ukrainian Committee for Protection of Children released a survey that revealed that every fifth or sixth child of both sexes under age 18 suffered from sexual harassment (including every third girl), and that every 10th girl is raped. Although statistics were unavailable, drug use and child prostitution were widespread and received substantial media attention during the year. Several charity groups were formed to assist these children, but they have not been able to reduce the problem.

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

The numbers of homeless children, who usually fled poor orphanage or poor domestic conditions, remained high. According to a 2000 press release from the Ministry of Internal Affairs, 100,000 children were registered as homeless; of those, 14 percent were under age seven. In January 2000, President Kuchma issued a decree aimed at reducing homelessness among children; however, the effect of that decree is unknown. Deteriorating conditions in the state orphanages has led the Government to encourage families to provide foster homes for orphans and to facilitate the establishment of private, government-supervised orphanages. There are 75 such orphanages with approximately 800 children.

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities; however, the Government did little to support programs targeted at increasing opportunities for persons with disabilities. Legally mandated levels of employment of persons with disabilities at state enterprises were not observed. There were only five special vocational schools for persons with disabilities. As a result, according to one NGO, approximately 7,000 children with disabilities received an incomplete secondary education. Advocacy groups for persons with disabilities maintain that there is societal discrimination against persons with disabilities.

The law mandates access to buildings and other public facilities for the disabled; however, the law is enforced poorly.

*Religious Minorities.*—Societal anti-Semitism persisted; however, during the year there was a continued decrease in anti-Semitic acts and anti-Semitic publications in local newspapers and an increase in government action against anti-Semitism. Anti-Semitic incidents continued to occur but, according to local Jewish organizations, declined in number and were concentrated in western regions of the country.

Disputes over the erection of crosses in Jewish cemeteries remained unresolved. In 2000 in Sambor, Lviv Oblast, Jews, with foreign assistance, began construction of a memorial park at the site of an old Jewish cemetery, which was the scene of Nazi atrocities. Nationalists erected crosses on the site to commemorate Christian victims of Nazi terror. While memorial organizers supported the recognition of all groups who suffered on the Sambor site, they opposed the use of Christian religious symbols on the grounds of the Jewish cemetery. At the same time, local nationalists remained opposed to the use of Jewish symbols or Hebrew in the memorial. Jewish and Greek Catholic leaders intervened in an attempt to find a just and peaceful solution to the dispute. In spite of a proposal by the memorial's foreign sponsor to relocate the crosses to another site at his expense, local government leaders had not resolved the conflict by year's end. In Kiev crosses remained on the territory of an old Jewish cemetery near the site of the Nazi massacre at Babyn Yar. Jewish leaders asserted that the crosses were erected without a building permit and have asked that the crosses be removed; however, they remained at year's end.

In 1999 in Crimea, Bishop Lazarus of the Ukrainian Orthodox Church, Moscow Patriarchate, announced an initiative to place 1,000 crosses around Crimea to celebrate the second millennium of the birth of Jesus and a millennium of the Christianization of Kievan Rus. One of the crosses, in the village of Morskoye, was placed on a hilltop overlooking a Crimean Tatar Muslim village and cemetery. Local Tatars, who were not consulted about the placement of the cross, removed it. Through dialog Bishop Lazarus, Crimean Mufti Ablayev, Orthodox residents, and the local Crimean Tatar Mejlis (Council) were able to come to a peaceful settlement of the conflict over this cross by relocating it to a nearby hill overlooking a predominantly Orthodox community.

Some ultranationalist groups and newspapers continued to publish and distribute anti-Semitic tracts regularly. Anti-Semitic publications also are imported from Russia and distributed without the necessary state license. The procuracy warned certain publications against publishing anti-Semitic material. In 1999 three authors of a collection of scholarly articles, "Judeophobia Against Ukraine," filed suit against the nationalist newspaper Vechirniy Kyiv for publishing an anti-Semitic criticism of the collection. The newspaper countersued one of the authors, Oleksandr Naiman, claiming that it had been charged falsely of being chauvinistic. On March 15, a Kiev court ordered that the newspaper pay damages of approximately \$550 (3,000 hryvnia) to each author and that Naiman pay \$1,100 (6,000 hryvnia) to the newspaper. At year's end, Naiman planned an appeal. Leaders of the Jewish community welcomed changes in the editorial staffs of the newspapers Vechirniy Kyiv and Za Vilnu Ukrayinu in late 2000. Under new editors, these newspapers, which had been among the chief offenders in publishing anti-Semitic articles, ceased such activity.

Jewish community representatives were disturbed by the presence of anti-Semitic slogans in anti-Kuchma demonstrations that took place in the spring.

Evangelical Christian missionaries reported some instances of societal discrimination against members of their churches, such as public criticism for betraying "native religions," although there were no reports of salary cuts or layoffs as reported in the previous year.

Tension also persisted between the different branches of the Orthodox church (see Section 2.c.).

*National/Racial/Ethnic Minorities.*—The frequent harassment of racial minorities is an increasing problem. The police routinely detained dark-skinned persons for arbitrary document checks, whereas document checks of foreigners of European descent are performed rarely (see Section 1.c.). Although the authorities disciplined police who engaged in this harassment when incidents have been brought to their attention, such instances remained common. In addition there were increased re-

ports of racially motivated violence against persons of African and Asian heritage. Representatives of these groups claimed that police officials routinely ignored, and sometimes abetted, violence against them.

Roma face considerable societal discrimination. Opinion polls have shown that among all ethnic groups, the level of intolerance is highest toward Roma. Roma continued to be subject to violence and abuse by police, particularly in the Transcarpathian region (see Section 1.c.).

The Constitution provides for the "free development, use, and protection of the Russian language and other minority languages in Ukraine." This provision expands a 1991 law on national minorities, which played an instrumental role in preventing ethnic strife by allowing individual citizens to use their respective national languages in conducting personal business and by allowing minority groups to establish their own schools. However, some pro-Russian organizations in the eastern part of the country complained about the increased use of Ukrainian in schools and in the media. They claimed that their children were disadvantaged when taking academic entrance examinations, since all applicants are required to take a Ukrainian language test. According to official statistics, there are 16,532 Ukrainian schools, 2,215 Russian schools, 97 Romanian schools, 68 Hungarian schools, 9 Moldovan schools, 10 Crimean-Tatar schools, and 3 Polish schools in the country.

In May 2000, a popular folk singer was killed at a cafe in Lviv, allegedly by Russian-speakers who objected to his singing Ukrainian songs. The killing sparked protests and prompted a national debate over the use of Ukrainian and Russian languages. In July 2000, the city council issued a decree banning the broadcast of "amoral songs" in public places, which some observers interpreted as a prohibition against Russian language music; however, the decree never was enforced and in August 2000 the local procuracy declared the decree unlawful. At year's end, a Lviv court sentenced the singer's assailants to terms of imprisonment ranging from 13 to 15 years.

Ukrainian and Crimean Tatar minorities credibly complained of discrimination by the ethnic-Russian majority in Crimea and demanded that the Ukrainian and Crimean-Tatar languages be given a status equal to Russian. In May 1999, on the anniversary of Stalin's deportation of the Tatars to Central Asia, 35,000 Tatars demonstrated for official recognition of the Mejlis, Tatar representation in the Crimean parliament, and for official status for the Tatar language. Tatar protesters also erected a tent camp in front of the Crimean government building. In response President Kuchma created a Presidential Tatar advisory committee that included all members of the Mejlis. Tatar leaders reported that during the year the committee helped promote Tatar interests at the national level. Then-Crimean Prime Minister Serhiy Kunitsyn agreed to the right of Tatars returning from Central Asia to own land and the creation of Tatar schools. Demonstrations held on the anniversary of the deportation of Crimean Tatars during the year were smaller and less politicized; however, Crimean-Tatar leaders continued to call for changes in the electoral law that would allow them to achieve greater representation in the Crimean legislature.

The Crimean Government, pleading insufficient funds, did not assent to requests from the Crimean Tatar community for assistance in reestablishing its cultural heritage through Tatar language publications and educational institutions. However, the central Government continued to work with the U.N. Development Program (UNDP), OSCE, and the International Organization for Migration (IOM) on support for the Crimean Tatar community. According to the UNHCR, 92 percent of the 258,000 Crimean Tatars who returned to the country from exile in Central Asia have received citizenship. However, Crimean Tatar leaders complained that their community has not received adequate assistance in resettling and that the previously onerous process of acquiring citizenship excluded many of them from participating in elections and from the right to take part in the privatization of land and state assets (see Section 2.d.).

Romanians continued to call for university-level instruction in Romanian or the establishment of a Romanian technical college. There are 86 Romanian-language schools in the Chernivtsi oblast.

Rusyns (Ruthenians) continued to call for status as an official ethnic group in the country. At a congress held in Uzhhorod in 1999, representatives of the Rusyn community called for Rusyn-language schools, a Rusyn-language department at Uzhhorod University, and for Rusyn to be included as one of the country's ethnic groups in the 2001 census. A census was held in December and residents were permitted to declare any nationality they wished; the results were not available by year's end. According to Rusyn leaders, more than 700,000 Rusyns live in the country.

*Section 6. Worker Rights*

*a. The Right of Association.*—The Constitution provides for the right to join trade unions in order to defend “professional, social and economic interests;” however, while in principle all workers and civil servants (including members of the armed forces) are free to form unions, in practice the Government discourages certain categories of workers, for example, nuclear power plant employees, from doing so. Under the Constitution, all trade unions have equal status, and no government permission is required to establish a trade union. The Law on Citizens’ Organizations (which includes trade unions) stipulates noninterference by public authorities in the activities of these organizations, which have the right to establish and join federations on a voluntary basis. There are both official and independent trade unions.

In January 2000, independent unions challenged the 1999 law on trade unions, which replaced Soviet-era legislation, on the grounds that it was unconstitutional. According to the law, to acquire national status a union must have representation in more than half of the regions of the country, or in one-third of the enterprises in a regionally based sector, or have a majority of union members in the sector. National status and registration confer the right to acquire property, to maintain bank accounts, and to enter legally binding agreements. Registration also determines participation of a union in the national collective bargaining agreement with the Government, as well as membership on the Social Insurance Fund Board (see Section 6.b.). Another contentious requirement of the law is mandatory registration with the Justice Ministry.

In October 2000, the Constitutional Court ruled that some provisions of the 1999 Labor Union Law were unconstitutional; specifically the court rejected the requirement of the 1999 law that unions register with the Ministry of Justice and the requirement that unions have a certain level of membership and regional representation in order to qualify for national status. Although the Constitutional court suspended these provisions of the law, at year’s end, the Rada had not passed legislation to make the law conform to the ruling. On December 13, the Rada adopted amendments that continued to require unions to register with the Ministry of Justice and to impose numerical and territorial requirements for registration. As of October, the Justice Ministry had not applied administrative sanctions against unregistered unions; however, in a number of instances management denied unregistered trade unions the right to participate in collective bargaining (see Section 6.b.). Unlike in the previous year, there were no reports during the year that the Ministry had denied registration to unions not loyal to the Government; however, some independent unions, including the Independent Miners’ Union of Ukraine (NPGU) chose not to register because the requirement had been declared unconstitutional. The NPGU reported that management refused to recognize and cooperate with its local affiliates because their national organization was not registered. All unions affiliated with the Federation of Trade Unions (FPU), which maintains strong ties to the Government and inherited assets from the official Soviet unions, and 14 independent unions are registered. The International Labor Organization (ILO) has stated that the labor union law violates ILO Convention 87 on the freedom of association.

Although the FPU often coordinates its activity with the Government, it continued to work independently of the Government some of the time and advocated workers’ right to strike. The FPU has supported the protests of some professions over unpaid wages; however, most FPU affiliates work closely with management. Enterprise managers are free to join the FPU. In 1997 the FPU leadership created a political party, the All-Ukrainian Party of Workers, which remained virtually indistinguishable from the FPU.

Independent unions provide an alternative to the official unions in many sectors of the economy. There were 40 FPU-affiliated unions and 24 independent unions. The NPGU, unions representing pilots, civil air traffic controllers, locomotive engineers, aviation ground crews, and other unions operate either independently or within one of three national confederations. While exact membership is unknown, there were estimated to be approximately 3 million members of non-FPU members and 14 million members of FPU-affiliated unions. Independent unions have been denied a share of the former Soviet trade unions’ huge property and financial holdings, especially the social insurance benefits funds, a Soviet-era legacy on whose boards FPU-affiliated unions hold the majority of seats. Independent trade union leaders also have complained that state representatives have sought to influence union votes and pressure members to report on union activities. Independent trade union leaders also report that they are subject regularly to surveillance by law enforcement authorities.

According to additional provisions of the law, management no longer is obligated to provide free accommodations and telephone lines to unions. However, the law

gives unions a say in labor safety and in the allotment of newly built public housing. These aspects of the law have not been contested.

The Constitution provides for the right to strike “to defend one’s economic and social interests,” but states that strikes must not jeopardize national security, public health, or the rights and liberties of others. The law prohibits strikes that jeopardize life or health, the environment, or that can hinder disaster, accident, or epidemic-related operations. The law does not prohibit specifically strikes based on political demands; however, it prohibits strikes based on demands to change the constitutional order, state borders, or the administrative division of the country, as well as on demands that infringe on human rights. The law does not extend the right to strike to members of the procuracy, judiciary, armed forces, security services, law enforcement agencies, and public servants. The law extends the right to strike to employees of “continuing process plants,” for example, metallurgical factories, provided that they give 15 days’ advance notice of their intent to strike. According to the International Confederation of Free Trade Unions (ICFTU) 1999 report, the Law on Transportation does not allow strikes in the transport sector. Workers who strike in prohibited sectors can receive imprisonment of up to 3 years.

The Government has relied on the prosecutors and the courts to deal with strikes that it considered illegal. The law does not extend the immunity from discipline or dismissal to strikers who take part in strikes that later are declared illegal by the courts. A union that organizes an illegal strike is liable for strike-inflicted losses. According to official statistics, there were 49 strikes during the year. In 2000 an estimated 20,600 workers from 76 enterprises participated in strikes.

There are no official restrictions on the right of unions to affiliate with international trade union bodies. The NPGU is a member of the Federation of Chemical, Energy, Mine, and General Workers’ Union.

*b. The Right to Organize and Bargain Collectively.*—According to the law, joint worker-management commissions should resolve problems concerning wages, working conditions, and the rights and duties of management at the enterprise level. The Law of Collective Bargaining provides the right to collective bargaining; however, overlapping spheres of responsibility frequently impeded the collective bargaining process, and the manner in which the collective bargaining law is applied prejudices the bargaining process against independent unions and favors the official unions (affiliates of the FPU). Most workers are not informed that they are not obligated to join the official union. Renouncing membership in the official union and joining an independent union can be bureaucratically onerous and typically is discouraged by management. Under the 1999 trade union law, an independent union also can be removed easily from the collective bargaining process at the enterprise level. Under earlier legislation, if several unions at an enterprise failed to agree on joint representation, the larger union—that is the FPU—represented labor in the bargaining process. The 1999 law failed to address this problem.

The Government, in a negotiation with trade unions in which all unions were invited to participate, established wages in each industrial sector in the form of a General Collective Bargaining Agreement signed in April. The Law on Labor Disputes Resolution provides for the establishment of an arbitration service and a National Mediation and Reconciliation Service to mediate labor disputes. According to official statistics, the service resolved 264 out of 554 labor disputes during the year. The collective bargaining law prohibits antiunion discrimination. Under the law, discrimination disputes involving a union that is barred from participating in a collective bargaining agreement should be resolved by the courts. There have been cases in which such disputes were not settled in a fair and equitable manner.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution and the Labor Code prohibit forced and compulsory labor; however, women were trafficked abroad for sexual exploitation (see Section 6.f.). Human rights groups described as compulsory labor the common use of army conscripts and youths in the alternative service for refurbishing and building private houses for army and government officials (see Section 1.c.).

The law does not prohibit specifically forced and bonded labor by children, and girls were trafficked abroad for sexual exploitation (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The minimum employment age is 17; however, in certain nonhazardous industries, enterprises may negotiate with the Government to hire employees between 14 and 17 years of age, with the consent of one parent. The State Department for Monitoring Enforcement of Labor Legislation within the Ministry of Labor and Social Policy is responsible for enforcing child labor laws and was generally effective; however, some children under the minimum employment age worked in the informal sector. According to research conducted by the Ukrainian Institute of Social Research in coopera-

tion with the ILO, 6.8 percent of children between the ages of 7 and 17 work. In August an interagency commission released a report on the status of child labor in the country and the Government's steps to minimize it.

The new Criminal Code prescribes up to 5 years in prison for involving children in criminal activities, drinking, begging, prostitution, gambling, or other exploitation.

The Government does not prohibit specifically forced and bonded labor by children, and girls were trafficked abroad for sexual exploitation (see Section 6.f.).

*e. Acceptable Conditions of Work.*—Work conditions and pay levels were impacted adversely by the overall poor state of the economy. The minimum monthly wage is approximately \$22 (118 hryvnia), and the minimum monthly pension is \$6.37 (34 hryvnia). The minimum wage is enforced in the official economy for employees who work full time; however, Parliament declared that the official subsistence level for the year was approximately \$58 (311 hryvnia) per month. The average monthly salary is \$54 (290 hryvnia), which does not provide a decent standard of living for a worker and family. While the government sector has repaid wage arrears in most areas, in some parts of the country teachers had not been paid monetary benefits (back holiday pay and service bonuses) due to them. Official estimates placed wage arrears at \$565 million (2.99 billion hryvnia) as of December. Wage arrears remained a problem in the private sector (which includes large enterprises in which the State is a shareholder). Official estimates placed arrears at 3.4 billion hryvnia as of October. The national pension system repaid all arrears during 2000. However, average wages are not as low as these statistics suggest, since the untaxed and unreported "shadow economy" is estimated to account for 50 percent of total economic activity. Activity in the shadow economy tends to be concentrated in retail trade and services but touches every sector and provides a means for individuals to supplement their often meager salaries. In rural areas, where reported incomes tend to be the lowest, families subsidize their incomes by growing fruit and vegetables and raising livestock.

The Labor Code provides for a maximum 40-hour workweek, a 24-hour period of rest per week, and at least 24 days of paid vacation per year. Stagnation in some industries, for example, in defense, significantly reduced the workweek for some categories of workers.

The law contains occupational safety and health standards; however, these frequently are ignored in practice. Lax safety standards and aging equipment caused many serious accidents, resulting in approximately 14,000 work-related injuries for the first half of the year. The number of cases of work-related injuries in the first half of the year was lower than during the same period in 2000 in the coal sector (by 86 percent), in agriculture (by 19 percent), in the construction sector (by 8 percent); however, the number of work-related injuries increased in the chemical and transportation sectors (by 13 percent). According to official statistics, 151 persons died in work-related accidents during the first half of the year, in addition, to mining accidents that killed 261 miners during the first half of the year. In the coal-mining sector, it has been estimated that there are 5.2 deaths for every million tons of coal extracted.

In theory workers have a legal right to remove themselves from dangerous work situations without jeopardizing continued employment; however, in reality, independent trade unionists reported that asserting this right would result in retaliation or perhaps dismissal by management.

*f. Trafficking in Persons.*—The law prohibits trafficking in persons; however trafficking in women and girls is a significant problem. The country is a major country of origin and transit country for women and girls trafficked abroad for sexual exploitation. There were some reports of men and boys being trafficked abroad primarily for labor purposes; however, the majority of trafficking victims are women. No reliable figures are available on the extent of the problem and estimates vary widely. According to official figures, 300 persons contacted law enforcement or consular authorities during the year and identified themselves as victims of trafficking; however, this number represents a small fraction of the real number of women trafficked abroad. The IOM estimated in 1998 that 100,000 citizens had been trafficked abroad since 1991. In 1999 an NGO, La Strada, estimated that 420,000 women had been trafficked abroad between 1991 and 1998. There were reports that local officials abetted or assisted organized crime groups involved in trafficking.

Women and girls are trafficked to Central and Western Europe (including Austria, Germany, Switzerland, the Czech Republic, Hungary, Macedonia, Bosnia, Poland, Slovenia, Greece, Turkey, and Yugoslavia), the United States, and the Middle East (including Israel and Lebanon) for sexual exploitation; there also are reports that women and girls are trafficked from the country to Australia, Japan, and South Africa. Women who are trafficked out of the country often are recruited by firms oper-

ating abroad and subsequently are taken out of the country with legal documentation. They are solicited with promises of work as waitresses, dancers, or housemaids, or are invited by marriage agencies allegedly to make the acquaintance of a potential bridegroom. Once abroad the women find the work to be very different from what was represented to them initially. There are credible reports of widespread involvement of organized crime in trafficking.

NGO's reported that local militia and border guards received bribes in return for ignoring trafficking. Some reports alleged that local public officials abetted or assisted organized criminal groups in trafficking women abroad. In a 1999 report, the UNDP identified graft of officials and political corruption as two of the factors causing the spread of trafficking and prostitution. Data on the possible prosecution of law enforcement and border control authorities for their involvement in trafficking was unavailable.

A 1998 amendment to the criminal code imposes harsh penalties for, among other offenses, trafficking in human beings, including for sexual exploitation and pornography. The new Criminal Code that became effective on September 1 also contains antitrafficking provisions; Article 149 mandates 3 to 15 years of imprisonment for trafficking. Under some circumstances—for example trafficking of children or groups of victims—traffickers can be sentenced to prison terms of up to 10 years. The Government does not routinely prosecute suspected traffickers, although the number of such cases has increased in the last year. According to the Ministry of Internal Affairs, 145 cases have been opened against traffickers since 1998. During the year, 90 cases were opened, which resulted in at least 4 reported convictions in which the accused were sentenced to real or suspended jail terms. However, sentences for those convicted of trafficking generally were not severe and usually consisted of fines. A November 2000 case, in which a Greek man and two Ukrainian women were convicted of trafficking in human beings and sentenced to 7 years and 5 years in prison, respectively, marked the first time convicted traffickers received jail sentences. The Government reported that it regularly reviews the licenses of Ukrainian employment agencies, and has suspended the licenses of 125 individuals and companies suspected of trafficking in human beings since 1998.

Trafficking is becoming a higher priority for law enforcement agencies, but these agencies often lack the financial and personnel resources to combat well-established criminal organizations that run trafficking operations. The Ministry of Internal Affairs has established special antitrafficking units at the national and oblast levels. These units became operational in 2000; however, they have had a limited impact. They suffer from lack of adequate resources and often are tasked to work on cases involving other crimes.

The Government generally cooperates with other governments in the investigation and prosecution of trafficking cases; however, efforts are hampered by a number of factors, including insufficient investigative resources, the reluctance of victims to give evidence against traffickers, and in some cases, lack of cooperation from officials in destination countries. The law permits the extradition of foreign nationals charged with trafficking when appropriate bilateral agreements with the country in question have been signed, when the crime was committed within the jurisdiction of another country, and when trafficking is a crime under the laws of the requesting country; however, there have been no cases of extradition of trafficking suspects. The Constitution prohibits the extradition of citizens.

The Deputy Prime Minister for humanitarian affairs is responsible for implementing all antitrafficking programs. In 1999 the Human Rights Ombudsman established a National Coordinating Council for the Prevention of Trafficking in Human Beings, and the organization increasingly has become an outspoken and leading advocate in the government in raising public and international awareness of the trafficking problem; however, the Ombudsman's office lacks enforcement powers and has yet to demonstrate its effectiveness (see Section 4). In September 1999, the Cabinet of Ministers adopted a national program for the prevention of trafficking in women and children, involving 20 ministries, local governments, international organizations, donors, and domestic and international NGO's. The goal of the program was to combat trafficking as well as to assist victims; however, severe budget constraints limited the ability of the Government to implement the program effectively. This program ended in 2000 and a new National Action Plan for Anti-Trafficking for 2002–2005 was developed and was awaiting approval by the Cabinet of Ministers at year's end. In September 1999, the Ministry of Education adopted a curriculum in trafficking as part of the first national program for the prevention of a curriculum on trafficking prevention and awareness in high schools.

Victims often are reluctant to seek legal action against traffickers out of fear of reprisals or an unwillingness to tell their stories publicly. Societal attitudes toward trafficking victims often are harsh, which deters women from pursuing legal action

against traffickers. In addition, law enforcement officials do not provide sufficient protection to witnesses to encourage them to testify against traffickers, and traffickers are able to intimidate victims to withdraw or change their testimony. A witness protection law exists, but is in abeyance because of lack of funding. Under the law, names and addresses of victims of crimes can be kept confidential if they request protection due to fear for their lives.

The Government is unable to assist victims effectively, primarily due to lack of funds. Some NGO's, such as the domestic affiliates of La Strada and Winrock International, have offered some support services for victims of trafficking, but these groups also suffer from a shortage of funds. NGO's, particularly La Strada and Winrock International, worked closely with government officials; however, NGO's report that lack of a central government authority on trafficking issues can be frustrating. With foreign government assistance, four regional trafficking prevention and women's support centers were opened in January in addition to the three already in existence. Centers operate in Donetsk, Lviv, Dnipropetrovsk, Chernivtsi, Kherson, Rivne, and Zhytomyr. The centers offered job-skill training, have telephone hot lines, and serve as referral centers for health, legal, and psychological counseling. They also played an important role in facilitating good relations between communities and law enforcement organizations in addressing trafficking issues. NGO's also operate hot lines in Luhansk, Odesa, Kharkiv, Ternopil, and Sevastopol. From January through November, La Strada hot lines received 1,754 calls, 70 percent of which concerned trafficking problems. Winrock International reported 18,925 calls to its hot lines during the year; 15 percent concerned trafficking. The Government has worked to improve assistance provided by its diplomatic missions to victims in destination countries.

In June 2000, a joint U.S.-Ukraine Regional Workshop on Combating Trafficking of People was held in Kiev, which facilitated cooperation between law enforcement and NGO's in combating trafficking. In October national television premiered a documentary film, produced with foreign assistance, which highlighted the danger of trafficking and reportedly generated increased public awareness.

NGO's have conducted general awareness campaigns throughout Ukraine, often in cooperation with government entities. For example, in February a brochure entitled "When a Woman Disappears Abroad" was published by Winrock International in conjunction with the Ministry of Foreign Affairs, the Ministry of Internal Affairs, Interpol, and La Strada, which provided information for both law enforcement officials and citizens seeking information on helping someone who has disappeared abroad.

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## UNITED KINGDOM

The United Kingdom of Great Britain and Northern Ireland is a longstanding constitutional monarchy with a democratic, parliamentary government. Some central government powers have been devolved to locally elected bodies in Wales and Scotland. In Northern Ireland, the 1998 Good Friday Agreement established local government institutions, including a legislative assembly and a power-sharing executive. The judiciary is independent.

Civilian officials maintain effective control of the police forces. The British Security Service (BSS) has the authority to act in support of other law enforcement agencies in the prevention and detection of serious domestic crime, but information collected by the BSS generally is not admissible as evidence in trials. The Police Service of Northern Ireland (PSNI) is responsible for maintaining law and order in Northern Ireland. In October the Northern Ireland Policing Board, a key component of reforms proposed by the Independent Commission on Policing in Northern Ireland (commonly known as the Patten Commission) began operations. In some areas of Northern Ireland, because of the continuing threat of violence, army units operated to reinforce the PSNI. Approximately 13,000 British troops were stationed in Northern Ireland, the lowest number since the early 1970's. Some members of the security forces committed instances of human rights abuses.

A highly developed, diversified, market-based economy with extensive social welfare services provides most of the country's 59.6 million residents with a high standard of living. Higher than average unemployment rates prevail among certain demographic groups, including youth and racial minorities, and in Northern Ireland, among Catholics.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse; however, there were some problems in a few areas. There continued to be deaths

in police custody, although their number declined. Members of the police and military occasionally abused detainees and some other persons. Prison conditions, including instances of mistreatment by prison officials, overcrowding, and prison suicides, also remained problems. There were some limits on freedom of assembly and association related to the security situation in Northern Ireland. Violence and discrimination against women remained problems, although the Government continued to take steps to combat them. Societal discrimination against nonwhite, and other ethnic minorities, including the Traveller (nomadic) community, were problems, as was occasional societal violence against minorities and asylum seekers. Trafficking in persons was a persistent problem.

The Northern Ireland Human Rights Commission (HRC), which provides legal advice and assistance to citizens, initiated a comprehensive consultation process on a bill of rights specific to Northern Ireland, pursuant to the Good Friday Agreement, which also mandated wide-ranging reforms in policing and criminal justice.

Although most paramilitary organizations in Northern Ireland continued to maintain a cease-fire in accordance with the Good Friday Agreement, punishment attacks continued in areas under the influence of these groups, and some dissident groups committed acts of violence, including killings, aimed at disrupting the peace process. In October the Independent International Commission on Decommissioning reported that the IRA had put a quantity of weapons "permanently beyond use."

#### 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 the Government or its agents; however, there continued to be deaths in police custody, although the number of such incidents declined. Nongovernmental organizations (NGO's) reported that the Crown Prosecution Service (CPS) is reluctant to charge police officers involved in unlawful killings and that few charges result in convictions.

According to the Annual Report of the Police Complaints Authority (PCA), deaths in police custody fell to 32 during the 12 months ending in March 2001, compared with 47 during the previous period. The report states that 10 of the deaths occurred because of natural causes, 12 were due to alcohol or drugs, and 4 were suicides. The remaining six deaths were due to other causes, including one that involved police restraint. According to the Home Office, the provisional number of deaths in police custody in England and Wales during the year was 59, compared with 47 in 2000; in Scotland it was 6, compared with 3 in 2000.

There also were a number of deaths in prison due to suicide and natural causes (see Section 1.c.).

In May a London court found not guilty of misconduct the police officer charged in connection with the murder of James Ashley, who was shot and killed during a police raid on his home in 1998.

Press reports and human rights organizations expressed serious concern about the CPS's handling of the 1999 death in police custody of Roger Sylvester, and the 1999 police shooting of Harry Stanley. No charges were brought in either case.

The Northern Ireland Human Rights Commission continued to assist the family of Jim McDonnell in the formal inquest into his death in 1996 in Northern Ireland's Maghaberry Prison. Fellow prisoners charged that prison staff beat him. The inquest remained open at year's end.

In May the European Court of Human Rights ruled that authorities had failed to conduct a proper investigation, in violation of Article 2 of the European Human Rights Convention, into the deaths of 12 individuals killed by the security forces (or with alleged security force collusion) in Northern Ireland in the 1980's and 1990's. The court did not rule on whether excessive force had been employed by security forces. It awarded financial damages to the families of the victims.

Responding to longstanding questions about allegations of past state collusion in a number of killings in Northern Ireland, the UK and Irish Governments agreed in July to appoint a prominent international judge to "establish the facts and report with further recommendations"; however, by year's end, the two Governments had not appointed a judge. The four cases are those of Pat Finucane, a defense attorney who was killed by members of the Ulster Defense Association in 1989; Billy "King Rat" Wright, a loyalist paramilitary leader who was killed in prison in 1997 by republican inmates; Robert Hamill, who in 1997 was killed by a loyalist mob while nearby police allegedly failed to act; and Rosemary Nelson, a defense attorney killed in 1999 by a car bomb planted by the Red Hand Defenders. Human rights organizations have called repeatedly for independent inquiries into these cases to establish definitively the degree, if any, of state involvement and culpability. The Government

pledged to conduct a public inquiry into any of these cases if so recommended by the judge.

In 1998 the Government opened a judicial inquiry into the events of January 30, 1972, in Northern Ireland—"Bloody Sunday"—when 13 unarmed civil rights demonstrators in Londonderry were killed by British soldiers, but for which no member of the security forces was held accountable. The inquiry spent 2 years gathering testimony and evidence from other victims, journalists, and government officials. Formal hearings began in 2000 and were ongoing at year's end.

In accordance with the 1998 Northern Ireland (Sentences) Act, the Government periodically determines whether paramilitary organizations, including the Provisional IRA (PIRA) and the Ulster Volunteer Force (UVF) are abiding by a cease-fire. Responding to a surge in loyalist violence, in October the Government determined that the Ulster Defense Association (UDA) and Loyalist Volunteer Force (LVF) were no longer observing a cease-fire. Other groups that the Government determined were not maintaining a total and unequivocal cease-fire were the Real IRA (RIRA), the Continuity IRA, the Irish National Liberation Army (INLA), the Red Hand Defenders, and the Orange Volunteers. During the year, the principal loyalist paramilitary groups were believed to be responsible for 15 killings in Northern Ireland. The victims included William Stobie in December, a former UDA member and police informant who had admitted involvement in the 1989 death of Patrick Finucane. The LVF was believed to be responsible for the September killing of journalist Martin O'Hagen (see Section 2.a.). The PIRA was blamed widely in the media for two killings during the year; the PIRA did not comment or deny involvement. Dissident republican groups also were blamed for two killings.

No one has been charged in the United Kingdom for the 1998 bombing in Omagh that killed 29 persons; the RIRA claimed responsibility for the bombing. While authorities have collected information that identifies individuals alleged to be responsible for the bombing, much of it cannot be used as evidence. Witnesses have been reluctant to come forward. While over 20 suspects were detained, only 1, Colm Murphy, was charged (for aiding and abetting the crime). His trial continued in the Republic of Ireland at year's end. Family members of the victims criticized Sinn Fein, a legal political party linked with the IRA, for refusing to assist in the police investigation. Some family members of the victims initiated a civil action in November against individuals identified as suspects in a documentary prepared by the British Broadcasting Corporation (BBC).

In December the police ombudsman for Northern Ireland released a report on the Omagh bombing, which charged that the "victims, their families, and officers of the RUC [PSNI] have been let down by defective leadership, poor judgment and a lack of urgency." The report criticized inadequate information sharing within the police and concluded that it will never be known whether the bombing could have been prevented if the police had acted differently in response to intelligence information received prior to the tragedy. The ombudsman also highlighted significant and fundamental errors during the investigation, including the denial to investigating officers of sensitive intelligence information held by the Special Branch, a unit within the police. The chief constable, who announced his resignation prior to release of the report, called the report's conclusions "erroneous."

In August the U.N. High Commissioner for Refugees condemned several attacks on asylum seekers, including one killing and one nonfatal stabbing in Glasgow, and another nonfatal stabbing in Hull.

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

The Commission for the Location of Victims' Remains was established jointly by the British and Irish Governments in 1999 to facilitate the location of the remains of nine victims of IRA paramilitary violence from the 1970's. The commission succeeded in locating the remains of three persons in 1999, but suspended its work in 2000, pending the receipt of additional information from the IRA. Work had not resumed by year's end.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law forbids torture and other cruel, inhuman, or degrading treatment; however, individual members of the police and Army occasionally abused and otherwise mistreated detainees and some other persons. Human rights organizations maintain that such abuse, while not widespread, is a matter of serious concern (see Sections 1.a. and 5).

Detainees who claim physical mistreatment have the right to an immediate medical examination. A trial judge must examine such a claim. Confessions obtained by abusive treatment are not admissible in court, and judges can exclude even voluntary confessions.

The Independent Assessor of Military Complaints coordinates investigations into complaints of abuses committed by the Army in Northern Ireland. Of the 25 formal

and 410 informal complaints received during the year, most involved allegations of verbal abuse or excessive helicopter flights adjacent to residential areas.

The police and military in Northern Ireland continued to use plastic bullets (known in the UK as "baton rounds") to quell civil disturbances. Guidelines developed on the recommendation of the Patten Commission mandate that plastic bullets only be used to avert the risk of loss of life or serious injury; formerly, their use was sanctioned to protect property or to preserve the peace. In June the police introduced a new type of plastic bullet, described as "more accurate and less lethal." Human rights groups, including the Human Rights Commission, disputed the safety benefits of the new plastic bullets and continued to call for an end to their use. In total the security forces fired 108 plastic bullets during the year, compared with 25 in 2000. According to PSNI rules, plastic bullets should be aimed below the rib cage; nevertheless, the use of plastic bullets in prior years resulted in 17 deaths and numerous head and upper body injuries.

In September the Government closed the last of three holding centers used to detain and interrogate individuals suspected of terrorist offences, as recommended by the Patten Commission. Suspected terrorists subsequently were interrogated in a temporary facility in Lisburn, pending completion of a new facility. In the past, there were numerous reports of police mistreatment during interrogation in the holding centers; however, the number of complaints, generally for verbal harassment or "technical assault," dropped substantially during the year, with only one complaint filed. The independent commissioner for detained terrorist suspects in Northern Ireland made over 100 unannounced visits during the year to holding centers in order to observe interrogations and interview detainees. During the year, police made audio and video recordings of all interrogations in the holding center.

Police occasionally harassed Travellers and members of other minorities (see Section 5). For example, government and NGO reports noted that minorities are more likely to be stopped and searched than whites.

Reports by official bodies and NGO's have suggested that the public lacks confidence in existing procedures for making complaints against the police. According to a 2000 Council of Europe committee report, more complainants have been taking their cases directly to the civil courts rather than filing complaints with the police. The report states that when complaints are filed and point to likely police culpability, criminal or disciplinary action against police officers has been rare, and convictions or disciplinary action have been even rarer; in many cases, police officers under investigation were allowed to take medical retirement. While accepting the need for reform of the complaint procedures, the Government disputed some of the conclusions reached in the report, pointing out that it omitted to mention over 1,000 disciplinary actions taken against police officers and the informal resolution of 32 percent of cases to the satisfaction of the complainants.

The Government has engaged in an ongoing process to reform the police complaints system, which includes a formal written warning procedure in serious cases and a lower burden of proof in civil misconduct proceedings. In September the Home Office introduced a new Police Standards Unit designed to raise standards and improve the operational performance of the police. In December the Government issued a white paper, "Policing a New Century: Blueprint for Reform," that proposed a new Independent Police Complaints Commission to replace the Police Complaints Authority. The public filed 8,880 complaint cases with the PCA from April 2000 to March 2001—363 fewer than in the previous period. More than one-quarter of the cases reviewed by the PCA between April 2000 and March 2001 resulted in some form of disciplinary or legal action.

The armed forces have a procedure to handle complaints of harassment, racial and otherwise. Service personnel also have the right to submit complaints to employment tribunals. In 1998 the services entered into a 5-year partnership agreement with the Commission on Racial Equality (CRE) to promote racial equality practices.

The police ombudsman for Northern Ireland, who has an independent staff, has extensive powers to investigate complaints in Northern Ireland filed against the police or referred by the PSNI chief constable, the Police Authority of Northern Ireland, or the Secretary of State for Northern Ireland. The ombudsman supervises cases involving death or serious injury and may investigate other cases. The ombudsman can recommend to the Director of Public Prosecutions (DPP) that charges be brought against officers, although the final decision rests with the DPP. The ombudsman can direct the Chief Constable to take disciplinary action against police officers.

During the year, the ombudsman received 3,571 complaints, approximately two-thirds of which concerned oppressive behavior or incivility by the police. Approximately one-third of these cases were closed due to noncooperation or withdrawal by

the complainant. Another 231 cases were settled informally. None had resulted in disciplinary action or criminal charges by year's end.

Parliament enacted legislation implementing the 1999 Patten Report on Policing in Northern Ireland in November 2000, and the Government revised its implementation plan in August. The law changed the operational name of the Royal Ulster Constabulary (RUC) to the Police Service of Northern Ireland, imposed hiring quotas to increase Catholic representation in the service (only 8 percent of the total), and introduced new human rights standards and wider use of community policing practices. Respect for human rights is part of the appraisal process for staff evaluation. In September 3 of the 4 main parties, including the nationalist Social Democratic and Labor Party (SDLP), nominated a total of 10 representatives to the policing board, which also includes 9 independent members appointed by the Government. Sinn Fein has refused to participate and stated that it will discourage Catholics from joining the police.

Both loyalist and republican paramilitary groups in Northern Ireland continued to intimidate or carry out "punishment" attacks on victims who live in areas under paramilitary influence. The attacks often are intended to maintain or extend the control of paramilitary groups in a given region. Targets included group members who have broken ranks or individuals accused of "antisocial" activities such as drug trafficking or carjacking. The attackers have used iron pipes, baseball bats, sledgehammers, and spiked clubs to beat their victims or shot them in the knees and legs. During the year, the police recorded 187 paramilitary-style shootings and 143 beatings, with loyalists suspected of responsibility in nearly two-thirds of the cases. Human rights groups say that available statistics underreport the true number of casualties because many of the victims were too intimidated to report paramilitary punishment attacks.

In March a car bomb exploded outside a BBC building in London. In May a north London post office was bombed. In July and August two car bombs were detonated in the west London Ealing neighborhood. Several persons were injured in these attacks. No one publicly claimed responsibility, but investigators suspect the RIRA.

Immigrants and asylum seekers were subject to some societal violence and attacks during the year (see Sections 1.a. and 5).

Prison conditions generally meet international standards; however, instances of mistreatment by prison officials, overcrowding, and suicides remained problems. The chief inspector of prisons 2000 report described the treatment of prisoners and the conditions in several prisons as unacceptable but noted some improvements in other institutions. The Prison Service made attempts to correct the problems of overcrowding and poor facilities maintenance in its prisons through an investment of some \$157.3 million (108.5 million pounds) in maintenance projects during the year. By year's end, according to provisional Home Office data, the prison population in England and Wales increased slightly over the previous year from 63,881 inmates to 66,049.

There were instances of mistreatment by prison officials. Following the sentencing of three police officers in September, Amnesty International again called for a public inquiry into an alleged pattern of systematic abuse at Wormwood Scrubs prison. In 2000 the deputy governor of the Feltham Young Offenders Institution resigned over what he described as dangerous, antisocial conditions. In July the Chief Inspector of Prisons criticized Feltham, noting that it has shown no improvement in 5 years. In September a high court overturned the Home Secretary's decision not to hold a public inquiry into the case of Zahid Mubarek, an Asian inmate at Feltham who was beaten to death in March 2000 by a fellow inmate, Robin Stewart. Stewart had been charged with racially motivated crimes and continued to write racist letters from prison but nonetheless was housed in the same cell with Mubarek. The Home Office's appeal of the High Court's decision remained pending at year's end.

Prison suicides decreased during the year. The Prison Service reported 119 deaths of prisoners in England and Wales during the year, compared with 139 such deaths in 2000. Of these deaths, 72 were self-inflicted (82 in 2000) and 47 were due to natural causes (54 in 2000). The Scottish prison service reported 14 deaths in prison during the year: 11 cases were apparent suicides pending the results of routine inquests, and 3 were due to natural causes. In January the Director General of the Prison Service instructed all prison governors to make the prevention of suicide their "highest personal priority."

Human rights groups have been particularly critical of Special Security Units (SSU's), which are used to hold prisoners deemed to pose an exceptional risk of escape. Human rights monitors have criticized small group isolation; the lack of adequate exercise, work, educational opportunities, and natural daylight; and the strict enforcement of noncontact visits through a glass barrier. At year's end, 5 prisoners were in SSU's.

The number of female prisoners continued to rise. According to a 1999 Home Office report, women committed 20 percent of all crime, and the number of women sent to prison has doubled in the previous 6 years. Implementing the recommendations of a 1999 report by its women's policy group, the Prison Service adopted new procedures governing admission to mother and baby units and standards for their management.

As of September 30, the Government housed 1,075 immigration detainees in regular prisons, where normally they are held separately from convicted prisoners and prisoners awaiting trial (see Section 2.d.). The U.N. High Commissioner for Refugees (UNHCR) and other groups cite a lack of specialized skills among regular prison officials in dealing with immigration detainees. The Home Office was in the process of finalizing rules for the treatment of asylum seekers in detention centers, as called for by the chief inspector for prisons for England and Wales.

Separate and distinct prison regimes exist for Northern Ireland and Scotland, administered through the Northern Ireland Office and the Scottish Office. A May report by the Council of Europe's Committee for the Prevention of Torture (CPT) found some allegations of mistreatment by prison staff in Northern Ireland, particularly the use of excessive force when restraining inmates. The Government permits independent human rights monitors to visit prisons and immigration detention centers, and several did so during the year. For example, a delegation from the CPT visited the country in February. Although the CPT had not yet released its report by year's end, it noted in a press release that the visit "paid particular attention to the treatment of young persons deprived of their liberty" and examined prison conditions in Wales and in UK military facilities for the first time.

*d. Arbitrary Arrest, Detention, or Exile.*—The law prohibits arbitrary arrest or detention, and the Government generally observes these prohibitions; however, arrests may be made without judicial warrants, especially in Northern Ireland, when police have reasonable cause to suspect wrongdoing, and antiterrorism legislation gives authorities broad powers of arrest, detention, and interrogation.

The law allows police officers to stop and search vehicles and pedestrians if a police officer of at least superintendent rank (or a chief inspector if no superintendent is available) "reasonably believes" it is expedient to do so to prevent acts of violence. The authorization is limited to a 24-hour period but is renewable under certain circumstances. Under the law, suspects arrested without warrants must be released within 24 hours (or 36 hours if a serious offense is involved) unless brought before a magistrates' court or arrested under Terrorism Act provisions. The court may authorize the extension of detention by 36 hours and on further application by another 24 hours.

The 2000 Terrorism Act entered into force in February 2001. The act reforms mechanisms and powers that deal with terrorism relating to Northern Ireland and extends them to all forms of domestic and foreign terrorism in the United Kingdom. Certain other provisions of previous terrorism legislation, applicable only to Northern Ireland, may be extended for a maximum of 5 years, based on the special security situation that continued to exist there. The act widens the definition of terrorism to include actions or threats of action that are designed to influence the Government or intimidate the public to advance a political, religious, or ideological cause that involves serious violence against a person or serious damage to property, endangers a person's life, creates a serious risk to the health or safety of the public, or is designed to interfere seriously with an electronic system.

The 2000 Terrorism Act also provides for special emergency powers applicable to Northern Ireland for a period of up to 5 years (or less if the Secretary of State for Northern Ireland determines that the security situation allows it). These powers include special entry, arrest, search, and seizure authority without a warrant under certain circumstances.

Human rights groups, including Amnesty International, have expressed objections to certain temporary and permanent provisions of the Terrorism Act. These objections focus on the broad definition of terrorism employed in the law, the proscriptive powers of the state, and the powers of arrest, detention, and interrogation. They argue that the act effectively reverses the burden of proof in suspected terrorism cases and fails to provide adequate safeguards against abuse by law enforcement officials.

Building on the 2000 Terrorism Act, the Anti-Terrorism, Crime, and Security bill became law in December 2001 and addresses foreign nationals suspected of terrorist activity who cannot be deported under UK human rights laws because they may be subject to inhuman treatment in their country of origin.

Defendants awaiting trial have a statutory right to bail except when there is a risk that they would flee, commit another offense, or in other limited circumstances. Defendants who are remanded into custody are covered by statutory custody time

limits, which restrict the period for which they can be held while awaiting trial to a maximum of 16 weeks, unless the court grants an extension. Of those in custody, 9 percent were in lengthy pretrial detention: According to data supplied by the CPS, of the 7,719 defendants in custody awaiting trial at year's end, 2,522 had been awaiting trial for longer than the maximum 16 weeks, and 187 for more than 48 weeks. However, the courts approved extensions of the detention of all persons detained.

The law gives administrative detention power to immigration officers. There is no time limit to such detention, but detainees have the right to request a judicial review or an application for habeas corpus. As of September 30, approximately 1,330 asylum seekers were in detention, either in immigration detention centers or in regular prisons, where they normally are held separately from convicted prisoners and those awaiting trial (see Sections 1.c. and 2.d.). Occasionally such persons are held in police cells, pending removal from the country or transfer to another accommodation if their detention is expected to last less than 48 hours (see Section 1.c.). The Government provides all immigration detainees with written notice specifying the reasons for their detention at the time they are detained and provides detainees with automatic monthly updates on their case. The law permits all detainees to apply to immigration appellate authorities for bail. There are no set levels of surety for bail, and surety is not required in every case.

In September a high court judge ruled that the Oakington detention center unlawfully detained four asylum seekers by holding them for up to 10 days without evidence that they might flee; the Home Office successfully appealed the decision. The Refugee Council and Amnesty International welcomed the original high court ruling and suggested that the Government should turn Oakington into an "open" reception facility. By year's end, the Government had opened 3 new immigration detention centers, nearly doubling capacity to approximately 2,800 persons.

While there is no law prohibiting its use, the Government does not use forced exile.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary, and the Government generally respects this provision in practice. There are several levels of courts. Most criminal cases are heard by magistrates' courts, which are managed by locally based committees. Their decisions may be appealed to the Crown Court, which also hears criminal cases requiring a jury trial, or to the High Court. Crown Court convictions may be appealed to the Court of Appeal, which may in turn refer cases involving points of law to the House of Lords. The Appellate Committee of the House of Lords (which consists of senior judges and is functionally distinct from the legislative arm) is the final court of appeal. The Criminal Cases Review Commission operates as an additional appellate body in England, Wales, and Northern Ireland. It considers cases after the judicial appeals process is exhausted and where there is significant new evidence that casts doubt on the conviction. In Scotland similar appeals may be made to the Scottish Office.

The law provides for the right to a fair trial, and an independent judiciary generally enforces this right. Defendants enjoy a presumption of innocence until proven guilty, the right to question witnesses against them, and the right of appeal to successively higher courts. Indigent defendants have the right to free counsel of their choice, with some exceptions. However, the UNHCR reported that the right of asylum seekers to free legal advice is severely limited by a shortage of competent legal advice in the regions, and of funding for such advice elsewhere.

Criminal proceedings must be held in public except those in juvenile court and those involving public decency or security. In a trial under the Official Secrets Act, the judge may order the court closed, but sentencing must be public.

The law empowers judges to instruct juries that they may draw an inference of guilt from a defendant's refusal to answer questions during interrogation or trial, although no conviction can be based solely on such an inference. Human rights groups and the U.N. Human Rights Committee have criticized this provision, which they consider an abrogation of the right against self-incrimination. A similar provision is in effect in Northern Ireland, but the 1999 Criminal Evidence (Northern Ireland) Order prohibits the drawing of an inference from silence when a suspect is questioned before being permitted access to an attorney.

A small percentage of defendants faced lengthy pretrial detention (see Section 1.d.). The Crime and Disorder Act includes measures to reduce delays in criminal proceedings by introducing procedural reforms and further limiting the time allowed for the prosecution of cases.

The 1996 Criminal Procedures and Investigations Act reduced defense lawyers' access to potential evidence held by the prosecution, including information as to how the evidence was collected.

Under the 2000 Terrorism Act, the testimony of a senior police officer, corroborated by a suspect's silence under questioning, can be considered evidence of a suspect's membership in a terrorist organization, which is prohibited under the act (see Section 2.b.).

In Northern Ireland, special "emergency" restrictions affect due process. The 2000 Terrorism Act extends the application of most provisions of the 1991 Northern Ireland Emergency Provisions Act (EPA) for a year, subject to another 12-month extension; under the act, trials for certain terrorist-related offenses are conducted automatically in "Diplock courts" without a jury unless they specifically are "scheduled out" to ordinary jury courts. Diplock courts were established to avoid cases being heard by juries that might make decisions along sectarian lines, as well as to protect jurors from intimidation. If judges decide to convict, they must justify the decision in a document that becomes part of the court record. An appellate court may overturn the decision on either factual or legal grounds. During the year, 62 persons were tried in Diplock courts, of whom 23 either pled or were found guilty. The Government's continued reliance on Diplock courts has been criticized widely by human rights groups.

Provisions of the EPA extended under the 2000 Terrorism Act set lower standards for the use of uncorroborated confessions in Northern Ireland than in normal cases, and such confessions have in the past been used as the sole basis for conviction. These provisions also permit the police to prevent any suspected terrorist from contacting legal counsel for up to 48 hours after arrest under certain circumstances, and at the request of a police officer with the minimum rank of superintendent. After a detainee has asked to see a lawyer and has done so, this period is renewable in subsequent 48-hour increments until the detainee is charged or released. Human rights groups have criticized these provisions, arguing that a detainee is most likely to need counsel in the first few hours; lack of counsel during that time makes false or coerced confessions and the abuse of detainees more likely. According to the Northern Ireland office, no requests for access to lawyers were delayed during the year.

In light of allegations of security force collusion in the killings of Patrick Finucane and Rosemary Nelson (see Section 1.a.), there was continued concern about the harassment of lawyers by members of the PSNI, which has a zero-tolerance policy regarding unprofessional conduct toward attorneys.

In 2000 a nine-member panel of legal professionals, drawn from the civil service and private practice, issued the Northern Ireland Criminal Justice Review, as mandated by the Good Friday Agreement. The review's 294 recommendations included the creation of a single independent prosecuting authority, the Public Prosecution Service for Northern Ireland, that would be responsible for all prosecutions, including minor offences now prosecuted by the police; the creation of a nonpolitical Northern Ireland Attorney General to oversee the Prosecution Service; the establishment of a single minister-level Department of Justice once responsibility for justice is devolved to Northern Ireland; and recommendations on restorative justice, juvenile justice, community safety, victims and witnesses, and sentencing and prisons. In 2000 the Government accepted comments on the review from human rights NGO's and political parties and stated that it fully endorsed the general approach taken in the report, although by year's end, it had introduced no implementing legislation.

The Human Rights Act requires all public bodies to act in a manner compatible with the European Convention on Human Rights. The law provides citizens with the right to take alleged violations of the convention by a public authority into British courts.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits such actions, and the Government generally respects these prohibitions in practice. Warrants normally are required for a police search of private premises; however, under the 2000 Terrorism Act, a police officer may enter and search without a warrant "any premises if he or she reasonably suspects a terrorist is to be found there." The Government compensates persons whose houses or property are damaged during house searches. Police stop minorities for searches more often than whites (see Section 5).

The Regulation of Investigatory Powers Act (RIPA) allows the Government to monitor the content of private electronic communications after obtaining a warrant. Law enforcement agencies may require individuals and businesses to disclose encryption keys under certain circumstances. In October 2000, the Government enacted regulations under the RIPA allowing businesses to monitor the electronic communications of employees.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of speech and of the press, and the Government generally respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to secure freedom of speech and of the press. Viewpoints critical of the Government are well represented. However, press organizations and human rights groups continued to criticize the 1981 Contempt of Court Act, which allows courts to order a journalist to disclose a source if it is deemed to be in the interests of justice. The 1984 Police and Criminal Evidence Act also contains provisions that compel journalists to give evidence in cases where police can prove it is necessary to their investigation. The Official Secrets Act, another law cited by journalists as unduly restrictive, prohibits the legal defense that the information provided by a source is already in the public domain or that its publication is in the public interest.

The print media are dominated by more than a dozen national daily and Sunday newspapers, all privately owned and independent (although often generally aligned with a political party). Approximately one-half of the electronic media are run by the BBC, which is funded by the Government but enjoys editorial independence. Corporations under renewable government licenses operate the remainder.

In September Sunday World journalist Martin O'Hagen was killed in a drive-by shooting near his home in Northern Ireland. The Red Hand Defenders, a cover name for the LVF, claimed responsibility for the killing. O'Hagen had identified many of the members of the LVF as drug dealers in articles he wrote.

Parliament passed the Freedom of Information Act (FIA) in November 2000, and it is expected to be implemented by November 2005. The FIA would provide the public with access to information held by the Government. Critics, including the NGO Campaign for Freedom of Information, charge that the FIA exempts too much information from disclosure on the grounds that the public interest in withholding it outweighs the benefit of its disclosure.

The Government does not restrict Internet access. In May the Government launched a task force to combat pedophilia on the Internet (see Section 5).

Academic freedom is respected.

*b. Freedom of Peaceful Assembly and Association.*—The law provides for the right of peaceful assembly; however, the Government routinely limits that right if it would impose a cost on public convenience. Police contained and then dispersed crowds gathered at a May First anticapitalist demonstration in central London, where some protesters caused minor damage to businesses. Police arrested approximately 30 demonstrators.

In Northern Ireland the annual "marching season" poses significant problems for the Government: Local residents in some communities perceive the parades as the celebration of Protestant "triumphs" in historical battles. The Public Processions (Northern Ireland) Act grants responsibility for ruling on disputed marches to a Parades Commission. Of the 3,440 parades held between April 2000 and March 2001, 235 were considered contentious; the Parades Commission imposed restrictions on 175.

In July the Parades Commission barred one of the loyalist Orange Order processions from marching. As in previous years, in order to prevent the marchers from proceeding down the Garvaghy Road, the British Army erected a large steel barrier and brought in over 1,000 troops to prevent disorder. The Orange Order contended that the commission's ruling was a violation of their civil and religious liberties and conducted a peaceful demonstration at the barrier. Controversy over an approved Orange parade the same day in a republican area of North Belfast resulted in widespread rioting during which several police were injured.

The law provides for freedom of association; however, the Government places some limits on that right. Under the 2000 Terrorism Act, it is an offense, punishable by up to 10 years' imprisonment, to belong to or profess to belong to a terrorist organization proscribed by the Home Secretary. Individuals also are subject to prosecution for supporting or inviting support for a proscribed terrorist organization, arranging or addressing meetings by proscribed organizations, or wearing clothing or carrying or displaying articles that would reasonably arouse suspicion of membership in a proscribed organization. The act allows for the seizure and forfeiture of assets belonging to a person convicted of fundraising or otherwise assisting or supplying property to be used for the purposes of terrorism.

*c. Freedom of Religion.*—The law provides for freedom of religion, and the Government generally respects this right in practice. The Government at all levels generally protects this right in full and does not tolerate its abuse, either by governmental or private actors.

The Church of England (Anglican) and the Church of Scotland (Presbyterian) have the status of state religions, although their status has come under increasing scrutiny, particularly because of automatic membership in the House of Lords for 26 senior church officials. Prominent clergy from other denominations or religions are not afforded this privilege. A January 2000 university report on religious discrimination commissioned by the Home Office claimed that the establishment status of the Church of England causes "religious disadvantage" to other religious communities. At year's end, the Home Office still was considering the report.

The Church of Scientology asserts that it faces discrimination because the Government does not treat Scientology as a religion. Ministers of Scientology are not regarded as ministers of religion under prison regulations or for immigration purposes. In 1999 the independent Charity Commission rejected a Church of Scientology application for charitable tax status accorded to most religious groups and concluded that it is not a religion for the purposes of charity law. The church had not appealed the decision by year's end.

Religious education in publicly maintained schools is required by law throughout the country. According to the Education Reform Act of 1988, it forms part of the core curriculum for students in England and Wales (the requirements for Scotland were outlined in the Education Act of 1980.) The shape and content of religious instruction is decided on a local basis. Locally agreed syllabi are required to reflect the predominant place of Christianity in religious life, but they must be non-denominational and refrain from attempting to convert pupils. All parents have the right to withdraw a child from religious education, but the schools must approve this request.

In addition schools have to provide a daily act of collective worship. In practice this action mainly is Christian in character, reflecting Christianity's importance in the religious life of the nation. This requirement may be waived if a school's administration deems it inappropriate for some or all of the students. Under some circumstances, non-Christian worship may instead be allowed. Teachers' organizations have criticized school prayer and called for a government review of the practice.

Some "voluntary schools" provided by religious groups enjoy state support. While the majority of these schools are Anglican or Catholic, there are a small number of Methodist, Muslim, and Jewish schools.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The law provides for these rights, and the Government generally respects them in practice. Citizens enjoy freedom of movement within the country and foreign travel, emigration, and repatriation.

Paramilitary organizations in Northern Ireland continued to threaten individuals and families to compel them to leave the province. According to an NGO that assists families facing expulsion, more than 700 persons were forced to resettle during the year; of these approximately 50 elected to leave Northern Ireland entirely.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the UNHCR and other humanitarian organizations in assisting refugees. The government provides first asylum, and did so during the Kosovar Humanitarian Evacuation Program in 1999 in which 4,346 refugees were evacuated to the United Kingdom from camps in Macedonia.

Applicants may apply for asylum or refugee status upon arrival or after entering the country. The law permits all asylum seekers to remain temporarily in the country at least until immigration authorities consider their application and, if they are refused asylum, until their rights of appeal are exhausted. Persons who are granted refugee status immediately receive "indefinite leave to remain" in the country. Persons who do not qualify as refugees under the provisions of the 1951 U.N. convention, but whom immigration authorities determine have compelling and exceptional humanitarian reasons for remaining in the country, receive "exceptional leave to remain" in the country for a period of 7 years, after which time they can apply for "indefinite leave to remain." Some asylum seekers were detained while the Government reviewed their cases; the Government dispersed detainees throughout the country, in housing estates or government facilities, and some were held in regular prisons (see Sections 1.c. and 1.d.).

From January to September, the Government acted on 96,975 initial asylum applications, granting asylum in 8,785 cases. The Government refused asylum in an additional 15,060 cases but granted those applicants "exceptional leave to remain." At the end of September, 43,000 asylum applications were outstanding.

Faced with growing numbers of asylum applicants, the Government passed legislation in 1999 designed to deter illegal entrants and the abuse of the asylum process, streamline the appeals process, and restrict benefits provided to asylum seekers. In 2000 the Government issued guidelines for use by the courts in considering

asylum claims by women. Judges were urged to consider situations more likely to be faced by female asylum applicants, including female genital mutilation and trafficking (see Sections 5 and 6.f.).

The treatment of asylum seekers was the subject of considerable media attention and political debate during the year. The UNHCR and NGO's have criticized the Government's policy, and the 1999 Immigration and Asylum Act in particular, for being detrimental to refugee rights. In October the Institute of Race Relations published a report critical of the Government's policies of dispersal and detention of asylum seekers, and the voucher system used to provide them with food and other necessities. The report asserts that the Government's immigration policy contributed to the racist attacks in the English towns of Bradford, Oldham, and Burnley (see Section 5). According to the report, social exclusion is a problem in refugee communities, and individual refugees were subject to attacks, including a killing (see Section 1.a.). The UNHCR stated that asylum seekers face a "climate of vilification" in the United Kingdom.

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

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

Citizens have the right to change their government peacefully and freely exercise that right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The lower chamber of Parliament (the House of Commons, the center of legislative power) is elected in periodic, multiparty elections. The upper chamber (the House of Lords), which has the power to revise and delay the implementation of laws, is made up of hereditary and appointed life peers and senior clergy of the established Church of England. In 1999 the House of Lords removed all but 92 of its over 900 hereditary peers who, with approximately 500 life peers and 26 clergy, made up the House of Lords.

The Government is formed on the basis of a majority of seats in the House of Commons, which are contested in elections held at least every 5 years. Participation in the political process is open to all persons and parties. All citizens 18 years of age and older may vote. Institutions such as the Northern Ireland Assembly, the Scottish Parliament, and the Welsh Assembly have control over matters of regional importance, such as education, health, and some economic matters. Foreign affairs and defense continued to be the responsibility of the central government. As in the rest of the country, Northern Ireland has city and district councils but with fewer powers. England and Wales also have County Councils.

In Northern Ireland the devolved institutions established under the 1998 Good Friday Agreement functioned precariously due to continuing controversies over the participation of Sinn Fein in government as long as the IRA refused to decommission its weapons. In July the conflict intensified, when David Trimble, reflecting disquiet within his Ulster Unionist Party, resigned his position as First Minister, promising to resume office only after the IRA had begun weapons decommissioning. Also in July, the British and Irish Governments issued a blueprint—the Weston Park Document—mandating steps for the parties and Governments to address outstanding problems in implementing the agreement. Although none of the main parties formally accepted the blueprint, and during the following months the devolved government was near collapse several times, significant progress continued on many fronts. In October the Independent International Commission on Decommissioning reported that the IRA had put a quantity of its weapons "permanently beyond use." Trimble was elected as First Minister in the Assembly, a significant pro-Agreement development.

The small number of remaining overseas British territories have an aggregate population of approximately 190,000. They enjoy varying degrees of self-government based on the British model, with appointed governors.

The percentage of women and minorities in government or politics does not correspond to their percentage of the population, although they face no legal constraints on voting or holding office. Women constituted 18 percent of the members of the House of Commons and approximately 15 percent of those in the House of Lords; 12 Members of Parliament have identified themselves as members of minority ethnic groups.

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

A wide variety of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on

human rights cases. Government officials are cooperative and responsive to their views.

The 1998 Human Rights Act, which incorporated the provisions of the European Convention on Human Rights into domestic law, took effect in October 2000. Proceedings under the Human Rights Act may be brought only by victims of a breach of convention rights by a public authority. The Home Office has a human rights unit with responsibility for human rights policy and legislation. NGO's have criticized the Government for its failure to create a government-wide Human Rights Commission. In July the Commission for Racial Equality testified before a Parliamentary Joint Committee on Human Rights and advocated the creation of a government-wide Human Rights Commission. In Northern Ireland a Human Rights Commission was established as an outcome of the peace process. While cases still may be taken to the European Court of Human Rights, all domestic remedies under the Human Rights Act must be exhausted first.

A number of international nongovernmental human rights organizations, including Amnesty International and Human Rights Watch, are based in the country. The Government cooperates fully with international inquiries into alleged violations of human rights.

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

The 1976 Race Relations Act prohibits discrimination on the basis of race, color, nationality, or national or ethnic origin and prohibits incitement to racial hatred; however, some groups continued to experience official and societal discrimination.

The Human Rights Act prohibits discrimination on the basis of religion by public authorities. In Northern Ireland the Fair Employment Act specifically banned employment discrimination on the grounds of religious or political opinion. The 1998 Fair Employment and Treatment Order extended the prohibition on discrimination to the provision of goods, facilities, services, and premises. The Northern Ireland Equality Commission oversees antidiscrimination policy.

*Women.*—Violence against women continued to be a problem. A 1999 government report, "Living Without Fear," indicated that one in four women experienced domestic violence at some stage in their lives, that two women per week were killed by their partners or former partners, and that women feared personal attack more than any other crime. According to a 2000 Home Office study, the 6,000 rapes and 17,500 indecent assaults recorded by the police yearly vastly underrepresents the real scale of sexual violence against women. The study estimated the true number of rapes and assaults at between 118,000 and 295,000. The study was released as part of a package of government grants and projects aimed at improving the conviction rate for rape and providing women with better protection against domestic violence.

Criminal penalties for rape, including spousal rape, sexual assault, and domestic violence are substantial, and these laws are enforced strictly; however, conviction rates for rape tended to be lower than for other crimes. The law provides for injunctive relief, personal protection orders, and protective exclusion orders (similar to restraining orders) for women who are victims of violence. The Government provides shelters, counseling, and other assistance for battery or rape and offers free legal aid to battered women who are economically reliant on their abusers. A new law prohibits defendants from conducting cross-examinations of complainants in rape and sexual offence trials. In December the Government placed restrictions on the admissibility into evidence of complainant's previous sexual history. Female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health and has been illegal since 1985, is practiced by immigrant populations from countries in which the practice is common. The extent to which the procedure is used is unknown, but the Government continued to work to eradicate it.

Trafficking in women was a persistent problem (see Section 6.f.).

No law specifically prohibits sexual harassment; criminal action for sexual harassment cases must be prosecuted under assault legislation. Women's groups have complained that civil suits concerning sexual harassment and discrimination on the basis of gender at times take up to 3½ years to appear before an industrial tribunal.

The law provides for equal opportunity between the sexes, but women experience some discrimination in practice. The law prohibits both direct and indirect discrimination in training, housing, and the provision of goods and services, as well as in employment. Women have equal rights regarding property and divorce. The Government's Equal Opportunities Commission supports persons who bring discrimination cases before industrial tribunals and courts and produces guidelines for employers. The Government introduced a national minimum wage in 1999 in an effort to equal-

ize pay; however, a February report by the Government's Women and Equality Unit found that women in full-time work earned on average 82 percent of the earnings of male full-time workers in 2000. In the Government, women's issues are represented at the cabinet level by the Minister for Women, who heads up the Women and Equality Unit, which engages in dialog with women and advises the Government but has no authority for direct action.

*Children.*—The Government is strongly committed to children's rights and welfare; it amply funds a system of public education and medical care. The Government provides free, compulsory education until age 16 and further free education until age 18 if a student so desires.

While there is no societal pattern of abuse directed against children, there are indications that child abuse is a problem; however, there is a lack of reliable data. Since the paramilitary cease-fires, reports of violence against children in Northern Ireland have increased.

Children were trafficked into the country for sexual exploitation and forced labor (see Section 6.f.).

Concern and publicity surrounding pedophiles continued to grow. As part of a government drive to protect children from child abusers, previously secret registers of pedophiles are available to any employer who runs an organization where persons under age 18 could be at risk (schools, children's homes, or voluntary organizations). In addition suspected child abusers and convicted pedophiles are banned from working with children. Childcare organizations must consult a list before offering anyone a job, paid or otherwise, and it is illegal for them to hire anyone named on it. In July a government task force on combating pedophile activity on the Internet recommended strategies to train law enforcement and child protective authorities in detecting and collecting digital evidence associated with Internet crimes against children. In November police arrested 9 persons suspected of distributing child pornography on the Internet.

The NGO's Refugee Council and Save the Children claimed in an August report that children in the asylum system are not afforded the same level of care and protection that other children receive under childcare legislation. According to the report, "Separated Children in the UK," many social services agencies provided inadequate care to unaccompanied minors seeking asylum (of which there were 2,735 in 2000). The report states that the UK lacked a strategic approach to the reception and care of separated refugee children.

Various laws covering England and Wales stipulate that children have the right to apply for court orders, to give or withhold consent for medical treatment (for those capable of making an informed decision), to make complaints to the relevant local authority, to have their ethnic, linguistic, and religious background considered in decisions affecting them, to have reasonable contact with their families (usually applied in a circumstance where there was abuse), and in general to be consulted regarding their desires. In order to reduce the intimidation that young suspects may feel when tried in an adult court there is a ban on robes and wigs and uniformed security officers in any courtroom where defendants under age 18 are tried on serious criminal charges.

Under the 2000 Prevention of Terrorism Act, the police can arrest and detain children as young as 10 years of age for up to 7 days, although no children were detained under the act during the year.

The law bans corporal punishment in state schools as well as private schools and nursery schools. Child welfare groups have called for all corporal punishment of children to be outlawed.

*Persons with Disabilities.*—The Disability Discrimination Act (DDA) prohibits discrimination against persons with disabilities in the provision of access to public facilities by employers of more than 15 workers, service providers (apart from those providing education or running transport vehicles), and anyone selling or renting property. In addition all businesses are required to accommodate customers with disabilities. Adaptations must be "reasonable," bearing in mind the circumstances and size of the business. The Education Act requires local education authorities to make provision for the special educational needs of children with disabilities. However, one in seven persons in Britain has a disability, according to the Disability Rights Commission (DRC), which reported that approximately 8.5 million persons with disabilities faced discrimination in work, housing, health, and social care.

In March the Government responded to a disability rights task force report by announcing new measures to cover nearly 7 million jobs previously excluded from the DDA, such as police, firefighters, and prison officers. In May the Government passed the Special Educational Needs and Disability Act, which enhances civil rights for persons with disabilities in education.

The DRC provides a hot line for persons with disabilities and employers, legal advice and support for individuals, and policy advice to the Government. The DRC also has the power to conduct formal investigations, arrange conciliation, require persons to adopt action plans to ensure compliance with law, and apply for injunctions to prevent acts of unlawful discrimination.

Government regulations require that all new buildings meet the access requirements of all persons with impaired mobility and that all taxis be wheelchair accessible; similar regulations are in force for sensory-impaired persons. Access to many buildings, especially older buildings, including transportation centers, remains inadequate. New measures introduced in March require all businesses to make "reasonable" modifications for persons with disabilities by 2004.

*Religious Minorities.*—According to the Board of Deputies of British Jews, an NGO, the number of anti-Semitic incidents in Britain during the year was 310, compared with 405 in 2000 (adjusted figure). Public manifestations of anti-Semitism are confined largely to the political or religious fringes.

Isolated attacks against Muslims occurred throughout the country immediately after the September 11 terrorist attacks in the United States. Targets included persons, including women in traditional Islamic dress, and buildings, such as mosques and Muslim-owned businesses. The Government condemned the violence.

A February 2000 report commissioned by the Home Office found that some religious groups, particularly those identified with ethnic minorities, reported unfair treatment on the basis of their religious belief. Muslims, Sikhs, Hindus, and blacked Christian churches were more likely to report problems ranging from a lack of recognition or inclusion of religious beliefs in education to discrimination or a lack of accommodation of religious beliefs by employers.

Although there is some evidence that unemployment rates among Catholics remained higher than among Protestants in Northern Ireland, government programs and continued economic growth in the region have resulted in a decrease in the overall unemployment rate. Employment discrimination on religious grounds is prohibited by law in Northern Ireland, although not in the rest of the country, and a public tribunal adjudicates complaints. All public sector employers and all private firms with more than 10 workers must report annually to the Equality Commission on the religious composition of their work force and must review their employment practices every 3 years. Noncompliance can bring criminal penalties and the loss of government contracts. Victims of employment discrimination may sue for damages.

While the troubles in Northern Ireland are the product of political, economic, and social factors, conflict between nationalists and unionists in Northern Ireland is rooted in centuries-old sectarian divisions between the Protestant and Catholic communities. The majority of citizens in Northern Ireland support the 1998 Good Friday Agreement, which aims to create a lasting settlement to the conflict in Northern Ireland and a society based on equality of opportunity and human rights. However, the fear of intercommunal violence has, over the years, led to a pattern of segregated communities in Northern Ireland. Protestant and Catholic families have moved away from mixed or border neighborhoods.

According to the PSNI, there were 28 arson/bomb attacks and 3 other acts of violence directed at both Protestant and Catholic churches in Northern Ireland during 2000. Such sectarian violence often coincides with heightened tensions during the spring and summer marching season. Some parades by the "Loyal Institutions" (the Royal Black Preceptory, Orange Order, and Apprentice Boys), whose membership is almost exclusively Protestant, have been prevented from passing through nationalist areas because of public order concerns (see Section 2.b.).

For several weeks beginning in September, residents of the loyalist Glenbryn area of north Belfast protested, at times violently, against Catholic pupils of Holy Cross primary school on their walk to school each day. Although the residents claimed that their demonstration "was not against the children," the protest involved shouting sectarian abuse and throwing debris (including bags of urine) at the children. A blast bomb also was thrown at police seeking to protect the children. The protest ended in November. While acknowledging the right of peaceful protest, the Northern Ireland Human Rights Commission stated that the school protests were a breach of the children's right to be free from inhuman or degrading treatment and of the right to an effective education.

*National/Racial/Ethnic Minorities.*—Despite legal prohibitions against race discrimination, persons of African and Afro-Caribbean, South Asian, or Middle Eastern origin, and Travellers faced occasional acts of societal violence and some discrimination. According to an official report, 4,711 racially related offenses were recorded in the 12-month period ending in March. Incitement to racial hatred is a criminal offense punishable by a maximum of 2 years' imprisonment. The Government strictly enforces the laws and regulations in this area.

From April through July there was significant violence between whites and South Asians in the northern English towns of Oldham and Burnley, which culminated in riots in Bradford from July 7 to 9. Hundreds were injured, including police officers, and extensive property damage was reported. When violence broke out, the Government, in accordance with the Race Relations Act, set up independent boards of inquiry to determine the causes of the violence and examine its effects on multiethnic communities. The Race Equality Unit of the Home Office published a report, "Community Cohesion," in November that discussed Government strategies and proposals to address racial divides.

In 1999 the Home Secretary ordered the police to recruit 8,000 officers from ethnic minorities within 10 years. The numbers of ethnic minority police recruited during the year rose 10 percent, according to the Home Office. At the end of September, 3,134 minority police officers served in 43 national police districts. London Metropolitan Police (LMP) recruited 165 new ethnic minority officers in the period from April 2000 to March 2001, an increase of 83 percent over the previous period. LMP employed 1,158 minority police officers by the end the year.

A series of reports indicated that minorities were more likely to be stopped and searched by police than whites (see Section 1.c.).

In March 2000, the Police Complaints Authority announced that it would conduct a new inquiry into the police handling of the death of Ricky Reel, a young Asian found drowned in the Thames River in 1997. His family believes that Reel was the victim of a racial attack and claim that police failed to investigate the crime properly. The inquiry continued at year's end.

Travellers—itinerant populations consisting of Roma, Irish, and other ethnic groups estimated to number 100,000 persons (approximately 1.6 percent of the total population)—experienced marginalization, educational discrimination, and police and societal harassment greater than that of the settled population, according to human rights groups. U.N. Committees on both the Rights of the Child and the Elimination of Racial Discrimination expressed similar concerns. During parts of the year, UK immigration officials prescreened Czech airline travelers in Prague, including ethnic Roma, who sought to come to the United Kingdom.

The Race Relations (Northern Ireland) Order, provides specific legal protection to minority ethnic groups in Northern Ireland, including the Traveller community. In June the Scottish Parliament published a report citing evidence of institutional discrimination, racism, and harassment of Travellers in Scotland. According to the report, Travellers faced unequal access to health care, social services, and education. The report calls on public bodies in Scotland to treat Travellers as a distinct ethnic group until such time as a legal test case provides official recognition under the Race Relations Act. The Scottish Executive still was considering the report's 37 recommendations at year's end.

The government-appointed but independent Commission for Racial Equality (CRE) provides guidelines on antidiscrimination practices, supports persons taking court action under the 1976 Race Relations Act, and may initiate its own court actions. After investigating a complaint, the CRE may issue a notice requiring that the discrimination be stopped. The CRE monitors the response to such notices for 5 years.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—Workers have the right to form and join unions, and workers exercised this right in practice. Just under 30 percent of the workforce is unionized. Coverage is most widespread in the public sector, where 60 percent of workers are organized. In contrast 19 percent of private sector workers are unionized. Unions, although often affiliated with political parties, are free of government control. The Employment Relations Act affords protection to union organizing efforts and sets minimum employment standards. Workers are protected by law against dismissal or other retaliation for campaigning or voting for or against recognition. The law also prohibits the compilation of lists of union members and labor activists for use by employers and employment agencies.

The Employment Relations Act affirms the statutory right to strike. The law prohibits retaliation by strikers. Dismissed strikers are able to claim unfair dismissal if fired within 8 weeks of when they first undertook a legal strike or "trade dispute." The law defines a "trade dispute" in great detail; in summary, a strike must be confined to workers and their own employers ("secondary boycotts" are illegal), the dispute must be wholly or mainly about employment-related matters (e.g., pay and conditions), workers must be properly and secretly balloted before striking (with notice to the employer), and mass picketing is prohibited.

Unions may join federations and participate freely in international organizations. The largest federation is the Trades Union Congress. Former British union leaders frequently occupy leadership positions in international labor organizations.

*b. The Right to Organize and Bargain Collectively.*—Collective bargaining is long standing and covers approximately 30 percent of the work force. Under the Employment Relations Act, labor-management contracts are enforceable legally.

Under the act, unions can file a request for recognition, identifying the proposed bargaining unit, to the Central Arbitration Committee (CAC), a tripartite group that includes representatives from government, business, and labor. The act covers employers with more than 20 workers and encompasses an estimated two-thirds of all workplaces. Once the CAC determines the appropriate bargaining unit, it assesses whether a union is likely to have majority support. If union members already make up a majority of the bargaining unit, the CAC may issue a declaration that the union is recognized for collective bargaining without a ballot. In those instances where the CAC orders a ballot (typically, when the majority of bargaining unit employees are not already union members), the employer must cooperate by providing a list of names and giving the union access to the workplace to campaign. Unions win recognition when a majority of those voting agree, including at least 40 percent of those in the bargaining unit.

Although the law encourages voluntary agreements between employers and unions, the CAC may, if necessary, impose a legally binding procedure for bargaining about pay, hours, and holidays.

Union members are protected by the Employment Rights Act against “being subject to any detriment” due to union activity or membership, and this is generally observed in practice. Previously it was legal for employers to withhold fringe benefits otherwise available to nonunion employees. The Employment Relations Act also extends its protection to contract and part-time workers in an attempt to close loopholes that previously allowed some employers to evade labor regulations.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Government prohibits forced or compulsory labor; however, the trafficking of persons to the country was a problem (see Section 6.f.).

The law prohibits forced and bonded labor by children; however, children were trafficked to the country for sexual exploitation (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—Children under age 16 are not permitted to work in an industrial enterprise except as part of an educational course.

The Government prohibits forced and bonded labor by children; however, children were trafficked to the country for sexual exploitation and forced labor (see Section 6.f.).

*e. Acceptable Conditions of Work.*—As of October 1, the adult minimum wage was \$5.95 (4.10 pounds) per hour and the youth wage, paid to youth ages 18 to 21, was raised to \$5.10 (3.50 pounds) per hour. When introduced in 1999, the new pay thresholds were expected to benefit some 1.5 million workers directly; however, according to Government figures from the spring, 320,000 jobs were held by persons age 18 and over that paid less than the national minimum wage. Government departments aggressively were instructing employers that they must bring pay practices into compliance. The Board of Inland Revenue examined over 5,000 cases in the 8 months leading up to November and recovered \$2.9 million (2 million pounds) for 5,478 underpaid employees nationwide.

The national minimum wage does not provide a decent standard of living for a worker and family; however, other benefits of the welfare state fill the gap. Of nearly 28 million workers, approximately 6 million (21 percent) benefit from a social insurance scheme, in addition to receiving free universal access to the National Health Service. The working families’ tax credit and disabled person’s tax credit are designed to ensure a working family a weekly income of \$319 (214 pounds), which constitutes a living wage. No family earning less than \$380 (255 pounds) per week is obligated to pay income tax. The Government also provides a minimum income guarantee for low-income pensioners, which increases the basic state pension that all retired employees receive. Effective in April, the Government increased the threshold of total personal assets to allow more low-income pensioners to avail themselves of this benefit.

A working time directive brought domestic legislation into compliance with the European Union’s 48-hour workweek. The maximum compensation level for unfair dismissal claims is \$80,000 (50,000 pounds). Parental leave provisions are available for employees with more than a year’s continuous service. The Human Rights Act added additional rights in the workplace.

The 1974 Health and Safety at Work Act stipulates that the health and safety of employees not be placed at risk, and in practice the act is updated constantly. The Health and Safety Executive effectively enforces regulations on these matters and may initiate criminal proceedings in appropriate cases. Workers' representatives actively monitor enforcement of the act. Workers may remove themselves from dangerous work conditions without jeopardy to their continued employment.

Foreign workers are protected by the same labor laws and have the same rights as other workers, and foreign workers exercised these rights in practice.

*f. Trafficking in Persons.*—No laws specifically criminalize trafficking in persons, although a range of laws are used to prosecute traffickers; the trafficking of persons was a persistent problem. The United Kingdom is a destination country for trafficking in women and girls for prostitution and in men, women, and girls for manual labor. While the Government estimated that 1,400 women and girls are trafficked each year for prostitution, there is no reliable data on the number of persons trafficked as laborers.

Female trafficking victims are mainly from the Balkans and other Central European countries. Women are also trafficked from South America, West Africa (particularly Nigeria), and Southeast Asia (Thailand and Vietnam). For example, a police investigation in 1999 of the brothels in London's Soho area revealed 148 victims, of whom 125 were from the Balkans, 14 from other parts of Central Europe, 6 from South America, 2 from Africa, and 1 from Southeast Asia.

According to media and NGO reports, girls were increasingly trafficked for prostitution and labor from West Africa and Central Europe. The laborers often are brought to the country under false pretenses and then used in addition to collect increased welfare benefits by distant relatives or even strangers.

Most female victims are lured into the country by deception. Many pay exorbitant fees to criminal middlemen for visas or smuggling arrangements. The victims often agree to pay off the balance by working in the sex industry; however, upon arriving, they are required to perform sexual services they did not agree to, their documents are confiscated, and they are forced to work a longer time than anticipated. Although victims usually are not physically coerced or threatened, they are deceived into not seeking help. The women are duped into believing that the police are corrupt or abusive and that they will be deported if they alert the authorities. In addition there is evidence that a small number of victims are forcibly abducted and brought into the country against their will.

According to the National Criminal Intelligence Service, trafficked laborers come from countries including India, Pakistan, Bangladesh, Sri Lanka, the former Yugoslavia, Romania, China, Congo, Angola, Colombia, and Ecuador. Laborers are trafficked actively by China-based criminal gangs, "snakeheads," also by deception. Would-be migrants pay high fees; however, those who cannot pay are forced into servitude, often in London sweatshops run by the gangs. Some also work in agriculture. Many victims are unwilling to come forward, due to fears of retribution from traffickers, fear of being deported or abused by authorities, or because they cannot speak English well enough.

The United Kingdom generally is not a country of origin for trafficking; however, each year hundreds of persons, usually young women, are forced into marriages outside the United Kingdom, particularly in India. They usually are deceived by their parents and believe that they are visiting family. Upon arrival their relatives force them into marriage.

A May 2000 Home Office report on trafficking in women estimated that up to 1,400 women were trafficked into the country in 1998. The report highlighted that police largely are unaware of the scale of the problem and do not treat it as a priority. The Government was considering the report's recommendations, which include the creation of a new crime category of "sexual exploitation," allowing trafficked women to sue their exploiters, and a focus on prevention campaigns in host countries. However, no action had been taken by year's end.

The Government actively investigated and prosecuted traffickers under a range of relevant laws, including unlawful imprisonment and facilitating illegal entry, that provide for penalties of up to 10 years in prison. The police successfully prosecuted traffickers under laws such as those against procuring and living off of immoral earnings. For example, numerous traffickers were convicted of the charge of "causing prostitution," which carries a 2-year prison sentence.

Government agencies involved in antitrafficking efforts include the Home Office, Foreign and Commonwealth Office (FCO), the National Criminal Investigative Service (NICS), police, the Department of Trade and Industry, the Department for Education and Employment, the Department for International Development (DFID), the National Crime Squad, and the Immigration and Nationality Directorate (IND). The Metropolitan Police has a special unit of 14 officers to investigate sexual exploi-

tation: trafficking is one of the unit's special concerns. The DFID sponsors education campaigns overseas, particularly in Central Europe and Southeast Asia, to discourage trafficking. For example, the DFID and the FCO have distributed antitrafficking literature and videos in the Balkans and other points of origin. The FCO has posted immigration officials at overseas points of transit for traffickers to identify trafficking cases before they reach the United Kingdom. The Government supports numerous private organizations that combat trafficking and is significantly involved in international discussions on trafficking.

The Government does not deport victims of trafficking; the police and the IND cooperate on assisting trafficking victims and provide temporary residency status to victims. In addition both agencies provide legal, medical, and psychological services. Victims are not prosecuted for other crimes.

The Government works closely with and provides funding for NGO's and other relevant organizations that fight trafficking. The Child and Woman Abuse Studies Unit at the University of North London has headed efforts to intensify public discussion on prostitution and trafficking. The NGO Kayalaan is effective in assisting trafficking victims. Another NGO, Change, is working on a project to map out government organizations and NGO's that are combating trafficking in women globally. A third NGO, Womankind Worldwide, works with overseas partners on trafficking.

## UZBEKISTAN

Uzbekistan is an authoritarian state with limited civil rights. The Constitution provides for a presidential system with separation of powers between the executive, legislative, and judicial branches; however, in practice President Islam Karimov and the centralized executive branch that serves him dominate political life. First chosen president in a 1991 election that most observers considered neither free nor fair, Karimov's term was extended to 2000 by a 1995 plebiscite. Parliament subsequently voted to make the extension part of Karimov's first term, making him eligible to run for office again in 2000. He was elected to a second term in January 2000 against token opposition with 92.5 percent of the vote under conditions that were neither free nor fair. In December the Parliament voted to schedule a January 2002 plebiscite, which would, as part of a constitutional reform, extend Karimov's term in office for an additional 2 years. The Oliy Majlis (Parliament) consists almost entirely of officials appointed by the President and members of parties that support the President. Despite constitutional provisions for an independent judiciary, the executive branch heavily influences the courts in both civil and criminal cases.

The Ministry of Interior (MVD) controls the police. The police and other MVD forces are responsible for most routine police functions. The National Security Service (NSS)—the former KGB—deals with a broad range of national security questions, including corruption, organized crime, and narcotics. There is effective civilian control over the military. The police and the NSS committed numerous serious human rights abuses.

The country has a population of approximately 24,756,000. The Government has stated that it is committed to a gradual transition to a free market economy. However, despite some steps during the year toward currency convertibility, continuing restrictions on convertibility and other government measures to control economic activity have constrained economic growth and led international lending organizations to suspend or scale back credits. The economy is based primarily on agriculture and agricultural processing; the country is a major producer and exporter of cotton. It also is a major producer of gold and has substantial deposits of copper, strategic minerals, gas, and oil. The Government continued to make progress in reducing inflation and the budget deficit, but government statistics understate both, while overstating economic growth. There are no reliable statistics on unemployment, which is believed to be high and growing. The Government took some modest steps to reduce the formal and informal barriers that constrain the nascent private sector, including the unification of exchange rates and easier licensing processes for businesses.

The Government's human rights record remained very poor, and it continued to commit numerous serious abuses. Citizens cannot exercise the right to change their government peacefully; the Government does not permit the existence of opposition parties. Security force mistreatment resulted in the deaths of several citizens in custody. Police and NSS forces tortured, beat, and harassed persons. Prison conditions were poor, and pretrial detention can be prolonged. The security forces arbitrarily arrested and detained persons, on false charges, particularly Muslims suspected of extremist sympathies, frequently planting narcotics, weapons, or banned literature

on them. Human rights groups estimated that the number of persons in detention for political or religious reasons and for terrorism, primarily attendees of unofficial mosques and members of Islamist political groups, but also members of the secular opposition and human rights activists, was approximately 7,500. During the year, the Government implemented an agreement allowing the International Committee of the Red Cross (ICRC) access to convicted prisoners; however, the ICRC suspended its prison visits after it was not able to get the Government to agree to pretrial detention visits. The judiciary does not ensure due process and often defers to the wishes of the executive branch. Parliament passed several laws on judicial reform. Police and NSS forces infringed on citizens' privacy, including the use of illegal searches and wiretaps. Those responsible for documented abuses rarely are punished.

The Government severely restricts freedom of speech and the press, and an atmosphere of repression stifles public criticism of the Government. Although the Constitution expressly prohibits it, censorship is practiced widely. The Government limits freedom of assembly and association. The Government continued to ban unauthorized public meetings and demonstrations and police forcibly disrupted some protests during the year. The Government continued to deny registration to opposition political parties as well as to other groups that might be critical of the Government; unregistered opposition parties and movements may not operate freely or publish their views. The Government restricted freedom of religion. The Government harassed and arrested hundreds of non-official Islamic leaders and believers, citing the threat of extremism. The Government tolerates the existence of minority religions but places limits on their religious activities. Following fighting with the Islamic Movement of Uzbekistan (IMU) in 2000, the Government forcibly resettled five villages and the villagers were not permitted to return home during the year. The resettlement of other villages reportedly continued during the year. The Government restricted local nongovernmental organizations (NGO's) working on human rights and refused to register the two main human rights organizations. Security forces abused human rights activists. The Office of the Human Rights Ombudsman reported that it assisted hundreds of citizens in redressing human rights abuses, the majority of which involve allegedly unjust court decisions and claims of abuse of power by police; however, most of the successfully resolved cases were relatively minor.

Violence against women, including domestic violence, was a problem, and there continued to be significant traditional, societal discrimination against women. Workplace discrimination against some minorities persisted. There are some limits on worker rights. Some children, particularly in rural areas, are forced to work during the harvest season. Trafficking in women and girls to other countries for the purpose of prostitution 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 confirmed reports of political killings; however, security forces committed a number of killings of prisoners in custody. Although there is specific information available on deaths due to mistreatment in custody, human rights observers and relatives of prisoners claim that the number of such cases throughout the country reached several dozen during the year. Law enforcement officials warned families not to talk about their relatives' deaths. Government officials acknowledge that some inmates died, but attribute the deaths to illness or suicide.

According to human rights activists and other observers, many of those who died in custody were interned at a prison near Jaslik in Karakalpakstan, where conditions were thought to be extremely harsh in the past; however, conditions in Jaslik improved during the year. Nearly all the inmates of this facility, which opened in 1999, were convicted for religious extremism (see Section 2.c.).

The country's regulations require that every death in custody be investigated by a medical examiner. In most cases, deaths apparently due to torture or other mistreatment are ascribed to heart failure.

On February 21, police arrested Emin Usman, a prominent writer and an ethnic Uighur, on charges of possessing illegal religious literature and belonging to the banned Hizb ut-Tahrir Islamic political party. Police returned Usman's body to relatives on March 1. Authorities, who claimed that Usman had committed suicide, ordered the body buried immediately and would not allow family members to view it; however, one family member who did view the body reported that it bore clear signs of having been beaten.

On July 7, Shovruk Ruzimuradov, a human rights activist and former Member of Parliament died in custody allegedly after police tortured and beat him. Prior to his death, authorities had held Ruzimuradov in a pretrial detention facility for 3-weeks. While searching his house, police claimed to have found 9 leaflets by the outlawed Islamist organization Hizb ut-Tahrir, 28 bullets, and narcotics. Relatives reported that the police had planted the contraband. Ruzimuradov was not granted access to a lawyer and his family members were not informed of his whereabouts. An official investigation of his death concluded that Ruzimuradov committed suicide; nonetheless sanctions were ordered against four officers, including the dismissal of one officer, for mishandling Ruzimuradov's detention.

On October 16, in Tashkent, police arrested two brothers, Ravshon and Rasul Haitov, on suspicion of Hizb ut-Tahrir membership. On October 17, police returned the body of Ravshon Haitov to his family, which showed clear signs of torture; authorities informed the family that he had died of a heart attack. His brother Rasul was beaten so severely that he became an invalid. The authorities reported that within 24 hours four police officers (two majors, a captain, and a lieutenant) had been placed under indictment and the Tashkent city procurator had opened a criminal investigation into the matter.

There were no investigations into nor action taken in the following 2000 cases of deaths in custody allegedly as a result of torture or other mistreatment: Hazratkul Kudirov and Amanullah Nosirov in December, Shukhrat Parpiev in May, and Rulam Norbaev and Nagmut Karimov in March.

In 2000 in an open letter to the President, 33 Tashkent residents protested the military hazing death of Dmitriy Popov, a recruit who suffered from heart problems. Senior soldiers allegedly beat Popov in June 2000. The HRSU commented that such deaths were not uncommon in the military. Military prosecutors brought a criminal case against five soldiers who allegedly participated in the beating; in November 2000, the five were sentenced to several years each in prison.

During and after the armed incursions of August and September 2000, military forces laid mines on the border with Tajikistan and Kyrgyzstan. The Ministry of Defense asserted that all minefields were marked clearly and that it had informed the Tajik and Kyrgyz Governments of their locations. However, there were at least 20 civilian deaths during the year from landmine explosions.

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

Bakhodir Khasanov, an instructor of French at the Alliance Francaise whom security forces refused to acknowledge was in their custody in 2000, was sentenced to a long prison term (see Section 2.c.).

There were reports during the year that Imam Abidkhon Nazarov, who widely was believed to be missing since March 1998, actually had fled the country to avoid arrest and had not been abducted by security forces.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Although the law prohibits these practices, both police and the NSS routinely tortured, beat, and otherwise mistreated detainees to obtain confessions, which they then used to incriminate the detainees. Police also used suffocation, electric shock, rape, and other sexual abuse. Neither the severity nor frequency of torture appeared to have decreased during the year.

In December 2000, Human Rights Watch released a report on torture in the country that detailed dozens of allegations of torture based on interviews with victims and their families. The report claimed that the number of allegations and the brutality of torture were increasing. The most common torture techniques were beating, often with blunt weapons, and asphyxiation with a gas mask. There were numerous unverifiable reports of interrogators raping detainees with objects such as bottles, and of threatening to rape both detainees and their family members.

On June 30, Human Rights Society of Uzbekistan (HRSU) member Elena Urlaeva walked out of a clinic where she had been subject to involuntary psychiatric detention and treatment (see Section 1.d.). On November 6, a final appeals court overturned the order that Urlaeva undergo forced psychiatric treatment.

On July 7, human rights activist Shovruk Ruzimuradov died in police custody allegedly after police tortured him (see Section 1.a.).

On October 18, police killed Ravshon Haitov, and beat his brother Rasul severely; Rasul is an invalid as a result of the beating (see Section 1.a.).

On October 23, the National Security Service arrested poet and opposition political party member Yusup Jumaev. On December 29, Jumaev was released; there were rumors that high-level government officials were displeased that local officials detained him. Jumaev credibly denied reports from other sources that he had been beaten and tortured (see Section 1.d.).

Although it is routine for police to beat confessions out of detainees, anecdotal evidence suggests that those suspected of Islamist political sympathies (sometimes only because of their piety) are treated more harshly than criminals (see Section 2.c.). There also were reports that on at least two occasions police beat members of Jehovah's Witnesses (see Section 2.c.).

Defendants in trials often claim that their confessions on which the prosecution based its cases were extracted by torture (see Section 1.e.). For example Imam Abdulvakhid Yuldashev, convicted in April of organizing an underground Islamic movement stated in court that investigators had beaten him and burned his genitals in order to extract confessions during detention. Fifteen members of Hizb ut-Tahrir, who were convicted of anticonstitutional activity in September 2000, alleged during their trial that they had been tortured during pretrial detention. According to those attending the trial (international monitors were barred from the courtroom), the defendants alleged that guards and interrogators had used beatings and electric shocks, and had forced them to sign blank statements. Several defendants alleged that guards had raped them. In a March 2000 trial, 12 members of Hizb ut-Tahrir, including Haffezullah Nosirov, alleged that authorities tortured them to get confessions (see Section 1.e.).

Police forcibly disrupted some protests by Muslim women, in at least one case injuring some of the protesters (see Section 2.b.).

Police at times arrested and beat family members of suspects they were seeking (see Sections 1.d., 1.f., and 2.c.).

Writer Mamadali Makhmudov, who reported being tortured in 2000, remained in prison and was reported to be in poor health. According to NGO reporting, he was transferred several times during the year between strict penal facilities and prison hospital facilities.

Prison conditions were poor, and worse for male than for female prisoners. Prison overcrowding was a problem. Human rights activists reported that the incarceration of 10 to 15 persons in cells designed for 4 is common. Tuberculosis and hepatitis are epidemic in the prisons, making even short periods of incarceration potentially deadly. Reportedly there are severe shortages of food and medicines, and prisoners often rely on visits by relatives to obtain both. Pretrial detainees are held separately from those convicted of crimes. Males and females are housed in separate facilities. Juveniles are held separately from adults.

Brutal treatment by guards and an especially harsh and polluted desert environment reportedly made conditions at Jaslik prison the worst in the country; however, in 2000 human rights observers learned from witnesses that conditions in Jaslik had improved substantially. According to the family members of prisoners, authorities at Jaslik also made some improvements prior to the visit of the ICRC during the spring. According to the Committee for the Legal Assistance of Prisoners, there are between 500 and 800 inmates at Jaslik. Although the law allows all prisoners to have occasional family visitors, the remoteness of Jaslik makes such visits rare and difficult.

The Government also operates labor camps, where conditions of incarceration have been reported to be less severe than in prisons. There are six types of prison and camp facilities, including pretrial detention facilities for adults.

An amnesty signed by the President on the occasion of the country's September 1 Independence Day promised the release of 25,000 prisoners and the reduction in sentences of an additional 25,000 prisoners. In his speech announcing the amnesty, the President admitted that authorities regularly violated the rights of prisoners and that sentences were too harsh.

In a separate statement in August, the president for the first time said that the amnesty would include 1,000 individuals who had been convicted of crimes against the Constitution (almost all of whom were jailed on suspicion of Islamic extremism). By year's end, the Government claimed that a total of 28,000 prisoners had been released, including 860 convicted of crimes against the Constitution. Human rights groups independently estimated the latter figure to be approximately 800 (out of 2,600 convicted of such charges in the past 3 years) and generally accepted the total figure of 28,000. Human rights groups estimated that the total included also at least one third of the other 4,400 to 4,900 individuals who had been arrested since early 1999 on suspicion of Islamic extremism but convicted of other crimes. Prisoners convicted of crimes against the Constitution and sentenced to terms greater than 6 years were not eligible for the amnesty. Those released were required to repent for their alleged crimes.

In January the Government signed and implemented an agreement allowing the ICRC access to convicted prisoners; however, in May the ICRC suspended its visits and complained that government officials were failing to provide access to pretrial

detention facilities. At year's end, the Government and the ICRC still were negotiating on the terms of the agreement.

*d. Arbitrary Arrest, Detention, or Exile.*—Security forces continued to arrest and detain individuals arbitrarily, without warrants or just cause. The law provides that police may hold a person suspected of committing a crime for up to 3 days. At the end of this period, the detained person must be declared officially a suspect, and charged with a crime, or be released. A person officially declared a suspect may be held for an additional 3 days before charges are filed. A prosecutor's order is required for arrests, but not for detentions, prior to the filing of charges. In practice these legal protections frequently are ignored. In some cases, police circumvent the rules by claiming that the detainee is being held as a potential witness and not as a suspect; there are no regulations concerning the length of time witnesses may be detained. A court date must be set within 15 days of arrest (or filing of charges) and the defendant may be detained during this period. A defendant has a right to counsel from the moment of arrest, but in practice access to counsel is very often denied. Once the trial date is set, detainees deemed not to be violent may be released on their own recognizance pending trial. No money need be posted as bond, but in such cases the accused usually must sign a pledge not to leave the city; however, in practice this procedure rarely is used. During the period between arrest and trial, defendants almost always are kept in pretrial detention, which has been known to last as long as 2 years.

In ordinary criminal cases, the police generally identify and then arrest those reasonably suspected of the crime; however, both the police and the NSS are far less discriminating in cases involving perceived risks to national security. There were continued reports that authorities arrested and detained Muslims associated with nongovernment-approved Islamic groups, who were perceived as a threat by the Government, on charges of belonging to radical Islamic organizations (see Section 2.c.).

It is common government practice to arrest, detain, and mistreat both immediate and extended family members of those the Government has targeted (see Section 1.f.). For example, on March 17, police detained Rahima Akhmadalievna while searching for her husband, independent Imam Ruhiddin Fahriddinov. Akhmadalievna was held for 2 months without charges, before being charged with possessing unapproved Islamist literature. She allegedly was denied medication for a heart problem and was denied sleep in an effort to force her to reveal her husband's whereabouts. Her 19-year-old daughter Odina Makhsudova, who visited her mother on March 20, also was detained briefly. Makhsudova alleged later that police were verbally abusive to her and her mother and forced them to remove their headscarves. She quoted police officials as saying that her mother would be freed as soon as her father turned himself in. On September 21, Akhmadalievna was convicted of anticonstitutional activities and sentenced to 7 years in prison.

Police routinely planted narcotics, weapons, ammunition, or Islamic literature on citizens either to justify arrest or to extort bribes. The most frequent victims of this practice were suspected members of Islamist organizations such as Hizb ut-Tahrir, who usually were ultimately sentenced to between 15 and 20 years in prison (see Section 1.e.). For example, on June 15, Interior Ministry police searched the home of human rights activist Shovruk Ruzimuradov and planted bullets and Hizb ut-Tahrir leaflets in the house; he later died while in custody (see Section 1.a.).

The authorities continued to arbitrarily arrest and detain human rights activists. For example, the authorities have attempted to silence human rights activists who criticize government repression of religious Muslims and others. On April 26, militia detained human rights activist Mahbuba Kasimova for 3 hours and questioned her about her attendance at trials of "religious persons" and her contacts with relatives of defendants. The officers warned her to cease her human rights monitoring activities. Human rights activist Ismail Adilov was released from jail on July 3; he had been arrested in July 1999, after police allegedly planted 100 Hizb ut-Tahrir leaflets among his effects to justify the arrest. Adilov was not known to be religious. On September 5, police detained and questioned Tulkin Karayev, the HRSU regional representative for Kashkadarya, after he attended a protest by mothers and wives of jailed Muslims (see section 2.b.). According to Karayev, police accused him of organizing the protest and of having ties to Osama bin Laden. Karayev reported other instances of police surveillance throughout the year, as well as one visit to his home on August 31. Karayev stated that the police officer who had visited his home apologized later.

Police continued to arbitrarily arrest and detain members of political opposition groups. For example, on October 23, the National Security Service (SNB) detained Yusup Jumaev, a notable Uzbek poet and Birlik activist, on charges of committing crimes against the Constitution. Jumaev had written articles involving the beating

of prisoners, closed court hearings, and other human rights abuses earlier in the year. Jumaev's wife and lawyer were permitted to visit him, and on December 29, Jumaev was released in compliance with a court order.

Following fighting with the IMU in 2000, the Government forcibly resettled five villages in the Surkhandarya and detained most of the men in those villages in an effort to find those who may have collaborated with the IMU (see Section 2.d.). Most of the men were released later, although 73 were tried and convicted for crimes against the Constitution and aiding terrorists.

Police arrested and detained some peaceful protestors during the year (see Section 2.b.).

On April 6, police detained Elena Urlaeva and kept her against her will at a Tashkent psychiatric clinic to prevent her participation in a public protest. On April 10, the Mirabad district court ordered her to undergo a month of involuntary psychiatric treatment. Reportedly doctors made her sign a statement saying that she was undergoing treatment of her own free will. On October 19, an appeals court overturned the lower court ruling that had ordered Urlaeva to undergo involuntary psychiatric treatment.

Uzbek Imam Khadji Khudjaev, who was arrested by Russian police in August 2000 and extradited to Uzbekistan in November 2000, remained in jail at year's end. Imam Khudjaev was accused of involvement in the February 1999 Tashkent bombings.

Bakhodir Khasanov, an instructor of French at the Alliance Francaise, whose brother was an Islamist, was detained and held incommunicado in July 2000, and was sentenced to a long prison term.

In general the Government does not hold political detainees indefinitely, but brings them to trial eventually. Because there is no free press or public record of arrests, it is not possible to determine the number of political or other detainees awaiting trial. Estimates by human rights activists usually are in the range of several thousand; political detainees reportedly do not represent a large share of that number. The Government and the ICRC have not yet agreed on visits to pretrial detainees and in May the ICRC suspended all other prison visits (see Section 1.c.).

In September the Parliament passed several amendments to the Criminal and Civil Code, the Criminal Procedure Code and the Law on the Procuracy, in order to lessen the abuses suffered by those arrested and to ensure that sentences are more equitable. The Parliament also approved a law on the Procurator's Office and a law on the enforcement of court rulings, both of which were implemented by year's end. The Parliament established a commission composed of members of the Parliament and prominent lawyers to review and possibly amend the bills passed by the Parliament and publish them as law. The Parliament passed several judicial reform measures in 2000, which were implemented during the year, aimed at making the criminal justice system more adversarial and to reduce the power of the procuracy, among other items; those reforms have had some limited success, according to legal professionals.

Neither the Constitution nor the law explicitly prohibit forced exile; however, the Government does not use it. Government harassment of members of the Birlik movement and the—Erk Party—both political opposition groups, drove the leaders of these organizations, including Mohammed Solikh of the Erk Party and Adburakhim Polat of the Birlik Movement into voluntary exile in the early 1990's (see Section 3). The chairman of the HRSU, Abdumannob Polat, also lives in voluntary exile (see Section 4).

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however, the judicial branch takes its direction from the executive branch and has little independence in practice. Under the Constitution, the President appoints all judges for 5-year terms. Power to remove judges rests with the President; removal of Supreme Court judges must also be confirmed by Parliament. Judges may be removed for crimes or failure to fulfill their obligations.

Courts of general jurisdiction are divided into three tiers: district courts, regional courts, and the Supreme Court. In addition a Constitutional Court is charged with reviewing laws, decrees, and judicial decisions to ensure their compliance with the Constitution. Military courts handle all civil and criminal matters that occur within the military. There is a system of economic courts at the regional level that handles economic cases between legal entities.

Decisions of district and regional courts of general jurisdiction may be appealed to the next level within 10 days of ruling. The Government reduced the list of crimes punishable by death to murder, espionage, and treason, eliminating the economic crimes that were punishable by death in the former criminal code. Officially most court cases are open to the public but may be closed in exceptional cases, such as those involving state secrets, rape, or young defendants. Many trials of alleged

Islamist extremists have been closed. International trial monitors or foreign diplomats only rarely are permitted to observe court proceedings.

State prosecutors play a decisive role in the criminal justice system. They order arrests, direct investigations, prepare criminal cases, and recommend sentences. If a judge's sentence does not agree with the prosecutor's recommendation, the prosecutor has a right to appeal the sentence to a higher court. There is no protection against double jeopardy. Judges whose decisions have been overturned on more than one occasion may be removed from office; consequently, judges rarely defy the recommendations of prosecutors. As a result, defendants almost always are found guilty. Senior officials have acknowledged the overwhelming power of the prosecutors, and there have been some steps to encourage greater independence by both judges and defense lawyers; however, progress has been very limited. Reform legislation passed in August and implemented in the fall aims to reduce the power of prosecutors.

Trials generally are by a panel of three judges: one professional judge and two lay assessors who serve 5-year terms and are selected by either workers' collectives' committees or neighborhood (mahalla) committees. The judge presides and directs the proceedings; however, in practice, judges often defer to the Government and its prosecutors on legal and other matters. Defendants have the right to attend the proceedings, confront witnesses, and present evidence. The State provides legal counsel without charge, but by law the accused also has the right to hire an attorney. In practice the right to an attorney of choice often is violated and there are numerous examples of denial of this right. Although at a minimum the state does seem to provide counsel at least during the trial stage; however, there are numerous examples of denial of this right to counsel at other stages of the legal process.

The Government does not announce trial dates, although such information is available to families and the public at courthouses. International observers generally are allowed to attend trials, although at times it can be difficult to persuade individual judges to allow access. Defendants often claimed that the confessions on which the prosecution typically based its cases were extracted by torture (see Section 1.c.). Judges ignored these claims and invariably convicted the accused, often handing down severe sentences—usually from 15 to 20 years' imprisonment. Lawyers may, and occasionally do, call on judges to reject such confessions and to investigate claims of torture. In October authorities, for the first time, opened an investigation into a case of torture by police officers (see Section 1.a.). In September more than 70 persons were sentenced to prison for allegedly participating or abetting armed incursions by Islamic militants.

On September 19, nine alleged members of banned Islamic political party Hizb ut-Tahrir were convicted of anticonstitutional activities. The judge, in sentencing the nine, specifically accused them of having ties to Osama bin Laden, a charge for which no credible evidence had been produced. The charge mirrored accusations made against many other alleged Islamists following the September 11 terrorist attacks in the United States. During the trial, the defendants claimed that the police used unlawful methods of investigation, including physical torture and psychological pressure.

Prosecutors in 1999 and 2000 brought charges against at least 140 persons in connection with 1999 terrorist bombings in Tashkent. All of those tried were convicted and 20 were executed. Several individuals were tried and convicted in absentia. During 1999 and 2000, many other individuals were convicted of terrorism. Authorities alleged that most had ties with the Islamic Movement of Uzbekistan (IMU), a terrorist organization.

In August a criminal court tried a group of prisoners within the confines of Tashkent's No. 1 prison. Neither family members nor observers were allowed to attend the proceedings. There have been no other reports of a trial being held under such conditions.

In practice most defense lawyers are unskilled at defending their clients and judges rarely give lawyers the opportunity to defend their clients. For example, in the October trial of four members of Hizb ut-Tahrir, defendants were convicted on the testimony of two witnesses: one witness misidentified the defendants and the other reportedly did not know the defendants. Only one defense witness—a character witness—was allowed. Although all four defendants admitted membership in Hizb ut-Tahrir, all denied having committed the specific anticonstitutional activities of which they were accused. The court produced no evidence of guilt, other than the witness testimony. The prosecutor was present only for one of the five sessions where he read the accusations; he was not present for the verdict. This is standard prosecutorial practice. In other cases, defendants accused police of having coerced confessions, and the confessions were permitted to stand.

The Constitution provides a right of appeal to those convicted; however, in the past such proceedings have been formalistic exercises that confirm the original conviction. For example, the appeal of Imam Abdurakhim Abdurakhmanov on August 8, 2000 lasted only 20 minutes, the judge did not permit testimony, and Abdurakhmanov was not allowed to be present at the appeal. However, in November human rights activist Elena Urlaeva won an appeal against a lower court ruling, which had ordered her to undergo psychiatric treatment (see Sections 1.c. and 1.d.).

The authorities arrested, mistreated, and tried unfairly relatives of suspects and members of opposition groups (see Sections 1.d., 1.f., and 2.c.).

During the year, the Organization for Security and Cooperation in Europe (OSCE) conducted training on international human rights standards. Three hundred procurators, investigators, judges, and lawyers from around the country participated as well as several human rights activists.

In October the Moscow based human rights group Memorial published a credible list of over 2,600 individuals arrested and convicted from January 1999 through August 2001 for political opposition, suspected Islamic extremism, or suspected terrorism. Most were convicted under Article 159—crimes against the Constitution. Human rights groups believe that another 4,400–4,900 such individuals were being held after conviction for other alleged crimes, such as narcotics possession and tax evasion. Of the total figure of 7,000 to 7,500, a very tiny minority may have been involved in terrorism-related activities, while only approximately 200 were arrested for political activities; the remainder were arrested on suspicion of Islamic extremism. At year's end, more than 2,000 were released under a general amnesty (see Section 1.c.). In many of these cases evidence was planted; in all cases of suspected Islamic extremism, this was a particularly prevalent practice.

In September 2000, the Chairman of the Supreme Court claimed that there were 2,000 persons in jail for crimes against the State. At the same news conference the Minister of Justice explicitly rejected the notion that these or any other prisoners could be classified as "political" on the grounds that all had been tried and convicted of crimes; however, nearly all of the convictions were based on forced confessions, which makes it impossible to determine what percentage of those convicted actually violated the law. In addition the alleged "crimes" include such political acts as criticism of the Government and holding beliefs that the Government defines as extremist.

In January the Government signed and implemented an agreement allowing the ICRC access to convicted prisoners; however, in May the ICRC suspended its visits, complaining that government officials were failing to provide access to pretrial detention facilities. At year's end the Government and ICRC still were negotiating the terms of the agreement.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution provides for the inviolability of the person and provides that persons may be taken into custody only on lawful grounds. Article 27 also prohibits unlawful searches; however, authorities infringed on these rights. The law requires the issuance of a search warrant by the Procurator for Electronic Surveillance; however, there is no provision for a judicial review of such warrants. Security agencies routinely monitor telephone calls and employ surveillance and wiretaps in the cases of persons involved in opposition political activities (see Sections 1.d. and 4). For example, family members of missing Andijon Imam Abdu Kori Mirzaev reported that they were harassed and kept under constant surveillance during the year (see Section 1.b.). Mirzaev's son, who lives in a remote location, had his telephone line cut during the year.

The Law on Freedom of Conscience and Religious Organizations and other legislation prohibits the private teaching of religion and forbids the wearing of religious clothes. Students who in 1997 and 1998 were expelled from schools for wearing religious dress were not allowed to reenroll during the year (see Section 2.c.).

Police arrested, detained, and beat family members of suspects whom they were seeking (see Sections 1.c., 1.d., and 2.c.). Authorities also frequently forced relatives of alleged religious extremists to undergo public humiliation at neighborhood assemblies organized for that purpose. For example, after his June 2000 conviction, Abduvahid Yuldashev's wife claimed that when she turned to her mahalla committee for help after her husband was arrested, she was subjected to a mock trial and subsequently ostracized.

In August 2000, the mother of IMU leader Juma Namangani was summoned to a school auditorium where an assembly of neighbors confronted her. Relatives of soldiers killed in the insurgency insulted her and smeared her face with black paint. Local leaders shamed her for bringing Namangani into the world until she tearfully apologized and cursed her son.

The Government interferes with correspondence. For example, Nosir Zakhir reported that on July 4, he received at his Namangan home an invitation from a foreign embassy to attend an event. The invitation, which had been mailed on May 28, was delivered opened. Zakhir, who is a Radio Liberty reporter and a member of both the Birlik opposition party and the Human Rights Society of Uzbekistan (HRSU), reported that this sort of interference is common. Customs officials opened and confiscated some mail based on its content during the year (see Section 2.a.).

Mytabar Atababaevoi, an HRSU member and a lawyer who had advocated on behalf of jailed activist and former Parliamentarian Meli Kobilov, reports that the prosecutor forced her to move nine times in a 10 month period. The local procurator's office also forbade her homeless daughter and two grandchildren to live with her, apparently on fabricated legal technicalities.

Following fighting with the IMU in 2000, the Government forcibly resettled five villages in the Surkhandarya region (see Section 2.d.).

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of thought, speech, and convictions; however, the Government continued to restrict these rights severely. While the Constitution prohibits censorship, it is widely practiced and the Government tolerates little, if any, criticism of its actions. The law limits the ability to criticize the President. Ordinary citizens remain afraid to express views critical of the President and the Government in public.

In March 2000, police confiscated six copies of the Uzbekistan chapter of the 1999 Human Rights Watch World Report from a Human Rights Watch representative who was observing the trial of 12 men on trial for membership in Hizb ut-Tahrir (see Section 1.d.). According to an international NGO, the presiding judge at the trial characterized the distribution of the report as the clandestine distribution of leaflets. In November 2000, customs authorities confiscated several copies of the journal of the unregistered Birlik Democratic Movement that had been mailed to a private citizens on the grounds that the material was illegal and anticonstitutional. In the same month, customs officials opened mail sent from Human Rights Watch's New York office to its Tashkent office and confiscated several copies of a published list of political and religious prisoners in Uzbekistan compiled by the Moscow-based human rights organization Memorial. In explaining the confiscation, a representative of the Ministry of Foreign Affairs told Human Rights Watch that it objected to the content of the Memorial report. There were no similar cases reported during the year.

The Mass Media law formally provides for freedom of expression, protects the rights of journalists, and reiterates the constitutional ban on censorship; however, several articles of the law, and the lack of due process provided for in their implementation, allowed the Government to use the law to silence critics. According to the law, journalists are responsible for the accuracy of the information contained in their news stories, which potentially subjects them to prosecution. The law prohibits stories that incite religious confrontation and ethnic discord or advocate subverting or overthrowing the constitutional order (see Section 2.b.).

The Mass Media law established the Interagency Coordination Committee (MKK), which issues broadcast and mass media licenses to approved media outlets. In October 2000, a new law changed the term of validity of the broadcast licenses from 1 year to 5 years; however, mass media licenses, which also are a requirement, still must be renewed yearly. The MKK is empowered to revoke licenses and close media outlets without a court judgment. Another government agency, the Center for Electromagnetic Compatibility (TSEMS), issues frequency licenses. Television stations often encounter difficulty obtaining licenses.

There are no private publishing houses, and government approval is required for all publications. Newspapers generally are printed by state-owned printing houses, which refuse to print any edition that does not bear the prior approval of the Committee for the Protection of State Secrets. As a result, journalists who wish to ensure that their work is published practice self-censorship. The Committee assigns censors to each newspaper to review all stories. In other parts of the country, the censors have offices at the state printing presses. The Committee also has the right to review wire service news reports of television and radio stations prior to broadcast. Urgench newspaper, which was closed in 2000, remained closed at year's end. Religious writings must be approved by the Religion Committee censor, which is regarded as being quite strict (see Section 2.c.).

Information remains very tightly controlled. The Uzbekistan Information Agency cooperates closely with the presidential staff to prepare and distribute all officially sanctioned news and information. Nearly all newspapers are organs of government ministries. There are approximately 20 state-owned national newspapers printed in

Uzbek or Russian. Readership of national dailies was just over 300,000; newspapers are too expensive for most citizens, with an average cost of 4 to 12 cents (50–150 soums). All dailies are owned by the state or by entities closely associated with the state (such as the muftiate). Private persons and journalist collectives may not establish newspapers unless they meet the media law's standards for establishment of a "mass media organ," including founders acceptable to the Government. A handful of private newspapers containing advertising, horoscopes, and similar features, but no news or editorial content, are allowed to operate without censorship. There are two national independent newspapers, *Novosti Nedelya* and *Vremya I Mi*. Both are affiliated with the Turkiston Press News Agency. The last opposition newspaper to be published was that of the Erk Democratic Party; the newspaper has been banned within the country since 1993 but is published sporadically abroad.

The Government does not allow the general distribution of foreign newspapers and other publications; however, two or three Russian newspapers and a variety of Russian tabloids and lifestyle publications are available. A modest selection of other foreign periodicals is available in Tashkent's major hotels, and authorized groups can obtain foreign periodicals through subscription.

Four state-run channels that fully support the Government and its policies dominate television broadcasting. A cable television joint venture between the state broadcasting company and a foreign company broadcasts the Hong Kong-based Star television channels, including the British Broadcasting Corporation (BBC), Deutsche Welle, and Cable News Network World News, to Tashkent and a few other locations. Access to cable television is beyond the financial means of most citizens. There are between 30 and 40 privately owned local television stations and 7 privately owned radio stations. In general broadcasters practice self-censorship but enjoy some ability to report critically on local government. For the most part, television programming consists of rebroadcasting Russian programming.

The Government's implementation of the media law does not function smoothly and the enforcement of the registration and licensing requirements can be strict. Because the registration committee meets irregularly, up to one half of independent television stations have been forced at times to operate with expired licenses, making them vulnerable to government closure. For example, a television station that was closed by the interagency commission in 1999 had not been permitted to reopen by year's end. Officials claimed that the station did not meet technical requirements for re-licensing and that there was no political element to the closing. Foreign observers noted that the station was among the most independent in the country and interpreted the closing as a warning to other broadcasters to be careful of their content. Shukhrat Babajanov, an activist with the ERK party and the owner of ALC, a station in Urgench that also has been prohibited from reopening, unsuccessfully sued the Government in 2000 for damages resulting from the station's closing. ALC had also lost its registration temporarily in 1997, allegedly for technical violations of regulations. ALC-TV has been closed four times since 1995. ALC was closed in 1999 on the eve of national parliamentary and presidential elections. In the past, Babajanov and his former employees have been subjected to harassment and veiled threats by police. On June 28, authorities again denied a license to ALC. On July 28, Babajanov received a summons to appear before a prosecutor on criminal charges of forgery. Although the charges were related to a 10-year-old USSR Union of Artists application, Babajanov decided to leave the country.

During the year, several independent television stations had problems renewing their licenses or exercising their legal right to control their stations' operations. In one case, a station's report on the plight of homeless persons, including veterans of the Afghanistan war, embarrassed the local governor; the governor of the neighboring province, in which the station's transmitter was located, promptly informed the station manager that he was fired. The manager protested that the Government had no legal right to decide who would manage the private station. The station was attempting to resolve the dispute at year's end. In another case, aggressive reporting led to a long struggle by one successful independent station to have its broadcasting and bandwidth licenses renewed. The station obtained its broadcasting license but still was waiting for approval of its bandwidth license at year's end.

The Government has arbitrarily denied the registration application of an independent professional association of private radio and television broadcasters at least seven times reportedly for the association's failure to elect the Government candidate as chairman. Ministry of Justice officials reportedly advised the group privately that it never would be registered. The lack of registration effectively restricts the association's ability to attract international funding and operate freely and legally.

Radio Free Europe/Radio Liberty and the Voice of America are not permitted to broadcast from within the country, despite the Government's longstanding contrac-

tual agreement with Radio Free Europe/Radio Liberty to allow this activity. The Government does allow either organization to have correspondents in the country but both stations broadcast from outside of the country, using short-wave frequencies. The BBC World Service was required to broadcast on a very low FM frequency that most radios would not be able to receive, and then only after the BBC had agreed to restrictions that amounted to self-censorship; however, observers agree that there is no evidence that the BBC actually has engaged in self-censorship. The World Service is permitted to broadcast only 2 hours per day: two 30-minute broadcasts per day in Uzbek, and two 30-minute broadcasts per day in Russian, 7 days a week.

At times journalists are subject to threats, harassment, and mistreatment by authorities. On May 7, authorities refused to renew the press accreditation of Maria Kozlova a stringer for United Press International. Kozlova claimed in April that an official in the Foreign Ministry Press Office had warned her to avoid demonstrations being held by relatives of imprisoned Muslims in front of the Hokim's office. Kozlova attended the demonstrations and filed stories on the confinement of human rights activist Elena Urlaeva in a psychiatric hospital. Kozlova received her accreditation a week later. On June 16, Asadulla Ortikov, a member of HRSU and of Union of Independent Journalists (UIJ), was threatened with arrest for criticizing government officials. Orifhon Alimakhsumof, who owns his own television station, was arrested and tortured after criticizing President Karimov over the arrest of many youths for alleged anticonstitutional activities. Alimakhsumof later was released.

All Internet service providers have been required to route their connections through a state-run server, Uzpak, in order to prevent the transmission of what the Government considers harmful information, including material advocating or facilitating terrorism, material deemed hostile to the constitutional order, and pornography. The Government has issued regulations and taken technical steps to filter access to content that it considers objectionable. Despite these restrictions, the availability of Internet access has expanded as the number of service providers and Internet cafes has grown. The Birlik opposition political party maintains an Internet site, which is highly critical of the Government. The Government refrained from blocking or otherwise interfering with the site.

The Government has granted academic institutions a degree of autonomy, but freedom of expression remained limited. University professors generally are required to have their lectures or lecture notes approved before the lectures are given; however, implementation of this restriction varies. Self-censorship amongst university professors occurred.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for the freedom of peaceful assembly; however, it also states that the authorities have the right to suspend or ban rallies, meetings, and demonstrations on security grounds, and in practice the Government restricted the right of peaceful assembly. The Government must approve demonstrations and does not routinely grant permits to demonstrators.

Throughout the year, groups of Muslim women, typically mothers and wives of jailed Islamists, attempted to stage protests at municipal offices around the country but often were prevented, at times forcibly, from doing so. On March 21, at the office of the Andijon Hokimat (local governor), between 200 and 300 Muslim women and children protested the imprisonment of their relatives for anticonstitutional activities. Police arrested 3 women during the protest and detained them for 1, 3, and 20 nights in jail respectively. When the women tried to assemble again on March 23, police reportedly ordered many of them onto waiting buses. Human rights activists in Andijon reported that in August, a special team arrived from the presidential staff to investigate the complaints of the women involved in the demonstrations; they specifically addressed demands that the Government grant an amnesty to their jailed relatives.

On April 12, police violently broke up a protest in Tashkent of Muslim women; the police used batons, which resulted in numerous injuries. There also was one arrest, but the woman later was released. In the wake of that protest the police typically have detained protesters before any protests could occur. On July 2, approximately 1,000 Muslim women attempted to gather near the Tashkent City Hokim, but uniformed police and plainclothes security officers forcibly rounded up and removed the women. The women were relatives of persons accused of anticonstitutional activities who had intended to present an appeal to the Hokim for the release of their family members. Authorities temporarily refused to renew the accreditation of foreign journalists covering the event (see Section 3). In September, following a similar demonstration, 64-year-old Fatima Mirhatieva was arrested, tried, and convicted. She received 3 years of community service but later was granted amnesty.

On September 4, protests with 10 to 100 participants were held in Qarshi, Yangiul, and Tashkent. In all three cities, the police appeared to have had advance knowledge of the protests and briefly detained the protesters, who were relatives of the alleged Hizb ut-Tahrir members in prison.

On March 7, ten Tashkent residents gathered in front of the Hokimiat (Mayor's Office) to protest city authorities evicting them and razing their homes in order to build a new road. Local authorities did not restrict the demonstration.

On a few occasions, authorities detained persons to prevent them from attending protests (see Section 1.d.).

The Constitution provides for the right of freedom of association; however, the Government restricted this right in practice. The Government refuses to register opposition political parties and movements. The Constitution places broad limitations on the types of groups that may form and requires that all organizations be registered formally with the Government in accordance with procedures prescribed by law. A 1996 analysis by foreign legal observers concluded that, while the Law on Political Parties provides theoretical protections for minority parties and permits a wide range of fundraising, it also gives the Ministry of Justice broad powers to interfere with parties and to withhold financial and legal support to those opposed to the Government. There are four registered political parties, all controlled by the Government (see Section 3).

In the past, the Government repeatedly denied attempts by the Birlik Movement and Erk Party to register. Harassment by security forces drove the leaders of these organizations into voluntary exile in the early 1990's (see Section 1.d.). These organizations made no attempt to register during the year, reportedly because their remaining adherents were afraid of government reprisals.

The Constitution and the law ban parties of an ethnic or religious nature. In the past, the authorities, citing these statutes, have denied registration to the Islamic Renaissance Party (IRP). In the early 1990's, opposition activists announced the formation of the religious Adolat-True Path Party but never pursued formal registration, claiming that their members were afraid of government reprisals. Some members and leaders of IRP and Adolat-True Path chose, or were forced, to flee abroad. The core of the Islamic Movement of Uzbekistan (IMU), which has waged an armed insurrection since 1999, was formed in large part from these elements.

The Law on Public Associations, as well as the Law on Political Parties, prohibits registration of organizations whose purpose includes subverting or overthrowing the constitutional order, as well as organizations whose names already are registered. In the past, officials have used the latter provision to block human rights NGO's and independent political parties from registering by creating another NGO or party with the identical name.

In the past the Government refused to register the two principal independent human rights organizations, the Human Rights Society of Uzbekistan (HRSU) and the Independent Human Rights Organization of Uzbekistan (IHROU). During the year, neither group submitted a renewed application. The IHROU reported that the Government repeatedly had denied all previous attempts based on bureaucratic technicalities. The HRSU, citing similar concerns, nonetheless held a founding congress—for a second time—and was preparing a renewed application packet at year's end. The Government had not changed its often-stated stance that both groups enjoyed de facto registration. Human rights observers and international observers have verified that this de facto registration falls far short of offering these organizations adequate protection. During the year, government officials initiated numerous investigations into the activities of human rights activists on the grounds that their organizations were not registered and their activities were therefore illegal. The Government has approved the registration of only one human rights NGO, the Committee for Protection of Individual Rights (CPRI), which was formed with government support in 1996 (see Section 4).

The process for government registration of NGO's and other public associations also is difficult and time-consuming, with many opportunities for obstruction. Although unregistered organizations often can disseminate literature, hold meetings, and use letterhead stationery without government interference, they do not exist as legal entities and have no real access to the media or government. A 1999 law on nongovernmental, noncommercial organizations provides for simpler registration requirements; while implementing regulations had not been passed by year's end, NGO's reported that registration had become easier.

Nonpolitical associations and social organizations usually may register, although complicated rules and a cumbersome government bureaucracy often make the process difficult. Some evangelical Christian churches and the Jehovah's Witnesses found it difficult to obtain registration (see Section 2.c.). The Government has refused to register an association of broadcasters formed in 1998 (see Section 2.a.).

*c. Freedom of Religion.*—The Constitution provides for freedom of religion and for the principle of separation of church and state; however, in practice the Government restricted this right. The Government perceives Islamist activity outside the state-sponsored mosques as an extremist security threat and outlaws it. During the year, the Government harassed, arrested and detained, and otherwise mistreated hundreds of alleged members of such groups; such persons typically are sentenced to between 15 and 20 years in jail. Russians, Jews, and foreigners generally enjoy greater religious freedom than traditionally Muslim ethnic groups, especially ethnic Uzbeks. Christian churches generally are tolerated as long as they do not attempt to win converts among ethnic Uzbeks. The religion law forbids or severely restricts activities such as proselytizing and importing and disseminating religious literature.

The Government is secular and there is no official state religion. Although the laws treat all religions equally, the Government shows its support for the country's Muslim heritage by funding an Islamic university and subsidizing citizens' participation in the Hajj. The Government promotes a moderate version of Islam through the control and financing of the Spiritual Directorate for Muslims (the Muftiate), which in turn controls the Islamic hierarchy, the content of imams' sermons, and the volume and substance of published Islamic materials.

The Law on Freedom of Conscience and Religious Organizations restricts religious rights that are judged to be in conflict with national security, prohibits proselytizing, bans religious subjects in public schools, prohibits private teaching of religious principles, forbids the wearing of religious clothing in public by anyone other than clerics, and requires religious groups to obtain a license to publish or distribute materials; however, in practice, the authorities enforce this law disparately. A series of revisions to the Criminal and Civil Codes in 1998 stiffened the penalties for violating the religion law and other statutes on religious activities. It provided for punishments for activities such as organizing a banned religious group, persuading others to join such a group, and drawing minors into a religious organization without the permission of their parents. Thousands of individuals were arrested and convicted between 1999 and year's end for participation in banned Islamic groups, particularly the Hizb ut-Tahrir.

Amendments to the Criminal Code in 1999 drew a distinction between "illegal" groups, which are those that are not registered properly, and "prohibited" groups, which are banned altogether. One of the amendments makes it a criminal offense punishable by up to 5 years in prison to organize an illegal religious group or to resume the activities of such a group (presumably after being denied registration or being ordered to disband), and punishes any participation in such a group by up to 3 years in prison. The second amendment sets out penalties of up to 20 years in prison and confiscation of property for "organizing or participating" in the activities of religious extremist, fundamentalist, separatist, or other prohibited groups. In practice the courts ignore the theoretical distinction and frequently convict members of disapproved Muslim groups under both statutes.

The Religion Law requires all religious groups and congregations to register and provides strict and burdensome criteria for their registration. In particular it stipulates that each group must present a list of at least 100 Uzbek citizen members (compared with the previous minimum of 10) to the local branches of the Ministry of Justice. This provision enables the Government to ban any group simply by denying its registration petition. Government officials designed the law to target Muslims who worship outside the system of state-organized mosques.

As of November 1, the Government had registered 2,035 religious organizations and congregations, 1,857 of which were Muslim; however, some religious groups continued to face obstacles obtaining registration. During the year, 10 Jehovah's Witness congregations in the country were refused registration; only 2 Jehovah's Witness congregations were registered. The Government's Committee on Religious Affairs (CRA) denied the Greater Grace Christian Church of Samarkand permission to have a Finnish rather than Uzbek pastor; the church's application for registration remained blocked at year's end pending resolution of that issue. In Tashkent the Agape mission Church has faced prolonged difficulty registering, despite the fact that it meets all legal requirements for registration. The church's pastor reports that he was told by the regional governor that the country already had too many churches. Local authorities have blocked the registration of Baptist congregations in Gazalkent, Guliston, Andijon, and Novy Zhizn. The deputy mayor of Gazalkent allegedly told church leaders that their application might be approved if they removed from the church's membership list all names of ethnic-Uzbek origin. In December 2000, the Baptist congregation in Guliston was denied registration, ostensibly on the grounds that its proposed church was in a residential area.

Christians who are ethnic Uzbeks are secretive about their faith and rarely attempt to register their organizations. Christian congregations that are of mixed eth-

nic background are reluctant to list their ethnic Uzbek members on registration lists due to fear of incurring official displeasure. Since the law prohibits participation in unregistered groups, some minority churches have not submitted registration applications because they know that they are unable to comply with the law's requirements and prefer not to identify themselves to the authorities. Although church leaders cite high registration fees and the 100-member rule as obstacles to registration, the most frequent problem is the lack of an approved legal address, which is required in order to submit an application. Some groups have been reluctant to invest in the purchase of property without assurance that the registration would be approved. Others claim that local officials arbitrarily withhold approval of the addresses because they oppose the existence of Christian churches with ethnic Uzbek members.

The Government's most serious abuses of the right to religious freedom were committed against Muslims. The Government's campaign against independent Muslim groups, begun in the early 1990's, resulted in numerous serious human rights abuses during the year. The campaign has been directed at three types of Muslims: alleged Wahhabists, including both those educated at madrassas (religious schools) abroad and followers of missing Imams Nazarov of Tashkent and Mirzaev of Andijon; those suspected of being involved in the 1999 Tashkent bombings or of being involved with the IMU, whose roots are in Namangan; and suspected members of Hizb ut-Tahrir throughout the country.

Both Wahhabism and the IMU stem from the growth of independent Islam that the Government has sought to suppress since the early 1990's. Based on the court record, the distinction is that the Government considers the Wahhabists to be extremists and potential terrorists and those suspected of involvement in the bombings to be active terrorists. The Government does not consider repression of these groups to be a matter of religious freedom, but rather a matter of protection against those who oppose and may take up arms against the political order. However, authorities are highly suspicious of those who are particularly devout, including frequent mosque attendees, bearded men, and veiled women. In practice this approach results in abuses against many non-political Muslims for their religious beliefs.

Arbitrary arrest and detention of Muslim believers is common and the security services have arrested, detained, and harassed Muslim leaders for perceived acts of insubordination and independence. The police routinely planted narcotics, ammunition, and Hizb ut-Tahrir leaflets on citizens to justify their arrest. For example, in August a Jizzakh court convicted six young men (ages 20 to 30) and their 83-year-old host for holding prayers in the older man's home. The police allegedly planted drugs and Hizb ut-Tahrir leaflets. The six young men remained in prison at year's end, although their host was released after paying a fine.

The Government used the local mahalla (neighborhood) committees as a source of information on potential detainees. Shortly after the February 1999 Tashkent bombings, President Karimov directed that each committee assign a "defender of the people," whose job it was to ensure that young persons in the neighborhoods were not joining independent Islamic groups. The committees identified for police those residents who appeared suspicious. In an interview in September 2000, an official of the Committee on Religious Affairs stated that the mahallas had identified 10,700 persons with extremist tendencies. When asked how mahalla officials know who is an extremist, the official replied "you can see it in their eyes." Human rights observers noted that in practice the committees often perceived as suspicious those same individuals who already had been detained by the police in the wake of either the 1997 murders of officials in Namangan or the 1999 Tashkent bombings, and who subsequently had been released because there was no evidence against them. The number of individuals arrested for their perceived religious extremism appeared to have decreased overall during the year, although there was a temporary increase during the spring. However, thousands remain jailed from previous years.

The absence of a free press and the rarity of public trials make it impossible to determine how many persons have been incarcerated for religious reasons. In October the Moscow-based human rights organization Memorial, published a list of over 2,600 documented cases of persons allegedly imprisoned for political and religious reasons from January 1999 to August 2001 (see Section 1.e.). Almost all of the individuals on Memorial's list were alleged to have been members of Hizb ut-Tahrir. The number of such prisoners in pretrial detention is unknown but probably is several hundred, nearly all of whom are accused of being Muslim extremists.

Bakhodir Khasanov, an instructor of French at the Alliance Francaise who was detained and held incommunicado in July 2000, was sentenced to a long prison term for anticonstitutional activity. Security services' interest in Khasanov apparently stems from the fact that many in his family are pious Muslims. Khasanov's father and brother were both imprisoned at year's end; his brother Ismail was convicted

in 1999 for alleged links to Islamic extremists. In 1999 the authorities arrested and convicted Khasanov's 70-year-old father after planting Hizb ut-Tahrir leaflets on him; he signed a confession after police forced him to watch them beat Ismail, and was serving 3 years in prison at year's end.

The authorities often arrested family members of religious persons they sought to arrest (see Section 1.d.). For example, in March police arrested and detained in the basement of police headquarters Rahima Akhmedalieva, the wife of an imam who had fled the country fearing arrest (see Section 1.d.). All adult male members of the family of Imam Abidkhon Nazarov, who fled in 1998, remained in jail at year's end and allegedly were beaten periodically by interrogators trying to learn Nazarov's whereabouts. Three brothers of exiled democratic opposition leader Mohammed Solikh remained imprisoned because of their family ties (see Section 3). They all were convicted for anticonstitutional activity. Relatives who visited the brothers reported that Mukhammad Bekzhon was walking on crutches and looked emaciated. An NGO reported that another brother, Rashid Bekzhon, lost vision in one eye as a result of torture.

The Government typically held unannounced trials of alleged religious extremists. For example, accused Hizb ut-Tahrir members were tried in large groups, claimed mistreatment, and were sentenced to lengthy jail terms. In a trial that ended on May 17, a court sentenced all but 1 of 24 alleged members of Hizb ut-Tahrir to between 8 and 18 years in prison for anti-State activities, including belonging to a religious fundamentalist group. The court convicted the remaining defendant under a lesser charge and released him under amnesty. One of the defendants, Odiljon Umarov, was 17 years old and received an 8-year sentence. His father also was arrested and sentenced to a lengthy term. Another defendant, Mirzakarim Avasov, who denied belonging to Hizb ut-Tahrir, was the younger brother of Hizb ut-Tahrir member Mirzafar Avasov, who had been arrested in January 2000. According to persons familiar with the case, Mirzakarim originally was taken into custody in order to help investigators extract a confession from his older brother. Members of the National Security Service reportedly tortured Mirzakarim with electric shocks in front of his brother until Mirzafar agreed to sign a statement incriminating himself and others. NGO's and news services reported that trials of alleged Hizb ut-Tahrir members were common during the summer.

On April 9, a Tashkent court convicted former Imam Abdulvakhid Yuldashev, a former pupil of Imam Nazarov along with 12 other defendants. Yuldashev was sentenced to 19 years in prison for organizing an underground Islamic militant group. He was arrested in June 2000, held incommunicado for several months, denied access to a lawyer during most of his pretrial detention in the basement of the Ministry of Internal Affairs (MVD), and allegedly tortured (see Section 1.c.).

Throughout the year, many Muslim women protested the arrest and detention of their family members for allegedly being part of Islamist organizations. Police disrupted some of the protests, at times forcibly (see Section 2.b.).

The repression of pious Muslims continued. Most young men do not wear beards, which the Government regards as a sign of extremism. At one prominent Tashkent University, a professor noted that to his knowledge only one female student wore the headscarf favored by many modest Muslim women. However, Muslims, particularly older men, were seen in Tashkent wearing prayer robes and women were seen wearing the Muslim headscarf and, less commonly, the veil. There were no known expulsions of women wearing headscarves during the year; however, of the women expelled from state universities in 1997 and 1998 for wearing such clothing, none who continued to wear veils were readmitted during the year (see Section 1.f.). Loudspeakers (though prohibited on minarets) can be heard in some parts of the city issuing the call to prayer.

The authorities tolerate many Christian evangelical groups, but often harass those that try to convert Muslims to Christianity. Police occasionally have broken up meetings of unregistered groups. Leaders of such groups have been assessed fines and imprisoned. Members of Jehovah's Witnesses claimed that they are subjected routinely to police questioning, search, and arbitrary fines. Police conducted several raids this year against meetings of Jehovah's Witnesses, and the Jehovah's Witness' general counsel reports that harassment against their members remained a problem. In two incidents, one in January and one in July, police reportedly beat arrested members. The Jehovah's Witness' counsel alleges that the Government regards Jehovah's Witnesses as an extremist group. On June 24, Pastor Nikolai Shevchenko of Bethany (Baptist) Church in Tashkent and several of his parishioners were arrested in a raid during services. Pastor Shevchenko faces criminal charges. Central government officials, as well as many Christian leaders, view these and other incidents of harassment as isolated cases of local officials misapplying the law.

Religious groups are prohibited from forming political parties and social movements (see Section 2.b.).

The Government requires that the religious censor approve all religious literature. Possession of tracts by authors deemed to be extremist can lead to arrest and prosecution. Hundreds, perhaps thousands, of citizens have been imprisoned for possessing or distributing Hizb ut-Tahrir leaflets, which are both political and religious in content. Others have been imprisoned for possessing Islamic texts in Arabic (see Section 1.d.). The Committee for Religious Affairs (CRA), in accordance with the law has given the right to publish, import, and distribute religious literature only to registered central religious bodies. Believers of many faiths reported that during police and local administration raids on both registered and unregistered places of worship and private homes, officials confiscate anything that looks suspicious, especially foreign Islamic literature or Uzbek-language Christian literature. Human rights monitors reported that individuals arrested for Islamic extremism are not allowed to read the Koran in most detention facilities.

The Government bans the teaching of religious subjects in schools and also prohibits the private teaching of religious principles. On May 17, the Ministry of Justice informed in writing the Baptist Union that the holding of Sunday School classes for the children of congregation members was a violation of the Law on Freedom of Conscience and Religious Organizations. The letter threatened revocation of the Baptist Union's registration if it did not immediately cancel Sunday school. The Baptist Union responded to the letter and, in turn, received another letter from the Ministry still refusing to allow the Sunday school classes. Also in May, the Roman Catholic parish in Ferghana received an order from the regional Prosecutor General to close its Sunday School on the grounds that the school was an institution of higher learning and had not been registered properly. However, later in the month the CRA found that the Catholic Sunday school was not a formal institution, had been closed improperly, and should be allowed to reopen. Sunday school classes resumed at the school.

*d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for free movement within the country and across its borders; however, at times the Government limited this right. Citizens must have permission from local authorities in order to resettle in a new city and the Government rarely grants permission to those who wish to move to Tashkent. The Government requires citizens to obtain exit visas for foreign travel or emigration, but grants these permits routinely for approximately \$6 (5,000 soums). An exit visa is not required for travel to most former Soviet Union states. All citizens have a right to a passport, and the Government does not restrict this right. Passports serve as both internal identity cards and, when properly certified, as external passports. Every citizen must carry such a document when traveling inside or outside the country. Police occasionally confiscated these documents. Political opponents are more likely to have their passports confiscated than other citizens.

Movement within the country by foreigners with valid visas generally is unrestricted; however, visitors require special permission to travel to certain areas, such as Termez, in Surkhandarya province on the Afghan border. At times the authorities closed certain mountainous regions where fighting with the IMU has taken place, particularly in Surkhandarya.

Several domestic human rights activists were able to leave and reenter the country without encountering problems from the Government. At year's end, police had not returned the passport of human rights activist Mikhail Ardzinov, nor the passport of activist Elena Urlaeva, which was seized in July (see Sections 1.c. and 1.d.).

In July police detained, threatened, and blocked the passage of human rights activists wishing to attend the funeral of Shovruk Ruzimuradov, police also had closed off the region to traffic (see Section 1.a.).

The law on citizenship stipulates that citizens do not lose their citizenship if they reside overseas; however, since the country does not provide for dual citizenship, those acquiring other citizenship lose Uzbek citizenship. In practice the burden is on returning individuals to prove to authorities that they have not acquired foreign citizenship while abroad.

Following the summer 2000 fighting with the IMU in the Surkhandarya region, the Government forcibly resettled residents of five villages from the mountainous border area (see section 1.d.). The villagers face a permanent bar to returning to their homes, and the Government has built permanent structures in the new settlement approximately 200 kilometers away. International observers and local NGO's have reported that the food shortages from the previous year had been resolved. Conditions in the new villages were similar to those in other villages of the region. The villagers have had a difficult time adjusting to the new topography and climate, as well as to their new life as farmers.

There is no law concerning the rights of refugees and asylum seekers, and the Government does not recognize the right of first asylum. The Government does not adhere to the 1951 Convention Relating to the Protection of Refugees or its 1967 Protocol. The Government considers asylum seekers from Tajikistan and Afghanistan to be economic migrants, and such individuals are subject to harassment and bribe demands when seeking to regularize their status. Such persons may be deported if their residency documents are not in order. However, in August 1999 the Government agreed that it would not force those who have received refugee status from the U.N. High Commissioner for Refugees (UNHCR) to leave the country. The UNHCR reports that the policy appeared to be working, and that police rarely harassed mandate refugees.

The population includes large numbers of ethnic Tajiks, Kyrgyz and Kazakhs; as well as ethnic Koreans, Meskhetian Turks, Germans, Greeks and Crimean Tartars deported to Central Asia by Stalin during World War II. Russians and other Slavs also are well represented. These groups enjoy the same rights as other citizens. Although the latter groups are free to return to their ancestral homelands, absorption problems in those countries have slowed that return. There are no official statistics, but observers, including the UNHCR, estimated that there are 30,000 Tajik and 8,000 Afghan refugees in the country. As of December there were 2,056 UNHCR mandate refugees, and 612 family cases (totaling 1,374 individuals) pending decision. According to the UNHCR, 497 individuals are recognized as refugees. The UNHCR reported that 99 percent of its refugee cases are persons from Afghanistan.

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

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

The Constitution provides citizens with the right to change their government; however, in practice citizens cannot change their government through peaceful and democratic means. The Government severely represses opposition groups and individuals and applies strict limits on freedom of expression (see Section 2.a.). No independent opposition groups participated in government or were allowed to function legally (see Section 2.b.). Five government controlled political parties hold a limited number of seats in Parliament.

The Government is highly centralized and is ruled by a strong presidency. President Karimov was elected in a limited multicandidate election in 1991. A 1995 Soviet-style referendum and subsequent parliamentary decision extended Karimov's first term until 2000. He was reelected in January 2000 to a second term with 92.5 percent of the vote. Karimov's opponent, Abdulhafiz Jalalov, ran a token campaign, and admitted on election day that he himself had voted for Karimov. The OSCE declined to monitor the presidential election on the grounds that the preconditions did not exist for it to be free and fair. In December the Parliament voted to hold a referendum in January 2002 on whether to extend the term of the presidency from 5 to 7 years.

President Karimov and the executive branch maintain control through sweeping decree powers, primary authority for drafting legislation, and control of all government appointments, most aspects of the economy, and the security forces.

Many government officials are members of the People's Democratic Party of Uzbekistan (PDP), formerly the Communist Party and still the country's largest party. However, the party does not appear to play a significant role in the Government, and the President resigned his chairmanship of the party in 1996. There are four other parties; however, these were created with government assistance and are loyal to President Karimov. All four parties participated in the December 1999 elections to the Oliy Majlis, during which 93 percent of the electorate reportedly cast their vote. However, the parties that competed in the parliamentary elections, as well as the numerous independent candidates, were sympathetic to the Government and did not represent a real choice for voters.

Because the voters lacked a choice, the OSCE and many international observers concluded that the December 1999 legislative elections were neither free nor fair elections. Local and regional governors (hokims)—who are appointed by the president—exerted a strong influence on the selection of candidates and the conduct of campaigns. Nearly half (110 out of 250) of those elected were not from party lists but were either hokims themselves or were nominated by the hokims' local assemblies. Only 16 of the 250 winning candidates had been nominated by citizens' initiative groups. These candidates generally were allowed on the ballot only if the hokims approved them.

The Parliament (Oliy Majlis) is the highest government body constitutionally. In practice, despite assistance efforts by international donors to upgrade its ability to

draft laws independently, its main purpose is to confirm laws and other decisions drafted by the executive branch rather than to initiate legislation.

The laws that govern the conduct of parliamentary and presidential elections and the law on political parties make it extremely difficult for opposition parties to develop, to nominate candidates, and to campaign. The procedures to register a candidate are burdensome and the Central Election Commission has authority to deny registration. For example, a presidential candidate is prohibited from campaigning before being registered, but must present a list of 150,000 signatures in order to be registered. Under the law, the Central Election Commission must deny registration of presidential candidates who are found to "harm the health and morality of the people." There is no appeal to the Supreme Court for candidates whose parties are denied registration. The Ministry of Justice has the right to suspend parties for up to 6 months without a court order.

Citizen initiative groups of 100 members or more may nominate candidates to the Parliament by submitting signatures of at least 8 percent of the voters in the electoral district. Other interest groups are forbidden from participating in campaigns and candidates may meet with voters only in forums organized by precinct election commissions. The law prohibits parties from funding their candidates' campaigns directly; parties must turn over all campaign money to the Central Election Commission, which then distributes the funds equally among the candidates. Only the Central Election Commission may prepare and release presidential campaign posters.

According to the law on political parties, judges, public prosecutors, National Security Service (NSS) officials, servicemen, foreign citizens, and stateless persons (among others) cannot join political parties. By law the Government prohibits formation of parties based on religion or ethnicity; those that oppose the sovereignty, integrity and security of the country and the constitutional rights and freedoms of citizens; or those that promote war, or social, national, or religious hostility. Political organizations that seek to overthrow the Government, or cite national or racial hatred, are prohibited. The Government has refused to register political opposition organizations (see Section 2.b.). Membership in unregistered political organizations is not forbidden officially, but members of unregistered political organizations and human rights groups frequently experience police harassment and arrest (see Section 4).

The Government continued to target members of unregistered political opposition groups using methods such as arbitrary arrest, conviction on falsified charges, surveillance, and loss of employment (see Sections 1.d. and 4). The leaders of the two largest unregistered opposition groups in the country—Mohammed Solikh of the Erk Democratic Party and Abdurakhim Polat of the Birlik Democratic Movement—were forced into voluntary exile in the early 1990's. After the February 1999 Tashkent bombings, government targeting of members of these groups intensified. The Government repeatedly has accused Solikh, who ran against Karimov for the presidency in 1992, of being a leader of the terrorist plot behind the bombings. Solikh was 1 of the 9 defendants-in-absentia in the November show trial of 12 alleged bombing conspirators. He was convicted and sentenced to 15½ years in prison. Three of Solikh's brothers, KOMIL, Rashid, and Muhammed Bekjonov remained in prison at year's end (see Section 2.c.). Dozens of Erk and Birlik activists reported that since the 1999 bombings they have been subjected to various forms of harassment: frequent surveillance; restrictions on movement; searches of their homes; lengthy police interrogations; and, occasionally, detentions (see Sections 1.d., 1.f., and 2.d.). In April police arrested Shovruk Ruzimuradov, a member of the opposition political party Birlik, which once held 39 seats in Parliament. Ruzimuradov was a former member of Parliament and a human rights activist. Police tortured him severely and he later died in custody. In October police arrested Yusup Jamaev, also a member of Birlik. On December 29, a court convicted Jamaev of crimes against the Constitution and issued a suspended sentence; he was released later that day. Jamaev credibly denies earlier rumors that he was tortured.

The percentage of women in government or politics does not correspond to their percentage of the population. Traditionally women participate much less than men in government and politics. There are 20 female deputies in the 250-member Parliament. There are 2 women (both with the rank of Deputy Prime Minister) among 28 members of the Cabinet; 1 is charged specifically with women's issues.

The percentage of minorities in government or politics does not correspond in all cases to their percentage of the population. In the 250 member parliament, there are 227 ethnic Uzbeks, 1 Korean, 7 Russians, 1 Armenian, 3 Tajiks, 2 Ukrainians, 3 Kazaks, and 6 Karakalpaks.

*Section 4. Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights*

A number of domestic and international human rights groups operate in the country; however, security forces continued to harass and abuse human rights activists. During the year, security forces arrested two human rights activists, one of whom later died in custody and the other of whom was released (see Sections 1.a. and 1.c.). Security forces released two other prominent human rights activists, both of whom had been arrested in the previous year, and no human rights activists were imprisoned at year's end. However, at least a dozen human rights activists reported significant harassment during the year, including the initiation of legal investigations into their activities and attempts to limit their ability to travel within the country. By year's end, all known government investigations into the activities of human rights activists had been closed, and police had returned the passport of one prominent human rights activist. The authorities continued to hold the passport of another human rights activist at year's end. Human rights activists continue to report difficulty finding jobs for their family members and themselves, and allegations of other forms of discrimination continue.

On April 14, two unidentified men attacked Khamraev Bakhtiar, the HRSU regional representative for Jizzakh: he suffered a concussion. In early August, Bakhtiar reportedly received a visit from officials from the procurator's investigative department who warned him to be careful about what he says.

Rustam Iskhakov, the HRSU representative for Andijon, says that officials from the procurator's office visited him on September 18. The officials allegedly told Iskhakov that his group would have to cease operations, because it was not properly registered. This harassment later ended after a high-level regional official agreed to investigate the matter.

The Government is willing to discuss human rights matters with organizations such as the OSCE, as well as with foreign embassies. The U.N. has not sent human rights commission members or special rapporteurs to the country. The Government generally is willing to hold an open dialog with international human rights NGO's, and held high-level discussions with representatives of Human Rights Watch during the year. Human Rights Watch has operated independently in the country.

The Government has registered only one domestic human rights NGO. The Committee for Protection of the Rights of Individuals (CPRI) was formed with the support of the Government but also has ties to opposition figures (see Section 2.b.). The organization acts as the Uzbek affiliate of the International Society for Human Rights, which is based in Germany. The CPRI engages in legitimate human rights work, but it refrains from criticizing the President. Observers have questioned the CPRI's independence from the Government. Its leader, Marat Zakhidov, engages in progovernment propaganda and has written reports that appear aimed at inflaming tensions between other human rights advocates.

There is a human rights Ombudsman's office affiliated with the Parliament. The Ombudsman may make recommendations to modify or uphold decisions of state agencies, but the recommendations are not binding. The Ombudsman is prohibited from investigating disputes within the purview of courts. In 2000 the office of the Ombudsman increased its staff and received authorization to open regional offices throughout the country. During the year, eight offices were opened outside Tashkent, and the Ombudsman reported that during the year the number of citizens who were served rose significantly. From June to September, the central office alone handled over 700 hundred cases, a large majority of which dealt with contested court decisions, abuse of power, and various labor and social welfare issues. The Ombudsman publishes reports identifying the most serious violations of human rights by government officials; the majority of these involve allegedly unjust court decisions and claims of abuse of power by police and local officials. Most of the successfully resolved cases appear to have been relatively minor.

The National Human Rights Center of Uzbekistan, created by presidential decree, educates the population and government officials about the principles of human rights and democracy. The center's chief activity is to hold seminars and training, and it is not involved in human rights advocacy. The center has worked closely with international organizations such as the U.N. Development Program and the OSCE.

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

Both the Constitution and the law prohibit discrimination on the basis of sex, religion, language, or social status; however, societal discrimination against women persisted.

*Women.*—Violence against women is a problem and spousal abuse is common, but no statistics on the problem are available. Wife beating is considered a personal

family affair rather than a criminal act; such cases usually are handled by family members or elders within the community (mahalla) and rarely come to court. The law punishes physical assault; however, no legal provisions specifically prohibit domestic violence. Police often discourage women from making complaints against abusive husbands and abusers are rarely taken from home or jailed.

In December 2000, the NGO Minnesota Advocates for Human Rights released a major study on domestic violence in the country. While the lack of reporting prevented the authors from determining the number of cases annually, the study concluded that domestic violence was widespread and that the Government had failed to combat or even acknowledge the problem. Another NGO, Winrock International, which helps develop women's organizations in the country, agreed with the conclusions of the study but noted that public officials were willing to speak openly about the problem of domestic violence.

Trafficking in women to other countries for the purpose of prostitution was a problem (see Section 6.f.). Prostitution within the country is a growing concern as a result of the worsening economic situation.

Although the law prohibits discrimination against women, traditional, cultural, and religious practices limit their role in everyday society. For these reasons, women are underrepresented severely in high-level positions. In accordance with tradition, women—particularly in rural areas—usually marry before the age of 20, bear many children, and confine their activities to within the family. In rural areas, women often work in the cotton fields during the harvest season. However, women are not impeded formally from seeking a role in the workplace, and women who open businesses or seek careers are not hindered legally. Women are underrepresented in the industrial sector; however, they are fairly well-represented in the agricultural and small business sectors. In September 2000, the National Women's Committee sponsored a meeting commemorating the fifth anniversary of the Beijing Conference. A deputy prime minister at the cabinet level is charged with furthering the role of women in society and also is head of the National Women's Committee.

In 1999 the Government promulgated a law extending additional rights to women; it reduced the workweek to 35 hours for female employees of the State and reduced the optional retirement age for women to 54 years (after 20 years of employment).

Several dozen NGO's address the needs of women. For example, a center in Tashkent conducts seminars on sexual harassment, domestic violence, and the legal rights of women. Another center in Samarkand operates a crisis hot line and provides educational services on alcoholism, sexually transmitted diseases, and family counseling. In September the Businesswomen's Association in Kokand held a conference of NGO's working on women's needs in the Kokand Region. The American Bar Association operates programs geared toward protecting women's legal rights in the Ferghana region. A women's group in Surkhandarya works with women with disabilities and promotes their rights.

In parts of the country, some women and girls resort to suicide by self-immolation. There are no reliable statistics on the extent of this problem because most cases go unreported. After marriage many women or girls move into the husband's home, where they occupy the lowest rung on the family social ladder. A conflict with the husband or mother-in-law, who by tradition exercises complete control over the young bride, usually is the stimulus for suicide.

A 1997 research study indicated that the number of women enrolling in higher education was diminishing; for example, women's enrollment in the finance and banking institute dropped from 65 percent in 1991 to about 25 percent in 1997. Cutbacks in government funding to universities and the need for families to fund a higher percentage of educational costs continued during the year, leaving many families in the position of being able to fund the education of only one child, either a son or a daughter. The report stated that university faculty "steer" women into occupations traditionally performed by females and suggested that administrators may deliberately bar entrance to women in some fields.

*Children.*—The Constitution provides for children's rights, stating that parents are obliged to support and care for their children until they reach age 18. Traditional Uzbek values reinforce the cohesion of families; in most cases, several generations of a family live together. In theory the State provides free universal primary education and health care; however, in practice shortages and budget difficulties mean that some services must be paid for privately. Nine years of formal schooling are compulsory, and the average length of schooling is over 11 years. According to the Government, 98.1 percent of children complete secondary school. Anecdotal evidence indicates that more children continued to drop out of high school as economic circumstances continued to deteriorate. There also is evidence that earlier marriages among young rural women have contributed to a higher drop out rate for young women. The State grants monetary allowances to families based on their number

of children. The country has a very high birth rate; over one-half of the population is under the age of 18.

There is no societal pattern of abuse of children; however, trafficking in girls for the purpose of prostitution is a problem (see Section 6.f.). During the harvest, some school children, particularly in rural areas, are forced to work in the cotton fields (see Section 6.c.).

*Persons with Disabilities.*—The law provides for support for persons with disabilities and is aimed at ensuring that these persons have the same rights as other citizens; however, little effort is made to bring persons with disabilities into the mainstream. There is some societal discrimination against persons with disabilities. Children with disabilities generally are segregated into separate schools. The State cares for the mentally disabled in special homes. The Government has not mandated access to public places for the disabled; however, there is some wheelchair access throughout the country.

*Religious Minorities.*—Members of ethnic groups that traditionally are associated with Islam who convert to Christianity sometimes encounter particular societal and low-level governmental hostility.

There is no pattern of discrimination against Jews; Hebrew education, Jewish cultural events, and the publication of a community newspaper take place undisturbed, and synagogues function openly throughout the country. Anti-Semitic leaflets signed by Hizb ut-Tahrir have been distributed throughout the country.

*National/Racial/Ethnic Minorities.*—Government statistics dating from 1992 show that the population was approximately 71 percent Uzbek, 8 percent Russian, 5 percent Tajik, 4 percent Tatar, and 3 percent Kazakh, with many other ethnic groups represented as well. UNHCR figures from 1999 indicate that ethnic Russians make up 3 percent and Tatars make up approximately 0.6 percent of the population. Observers believe that the statistics may underestimate the actual number of ethnic Tajiks; the figures treat ethnic Tajiks whose mother tongue was Uzbek as ethnic Uzbeks. In addition some members of other ethnic groups choose for a variety of reasons to declare themselves to be ethnic Uzbeks.

Ethnic groups other than Uzbeks, particularly Russians, frequently complained that job opportunities are limited for them. Senior positions in the government bureaucracy and business generally are reserved for ethnic Uzbeks, although there are numerous exceptions to this rule.

The citizenship law does not impose language requirements for citizenship; however, the language issue remains very sensitive. Uzbek has been declared the state language, and the Constitution requires that the President speak Uzbek; however, the language law provides for Russian as “the language of interethnic communication.” Russian is spoken widely in the main cities, and Tajik is spoken widely in Samarkand and Bukhara. The law originally required that Uzbek would be the sole method of official communication by 1998, but subsequently was modified to remove a specific date. The Government also is in the process of replacing the Cyrillic alphabet with the Latin alphabet; however, realizing the difficulties for Uzbeks and minorities alike, the Government has delayed the full transition to both the Uzbek language and the Latin alphabet to 2005.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law specifically provides that all workers have the right voluntarily to form and join unions of their choice, and that trade unions themselves voluntarily may associate territorially or sectorally. Membership in trade unions is optional. The law also declares all unions independent of the State’s administrative and economic bodies (except where provided for by law), and states that trade unions should develop their own charters, structure, and executive bodies and organize their own work. However, in practice the overall structure of trade unions has not changed significantly since the Soviet era. Trade unions remain centralized hierarchically, and remain dependent on the Government. No alternative union structures exist. Independent unions do not exist.

There are a few professional associations and interest groups, such as a union of entrepreneurs, a union of renters, and an association of private physicians and pharmacists. There also are registered professional associations for judges and lawyers, both of which are quasi-governmental. An association of broadcasters that formed in 1998 has failed to gain government registration (see Section 2.a.). The main activity of all registered associations is professional development. They do not license members and have no formal role in advocating the interests of members in relation to the Government.

According to the law, the Council of the Federation of Trade Unions (CFTU) has a consultative voice in the preparation of all legislation affecting workers and is entitled to draft laws on labor and social issues. Trade unions are described legally

as organizations that defend the right to work and to protect jobs, and emphasis is placed on the unions' responsibility for "social protection" and social justice—especially unemployment compensation, pensions, and worker retraining.

The trade union law does not mention strikes or cite a right to strike; however, the law does give the unions oversight for both individual and collective labor disputes, which are defined as those involving alleged violations of labor laws, worker rights, or collective agreements. There were several reports of strikes during the year, which were the result of delayed payment of workers. According to reports, workers received at least partial payment as the result of their strikes. The media did not report on the strikes. It is not clear whether trade unions played a role in the organization of these strikes. Observers believe that the rarity of strikes reflects the absence of truly representative trade unions due to a falling standard of living and growing unemployment raised social tensions. There were several localized and short strikes during the year.

The law on unions provides that unions may choose their own international affiliations; however, none have done so.

*b. The Right to Organize and Bargain Collectively.*—Trade unions may conclude agreements with enterprises; however, progress in privatization has been very limited and collective bargaining does not occur. As a result, there is no experience with negotiations that could be described as adversarial between unions and private employers. The State still is the major employer, and the state-appointed union leaders do not view themselves as having conflicts of interest with the State.

The Ministry of Labor and the Ministry of Finance, in consultation with the CFTU, set the wages for various categories of state employees. In the small private sector, management establishes wages or negotiates them with those who contract for employment.

The law forbids discrimination against union members and their officers.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution specifically prohibits forced or bonded labor except as legal punishment or as may be specified by law; however, trafficking in women for the purpose of prostitution was a problem (see Section 6.f.). In addition, persons, including teachers and sometimes passersby in automobiles and busses, are forced to participate in the compulsory mobilization of labor for the cotton harvest.

The law prohibits forced and bonded labor by children; however, trafficking in girls for prostitution was a problem (see Section 6.f.). In addition the large-scale compulsory mobilization of youth and students (by closing schools) to help with the cotton harvest during the fall, continued to occur. Student labor in the cotton fields is paid poorly, and students sometimes must pay for their food.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The minimum working age is 16 years; 15-year-olds can receive state permission to work but must work a shorter workday. In rural areas, younger children often help to harvest cotton and other crops (see Section 6.c.). The Labor Ministry has an inspection service, which is responsible for enforcing compliance with these and other regulations governing employment conditions.

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

The law prohibits forced and bonded labor by children; however, trafficking in girls for prostitution was a problem (see Section 6.f.). Compulsory mobilization of children, mostly in rural areas, does occur during the cotton harvest (see Section 6.c.).

*e. Acceptable Conditions of Work.*—The Ministry of Labor, in consultation with the CFTU, sets the minimum wage. As of September, the minimum wage was approximately \$3 (3,430 soums) per month. The minimum wage does not provide a decent standard of living for a worker and family.

The standard workweek is set at 41 hours and requires a 24-hour rest period. Some factories apparently have reduced work hours in order to avoid layoffs. Overtime pay exists in theory but is not always paid in practice. Pay arrearages of 3 to 6 months are not uncommon for workers in state-owned industries, and the problem appeared to be growing.

The Labor Ministry establishes occupational health and safety standards in consultation with the unions. There is a health and safety inspection directorate in the Ministry. The local press occasionally published complaints about the failure of unions and government authorities to do enough to promote worker safety. Although written regulations may provide adequate safeguards, workers in hazardous jobs often lack protective clothing and equipment. Workers are permitted to leave jobs that are hazardous without jeopardizing their employability in other jobs; however, in practice high rates of underemployment make such action difficult.

*f. Trafficking in Persons.*—There are no laws that specifically prohibit trafficking in persons, and trafficking in women and girls from Uzbekistan for the purpose of prostitution was a problem, particularly to the Persian Gulf, South Korea, Thailand, and Turkey. There are no reliable statistics on this problem; and it does not appear to be widespread, although anecdotal reports from NGO's indicate that the number of young women from Uzbekistan who are trafficked into prostitution abroad is growing. Many victims are unwilling to come forward due to both societal pressure and the fear of retaliation from their traffickers. Traffickers most often target young women between the ages of 18 and 30. Agents in nightclubs or prostitution rings solicit these women, many of whom previously engaged in prostitution. In large cities such as Tashkent and Samarkand, traffickers use newspaper advertisements to lure women by promising high-paying work or marriage abroad. Travel agencies promising tour packages and work in Turkey, Thailand, and the United Arab Emirates (UAE) also solicit prostitutes. Victims often are promised jobs as dancers or waitresses in nightclubs or restaurants in the destination country. In its 2000 annual report, Human Rights Watch claimed that, traffickers after bribing law enforcement officials, had arranged for women and girls as young as 13 to work as prostitutes in the UAE.

The Government has not acknowledged the problem of trafficking publicly, but has taken some measures to combat it. According to NGO representatives, the police force in Samarkand formed a special unit on trafficking in women in 1998, but the unit's effectiveness has been hampered by a lack of resources. Border guards at airports were directed to give more scrutiny to unaccompanied young women traveling to Turkey, the UAE, and South Korea; they are authorized to deny such women permission to leave the country. There was no information available on whether the Government had prosecuted any traffickers, by year's end. There is no government program to educate or assist potential victims.

There are no NGO's that address trafficking specifically, although several have attempted to gain information on the subject.

## FEDERAL REPUBLIC OF YUGOSLAVIA<sup>5</sup>

The Federal Republic of Yugoslavia (Yugoslavia), a constitutional republic consisting of the Republic of Serbia and the Republic of Montenegro, has a president and a parliamentary system of government based on multiparty elections. Vojislav Kostunica was elected President of the Federation in elections held on September 24, 2000 that were closely contested; President Slobodan Milosevic ultimately was unable to manipulate the elections. Massive public protests forced Milosevic to recognize his defeat and cede power on October 6, 2000. Under the constitutional framework, the Federation encompasses the Republics of Serbia and Montenegro; however, the Montenegrin Government has refused to participate in many of the functions of the Federal Government and has acted unilaterally in several areas. The Federal Government presides over a weakened structure, with responsibilities essentially limited to the Foreign Ministry, the Yugoslav Army (VJ), the Customs Administration, civil aviation control, and foreign economic and commercial relations. Although President Kostunica enjoyed wide popular support, significant power was concentrated at the republic level where, in Serbia, Prime Minister Djindjic exercises significant executive authority. Djindjic also has represented Serbia in discussions and negotiations with the international community. In Montenegro President Milo Djukanovic leads a coalition that exercises executive authority (see Montenegro annex). The judiciary remained subject to some political influence.

The Yugoslav military (the VJ) is formally under the control of the Supreme Defense Council, made up of the Presidents of Yugoslavia, Serbia, and Montenegro; however, in practice the military Chief of Staff reports directly to the President of Yugoslavia, and is subject to little other civilian oversight. The Federal Government also controls a small police detachment for security of federal buildings and officials. The Interior Minister of the Republic of Serbia controls the powerful Serbian police, a force of approximately 80,000 officers, many of whom also served under former President Milosevic. The Serbian police are responsible for internal security and border checkpoints. In March the North Atlantic Treaty Organization (NATO) ap-

<sup>5</sup>The report on the Federal Republic of Yugoslavia is discussed in three separate sections on Serbia, Kosovo, and Montenegro and addresses human rights situations in each of these entities. Since federal authority was exercised effectively only over the Republic of Serbia throughout the year, the human rights situations in Kosovo and Montenegro are dealt with in separate sections following this report.

proved a program, drafted by Deputy Prime Minister Nebosja Covic, to allow the gradual reentry of the Yugoslav Joint Security Forces—VJ and Serbian police—into the ground safety zone (GSZ), which began in March and was completed on May 31. The GSZ had been created in June 1999 when NATO and Yugoslav officials signed the Kumanovo Agreement, ending NATO action against the country. Under the agreement, the GSZ was created around Kosovo as a buffer zone to minimize the potential for accidental conflict; Yugoslav and Serbian security forces were excluded from the GSZ. The GSZ unintentionally became a safe haven for armed ethnic-Albanian groups, including the insurgency group known as the Liberation Army of Presevo, Bujanovac, and Medvedje (UCPMB). The security forces committed some human rights abuses.

Economic performance remained weak due to general inefficiency in the economy and corruption. Lack of purchasing power, high unemployment and underemployment, and high inflation sharply restricted the consumer base. While damage to infrastructure and to the refineries from NATO's bombing in 1999 gradually was being repaired, transportation within and through Serbia remained a problem. Overall unemployment was estimated at approximately 30 percent. The country's population was approximately 10,662,000 and per capita GDP was approximately \$988. The general level of corruption in society remained high. Although the agricultural sector was undercapitalized, Serbia was self-sufficient in food. The private sector was widely evident throughout the country. A significant reform of the tax system was implemented during the year and the Serbian Government assessed a special "extra profit tax" on numerous companies and individuals who allegedly made excess profits under the Milosevic regime. Foreign aid is an important source of Government revenue, and the Government uses it to repair infrastructure and to care for a large population of refugees and internally displaced persons (IDP's).

The Government generally respected the human rights of its citizens in many areas and its overall human rights record improved significantly over that of the Milosevic regime; however, some serious problems remained. Police at times beat detainees and abused and harassed citizens, particularly Roma. Arbitrary arrest and detention were problems. The Government continued to hold numerous Kosovar Albanian political prisoners incarcerated under Milosevic; however, it released over 1,700 of these prisoners since 2000. The judiciary remained subject to political influence, although to a lesser extent than it had been under the former Milosevic Government. The Government at times infringed on privacy rights and monitored telephone, mail, and e-mail communications. Police at times intimidated journalists, and the Government continued to exert influence over the media. Many journalists continued to practice self-censorship. During the year, the Serbian Government transferred indicted war criminal Slobodan Milosevic and several other indictees to the International Criminal Tribunal for the former Yugoslavia (ICTY) and provided access to some archives; however, the Government was at times unresponsive to the ICTY's requests for arrests and for information. Violence and discrimination against women were problems. There were several incidents of societal violence or discrimination against religious minorities. Violence and discrimination against Roma and other ethnic minorities were problems. Relations between Serbs and Albanians in southern Serbia improved following the successful resolution of the conflict in that region. Trafficking in persons 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 during the year of political killings committed by the Government or its agents.

Government forces killed some combatants as a result of tensions that escalated during the year in the region of southern Serbia that borders Kosovo and encompasses the municipalities of Presevo, Bujanovac, and Medvedja. The majority of the population in the region is ethnic Albanian. In November 2000, four Serbian policemen were shot and killed outside the village of Lucane (5 kilometers outside the town of Bujanovac), which precipitated a crisis in the region early in the year between the Government and the UCPMB. During the conflict, Federal and Serbian authorities killed less than 35 combatants. For example, on March 24, Serb authorities killed an ethnic Albanian UCPMB member near Konculj. On May 24, VJ troops killed UCPMB leader Ridvan Qazimi, known as Commander Leshi, in an exchange of fire in the GSZ; the VJ stated that Leshi's killing was accidental.

UCPMB forces killed approximately 10 ethnic-Albanian civilians during the conflict. In May UCPMB landmine explosions killed several Serb children. UCPMB forces killed approximately 30 VJ soldiers and police officers during the conflict. For example, on January 28, UCPMB forces killed a VJ soldier. On February 18, a land-

mine planted by the UCPMB killed three Serbian police officers near Lucane. In late February an unknown assailant believed to be a member of the UCPMB killed two policemen in the GSZ. On March 7, a landmine allegedly planted by the UCPMB killed two VJ soldiers. On August 3, an unknown assailant believed to be a member of the UCPMB killed two policemen in the GSZ and wounded two others.

In the autumn, the court began hearings on the October 1999 attempted killing of opposition leader Vuk Draskovic that resulted in the deaths of four persons, and which many believe was staged by the Serbian Security Service (RDB). Rade Markovic, former head of the RDB, former Belgrade Serbian Security Service chief Milan Radojnic, and two minor security service officials were charged for involvement in the crime. Their trial was ongoing at year's end.

At the end of May, Federal and Serbian Government authorities began exhuming five mass grave sites discovered near the towns of Batajnica, a suburb of Belgrade, and Petrovo Selo, in eastern Serbia. More than 300 bodies were recovered during the year; an estimated 700 bodies are expected to be found. The victims were assumed to be ethnic Albanian men, women, and children, most likely victims of 1999 massacres by the Yugoslav police and army in and around Pec in Kosovo. The process of identifying these bodies has been delayed by administrative issues; however, observers noted that some members of the security forces may be encouraging delays due to their involvement in the original crimes. It is speculated that there are additional bodies located at the bottom of Lake Perucac in western Serbia, as well as a number of bodies believed to be buried under a highway near Vranje. In July during the Serbian Government's exhumation at Petrovo Selo, police discovered three bodies preliminarily identified as Agron, Ylli, and Mehmet Bytyci. In August Serbian authorities requested and received help from the international community in establishing the positive DNA identification of the remains. The Bytyci brothers disappeared in 1999 after being delivered from a Serbian prison into the hands of unidentified Serbian police officers. The investigation into their killings remained ongoing at year's end.

In 1999 as a result of their actions in Kosovo, the ICTY formally indicted as war criminals former President Milosevic and four other senior officials (see Section 4). During the year, the indictment against Milosevic was broadened to include crimes committed during the mid-1990's in Bosnia and Croatia.

During the year, the Serbian government arrested several former officials from the Milosevic regime, including the former head of Milosevic's RDB Radomir Markovic in February. Approximately 200 members of the VJ and 100 police officers have been suspended or detained pending investigation of crimes committed in Kosovo. The charges against them included killings, bodily harm, and endangering lives, dignity, morale, and property. Despite these arrests, there are a number of officials in the military and police, some in high positions, who served in Kosovo, Bosnia, and Croatia and who reportedly were involved in criminal activity, including killings, during those campaigns. Their continued presence in such positions raises questions about the Governments' willingness to confront the issue of impunity.

In addition to the UCPMB, other armed extremist ethnic-Albanian groups with unknown ties were responsible for killings in southern Serbia. In August in Muhovac, a town on the boundary line with Kosovo, an extremist ethnic Albanian group known as the Albanian Liberation Army claimed responsibility for the killing of two Serbian policemen. In early November, unknown persons believed to be ethnic Albanian extremists shot and killed the 4-year old son and wife of an ethnic Albanian police candidate while he was driving in his car. Police were investigating the killing at year's end, but the victim has declined to provide information.

On August 13, unknown assailants killed former State Security officer Momir Gavrilovic. The media alleged that Gavrilovic's death was in some way connected to a number of visits he made to President Kostunica or his staff immediately prior to his death. The police investigation into the killing had made no progress by year's end.

Police investigations remained pending in numerous cases of political killings from previous years, including the November 2000 killing of Nebojsa Simeunovic, a former criminal judge; the April 2000 killing of Zivorad Zika Petrovic, the former Director of Yugoslav Airlines; the February 2000 killing of Pavle Bulatovic, the former Yugoslav Minister of Defense; the April 1999 killing of independent journalist and publisher Slavko Curuvija; and the 1997 killing of Radovan Stojicic, former head of Serbian public security.

On October 26, a Belgrade Court sentenced former policeman Dobrosav Gavric to 20 years in prison and two of his associates to 15 years each for the January 2000 killing of indicted war criminal Zeljko Raznatovic, also known as "Arkan."

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

In August 2000, former Serbian President Ivan Stambolic disappeared while on a daily jog in a park near his home in Belgrade. Many observers noted that the timing of Stambolic's disappearance (only a few weeks ahead of scheduled elections), and the fact that the state-run media remained largely silent on the incident, suggested complicity by the Milosevic regime and the Serbian security service. The Serbian State Prosecutor's office began an investigation of Stambolic's disappearance in November 2000; however, it had not yielded any results by year's end.

Federal and Serbian government authorities began to cooperate with international organizations investigating disappearances and mass graves; however, progress was slow.

*c. Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment.*—Yugoslav and Serbian law prohibit torture and other cruel forms of punishment and there were no reports of systematic abuse; however, police at times beat citizens and detainees, particularly Roma. The Serbian Republic has amended its criminal law to strengthen provisions prohibiting acts of torture.

On May 7, in Ravno Selo, police arrested two Roma men and beat them with clubs in an attempt to force them to confess to stealing. The Humanitarian Law Center filed a complaint with the Municipal Prosecutor's Office in Backa Topola, Vojvodina; however, on May 25, the prosecutor's office dismissed the complaint. On May 11, in Backa Palanka, three police officers beat a Roma man. On May 25, unidentified police officers beat Nenad Filipovic in Kragujevac, first in the presence of his children and then at the local police station. Filipovic, an asthmatic, was detained for 5 hours and suffered an intense asthma attack but was forbidden to use his inhaler. In July police arrested an 11-year-old Romani boy and beat him on the palms and struck him with a nightstick during questioning; he later was released. On August 23, a police officer struck and threatened a 17-year-old Gorani boy in the open air market in central Belgrade. In late August, police beat a Rom, Dusan Jovanovic, reportedly because he touched their police car. In September police in Novi Sad broke the arm of a 14-year-old Roma boy and beat some of his friends. On October 2, Ljubomir Djurkovic, a diabetic, suffered violent blows while in police detention. On October 23, police abused three ethnic Albanians who were attempting to cross the Macedonian border, apparently smuggling cattle; they subsequently were released. In none of these cases has any reported legal action been taken against the police.

Incidents of police harassment against the ethnic Albanian population in southern Serbia, a serious problem in the past, decreased during the year; however, occasional incidents continued to occur. During the re-entry of the GSZ (see Section 1.a.), there were incidents of police abuse. On May 25, police vandalized ethnic Albanian homes in the village of Kurbalija. The Humanitarian Law Center reported that on October 26, a group of 20 policemen beat, kicked, and harassed three ethnic Albanians from Presovo. In both cases, the Government disciplined the police officers involved, and several dozen Serb police officers were dismissed. Nevertheless according to ethnic-Albanian groups, since May Albanians have felt increasingly safe from police interference. There is a conspicuous police and military presence on the streets of the major towns, in large part because of credible threats of violent acts by ethnic-Albanian separatists.

Defense lawyers and human rights workers complained of excessive delays by Serbian authorities in filing formal charges and opening investigations into incidents of police brutality. Investigations into many past abuses were slow and often not transparent. There were occasional reports of cases of assault by police officers that did not go to court due to intimidation of the victims by police. However, in one instance, in May the County Court in Nis found two Serbian policemen guilty of incitement to racial hatred for attacking Dragisa Ajdarevic, a Roma boy, and the policemen were sentenced to 6 months' imprisonment.

Local border guards facilitated trafficking in persons (see Section 6.f.).

Ethnic Albanian extremists also committed abuses. In March the UCPMB detained and allegedly abused four Serb civilians from Vranje and two VJ soldiers. The civilians were detained for 45 days.

On January 28, an unknown assailant shot and wounded the driver for State Security Chief Goran Petrovic. On February 16, unidentified assailants shot at the vehicle of Interior Minister Dusan Mihajlovic. Both shootings were interpreted as warnings from organized crime groups against police reform.

Prison conditions generally meet international standards; however, overcrowding remained a serious problem. The Helsinki Committee for Human Rights, which visited prisons during the year, reported that, while conditions were not ideal, there has been an overall improvement since the prison riots that occurred in November 2000. The Government has improved living conditions and provides adequate food, medical care, and heating. Unlike in previous years, there were no reports of physical abuse, torture, or beatings of prisoners. Ethnic-Albanian political prisoners were

housed in conditions similar to those of Serb prisoners; however, the Humanitarian Law Center (HLC) reported that there was at least one ethnic-Albanian prisoner who suffers from a medical problem not treatable in prison and that prison authorities have not been cooperative in arranging adequate medical care for him. Men and women are held separately, and conditions in women's prisons are the same as in men's prisons. Juveniles are held separately from adults. Unlike in the previous year, there were no reports of ethnic-Albanian minors being held in the country's prisons. Political prisoners are held in sections of regular prisons; for example, Albanian political prisoners were held in jails in Nis, Smederevo, Zrenjanin and other localities. Pretrial detainees are held separately from convicted prisoners.

The Government permitted visits by independent human rights monitors. In the beginning of the year, the Humanitarian Law Center obtained permission to visit all of the prisons in Serbia; in June the Helsinki Committee for Human Rights in Serbia also obtained permission for such visits. By year's end, the Helsinki Committee had visited three prisons: the Belgrade Prison, the Krusevac facility for youthful offenders, and the penitentiary at Sremska Mitrovica. Helsinki Committee representatives were allowed to speak with prisoners without the presence of a prison warden.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest and detention; however, police at times arbitrarily arrested and detained citizens. Defense lawyers and human rights activists complained of excessive delays by authorities in filing formal charges against suspects and in opening investigations.

Federal statutes permit the police to detain criminal suspects without a warrant and to hold them incommunicado for up to 3 days without charging them or granting them access to an attorney. Serbian law separately provides for a 24-hour detention period. After this period, police must turn over a suspect to an investigative judge who may order a 30-day extension of detention and, under certain legal procedures, subsequent extensions of investigative detention for up to 6 months. Lawyers were able to visit detainees, and unlike in previous years under the Milosevic regime, judges allowed defense attorneys to read court files.

The police continued the practice of detaining citizens at times for "informative talks." For example, on May 29, state security agents detained and questioned NGO activist Milos Cvorovic about his contacts with Kosovo Albanians. On July 12, police detained Predrag Radojevic, a reporter from Valjevo for the newspaper Blic, and subjected him to an "informative talk" about his work as a journalist. Radojevic had written articles about the presence of the mafia in Valjevo in previous months. On August 14, police detained the editor-in-chief of Blic, Veselin Simonovic, following the publication of an article about the killing of Momir Gavrilovic, a state security agent (see Section 1.a.).

The Constitution prohibits forced exile, and the Government did not use it during the year.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary, and the independence of the judiciary improved during the year; however, Government officials and politicians exercised influence on the judiciary and judicial corruption remained a problem, although to a lesser extent than it had been under the former Milosevic government. In November the Government of the Republic of Serbia passed new laws reorganizing the Serbian judiciary to separate the judicial branch from undue executive branch influence.

The court system is made up of local, district, and Supreme Courts at the republic level, as well as a Federal Court and Federal Constitutional Court to which Republic Supreme Court decisions, depending on the subject, may be appealed. There also is a military court system. According to the Federal Constitution, the Federal Constitutional Court rules on the constitutionality of laws and regulations and relies on the republics' authorities to enforce its rulings. The Constitutional Court remained staffed by some judges appointed by Milosevic.

Since 1998, republic-level judges have not served for life and have been required to seek office periodically through elections. This process involves obtaining Justice Ministry approval for each judge's candidacy. In the past, local observers feared that this system in effect made judges functionaries of the Government, which easily could remove judges from the bench by refusing to approve judicial candidacies. However, the new laws on the judiciary establish an independent body to appoint judges and give the judicial branch decisive control over hiring assignments and discipline.

Many of the judges appointed under Milosevic remained in place. In the beginning of the year, Justice Minister Vladan Batic announced the "cleansing of the judiciary," which included dismissals of the Presidents of the Constitutional and Supreme Courts of Serbia and other senior judicial figures. On November 2, Minister Batic announced the dismissal of 128 judges and 69 magistrates on the grounds of general

incompetence; of these, 58 were accused of involvement in electoral fraud, political trials, and the illegal expropriation of real estate. On November 15, the Government dismissed 21 magistrates, most of them from Belgrade, who had fined and convicted media representatives under the Milosevic regime, using the Public Information Act, which has since been repealed (see Section 2.a.).

Many legal scholars have expressed concern about the 1998 Act on Lawyers, which they believe restricts the freedom of lawyers and interferes with the independence of lawyers in their dealings with clients. This law remained in effect at year's end.

Under Federal law, defendants have the right to be present at their trials and to have an attorney represent them, at public expense if needed. The courts also must provide interpreters. Both the defense and the prosecution have the right to appeal a verdict. Defendants are presumed innocent.

The Federal Criminal Code of the former Socialist Federal Republic of Yugoslavia remained in force. Considerable confusion and room for potential abuse remained in the legal system because the 1990 Constitution of Serbia has not yet been brought into conformity with the 1992 Constitution of the Federal Republic of Yugoslavia. The Serbian Constitution, which is considered to be weak in human rights protections, remained in force.

Under Milosevic, the Government convicted in flawed trials and imprisoned approximately 1,900 ethnic Albanians, pursuing cases brought against them under the Yugoslav Criminal Code for jeopardizing the territorial integrity of the country or for conspiring or forming a group with intent to commit subversive activities (undermining the "constitutional order"). Most of the cases involved alleged violations under Article 136 of the Federal Penal Code related to "association to conduct enemy activity," or Article 125 concerning "terrorism." In February the Government passed an amnesty law that released most prisoners convicted under Article 136; however, the amnesty did not cover those imprisoned under Article 125. In December 173 persons remained in prison; of these, 90 were ethnic Albanian political prisoners. The remaining 83 were convicted of common crimes. During the year, most prisoners, including the 143-person Djakovica group, who were convicted in a mass trial in 1999, were released, either through appeal, amnesty, or, in some cases, completion of sentence. The 90 remaining alleged political prisoners from Kosovo were convicted in unfair trials under Article 125 and Article 136 during the Kosovo war. All of these cases require review, as the court procedures used in their trials and the charges brought against them under the Milosevic regime were highly suspect. One of the prisoners is severely mentally handicapped. According to the HLC, the remainder of the prisoners transferred to Serbian jails were common criminals convicted of crimes such as murder, rape, and armed robbery. In November the Governments of Yugoslavia and Serbia signed an agreement (Common Document) with the U.N. Mission in Kosovo (UNMIK) that, among other things, made provisions for the review of all of these cases and for the transfer of Kosovar Albanian prisoners to Kosovo, where they would continue to serve their sentences if the evidence supports the original convictions. At the end of the year, the Serbian Government and UNMIK were in the process of finalizing the implementation of that agreement.

Ukshin Hoti, leader of UNIKOMB, a political party that advocated Kosovo's unification with Albania, was released from prison in May 1999 but reportedly disappeared after his release.

In May the Government granted amnesty to former members of the UCPMB on the condition that they not take up arms against the Government; by year's end many former UCPMB members had disarmed and had begun reintegrating into society.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits these practices; however, the Government at times infringed upon these rights. Federal law gives the Federal Ministry of the Interior control over the decision to monitor potential criminal activities; Republic-level laws give the Republic Ministries of the Interior the same control. Although there is no direct evidence, some observers believed that the authorities selectively monitored communications and eavesdropped on conversations, read mail and e-mail, and wiretapped telephones. Although illegal under provisions of Federal and Serbian law, the Federal post office also was believed to register and track suspicious mail from abroad.

The Federal Constitution includes restrictions on searches of persons and of premises; similarly under the Serbian Constitution, police must enter a premise with a warrant, or if no warrant is obtained, they may enter in order to "save people and property." Both the Federal and Republic Governments respected these provisions in practice.

In April the Government announced that it planned to open all secret files on persons to the public, but 1 week later a new decree declared that only files not marked

“secret” would be released. Ivan Jankovic, a well-known human rights lawyer, managed to gain access to his file and found that it included no documents less than 10 years old.

A government law requiring military service was enforced only sporadically, and there were no forced conscriptions during the year. An amnesty law passed on February 26, has permitted the return of many persons who left the country to avoid military service during the recent conflicts.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and the Press.*—Federal law provides for freedom of speech and of the press; however, police at times harassed journalists and the Government, in particular various political factions, continued to exercise influence over the media.

In October 2000, the Government abolished the Law on Public Information, which former President Milosevic used to silence the independent media during the Kosovo war. However, no law to replace it had been enacted by year’s end. In August draft legislation was prepared by a team of experts (with international assistance), covering the media, frequencies and privatization, but the legislation remained under government consideration at year’s end. The continuing lack of clear guidelines is perceived by some observers to constitute an inhibition on free expression. Media independence remained a problem. Political parties continued to compete for position and influence in the media. The media practiced self-censorship and was reluctant to report on crimes perpetrated during the wars in Bosnia, Croatia, and Kosovo.

Libel remained a criminal offense. On March 2, Belgrade’s First Municipal Court sentenced Politika reporter Radovan Pavlovic to 3 months imprisonment for libel against former VJ general Vlada Trifunovic; the sentence subsequently was suspended. On November 23, police investigators visited the editors-in-chief of Reporter and Blic and interrogated them about an article published by Reporter listing the names of Yugoslav and Serbian police officials that the ICTY was investigating. The police allegedly invoked two Milosevic-era laws in an attempt to pressure the journalists into divulging their sources.

Media outlets lack professionalism. After more than 1 year in power, the new Government still has no policy for dealing with media outlets that flourished during the Milosevic era, and these outlets have taken the views of various competing political parties.

Tanjug is the state-owned news agency. The Government also owns Borba, which controls one of the most important printing houses in the country, and publishes the dailies Borba, Sport, and Vecernje Novosti. The oldest nationwide daily, Politika, is run by several state-run companies and is influenced by the Government. The independent daily Danas and the weeklies Vreme and Nin supplement the high-circulation tabloids Blic and Glas Javnosti for readership.

Two major independent television stations, BK and TV Pink, which flourished during the Milosevic era, have regional coverage; their content is considered to be objective. These stations were given advantageous frequencies during the Milosevic era. The new Government has frozen allocation of frequencies, pending the adoption of a new law on frequency allocation that remained in draft form at year’s end. As a result, the status quo continued and independent stations such as B92 were at a competitive disadvantage.

State-controlled Serbian Television and Radio (RTS) dominates television and radio. Aside from the three RTS channels, the state has considerable influence, although not formal control, of the major television stations: TV Politika, TV Novi Sad, and YU INFO, as well as Radio Belgrade’s three stations. In 2000, immediately after the Democratic Opposition of Serbia (DOS) coalition took control of RTS, coverage on the station has been biased in favor of selected politicians and their political parties. During the year, the station’s coverage generally was objective, with some biases in favor of certain political parties. Management personnel can be politically influenced. These stations continued to dominate the electronic media because their broadcasting range is much greater than that of independent stations. Under the previous regime, some private media was controlled by Milosevic sympathizers, and during the Milosevic era the stations BK and TV Pink were aligned with the Socialist Left. These stations have some editorial biases, but BK is considered to be a respected news source. The independent media, ANEM (B92), MREZA and VIN networks provided reliable information for viewers. In April an Albanian-language radio station in Presevo began broadcasting; only music and pre-approved broadcasting were allowed under its license. The Government funds a Hungarian language newspaper and RTS provides some Hungarian language programming.

Police at times arbitrarily detained journalists for “informative talks” (see Section 1.d.).

On November 16, the Government confiscated the videotape that TV B92 journalists had shot of protests by the Red Berets, a special operations police unit who were protesting the extradition of 2 indicted war criminals (see Section 4). The authorities returned the tape undamaged to B92 later the same day. On November 16, the management of TV Novi Sad “strongly advised” an independent production house (and a regular contributor to its program) against running a program featuring the Red Beret strike; the production house did not run the program. On December 14, 13 policemen filed criminal libel charges against the editors-in-chief of Blic and Reporter because they had published a list of “suspects” who might be sought by the ICTY. In Pozarevac—the hometown of the Milosevic family—and Valjevo, local police chiefs have interfered with local reporters by calling them in for “informative talks” (see Section 1.d.).

In June unknown assailants killed journalist Milan Pantic. On February 22, unknown assailants attacked Glas Javnosti journalist Radovan Delibasic in Kursumljica. In December unknown assailants attacked Radio Belgrade 202 journalist Vojin Vojinovic, seriously injuring him. Vojinovic is a journalist on an entertainment program and not a member of a political party; Radio Belgrade 202 stated that it had received a threat prior to the attack on Vojinovic.

The Government did not restrict access to the Internet; however, there were reports that it selectively monitored e-mail correspondence (see Section 1.f.).

Academic freedom was respected; however, although it was not enforced, the 1998 Universities Law, which curtailed academic freedom under the Milosevic regime by allowing the Government to appoint rectors and governing boards and hire and fire deans of faculties, who could in turn hire and fire professors, remained in effect.

*b. Freedom of Peaceful Assembly and Association.*—Federal and republic level Constitutions provide for the freedoms of peaceful assembly and association, the Government generally respects these rights in practice. The Government requires private organizations to register; however, no problems with registration were reported.

In July groups of young men disrupted a gay rights parade in Belgrade and attacked gay activists, injuring dozens of persons. Some observers alleged that the police delayed their response to the incident; the Belgrade police chief claimed that he had not expected such violent antigay protesters.

*c. Freedom of Religion.*—Federal and republic law provide for freedom of religion; and the Federal and Serbian Governments generally respected this right in practice. There is no state religion; however, the Serbian Orthodox Church received special treatment.

Religious groups are required to apply to the Federal Ministry for Religious Affairs in order to be recognized in the country. The Federal Ministry has denied recognition to the Montenegrin Orthodox Church as a religion on the basis that no Orthodox body has granted recognition to the organization. There were no other reports of applications that were denied during the year.

In April the Federal Ministry of Internal Affairs banned the import of Jehovah’s Witnesses’ religious literature, stating that the literature would have a negative impact on children and youth.

In March the VJ announced its intention to introduce Serbian Orthodox chaplains into its military units. By year’s end, the VJ had not yet decided whether Catholic priests and Muslim imams also would be represented in the Army Chaplaincy. According to the Keston Institute, some representatives of minority religious groups and NGO’s expressed concern that by favoring the majority religion the VJ was not protecting equal religious rights for all soldiers.

Under a November 2000 government decree, religious instruction was introduced as an elective subject in primary and secondary schools during the 2001–02 school year. Students also were given the option of a secular course in “Values in a Civil Society.” This decree had the support of the Serbian Orthodox, Muslim, Catholic, and Jewish religious communities, although some Protestant groups and human rights NGO’s expressed concern over these plans, fearing that non-Orthodox children would be stigmatized. However, the vast majority of students have opted either to enroll in the secular course or not to sign up for either elective.

The Government has made no progress in the restitution of property that belonged to the Jewish community prior to World War II. The Orthodox and Catholic Churches have had similar difficulties with the restitution of their property confiscated by the Communist regime (1944–89).

The Government was preparing a new religion law during the year, and observers have expressed concern that the law is being drafted without public comment and consultation. However, government officials claim that the law still is in its early

stages and that religious communities and the public will be consulted prior to its adoption.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides for these rights, and the Government generally respects them in practice. Ethnic-Albanian residents of the former GSZ were free to travel with the same rights as other Yugoslav citizens. There were occasional complaints by Sandzak Muslims and ethnic Albanians of harassment at borders when re-entering the country, but to a much lesser degree than in the past.

Unlike in the previous year, conscientious objectors and persons who evaded the draft from April 27, 1992 to October 7, 2000 were able to travel freely without fear of arrest under a February amnesty law. Many have returned to the country.

The conflicts that have occurred in Bosnia, Croatia, and Kosovo led to widespread displacement of persons. There were approximately 229,000 internally displaced persons (IDP's) from Kosovo, mainly Serbs, Roma, and Bosnians. Most Serb displaced persons from Kosovo are housed with host families or relatives; however, some remained in collective centers. A report by the U.S. Committee for Refugees describes collective centers for refugees as varying widely in quality and population density, ranging from "decent" to "dismal, drafty, and crowded." It is impossible to estimate unemployment figures among IDP's. Most families have moved three times or more in search of better schooling or employment opportunities. It is probable that many of them are employed either fully or part-time in informal sector enterprises, such as working in one of the many firms manufacturing clothes, furniture and other products.

During the year, several thousand ethnic Albanians fled villages in the GSZ in southern Serbia into Kosovo. Approximately 10,000 IDP's from Southern Serbia remained in Kosovo at year's end.

There are an estimated 40,000 to 45,000 displaced Roma living in the country. Roma faced a dilemma during the Kosovo conflict, as many Kosovo Roma were perceived as Serb collaborators. Living conditions for Roma in Serbia were, on the whole, extremely poor. Local municipalities often were reluctant to accommodate them, hoping that if they failed to provide shelter, the Roma would not remain in the community (see Section 5). If they did settle, it was most often in official collective centers with a minimum of amenities or, more often, in makeshift camps on the periphery of major cities or towns. The U.N. High Commissioner for Refugees (UNHCR) was in the process of identifying municipalities willing to cooperate in a program for resettling the Roma in more adequate living quarters.

The Constitution provides for the granting of asylee or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the UNHCR and other humanitarian organizations assisting refugees; however, there were bureaucratic problems, including lack of competence, poor procedures, and the need to engage extremely senior officials to resolve relatively routine issues.

The Government provides first asylum. The UNHCR reported that at year's end there was a total of 376,834 refugees from the former Yugoslav republics of Slovenia, Croatia, Bosnia, and Macedonia living in the country. During the year, several thousand ethnic-Albanian refugees crossed into Serbia, the fleeing conflict in Macedonia. Many were taken in by relatives.

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

Under the previous government, many persons living in Serbia and Montenegro who were born in other parts of the former Yugoslavia were unable to establish citizenship in Yugoslavia. Refugees who applied for Yugoslav citizenship were forced to give up their Bosnian or Croatian citizenship to become eligible for Yugoslav citizenship. To address this problem, in February the Government amended the 1997 Citizenship Law to allow dual citizenship. Under the 1997 Citizenship Law, 123,000 persons classified as refugees under the 1992 Law on Refugees have been granted Yugoslav citizenship. However, many of those granted citizenship have retained their refugee cards instead of turning them in for Yugoslav identity cards, presumably in the belief that the benefits of refugee status are greater than those they would receive as citizens.

The Government also signed a bilateral agreement with Bosnia and Herzegovina that permits Bosnian citizens to have dual nationality.

### *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, under the previous regime citizens could not exercise this right and they have not yet had an opportunity to exercise this right fully at the Federal

level under the new Government, although elections took place at the Republic and municipal levels.

President Vojislav Kostunica came to power as President of Yugoslavia after mass demonstrations in early October by citizens protesting Slobodan Milosevic's attempts to manipulate the Federal Election Commission and Constitutional Court to force a second round of elections. Kostunica ran against Milosevic in the September 24, 2000 elections under the Democratic Opposition of Serbia (DOS) coalition, an 18-party alliance. Milosevic banned international observers from monitoring the elections; the opposition reported election fraud in some areas, particularly in southern Serbia and the voting in Kosovo. Although the DOS claimed victory for Kostunica, the Yugoslav Federal Election Commission claimed that neither candidate had won an outright majority and called for a second ballot. This sparked citizen protests in Belgrade and a general strike in favor of the opposition beginning on October 2, 2000 which culminated in a mass demonstration on October 5, 2000 by half a million citizens calling for Milosevic to give up power. Kostunica declared himself President of Yugoslavia that night and 2 days later Milosevic conceded electoral defeat.

Following the elections of October 2000, the DOS formed a coalition government at the Federal level with Montenegro's Socialist People's Party (the SNP, formerly a pro-Milosevic party). The DOS coalition, under Prime Minister Zoran Djindjic, also was elected in Serbia in December 2000 republic elections. Indicted war criminal Milan Milutinovic remained President of the Republic of Serbia. In August the Federal President Kostunica's political party (the Democratic Party of Serbia—DSS) announced the formation of a separate deputy group in the Serbian parliament. In practice this split the DOS coalition into two factions—the DSS and the remaining 17-party DOS alliance, dominated by Djindjic's Democratic Party—which, depending on the issue, at times voted differently in the Serbian Assembly.

On November 4, municipal elections were held in a number of municipalities in Serbia; the elections were judged by international observers to be free and fair. More than 80,000 Serbian IDPs from Kosovo cast absentee ballots in Serbia for the Kosovo election on November 17 that were judged by international monitors to be free and fair (see Kosovo annex).

The percentage of women in government and politics does not correspond to their percentage of the population, although there are no legal restrictions that hinder their participation. Women are active in political organizations; however, they only hold approximately 10 percent of ministerial-level and Parliamentary positions in the Serbian and Federal Governments.

The percentage of minorities in government and politics does not correspond to their percentage of the population, although there are no legal restrictions on their participation in political life. Ethnic Serbs and, to a certain extent, Montenegrins, dominate the country's political leadership. In Vojvodina, where the Hungarian minority constitutes about 15 percent of the population, many regional political offices are held by Hungarians. Jozsef Kasza, a Hungarian minority party leader, is Serbian Deputy Prime Minister. Few members of other ethnic groups are involved at the top levels of government or the state-run economy; however, Rasim Ljajic, a Sandzak Muslim leader, was appointed the Federal Minister for Minority Affairs in November 2000. Roma have the right to vote and there are two small Roma parties in Serbia. One of the four deputy mayors in Kragujevac is a Rom. Ethnic Albanians, who constitute a majority in certain southern Serbian border areas, are underrepresented at nearly every level of government.

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

A number of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases; however, there was one case of police intimidation of an NGO activist. Government officials were somewhat cooperative and responsive to their views; however, with the exception of the transfer of Slobodan Milosevic and a few other war criminals, the Government's cooperation with the ICTY decreased significantly during the year.

The Belgrade-based Humanitarian Law Center and the Center for Antiwar Action research human rights abuses throughout the country and, on occasion, elsewhere in the former Yugoslavia. The Belgrade-based Helsinki Committee for Human Rights in Serbia publishes studies on human rights issues and cooperates with the Pristina-based Helsinki Committee in monitoring human rights abuses in Kosovo. The Belgrade Center for Human Rights, the Yugoslav Lawyer's Committee for Human Rights, and the Leskovac Council for Human Rights were among the leading human rights groups in the country. In the Sandzak region, two committees

monitor abuses against the local Muslim population and produce comprehensive reports. Most of these organizations offer advice and help to victims of abuse.

On May 29, in an "informative talk" (see Section I.d.), the Serbian police interrogated Milos Cvorovic, an NGO activist, about his contacts with Kosovo Albanians.

Legislation that governed NGO's under Milosevic remained in effect. A draft law was circulating for comment which, if passed, would subject NGO's to greater scrutiny and some form of taxation; but it had not yet been introduced by year's end.

Along with Serbian Prime Minister Zoran Djindjic, President Kostunica acts as an interlocutor with the ICTY in the Hague on issues of indictees and evidence located in Serbia that are related to crimes perpetrated during the wars of 1991-1999. In 1999 as a result of their actions in Kosovo, the ICTY formally indicted as war criminals former President Milosevic and four other senior officials, including Serbian President Milan Milutinovic, former Yugoslav Deputy Prime Minister Nikola Sainovic, former Chief of Staff of the Yugoslav Army Dragoljub Ojdanic, and former Serbian Minister of Internal Affairs Vljako Stojiljkovic. On April 1, the Serbian Government arrested Slobodan Milosevic on corruption charges and detained him in Belgrade. Early in the year, President Kostunica argued that transfers of indictees to the Hague, including Milosevic, required the adoption of a law on cooperation with the ICTY; however, a draft law was blocked by the SNP, formerly a pro-Milosevic party. On June 23, the Federal Government adopted a cooperation decree; however, the Federal Constitutional Court, most of whose members were appointed by Milosevic, blocked the adoption of the decree and eventually ruled it unconstitutional in November. No law on cooperation with the ICTY had been signed by year's end. On June 27, the Government of the Republic of Serbia invoked a statute in the Serbian Constitution allowing it to act independently in the face of Federal rulings deemed harmful to Serbia. On June 28, the Serbian Government transferred Milosevic to the Netherlands and delivered him into ICTY custody. Yugoslav President Kostunica called the transfer "unconstitutional." At year's end, Milosevic remained in the Hague awaiting trial. Serbian authorities also have transferred three other indictees to ICTY custody, including Bosnian Serb Milomir Stakic on March 23, and Bosnian Serb brothers Nenad and Predrag Banovic on November 9. Serbian authorities also assisted in the voluntary surrender of two other indictees, Bosnian Serb Blagoje Simic, and former naval commander Miodrag Jokic, who was indicted for war crimes committed in Dubrovnik in 1991. However, at year's end, several indictees remained at liberty, and, in at least one case, still in an official position in Serbia. Indictees at liberty in Serbia included at least four senior Yugoslav and Serb officials charged with crimes against humanity for actions committed by troops under their command in Kosovo; three VJ officials indicted on charges relating to the destruction of Vukovar, and two military officers indicted for crimes committed in Dubrovnik.

In November the ICTY's chief prosecutor, Carla del Ponte, alleged that the VJ was protecting indicted war criminal Ratko Mladic, and claimed that indicted war criminal Radovan Karadzic lives in Serbia. The Government denied these claims. In June the Government turned over approximately 6,500 military and police documents to the ICTY documenting crimes against Serbs, mostly by ethnic Albanians during the Kosovo war; however, the Government has been uncooperative in requests for documents regarding crimes committed by Serbs against other ethnic groups, and in arranging interviews with official and nongovernmental witnesses. Del Ponte has stated that cooperation on access to documents and archives by the Government was "unacceptably slow."

In November a special operations unit of the Serbian Secret Police established under Milosevic known as the "Red Berets" protested the extradition of the Banovic brothers to the ICTY. Heavily armed members of the unit blocked the main road near Novi Sad, and another group blocked traffic in Belgrade for 10 hours. As a result of the protests, Prime Minister Djindjic announced that the unit will be moved from the secret police and will become an antiterrorism unit placed directly under Ministry of Interior control, and he accepted the resignations of two senior secret police officials, Goran Petrovic, and Zoran Mijatovic, for failing to intervene during the protests. Yugoslav President Kostunica made public statements supporting the Red Beret's demands for a special law on cooperation with the ICTY.

In May a 2-day international conference was held in Belgrade to address the issues of truth and reconciliation. Concurrently, President Kostunica appointed a Truth and Reconciliation Commission, along the lines of similar initiatives planned in Bosnia and in Croatia. One of its members, Professor Vojin Dimitrijevic, a prominent human rights activist, resigned from the Commission, expressing doubts that it will ever be a functioning body. Since the conference, the Commission has failed to establish a staff or a budget. It has not yet made any contribution to "truth and reconciliation."

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

While Federal and Republic-level laws provide for equal rights for all citizens, regardless of ethnic group, religion, language, or social status, and prohibit discrimination against women; however, in practice the legal system provides little protection for such groups.

*Women.*—Violence against women was a problem and traditionally high levels of domestic violence persisted. The few official agencies dedicated to coping with family violence have inadequate resources and were limited in their activity by social pressure to keep families together at all costs. The Criminal Code does not recognize spousal rape as a criminal offense; rape is defined as forced sexual intercourse between a man and a woman who are not married. Few victims of spousal abuse file complaints with the authorities. There is no trained police unit to provide protection or assistance to female victims of sexual or other violence. The Center for Autonomous Women's Rights in Belgrade offered a rape and spousal abuse hot line, and sponsored a number of self-help groups. The Center also offered assistance to refugee women (mostly Serb), many of whom experienced extreme abuse or rape during the conflicts in the former Yugoslavia.

The country served as a transit country, and to a lesser extent a country of origin and a destination country, for trafficking in women for the purpose of sexual exploitation (see Section 6.f.).

Women do not enjoy social status equal to that of men, and relatively few women have obtained upper level management positions in commerce. Traditional patriarchal ideas of gender roles, especially in rural areas, hold that women should be subservient to the male members of their family, and subject women to discrimination in many homes. In some more remote rural areas, particularly among minority communities, women effectively lack the ability to exercise their right to control property and have custody of their children. Women legally are entitled to equal pay for equal work; however, according to the International Helsinki Federation for Human Rights, women's average wage is 11 percent lower than the average wage of men. Women are granted maternity leave for 1 year, with an additional 6 months available. In urban areas such as Belgrade and Novi Sad, women are represented widely in many professions including law and medicine. Women are also active in political and human rights organizations.

*Children.*—The Government attempts to meet the health and educational needs of children. The educational system provides 8 years of free, mandatory schooling. However, economic distress has affected children adversely in both the education and health care systems, particularly Romani children, who rarely attend kindergartens. Few Romani children attend primary schools, either for family reasons, because they are judged to be unqualified, or because of societal prejudice. Due to this lack of primary schooling, many Romani children do not learn to speak Serbian, and there is no instruction available in the Romani language. Some Romani children with learning problems or poor language skills reportedly are placed in schools for children with learning disabilities.

Traditionally there has been no societal pattern of abuse of children; reportedly there has been an increase in the incidence of child abuse.

The country was a transit country and, to a lesser extent, a country of origin and destination country for trafficking in girls for the purpose of sexual exploitation (see Section 6.f.).

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, or in the provision of other state services; however, in practice facilities for persons with disabilities—mental and physical—were inadequate and the Government did not make any efforts during the year to address the problem. The law mandates access for persons with disabilities to new official buildings, and the Government enforced these provisions in practice.

*Religious Minorities.*—The attitudes of ethnic groups in the region historically have been influenced strongly by religion, and most instances of ethnic discrimination have at least some religious roots. There were some instances of societal discrimination against, harassment of, and, to a lesser extent, violence towards religious minorities, including Jews, members of Jehovah's Witnesses, and some Protestant groups. Members of the Jewish community charged that the "Palma" television station has aired programs with guests who openly expressed anti-Semitic ideas. For example, Dragos Kalajic, a Serb nationalist, spoke of the "Jewish conspiracy" on one program. Incidents of societal harassment of the Catholic minority in Vojvodina, largely consisting of ethnic Hungarians and Croats, continued to be reported.

Early in the year, there were reports of anti-Semitic leaflets circulated in Kikinda. On February 1, Muslim and Jewish cemeteries in Zrenjanin and in Belgrade were

vandalized and a synagogue was painted with Nazi swastikas. The incident was reported to the police but the perpetrators were not found. On February 13 and 14, stickers with swastikas and anti-Semitic messages were placed on the entrance of the Jewish Community Center of Belgrade, on the gate of the synagogue, and on the fence of the Jewish cemetery. Jewish community members believe that the perpetrators were members of a radical nationalist group. On April 1, unknown vandals broke the windows of an evangelical church in Subotica, Vojvodina. On April 9, unknown assailants stoned the Jehovah's Witnesses' church in Vrbas. On April 18, unknown vandals stoned the Baptist Church in Novi Sad.

On May 8, in Subotica, Vojvodina, unknown assailants attacked and beat a Jewish community leader for the second time (a similar attack had occurred 3 weeks earlier). The victim was a lawyer who represented opposition members under the Milosevic government.

On October 19, unknown persons threw stones at the home of an Adventist pastor in Cacak. On October 22, three youths vandalized the home of and threatened a Pentecostal pastor in Backa Palanka, Vojvodina. Also in October, a group of youths vandalized with graffiti an Adventist church in Backa Palanka.

*National/Racial/Ethnic Minorities.*—Ethnic-Albanian leaders in the cities of Presevo, Bujanovac, and Medvedja in southeastern Serbia complained of discrimination by Serbian authorities. Very few ethnic Albanians are employed by municipal governments in the region. However, during the year, the Serbian authorities began to accept credentials issued in Kosovo for ethnic-Albanians who completed their education in the previously unrecognized parallel education system, but the process was very time-consuming. There are relatively few ethnic Albanians employed by municipal governments, although their numbers were increasing.

There was some societal violence against the ethnic-Albanian community. For example, in Sremska Mitrovica, a group of seven local youths beat ethnic Albanians Asan Darti and his son Bekim. On March 19, three men from Beocin beat an ethnic-Albanian man and damaged property in his pastry shop.

Relations between Serb and ethnic-Albanian communities, particularly in southern Serbia, are marked by mutual suspicion and mistrust; however, communication and cooperation were improving by year's end. A new multiethnic police force, made up of ethnic Albanians and Serbs began to be trained during the year, and the first of three groups of officers, composed of 63 Albanians and 37 Serbs, entered into service in southern Serbia in the fall. This multiethnic police force has wide approval in the Albanian community. Ethnic Albanians continued to express concerns about 163 policemen in the area who they claim served in Kosovo during the war; however, there were no reports of abuses by these officers.

There were incidents of official discrimination against the Romani population, and skinheads and police occasionally violently attacked Roma (see Section 1.c.). There also was societal violence against Roma. The European Roma Rights Center reported that on January 6, a Serb attacked and shot at a group of boys, believing that they were Roma. On February 2, unknown assailants beat a Roma boy, Cuci Nikolic, and put him in a makeshift jail. On March 1, a group of skinheads attacked a group of Roma in Belgrade with baseball bats, sticks and rocks. In June a Roma judge in Stara Pazova in Vojvodina received death threats and a swastika was drawn on the walls of his home. Also in June, two men attacked two Roma from Leskovac with a gun, hitting them in the head with it. On October 4, local youths broke into a night school in Belgrade and beat several Roma students. In November in Belgrade, local youths punched and threatened two Romani boys, aged 7 and 11. According to the HLC, police officers in the Zvezdara municipality station refused to take any action against the assailants and told the Romani family that the children had "asked for it."

Societal discrimination against Roma was widespread. For example, in Sabac, in western Serbia, Roma were barred from using a municipal swimming pool that is owned by the president of the local branch of the Serbian Radical Party. In July in Surdulica, unknown vandals wrote swastikas and slurs against Roma on buildings in the town. On October 10, a group of men threw stones at Romani houses, breaking some windows, in the Cukaricka Padina settlement in Belgrade. Local authorities often ignore or condone societal intimidation of the Romani community.

Bosniak Muslims in the Sandzak region alleged discrimination in housing, employment, health care, commerce, and education.

Unlike the previous year, there were no confirmed reports of violence against ethnic Hungarians in Vojvodina during the year; however, there were many instances of verbal abuse directed towards ethnic Hungarians in public places. For example, in March slogans such as "Out with Hungarians!" appeared in towns in Vojvodina. Hungarians enjoy considerable autonomy. In eight majority-Hungarian municipalities, all of the police chiefs are ethnic Hungarians. The Hungarian language is

taught in schools. The Federal Ministry of National and Ethnic Communities has proposed a new curriculum, that would include studies on Hungarian art, history and music.

One NGO blamed the influence of a newly created nationalist group called OBRAZ for the recent increase in incidents affecting minorities, especially Roma, Jews, and Albanians.

A draft law on National Minorities, approved by the Council of Europe, was before a parliamentary committee at year's end and was scheduled to pass in 2002. The law would give significant legal protections to minorities equal to those received in other European countries.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The law provides for the right of association and all workers except military and police personnel have the legal right to join or form unions. There were approximately 1.5 million employees in the socially-owned state sector and 300,000 persons in privately-owned companies. An additional 500,000 persons work in the unofficial economy and are not registered employees. In the socially-owned state sector, 60 to 70 percent of workers belong to unions. In the private sector, only 4 percent are unionized and in agriculture, 2 to 3 percent. The Alliance of Independent Labor Unions (Samostalni Sindikati, or SSS), formally affiliated with the Socialist Party of Serbia, whose President remained Slobodan Milosevic, claims 1.8 million members, although this number is estimated to be closer to 800,000 in practice. The largest independent union is the United Branch Independent Labor Unions (Nezavisnost), which has approximately 600,000 members. The third largest union is the Association of Free and Independent Trade Unions (AFITU), which has approximately 60,000 to 70,000 members. Most other independent unions are sector specific, and have approximately 130,000 members. Due to the poor state of the economy, one-third of union workers, or 600,000 persons, were on long-term mandatory leave from their firms pending improvement of the economy. The largely splintered approach of the independent unions has resulted in few achievements in terms of increased wages or improved working conditions.

The law provides for the right to strike; however, the Law on Strikes restricts the right for employees in "essential service production enterprises," such as education, electric power, and postal services, and these employees must announce their strikes at least 15 days ahead and must ensure that a "minimum level of work" is provided. This law covered approximately 50 percent of all employees. The independent unions, while active in recruiting new members, have not reached the size needed to mount countrywide strikes; however, unions held several strikes during the year. On May 14, workers at the Bor mine went on strike for higher wages; on October 11, the strike was settled peacefully and the workers returned to work. In June taxis blocked roads throughout the country to protest the Government's policy on taxi drivers. Agricultural workers held strikes as well. Public workers, including teachers, health workers, students, and policemen, held strikes during the year. These strikes were for job security, higher pay and the regular payment of wages. The ICN Galenika Pharmaceutical Company has also been the focus of strike activity. The Alliance of Serb Labor Unions was due to schedule a general strike if the Serbian Government refused to withdraw its draft labor bill, which gave management greater power to hire and fire employees; however, ultimately they reached a compromise and the labor bill passed with some amendments proposed by the unions. A Vojvodina political leader threatened to call strikes all over Vojvodina to prevent privatization. In general job security fears, which stem from the high rate of unemployment, limited workers' willingness to strike.

In December a Serbian Government labor law that had been approved by the International Labor Organization (ILO) entered into force. The new law significantly differed from the previous Socialist law by giving more power to employers and diminishing the rights of employees. For example, the law makes it easier for management to fire workers; collective bargaining is obligatory, but signing a collective agreement is not obligatory—employees may sign individual work contracts; and public job announcements are no longer obligatory. On October 16, the SSS held a small general strike to prevent the adoption of the labor law; as a result the Serbian government negotiated with the unions and accepted proposed amendments that were incorporated into the labor law.

Unlike in the previous year, the law governing trade union registration no longer enables employers to block registration by declining to certify that the union delegate is a full-time employee, effectively preventing unions from opening bank accounts. However, the confirmation of registration remained a slow process.

Unlike the previous year, security forces did not disrupt any strikes or arrest union leaders.

Unions can affiliate internationally; however, only Nezavisnost is recognized by the international community as completely independent from the Government. Nezavisnost is a member of the ICFTU and other international unions.

*b. The Right to Organize and Bargain Collectively.*—The labor law passed and implemented in December does not make the signing of collective agreements mandatory for employers, although it is allowed. Unions complained that without this provision, their role in the system would be diminished. A union must have 15 percent of employees as members in order to be eligible to negotiate with an employer, or 10 percent of all employees in order to negotiate with the Serbian Government or the local government.

Collective bargaining remained at a rudimentary level of development. Individual unions continued to be very narrow in their aims and were unable to join with unions in other sectors to bargain for common purposes. The history of trade unionism in the country has centered not on bargaining for the collective needs of all workers but rather for the specific needs of a given group of workers. Thus, coal workers, teachers, health workers, and electric power industry employees have been ineffective in finding common denominators (for example, job security protection, minimum safety standards, universal workers' benefits, etc.) on which to negotiate. The overall result is a highly fragmented labor structure composed of workers who relate to the needs of their individual union but rarely to those of other workers.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced and bonded labor; however, trafficking in women was a problem (see Section 6.f.).

The law prohibits forced and bonded labor by children; however, trafficking in children was a problem (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for employment is 16 years, although in villages and farming communities it is common to find younger children at work assisting their families. Children also may be found in a variety of unofficial "retail" jobs, typically washing car windows or selling small items such as cigarettes or newspapers. In recent years, this type of labor has been less widespread because adults, lacking other options for employment, have taken many of these jobs. The unemployment rate throughout Serbia is approximately 30 percent, but there are pockets, particularly in areas with large refugee populations or where industries have closed, where unemployment is much higher.

The law prohibits forced and bonded labor by children; however, trafficking in children was a problem (see Section 6.f.).

*e. Acceptable Conditions of Work.*—Large government enterprises, including all the major banks, and industrial and trading companies generally observe minimum wage standard. The monthly minimum wage is approximately \$15 (900 dinars); however, this figure is roughly comparable to unemployment benefits and (at least theoretically) is paid to workers who have been placed in a mandatory leave status. The actual minimum wage is at the low end of the range of average net salaries, which are \$50 (3,000 dinars) per month. The minimum wage is insufficient to provide a decent standard of living for a worker and family. For example, the cost of food and utilities for a family of four is estimated to be \$120 (7,200 dinars) per month. Private enterprises use the minimum wage as a guide but tend to pay slightly higher average wages.

Reports of sweatshops operating in the country were rare, although some privately owned textile factories operated under very poor conditions. In certain areas of the country, such as the Sandzak and the town of Cacak, there were many prosperous small businesses dealing in unlicensed items for export. For example, one furniture manufacturer employs 800 workers but, aside from their salaries, the factory workers receive no other benefits. The official workweek, listed as 40 hours, is not respected because of massive underemployment and unemployment.

Neither employers nor employees tended to give high priority to the enforcement of established occupational safety and health regulations, focusing their efforts instead on economic survival. Because of the competition for employment and the high degree of government control over the economy, workers are not free to leave hazardous work situations without risking the loss of their employment.

*f. Trafficking in Persons.*—The law does not prohibit trafficking in persons specifically, although there are other laws that could be used to prosecute traffickers and trafficking was a problem. Serbia is a transit, and to a lesser extent, a country of origin, and a destination country for women and girls trafficked to other parts of Europe for sexual exploitation. Local border officials facilitated trafficking.

The country is a transit and destination point for women trafficked from Eastern Europe, especially Romania, Moldova, Ukraine, and Russia. According to an International Helsinki Federation for Human Rights report, women often were trafficked

to Belgrade, and then taken to other parts of Serbia, Kosovo, Montenegro, Bosnia and Herzegovina, Italy, Greece, Germany, the Netherlands, and other Western European countries, often for sexual exploitation. Yugoslavia also was a country of origin for women trafficked to Italy, Greece, Cyprus, Germany, and the Netherlands. For example, in the area around Nis in eastern Serbia, an NGO reported that some local women had been trafficked. The central point in Serbia for the transit trade is Belgrade, where organized crime is most entrenched. There were reports by the International Helsinki Federation for Human Rights that Roma women and children also were trafficked to Italy, where women and girls were required to work in the sex industry and the boys were required to beg and steal.

Women often were recruited to work abroad through advertisements for escort services and waitresses, and through personal advertisements for marriage offers or "lonely hearts" columns. Many who responded to such advertisements were sexually exploited. Federal legislation allows escort agencies to be registered and to advertise; many of these agencies were involved in trafficking. Trafficking was controlled by organized crime groups.

Local border officials were complicit in trafficking, and accepted bribes routinely to permit groups of women into the country.

In Serbia no specific law prohibits trafficking; however, the criminal code prohibits the "illegal transport of others" across borders for "lucrative purposes." It also prohibits the recruiting, inducing, inciting, or luring of females into prostitution. Penalties range from 3 months to 5 years in prison and the confiscation of property, and 10 years if the victim is underage. There were no reports of individuals prosecuted for trafficking.

During the year the authorities began to take action against trafficking. Within the Federal and Serbian governments, there are four working groups on victims' protection, prevention, data collection and law enforcement (which includes a member from the Serbian Interior Ministry) that are staffed by the Government and coordinated by OSCE. An awareness program called "Open Your Eyes" sponsored by foreign governments was aired by B92 TV in December. With donor assistance, the Government established a regional program for education and awareness of the problem, targeting border guards.

The Government does not provide any services for victims. The International Organization for Migration (IOM) assisted trafficked victims, and returned approximately 100 women to their countries of origin. A very small number of local NGO's dealt with trafficking. Although the issue received some media attention during the year, public awareness of the problem was low.

#### Kosovo

Kosovo continued to be administered under the civil authority of the U.N. Interim Administrative Mission in Kosovo (UNMIK), pursuant to U.N. Security Council Resolution 1244. This resolution recognized the continuing sovereignty of the Federal Republic of Yugoslavia (Yugoslavia) over Kosovo but called for "substantial autonomy and meaningful self-administration." UNMIK and its chief administrator, the Special Representative of the Secretary General (SRSG), established a civil administration in June 1999, following the conclusion of the NATO military campaign that forced the withdrawal of Yugoslav and Serbian forces from the province. To provide for greater Kosovar inclusion in civil administration and to replace parallel quasi-governmental entities, UNMIK established the Joint Interim Administrative Structure (JIAS) in February 2000. Under the direction of the SRSG, international and local experts shared policy and advisory responsibility for providing governmental services. On May 14, UNMIK promulgated the Constitutional Framework for Provisional Self-Government in Kosovo (the "Constitutional Framework"), which defined provisional governmental institutions to replace the JIAS, and described the areas of competence assigned to them as well as those retained by the SRSG. On November 17, Kosovo held its first democratic general elections to fill 100 seats of a 120-seat Assembly; 20 seats were reserved for minorities. All of Kosovo's ethnic communities, including Serbs, took part in the elections. International and local election observers concluded that the elections were well organized and were conducted peacefully and in accordance with international standards. On December 10, the newly-elected Assembly held its first session. UNMIK Regulation 1999/24 established that applicable law in Kosovo would include UNMIK regulations and those laws in effect in Kosovo as of March 22, 1989, the date Slobodan Milosevic abolished Kosovo's political autonomy. This created a complex, and in some cases, incomplete set of codes. Since its establishment, UNMIK periodically has issued regulations, which remained in effect during the year, to address the civil and legal responsibilities of governmental entities and private individuals. UNMIK regulations bind all

public officials, including judges, to respect international human rights law. The law provided for an independent judiciary; however, the legacy of ethnic conflict and Yugoslav oppression was an obstacle to judicial independence, and some judges and prosecutors reportedly were subject to outside pressure, particularly in cases with an ethnic element.

The U.N.-authorized, NATO-led peacekeeping force for Kosovo (Kosovo Force, or KFOR), which included forces from all 19 NATO countries and some 20 non-NATO members, continued to carry out its mandate to maintain internal security and defend against external threats. KFOR also undertook operations to prohibit the flow of men and materiel from Kosovo to southern Serbia (the Presevo Valley) and the Former Yugoslav Republic of Macedonia (Macedonia); in both locations, ethnic insurgencies involving Albanians, including some from Kosovo, led to violent conflict and refugee outflows. KFOR also assisted UNMIK's multinational civilian police corps (CIVPOL) in its role as a uniformed police force. Of 4,718 regular, border, and special police positions authorized for Kosovo, contributing countries deployed approximately 4,400. The Kosovo Police Service School trained 4,398 local police for the newly established Kosovo Police Service (KPS), including a cadre of 35 command staff for the police force by year's end. The School was on schedule to train an additional 2,000 KPS recruits by June 2003, and continued to provide advanced training for KPS officers and members. Approximately 8 percent of the KPS members were Serbs, minorities in total equaled 17 percent, and 20 percent were women. The KPS worked with CIVPOL in field training, and CIVPOL has transferred basic policing functions to KPS in many areas, including traffic control and basic criminal investigations, while continuing to provide oversight. The Kosovo Protection Corps (KPC), a civilian emergency preparedness service agency that incorporated disarmed former fighters of the Kosovo Liberation Army (KLA), continued to train and develop its disaster response skills, while also undertaking humanitarian projects throughout the province. Some members of KFOR were accused of using excessive force; some members of CIVPOL committed abuses, including sexual assault. Some members of the KPC committed abuses, including intimidation and extortion.

A long history of targeted asset-stripping and mismanagement by Yugoslav Federal and Serbian authorities left the economy in poor condition even before armed conflict resulted in the massive destruction of property and economic enterprises.

Key industries before the conflict that have been closed include mining, metallurgy, and related manufacturing enterprises. The construction sector became the strongest economic sector in the post-conflict period. The agrarian sector improved but did not reach prewar levels. Unemployment among the predominantly ethnic Albanian population was estimated at 62 percent. Unemployment rates were much higher among Serb and other ethnic communities, although some Serbs continued to receive stipends or pensions from Yugoslavia. International organizations and donors continued their programs to improve the infrastructure and provide a regulatory climate conducive to enterprise and investment. However, the instability of the region, coupled with the destruction of property records, a still weak legal and regulatory framework, and uncertainty about Kosovo's future status, caused private capital investment to lag. The privatization of state enterprises stalled pending the resolution of significant property issues. Domestic energy generation capacity was estimated at approximately 50 percent of demand, and energy import arrangements remained uncertain. Remittances from abroad and foreign aid were important sources of national income. Significant criminal economic activity took place, especially in the fuel sector, and smuggling was widespread. International financial institutions estimated per capita gross domestic product at less than \$750 (1,500 DM), an increase over the immediate post-conflict period.

UNMIK generally adhered in its policies to international human rights standards; however, serious problems remained, many related to ongoing interethnic tensions within Kosovo and ethnic Albanian insurgencies in the Presevo Valley and Macedonia. In the course of their duties, KFOR, CIVPOL, and the KPS killed some persons. A few killings resulted from attacks that appeared to be politically motivated. Landmines planted by combatants during the 1999 conflict killed nine persons. There were some kidnappings and disappearances. As many as 3,900 persons remained missing and unaccounted for as a result of the armed conflict in 1999, including approximately 2,750 Albanians, and 1,150 Serbs, and members of other ethnic groups. The International Criminal Tribunal for the Former Yugoslavia (ICTY) exhumed 3,620 remains of individuals in 1999 and 2000, of which about 1,260 were still unidentified; no new identifications were made during the year. UNMIK's efforts to continue exhumation of gravesites and to pursue identification of remains were ineffective and slow. There were some reports that KFOR and CIVPOL used excessive force during arrests and members of CIVPOL sexually assaulted women. Some KPC members were accused of committing incidents of intimidation and extor-

tion, and reportedly were involved directly in or materially supported political violence in the Presevo Valley and Macedonia. KFOR and CIVPOL at times used arbitrary arrest and detention, and lengthy pretrial detention remained a problem. In some cases with security implications, the SRSG and the Commander of KFOR (COMKFOR) issued extrajudiciary executive detention orders, in some cases for lengthy periods. The judiciary was subject to bias and outside influence, particularly in interethnic cases, and did not always ensure due process. There were some restrictions on privacy rights. Local media and some international media organizations and attorneys criticized UNMIK regulations prohibiting articles that might encourage criminal activity or violence on speech and the press as an infringement on the freedom of speech and of the press. UNMIK occasionally limited freedom of assembly and forcibly disrupted some demonstrations. There were limits on freedom of movement. Of the more than 200,000 members of ethnic communities (including approximately 170,000 Serbs and 25,000 Roma) displaced after June 1999, few returned to Kosovo due to security concerns, although international agencies and NGO's initiated some small-scale organized returns projects. Violence, including rape and domestic violence, and discrimination against women remained serious problems. Religious tension and violence persisted, but at significantly diminished levels. The approximately 100,000 Serbs who remained in Kosovo lived primarily in the north or in enclaves under the protection of KFOR. Societal violence, including killing, against Serbs and Roma continued but generally decreased overall; violence against other ethnic groups also persisted but at generally diminished levels. Societal discrimination against Roma continued. Worker rights progressed with the promulgation of new labor legislation; child labor persisted in the informal and agrarian sectors. Trafficking in women and girls to and through the province 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.*—KFOR forces killed at least one individual during security operations. On May 6, KFOR soldiers in northern Kosovo stopped a private vehicle for an identity check; passenger Dejan Milovic, a Kosovo Serb, attempted to flee and opened fire on the police. The KFOR officers returned fire, wounding Milovic, who subsequently died of his injuries. UNMIK and military authorities investigated both cases, but found no improper action by KFOR troops.

Both CIVPOL and the KPS used deadly force in a few instances; these cases also were investigated, and authorities found the actions to be appropriate under the circumstances.

On February 16, 11 Serbs were killed and 43 wounded when their KFOR-escorted bus—the “Nis Express”—en route from Nis in Serbia to Gracanica hit an explosive device near Podujevo/Podujeve<sup>6</sup>. KFOR detained five suspects in the case, including two members of the KPC. One of the detainees later was released and one escaped. In December the Supreme Court found no grounds to continue the remaining suspects’ detention and released them.

In May authorities arrested a senior KPC officer, Sali Veseli, and four other suspects in the May 2000 murder in Prizren of former KLA commander Ekrem Rexha, also known as “Commander Drini.” There was no new information in the November 1999 killing of five Roma and Albanians by persons claiming to be either members of the provisional KPC or the KLA.

There were a few killings and nonlethal attacks that appeared to be politically motivated, but the number of these decreased from the prior year (see Section 3). In April unknown assailants killed LDK branch president Ismet Raci, President of the Municipal Assembly of Klina/Kline. In July reportedly as a result of a personal dispute, unknown assailants killed Ahmet Balaj, an LDK committee member in Mitrovica; however, the motive was not clear. In August in Pristina, a security officer of the Alliance for the Future of Kosovo (AAK) killed Liberal Party of Kosovo (PLK) official Selim Behrami; the killing reportedly was not political. On August 31, unknown assailants killed Qerim Ismaili of the Kosovo Democratic Initiative in Donje Godance, near Stimlje/Stime. In October unknown assailants killed Bekim Kastrati, a journalist with the LDK-linked newspaper Bota Sot, and LDK bodyguard Besim Dajaku in a car ambush; another man was wounded. CIVPOL was investigating these killings at year’s end; it was not clear if political motives related to the November elections were involved. On December 12, unknown assailants shot and killed two Albanian Kosovar brothers as they drove through the village of

<sup>6</sup>Throughout this report, dual town names are given: The Serb town name, followed by the Albanian name, except where towns universally are known by one name.

Banja; one of the men was a bodyguard for Istok/Istog Mayor Fadil Ferati, a prominent LDK member. It was not clear if political motives were involved. In February authorities arrested eight suspects in the August 2000 killing in Istok/Istog of LDK activist Shaban Manaj; several of those detained reportedly were former members of the KLA.

Several killings from previous years remained unresolved, including the case of senior LDK politician Alil Dreshaj, who was reportedly killed by two men wearing KLA badges; the November 2000 killing of Xhemail Mustafa, cofounder of the LDK and President Rugova's press advisor; the April 2000 shooting of former KLA officer Besim Mala, also known as "Commander Murrizi;" the July 2000 killing of a supporter of Ramush Haradinaj; the September 2000 killing of Skendar Gashi, a KPC officer and former KLA commander; and the September 2000 killing of journalist Shefki Popova. There were no new developments in the investigation of the September 2000 killing of Rexhep Luci, Pristina's Director of Urban Planning. Before he was killed, Luci had received death threats for his role in stopping illegal construction in Pristina.

There were 136 killings by citizens in the province during the year, compared with 245 in 2000. According to available figures, assailants killed 92 Albanians, 30 Serbs, 1 Bosniak, 6 Roma, and 7 persons of unknown or other ethnicity. Most killing of Serbs and other minorities were ethnically motivated (see Section 5), but the majority of murders of Albanians apparently were connected to family and economic rivalries and criminal activities. CIVPOL, working with the KPS, somewhat improved its case resolution and arrest rate. From January through July, there were 71 killings, and police arrested 89 persons on suspicion of killing.

There were a number of attacks on, and killings of, ethnic Serbs during the year (see Section 5). Retaliatory violence, including killings, against Albanians also continued (see Section 5). Some Serbian Kosovars continued efforts begun in 1999 to expel Albanians and other ethnic groups from the northern part of Mitrovica; in some cases this resulted in the killings of ethnic Albanians (see Section 5).

In August would-be cattle thieves in Kamenica/Kamenice municipality killed an Albanian Kosovar KPS officer who intervened to stop the theft of cattle owned by a Serb farmer; in an exchange of fire, one suspected perpetrator died. On March 27, the Mitrovica District Court convicted an Albanian Kosovar juvenile, Faton Hajrizi, for the February 2000 murder of a KFOR soldier, and sentenced him to 1 to 5 years in prison. No perpetrator was identified in the killing in April 2000 of another KFOR soldier.

As a result of the 1999 armed conflict, unexploded landmines and ordnance remained a problem in certain rural areas. Landmines and ordnance explosions have killed 89 persons—including 9 persons killed out of 22 incidents that occurred during the year—and injured 356 since June 1999. The U.N. Mine Action Coordination Center (MACC) in Pristina has accredited 16 international demining organizations in Kosovo. The MACC effort has cleared 14,712 antipersonnel mines, 5,473 antitank mines, 6,698 cluster bomb units, and 13,097 other ordnance. International organizations and NGO's continued a widespread public education campaign on mines.

Kosovo's investigative, judicial, and penal systems, in addition to ICTY, continued to work to ensure that perpetrators of the ethnic cleansing and violence before, during, and after the 1999 war were identified and punished; they achieved limited success. Before closing out forensic operations at the end of 2000, the ICTY exhumed remains from 529 graves, uncovering for identification the remains of approximately 3,600 persons over a 2-year period; of these, 1,256 remained unidentified. Although the ICTY and other international experts do not expect to find many new mass graves, smaller gravesites remained throughout Kosovo. In May 2000, UNMIK established the Victim Recovery and Identification Commission (VRIC), which worked from May to December 2000. Working with families on the basis of information they provided, details of the events, and the recovery of clothing and personal effects, the VRIC was able to identify some victims in 2000. When ICTY closed its forensic operations, UNMIK appointed the CIVPOL Missing Persons Unit (MPU) as the focal point for identification of remains and for exhumation of additional gravesites as they were identified, and tasked the UNMIK Bureau of Missing Persons and Detainees to coordinate political efforts. The initiative made slow progress on both fronts; no new identifications were made during the year and the remains of 1,256 victims were unidentified by year's end, only approximately 65 bodies were exhumed from gravesites, and the number of missing from the war period remained at about 3,900 (see Section 1.b.).

Proceedings continued in the Kosovo courts to adjudicate approximately 40 cases of alleged war crimes and genocide arising from the conflict, as well as killings dating from the period starting in June 1999. At year's end, war crimes cases were in process against six Serb defendants, four of which were retrials ordered by the Su-

preme Court based on defense appeals. War crimes cases were suspended in the cases of 11 Serb defendants who escaped detention in 2000. In addition, majority international panels convicted three Serb defendants, acquitted three, and caused two indictments to be reduced or withdrawn. A non-international majority panel convicted one defendant.

*b. Disappearance.*—Individual disappearances and kidnappings continued to be reported to police, although there were few specific cases brought to the attention of the public. For example, on April 29, a 12-year-old Romani boy was reported abducted in Urosevac/Ferizaj; no update was available at year's end.

Human rights organizations and police confirmed the kidnapping or disappearance of several young women each month. Reportedly most but not all of these victims eventually reappeared or were found, many after they were raped; some observers believe they were victims of trafficking (see Section 6.f.).

There was no information on the case of Marjan Melonasi, a journalist for Radio-Television Kosova who was half Serbian and who disappeared in Pristina in September 2000. In November CIVPOL arrested Gani Emeri, a KPC officer and former KLA commander in conjunction with the kidnapping and disappearance of five Serbs in 1999; only one of the Serbs is known to be alive.

As a result of the 1999 armed conflict and its immediate aftermath, the fate of as many as 3,900 persons (2,750 Albanians, and 1,110 Serbs and members of other ethnic groups) remained unknown at year's end. Of 3,600 remains exhumed by the ICTY in Kosovo during 1999–2000, 1,256 remained unidentified; mass graves with several hundred more remains were discovered in Serbia during the year. Even if these remains account for some of the missing, there remained significant numbers of persons of all ethnicities whose fate was unknown. After the ICTY closed its forensic program in Kosovo at the end of 2000, UNMIK reorganized efforts to exhume suspected and known gravesites and to identify bodies already exhumed (see Section 1.a.).

There were several demonstrations during the year to protest against UNMIK and the international community for not doing enough to locate missing persons. For example, on March 8, women protested in front of UNMIK in Pristina to call for the release of Albanian prisoners held by Yugoslav and Serbian authorities and demand inquiries into the fate of the missing. In July Serbs protested in Mitrovica and Gracanica (the latter including a hunger strike for several weeks) to demand action on missing Serbian Kosovars.

The U.N. High Commissioner for Human Rights did not renew the mandate of the Special Envoy for Persons Deprived of Liberty in Connection with the Armed Conflict in Kosovo, appointed in August 2000.

*c. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.*—The law prohibits torture and other cruel forms of punishment, although the Constitutional Framework omits the UN Convention on Torture from its list of conventions incorporated by reference.

There were sporadic but unspecified reports of the use of excessive force by KFOR and CIVPOL during arrests. Some of the CIVPOL forces sexually assaulted women. In July CIVPOL arrested a member of the international police corps for sexual assault, and in August a CIVPOL officer stationed in Mitrovica was arrested on allegations of sexual assault. Four CIVPOL officers also have been arrested for complicity in trafficking or prostitution during the year; all were expelled or voluntarily returned home (see Section 6.f.). In September 2000, military authorities disciplined nine members of a KFOR unit, including four officers, following an investigation into allegations of excessive force, beating of suspects, and sexual assault on women at checkpoints and while on patrol.

Some reports suggested that KPC members were responsible for incidents of intimidation and extortion, and in several zones such misconduct may have been organized and condoned by the local KPC leadership. In January KPC members reportedly harassed two Gorani taxi drivers in Prizren and an Albanian family in Klina/Kline over a traffic accident. In February CIVPOL arrested two KPC members who were seen by a KFOR patrol beating a motorist near Podujevo/Podujeve; they were released when the victim did not press charges. In April CIVPOL arrested a KPC officer in Prizren on an attempted murder charge stemming from the beating of a man over a parking dispute. The suspect's commanding officer—who subsequently was arrested as a suspect in the May 2000 killing of Commander Drini murder (see Section 1.a.)—condemned the arrest publicly. In October a KPC guard at the KPC headquarters in Pristina fired several shots at the car of a man who tried to park near the building. CIVPOL arrested the KPC member, who was charged with attempted murder. Reportedly KPC officers and members also were involved in directly and materially supportive of political violence in connection with ethnic fight-

ing in the Presevo Valley and Macedonia; five KPC officers were suspended during the year in connection with these credible allegations.

International organizations reported that in the first half of 1999, Serb forces subjected ethnic Albanian women to illegal confinement, rape and other forms of torture. According to credible information, individual KLA soldiers and other Albanians raped Serb and Roma women in the months following Yugoslavia's withdrawal in 1999. In October a local newspaper, *Bota Sot*, published a series of articles alleging that during the conflict, KLA members detained young Albanian women for months, often on the pretext that their families were Serb collaborators, and subjected them to rape and other abuse. Local sources found the articles credible; the silence surrounding these episodes, which took place largely in the Drenica Valley and the Podujevo/Podujeve areas and involved dozens of women, was due to lingering respect for and fear of the KLA and to the perceived shameful nature of these incidents (see Section 5).

There were reports of some attacks on and threats against political figures, particularly members of the LDK, both before and after the November general elections; however, the incidents reported were fewer than in the period prior to the October 2000 municipal elections (see Section 3). In most cases, no suspects were found; however, local observers blamed many of these attacks on the rival PDK party and former KLA fighters. Nonpolitical motives including clan rivalry, criminality, and competition for economic resources also were suspected in some cases. On July 1, unknown assailants shot and wounded Milazim Maraj, a municipal official in Klina/Kline. On July 27, unknown perpetrators fired at Jetullah Berani, an LDK official in Srbica/Skenderaj. There also was an increase in written and telephoned death threats against political figures, including LDK (President Ibrahim Rugova and other leaders, Vice President Kole Berisha, Malisevo/Malisheve official Nusret Pacarrizi) and officials of other parties (the Albanian Christian Democratic Party of Kosovo (PSHDK) President Mark Krasniqi, PLK President Gjergj Dedaj). In September police found bombs at the homes of two LDK officials in Prizren.

There were some reports of attacks and intimidation of UNMIK, Organization for Security and Cooperation in Europe (OSCE), and KFOR officials, and of CIVPOL, KPS, and KPC officers. On January 23, two unknown assailants struck an OSCE employee on the back of the head with a pipe; the victim went into a coma and was hospitalized. On January 24, two OSCE officials were assaulted and slightly injured by Serbian "bridge watchers" while attempting to cross from south Mitrovica into the northern part of the city; KFOR soldiers manning the bridge reportedly did not intervene. On January 29, a rioting group of ethnic Albanians beat an OSCE employee following a grenade attack in Mitrovica; he was seriously injured. On February 17 in Zubin Potok, a crowd attacked the UNMIK police station and wounded a CIVPOL officer. In February a bomb severely damaged the car of the local KPC commander in Vucitrn/Vushtrri, although the intended victim was not harmed; no further information was available at year's end. Numerous other reports of intimidation of and assaults on KPS officers were reported during the summer and fall, which resulted in several public condemnations by UNMIK.

Prison conditions met prisoners' basic needs of food, sanitation, and access to medical care; however, facilities were in need of further refurbishment and repair, and some facilities were overcrowded. In March 2000, UNMIK established the Kosovo Correction Service (KCS), and the OSCE provided training for a force of 700-plus corrections officers. The KCS, which included international corrections experts as interim administrators, operated 3 prisons in Prizren (with a capacity of 100 inmates), Dubrava (with a capacity of 520), and Lipljan/Lipjan. The latter is restricted to women, juveniles, and mentally disturbed prisoners. The KCS also administered, with CIVPOL assistance, detention centers in Pristina, Mitrovica, Pec/Peja, and Gnjilane/Gjilan. At Camp Bondsteel, the base that houses the headquarters and most of the forces of one of the KFOR contingents and has a secure detention facility on the premises, KFOR continued to hold detainees accused of war crimes, serious ethnic offenses, and political violence, including in the Presevo Valley and Macedonia (see Section 1.d.).

Male and female prisoners are separated, and there is a separate facility in Lipljan/Lipjan for females and juveniles; however, there have been cases of older youths convicted of serious crimes who have been held with the general adult population because Lipjan is a less secure facility. Pretrial detainees are held separately from convicted criminals; although they may be held in the same facility due to overcrowding, they are kept in separate cells.

In August 24 Serb detainees at the Mitrovica detention facility held a hunger strike for several days to protest conditions there and to highlight their claim that they were political prisoners. The strike ended after UNMIK and Yugoslav officials

from Belgrade met with prisoners and agreed to discuss improving prison conditions.

In December UNMIK instituted an early release program, in which prison management could release prisoners for good behavior provided that they were within 3 months of the end of their sentence.

Prisons and detention centers permitted the International Committee for the Red Cross (ICRC) full access to prisoners and detainees. In the absence of a formal agreement but pursuant to the OSCE's mandate for human rights monitoring under UNSCR 1244, they also offered access on an ad hoc basis to the OSCE human rights monitors. In April prison authorities in Mitrovica denied an NGO from Serbia access to detainees. Only OSCE and ICRC monitors were allowed to visit prisoners on a regular basis.

*d. Arbitrary Arrest, Detention, or Exile.*—Arbitrary arrest and detention was a problem. Under UNMIK regulation 1999/24, which incorporated local law in effect as of March 1989 and practice, police may detain criminal suspects for up to 72 hours without charging them or granting them access to an attorney; however, in many cases, sources reported that CIVPOL used the 72-hour detention authority as a means of minor punishment with no intention of filing charges. Some judges also complained that CIVPOL did not always bring detainees before them by the expiration of the 72-hour period even when they did intend to charge them; such cases were dismissed. In many instances when KFOR detained persons suspected of crimes in connection with the ethnic insurgencies in the Presevo Valley and Macedonia (see Section 1.c.), police and judicial personnel complained that KFOR did not deliver such detainees in a timely fashion. The applicable rules of criminal procedure permit pretrial detention for up to 6 months, but UNMIK has decreed by regulation that this period may be extended by up to an additional 6 months in cases of crimes punishable by a sentence of over 5 years.

In some instances, the SRSG or KFOR Commander (COMKFOR) intervened to continue the detention of persons not charged with a crime, or ordered released by the courts but deemed an ongoing security threat. Afrim Zeqiri, an ethnic Albanian accused of shooting three Serbs in May 2000, including a child, was detained in May 2000 and remained in detention during the year, despite the fact that a panel of ethnic Albanian judges found his case to be without merit, and two international panels ordered him released. In January an international prosecutor brought a new indictment against Zeqiri, resulting in his continuing detention being judicially ordered; procedural errors subsequently have marked the case, but it was ongoing at year's end.

Beginning at the end of 2000, KFOR undertook border operations to prohibit the movement of suspected insurgents and supporters of political violence in the Presevo Valley and Macedonia, and detained hundreds of persons. These detentions were based on the KFOR mandate to maintain a safe and secure environment. KFOR released the large majority of persons detained in these operations within the 72-hour period; at year's end some remained in KFOR detention at Camp Bondsteel, and some had been turned over to the civilian authorities for prosecution. In April an Albanian Kosovar-majority court in Gnjilane/Gjilan acquitted several of a group of suspected insurgents caught in possession of a wagonload of weapons near the border with southern Serbia. In May the Supreme Court of Kosovo ordered the release of 44 men suspected of being fighters with the National Liberation Army (NLA) in Macedonia because an international judge in the lower court had failed to meet procedural requirements. In June UNMIK adopted regulations criminalizing illegal border crossings, severely limiting the right to possess weapons, and defining terrorism-related crimes.

Lengthy pretrial detention continued to be a problem in cases of serious crimes; some detainees allegedly involved in ethnically-based crimes were held on the basis of weak evidence. At year's end, KFOR held approximately 190 persons in detention. Approximately 350 persons remained in pretrial detention in civilian prisons and detention facilities.

Some observers and detainees claimed that there is an ethnic bias in the amount of time it takes to bring some cases to trial. Of 40 war crimes cases involving Serb defendants, cases proceeded in 9 of them. In August 16 Serb prisoners in Mitrovica went on a hunger strike to protest the conditions in which they were held, the alleged bias exhibited in their cases, and to demand a retrial and transfer to Serbia (see Section 1.c.).

Of the approximately 2,000 Albanian detainees withdrawing Yugoslav forces took with them into Serbia during the NATO bombing, Serbian and FRY authorities released most of them. However, at the end of the year, the Yugoslav authorities continued to detain approximately 173 Albanian Kosovars in prison in Serbia, 90 of whom were charged with alleged crimes arising from the Kosovo conflict, while the

remainder were convicted of common crimes (see Section 1.b.). Approximately 1,300 were returned by the end of 2000, reputedly after payment to Serb middlemen by detainees' families in most cases. In February the Yugoslav parliament enacted an amnesty law that resulted in several hundred being released; in April authorities released a 143-member group from Djakovica/Gjakove.

There were no reports of political detainees, although some Serbian Kosovar defendants in war crimes cases asserted that they were held for political reasons (see Section 1.e.).

Forced exile is not permitted legally, and there were no reported instances of its use.

*e. Denial of Fair Public Trial.*—Applicable law provides for an independent judiciary; however, the legacy of ethnic conflict and years of Yugoslav oppression were an obstacle to judicial independence, and some judges and prosecutors reportedly were subject to outside pressure, including threats and intimidation, particularly in cases involving ethnic disputes. Some local judges also lack basic legal skills needed to conduct an investigation or trial, and courts suffer from lack of supplies, equipment, and administrative management.

Supported by an Advisory Judicial Commission, UNMIK re-established a court system in Kosovo that included a Supreme Court, 5 District Courts, 22 Municipal Courts, a Commercial Court, 13 offices of the Public Prosecutor, and a number of courts for minor offenses. The judicial corps included 310 judges and 51 prosecutors, as well as over 600 lay judges to assess the facts of the case. The judicial corps was almost exclusively ethnic Albanian; 8 of 12 ethnic Serbian appointees refused to serve. UNMIK also appointed members of other minorities, who were serving.

UNMIK, working through the OSCE, also established several entities, which will become local institutions, to increase the professionalism of the judicial corps. The Kosovo Judicial Institute (KJI), opened in March, was charged with training judges and prosecutors. Also in March, the Department of Judicial Affairs established the Judicial Inspection Unit (JIU) to monitor judicial performance and make recommendations on both discipline and training. Finally in May UNMIK set up the Kosovo Judicial and Prosecutorial Council (KJPC) to hear cases of judicial misconduct; in September the KJPC decided its first two cases, finding misconduct in both—one was a bribery case.

Approximately 12 UNMIK-appointed international judges and five international prosecutors worked in the District and Supreme Courts alongside local judges in ethnically sensitive cases. However, UNMIK did not make public the criteria for which cases were to be assigned to international personnel, and practice was far from transparent. In addition local judges at times refused to sit on panels with a majority of international judges because the community holds them accountable for unpopular verdicts. In addition some international judges and prosecutors were not always familiar with applicable law in the province. In one case, this led to the release of suspected insurgents caught returning from Macedonia.

The lack of a tracking mechanism to identify cases from arrest through closure reportedly has created an opportunity for corruption among prosecution, court personnel, and defense counsel. The lack of a tracking mechanism also has been an obstacle to determining which police investigations are pursued by the District Prosecutor.

The law provides for the right of defendants to be present at their trials and to have legal representation, at public expense if necessary; however, as a result of the 10-year period of resistance to Yugoslav oppression and consequent refusal to participate in Yugoslav structures, Kosovo only had about 186 licensed attorneys to handle all legal work. More than 1,000 students had trained in law under the parallel academic system taught during the 1990's, but had no access to a bar exam and were not licensed. The local Chamber of Advocates and UNMIK, after much negotiation, reached agreement on the substance of and modalities for a bar exam for Kosovo. The first exam in more than 10 years was held on December 15.

The defense bar remained weak and disorganized, and was rooted in a passive approach to defense due to years of practice under socialist and authoritarian codes. The OSCE established a local NGO, the Criminal Defense Resource Center, to assist in addressing these problems and to serve the defense bar in capacity-building. NGO's and international donors conducted training for the defense bar in international human rights laws and conventions.

Unlike their judicial counterparts, some Serb lawyers participated in the judicial system established by UNMIK in order to provide representation to Serb defendants; however, many Serb defendants were denied adequate representation due to a lack of participation by Serb lawyers and transportation difficulties for Serb lawyers. Courts in Serbia and "shadow" courts operating in some Serb enclaves in

Kosovo continued to handle cases; personnel in these parallel courts reportedly were paid by the Serbian Justice Ministry.

When they began hearing cases in early 2000, the courts faced a high backlog of criminal cases. By June the courts had tried 6,036 criminal cases, the vast majority of them petty crimes and crimes against property; most resulted in fines or prison sentences under 6 months. Higher courts had heard over 500 appeals. The perception among legal experts and human rights observers is that a fair trial was unlikely in interethnic criminal cases heard or prosecuted by Albanian Kosovar judicial personnel, and as a result such cases routinely were assigned to international judicial personnel.

After the NATO campaign and Yugoslavia's withdrawal from Kosovo, Albanian Kosovar judges were unanimous in rejecting Yugoslav and Serbian law. UNMIK issued Regulation 1999/24, which defined applicable law in Kosovo to include both UNMIK regulations and legal codes in effect as of March 1989, when Kosovo lost its autonomy. Local legal and judicial personnel were enjoined first to apply the Kosovo code in effect in 1989, then to proceed to the Yugoslav and Serbian codes to the extent that the first code was incomplete. Regulation 1999/24 bound all public officials to respect international human rights laws and conventions; although initially they largely were unacquainted with these. International organizations and NGO's have implemented programs to increase the judiciary's awareness and application of international human rights laws and conventions.

Although the compilation of criminal law generally met accepted international standards, it was unwieldy and incomplete. The SRSG-appointed Joint Advisory Committee on Legislation, comprised of Kosovar and international legal experts, completed a new Criminal Code and a new Criminal Procedure Code; however, UNMIK had not approved them by year's end.

There were no confirmed reports of political prisoners; however, some Serbs convicted by the courts of war crimes asserted that they were political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The law prohibits these actions and UNMIK authorities generally respected these rights; however, individuals occasionally accused KFOR and CIVPOL of using excessive force and improper behavior in executing weapons searches in private homes, including breaking down doors and destroying personal property.

In Mitrovica Serbs in the northern part of the city continued to seize Albanian Kosovar property. Ethnic Albanians in the southern part of Mitrovica continued to refuse ethnic Serbs access to their property there. Civilians also were responsible for the destruction, often through arson, of private property (see Section 5), of which 218 cases were reported. There was evidence that Albanians in several ethnically mixed areas used violence, intimidation, and offers to purchase at inflated prices in order to break up and erode Serb neighborhoods through strategically targeted property purchases, possibly with the intention of ethnically cleansing these areas. For example, in the ethnically mixed town of Vitina/Viti, a bomb damaged a Serb-owned store, 1 day after the store's owners received an unsolicited offer to sell the property. In a similar incident in Vitina/Viti, unknown perpetrators set fire to barns belonging to Serbs; the Serb owners reported that they had received anonymous threats warning them to abandon their property. To combat the practice, in August UNMIK enacted a regulation requiring that sales between Albanians and minorities be reviewed by international municipal administrators; some local and international observers suggested that the regulation would harm those Serbs who wanted to liquidate their only remaining assets, without necessarily stopping the often difficult to prove practice of forced sales.

Respect for private property rights continued to be problematic. Withdrawing Yugoslav forces destroyed most existing property records and this, combined with the disruption of 10 years of Serbian authoritarianism and discrimination and massive property destruction during the conflict, complicated such issues, including how occupants of vacated properties could remain where they were living, how owners could reclaim rightfully their property, where returnees and internally displaced persons (IDP's) could live and build, and how potential investors could gain title to land before investing significant sums. The Housing and Property Directorate and the Housing and Property Claims Commission were responsible for resolving property issues and adjudicating disputes from the period March 23, 1989 through June 12, 1999. The courts had jurisdiction over other property disputes. In practice there was confusion over who had jurisdiction in many cases, and out of 7,000 inquiries on property issues, only 40 cases were decided. There were locally administered ad hoc solutions, and unregulated construction proceeded, although solutions for those persons without accommodation remained lacking.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and the Press.*—UNMIK regulations provide a framework for recognition of these rights, prohibit hate speech, and regulate media conduct; after some newspapers printed articles in 2000 that may have provoked attacks on alleged war criminals, UNMIK issued a regulation prohibiting articles that might encourage criminal activity or violence. Some local and international media observers and attorneys criticized this as an infringement of freedom of the press.

UNMIK Regulation 1999/24 requires that public officials respect international human rights laws and conventions, as does the Constitutional Framework. Through its regulation establishing the Department of Post and Telecommunications, UNMIK asserts control over the broadcasting infrastructure; the OSCE oversees the Department of Media Affairs. In February 2000, UNMIK issued Regulation 2000/4, which prohibited hate speech and speech that incites ethnic violence. In June 2000, UNMIK issued Regulations 2000/36 and 2000/37 on the conduct and organization of both broadcast and print media and established the office of the Temporary Media Commissioner (TMC) and the Media Appeals Board. The TMC is responsible for publishing a broadcast code of conduct and issuing licenses, for issuing temporary codes of conduct for print media, and for imposing sanctions, up to and including closing down offending media organs in the event of violations of UNMIK regulations or published codes of conduct. The Constitutional Framework provides for an Independent Media Commission and a Board of the Public Broadcaster, both to be independent of the provisional institutions of self-government; however, they had not been created by year's end.

Irresponsible journalism decreased slightly after the TMC acted to enforce provisions in UNMIK regulations 2000/36 and 2000/37 that prohibited the publication in both the print and broadcast media of personal information that would pose a threat to the life, property, or security of persons through vigilante justice or otherwise. For example, in May and July 2000, the daily newspaper Dita (since closed) published articles, one on Petar Topoljski, an UNMIK Serb employee, and one accusing Serbian Orthodox priests of war crimes. Unknown perpetrators subsequently killed Topoljski, and two ethnic Albanians were arrested for attacking and injuring a priest and two seminarians. The TMC fined the newspaper approximately \$12,200 (DM 25,000). In its 2000 decision on Dita's appeal of the fine, the Media Appeals Board ruled that since the situation in Kosovo approximated a state of emergency, UNMIK's regulation did not violate international human rights laws and that Dita's article violated the UNMIK Regulation; however, the Board decided that the TMC did not apply proper procedures in fining Dita, and overturned the penalty. Although it was not fined, Dita went out of business. In decisions upheld on appeal, the TMC fined the daily Bota Sot for two violations of the regulation during year; a case involving a third daily, Epoka e Re, remained on appeal at year's end.

Although the numbers of daily and periodic newspapers varied depending on available financing, there were six or seven of each during most of the year. Newspapers published in Albanian were printed in Kosovo and Macedonia; some journals in Serbian were printed elsewhere and imported, but the Bosniak weekly Alem was printed in Kosovo. Most of the main dailies were aligned with different political parties.

At year's end, there were 92 radio and 24 television stations available in Kosovo. Of these 58 radio and 19 television stations broadcast only in Albanian, 4 radio stations broadcast in Albanian, Serbian and Turkish, 32 radio stations (including 7 low power stations limited to single enclaves) and 5 television stations broadcast in Serbian only, 2 radio stations broadcast in Turkish, and 3 radio stations broadcast in Bosniak. Of these three radio stations and three television stations are Kosovo-wide; one of the television stations provided programming in Serbian.

There were some attacks on journalists during the year (see Section 1.a.). There were some reported incidents where journalists working for an LDK-affiliated newspaper were refused entry to events sponsored by a rival party. Anecdotal evidence suggests that the intimidation of journalists, like other public figures, is under-reported due to concerns for personal safety. In April 2000, Radio Kontakt, then one of the few stations to broadcast in Serbian, was the target of a grenade attack, and subsequently, one of its editors was shot and wounded while wearing her KFOR press identification. Radio Kontakt previously had sought protection from CIVPOL, KFOR, and the OSCE in response to threats and violence against the station, which promotes multiethnic programming. In response CIVPOL provided protection details for Radio Kontakt personnel, as well as security at the station premises.

Academic freedom was respected. The University of Pristina was in full operation beginning in the 2000–01 academic year, with new and pre-1989 staff. In 1999 the university terminated and expelled six professors who cooperated with Yugoslavia

by teaching after 1989, when Kosovo lost its autonomy and a shadow education system was established.

*b. Freedom of Peaceful Assembly and Association.*—UNMIK regulations provide for freedom of assembly; however, UNMIK authorities occasionally limited the right to assembly. No written permit is needed to hold a demonstration, but organizers must notify UNMIK 48 hours in advance with the purpose, time, place, route, and contact person of the demonstration.

KFOR regularly used forcible means to disperse crowds. For example, in January KFOR used stun grenades to disperse a crowd of ethnic Albanians in Mitrovica who were protesting the death of an ethnic Albanian 15-year-old by a grenade attack by unknown assailants. In March KFOR broke up a crowd of Serbs protesting the arrest of four Serbs by CIVPOL. The crowd had surrounded the police station in northern Mitrovica, threw stones, and then set fire to a U.N. police car. The angry Serbs also had broken into CIVPOL officers' homes, beaten one officer, and thrown stones at the International Prosecutor's house. In April KFOR forcibly dispersed demonstrators who were protesting KFOR's dismantling of road blocks erected to protest the enforcement of a new UNMIK customs regime; a Serb man was injured trying to throw back a tear gas canister, and an elderly Serb woman died of a heart attack during the demonstration.

Following the bombing of the Nis Express bus on February 16 (see Section 1.a.), several demonstrations occurred in Kosovar Serb enclaves. While most of these demonstrations were peaceful, demonstrations in Gracanica and Zubin Potok were violent and protestors damaged UNMIK vehicles and wounded a CIVPOL officer (see Section 1.c.).

In its regulations governing the definitions of and registration requirements for both political parties and NGO's, UNMIK stated specifically that such regulations did not affect the right to association, and UNMIK generally respected this right.

*c. Freedom of Religion.*—Regulation 1999/24 binds local officials to respect freedom of religion and to prohibit discrimination based on religion under international human rights laws and conventions, and the Constitutional Framework requires respect for freedom of religion; UNMIK authorities generally respected this right.

In light of societal violence in Kosovo against properties owned by the Serbian Orthodox Church and Serbian Orthodox religious symbols (see Section 5), UNMIK authorities took extra steps to protect religious sites and to ensure that members of all religious groups could worship safely. KFOR deployed security contingents at religious sites throughout the province to protect them from further destruction, such as that which had occurred immediately after KFOR's intervention in June 1999. KFOR remains solely responsible for guarding all Serbian Orthodox patrimonial sites, although it has proposed to UNMIK that this function gradually be handed over to the indigenous Kosovo Police Service.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—Applicable law provides for freedom of movement; however, both the aftermath of war and practical obstacles restricted such movement in practice. Serbian Kosovars and, to a lesser extent other minority communities, found it difficult or impossible to move about without an international security escort. Because of a deliberate campaign by Serb and Yugoslav forces during the war of "identity cleansing," in which they confiscated and destroyed citizen identification documents and destroyed the central and municipal archives and civil registers, many Kosovars had no documents of identity. Some persons who retained Yugoslav passports or who obtained them later from the Yugoslav Office in Pristina continued to find them invalid or unrecognized by neighboring countries. UNMIK published a regulation in March 2000 that authorized the Central Civil Registry to issue travel documents to any person registered as a habitual resident of Kosovo. The complexities of registering mass numbers of persons without any personal documentation, and problems with data entry that required restarting the process, has slowed down the process of issuing civil identity cards and therefore of travel documentation. By the end of the year, UNMIK had issued over 1 million identity documents, but the processing of travel documents was slower, and only approximately 35,000 were issued. Some 23 countries have recognized UNMIK travel documents, primarily the European Union and the U.S.; negotiations were ongoing with Balkan, Eastern European and Middle Eastern countries. In the interim, the SRS issued individual travel letters in limited cases, but only a few countries recognized these documents.

While precise figures are unavailable, substantial numbers of Serbian Kosovars and Roma fled Kosovo following the conflict. Many displaced Serbs did not register with international agencies, but there are estimates that approximately 150,000 displaced Serbian Kosovars remained in Serbia (although UNHCR has estimated the number to be slightly lower); 20,000 remained displaced in other countries, largely Montenegro, and a few remained in Macedonia. Some Roma and members of other

minorities also remained displaced in Montenegro. The number of displaced Roma also was difficult to estimate, although some sources reported that as many as 25,000 Roma fled Kosovo in the aftermath of the conflict; most did not return. Those who remained in Kosovo or who did return led lives restricted by ethnic threats from some of their Albanian neighbors (see Section 5).

After Milosevic withdrew Yugoslav troops from the province in June 1999, the UNHCR oversaw the immediate return of some 882,000 Albanian Kosovar refugees and IDP's from surrounding regions and other countries; approximately 150,000 more have returned since that time. While UNMIK and the international community were able to address many of the most pressing problems of the returnees, problems remained in obtaining sufficient housing, social services for the most vulnerable, property records, and education. Following the establishment of a civil administration by UNMIK, several countries that had offered temporary refuge to ethnic Albanians forced by Milosevic to leave Kosovo ended their programs and began forcing the refugees to return to Kosovo. In October 2000, UNMIK asked countries to suspend returns until March 2001, when they were restarted.

Approximately 100,000 Serbs, 30,000 Roma, and 67,000 other minorities remained in Kosovo. Most of the Serbs and about 25,000 Roma who fled when Yugoslav forces withdrew did not return, except in individual cases, due to fears of ethnic violence and a lack of economic opportunity, housing, and other basic services. Reportedly many Serbian Kosovars previously employed in the public sector or in social enterprises continued to receive at least part of their salaries from the Yugoslav government. UNMIK, the UNHCR, and the international community began a minority stabilization program to address some of these assistance needs.

In May 2000, UNMIK established the Joint Committee on Returns (JCR) with participation from KFOR, the UNHCR, and the Serb National Council to facilitate and coordinate returns of minorities to Kosovo. The JCR drafted a Joint Platform for Action that set out plans for phased, small-scale returns to locations throughout Kosovo. Albanian Kosovar political leaders espoused support but sent mixed signals in the press. Security concerns and periodic spikes of violence, in some cases directed against returnees and seemingly timed to exercise a chilling effect, prevented international organizations from encouraging returns. However, in August the JCR cooperated with bilateral donors to assist the return of about 85 Serb heads of family to the village of Osojanje/Osojane, in Istok/Istog municipality. NGO's and KFOR reported that some municipalities, notably Kamenica/Kamenice, Novo Brdo/Novoherde, and Gnjilane/Gjilan saw individual and small-scale returns by Serbian Kosovar families, some of which were sponsored by outside agencies, and some of which were voluntary. The UNHCR and OSCE reported that the outflow of Serbs to Serbia is tapering off. While firm return numbers are very difficult to confirm, the UNHCR estimated that approximately 500 persons from nonmajority ethnic communities returned during the year, of which approximately 400 were Serb.

Although the high level of anti-Serb violence that characterized the period just after Yugoslavia's withdrawal decreased significantly, ethnically motivated violence and crime continued to be serious problems for minorities (see Section 5). Several villages that were ethnically mixed previously have become almost entirely Albanian, with Serb residents moving to Serb villages elsewhere in Kosovo or leaving altogether. KFOR and UNMIK provided security to enclaves and minority settlements, and escorted minority members who left their residence areas to visit family, gather fuel, shop for food and other goods, attend school, and receive medical care. KFOR regularly escorted convoys of private vehicles. In September the UNHCR transferred responsibility to UNMIK for providing buses to transport Serbs in larger numbers between enclaves and into Serbia. In February there were two attacks against KFOR-escorted Serb convoys, resulting in the deaths of 11 Serbs and the wounding of approximately 45 (see Sections 1.a. and 5). Serbs throughout Kosovo and Roma in some areas reported that they were afraid to leave their enclaves due to fear of intimidation and attack by ethnic Albanians.

Some minorities—including Bosniaks, Egyptians, Ashkali, Gorani, and some Roma—lived alongside ethnic Albanians and reported that their security situation improved over the course of the year, although incidents of violence and harassment continued to occur and their freedom of movement was restricted in some areas of Kosovo (see Section 5). Bosniak leaders have complained that many thousands of their community have left Kosovo both because of discrimination and a lack of economic opportunity. The Turkish community is more closely integrated with Albanians and is less threatened than other minorities. The remaining Roma in Kosovo largely were settled in enclaves and settlements and were dependent almost wholly on humanitarian aid (see Section 5).

In Mitrovica there were restrictions on freedom of movement due to ethnically-based harassment (see Section 5). Ethnic Serbs stationed near the bridges mon-

itored persons who crossed the Ibar River from southern Mitrovica into the northern part of the town. In August bridgewatchers reportedly attacked an Albanian Kosovar escorted by a KFOR soldier, throwing rocks at the latter.

Serbs set up roadblocks protesting UNMIK's enforcement of a customs regime (see Section 2.b.).

The law does not provide for the granting of asylee or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The province does not provide first asylum; however, refugees from the conflict in Macedonia were assisted in Kosovo by UNHCR during the year.

UNMIK and local authorities cooperated with UNHCR and other humanitarian organizations to assist returning refugees.

Approximately 12,000 refugees from the internal conflict in Macedonia remained in Kosovo at year's end.

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

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

From 1989 until NATO's intervention in 1999, Albanian Kosovars expressed their frustration with the province's status within Serbia through a boycott of the political system. After the withdrawal of Yugoslav forces in 1999, UNMIK, the OSCE, and other international actors, including donors, began to organize first for the municipal elections held in October 2000, and then for elections for a Kosovo-wide government.

One of the most critical elements of the establishment of both a civil administration and an electoral process was the registration of Kosovo's legitimate residents, following Yugoslavia's "identity cleansing" (see Section 2.d.). At the conclusion of the initial electoral registration effort by the OSCE in 2000, about 901,000 of an estimated population of over 1 million persons successfully registered to vote; Serbian Kosovars and most members of the Turkish community did not register. After a second registration effort from July through September, aimed at registering both Albanians not previously registered and Serbs and other minorities, OSCE estimated there was a total of approximately 1.2 million registered voters. These included about 210,000 non-Albanians, mostly Serb and Roma, about half of whom were IDP's living outside Kosovo.

Prior to the 2000 municipal elections, UNMIK established a Central Election Commission and 30 municipal election commissions, charged with establishing electoral rules and with organizing the operational details of the elections; these were reactivated in substantially the same form for the November 17 general elections. Membership on the commissions was adjusted following complaints that the prior formula favored LDK.

Pursuant to UNSC Resolution 1244, UNMIK established the JIAS for Kosovo, intended not only to provide a joint U.N.-Kosovar administration of services and revenue collection but also to supplant self-appointed administrators and officials throughout the province. The JIAS included the SRSG, the 35-member Kosovo Transitional Council (KTC), the IAC, and 20 administrative departments. The KTC—the highest level Kosovar advisory body—reflected the ethnic and political pluralism of Kosovar society. The 12-member IAC made policy recommendations and served as an executive board. The departments, each with a Kosovar and an international co-head, provided social and administrative governmental services. The KTC was disbanded at the opening of the general electoral campaign on October 3, and JIAS co-heads resigned at the same time, as their departments were consolidated and reorganized to become the nine Kosovar Ministries planned for the provisional government under the Constitutional Framework and its implementing regulations.

The Assembly elected on November 17 was responsible for electing a President of Kosovo and for approving the Prime Minister and Ministers of the Government but did not complete the process at year's end.

At the close of the party certification period for the November 17 general elections, the CEC had certified a total of 26 political entities. Of these there were three independent candidates, one Serb citizens' initiative (Koalicija Povratak or Coalition Return, reportedly supported by as many as 21 Serb political parties), one Turkish party, one Roma party, one Egyptian party, one Ashkali party, one Bosniak party and one Bosniak/Gorani coalition. There also was one Albanian coalition, and the remainder were ethnic Albanians parties. Four political parties were denied certification, generally because they did not meet requirements, and three persons were banned from participation by the SRSG due to their reported association with political violence. After several extensions of the registration and intense negotiations, a Serb citizens' initiative reportedly backed by 21 Serb political parties, certified to

participate in the November elections (see Section 3). Roma, Ashkali and Egyptian political parties all were certified to run candidates as well.

The November 17 general elections attracted participation by all ethnic communities. The 45-day electoral campaign period saw little tension and almost no violence, although there were minor scuffles at rallies. In Djakovica/Gjakove a crowd of about 50 ethnic Albanians threw rocks at a convoy of Serb politicians representing Povratak and visiting a local church in November. Two days before the election, there was an explosion outside the Zvecan municipal building and a live hand grenade was found nearby in a separate incident. The explosion did not cause any injuries and there was minimal property damage; police speculated that the explosion was intended to frighten citizens, and may have been part of a campaign in northern Kosovo by some Serbs to discourage Serb participation in the election. The Election Complaints and Appeals Sub-Commission (ECAC) heard 240 complaints during the campaign and assessed approximately \$40,000 in fines by the end of the year, mostly for procedural violations, an increase over the previous year. Violations included: violence or threats of violence by LDK members against those of the PDK and the Peoples Movement of Kosovo (LPK), and vice versa; an LDK member's obstruction of a journalist from conducting investigative reporting; a PDK failure to abide by prior ECAC decisions (two candidates were removed from the ballot); noncooperation with CIVPOL by the AAK at a rally; and threats between the two Bosniak political entities. ECAC also fined two daily newspapers and a radio station for unfair media coverage.

International and domestic observers and security officials saw no significant violence on election day. Observers found that the election was well-organized and met international standards. Total voter turnout was 64.3 percent, while out of Kosovo-in Person (voters from Serbia and Montenegro) turnout was 57.4 percent. Eleven political parties and 3 coalitions won seats for the assembly. Out of the 100 assembly seats at issue, the LDK won 47, the PDK 26, the Serb coalition Povratak 12, the AAK 8, and all other parties and groups, 1 each. In addition Povratak gained 10 seats set aside for Kosovo Serbs, for a total of 22 Assembly seats, and other minority parties shared another 10 set-aside seats. On December 10, the Assembly held its inaugural session, and selected five of seven Presidency members, including the Assembly President. At the end of the year, the Assembly had not yet elected the President of Kosovo, nor endorsed a government.

The October 2000 municipal elections attracted participation by 22 political parties, a coalition of 6 parties, 3 citizens' initiatives (grassroots organizations formed for political purposes), and 16 independent candidates. Serbs, citing security concerns and a lack of freedom of movement, did not participate in the registration process and boycotted these elections; they did, however, participate in Yugoslav and Serbian parliamentary elections in September and December 2000. Many Turks, due to a dispute with UNMIK over the use of the Turkish language, also did not participate, although one Turkish political party did. Other minorities participated in the registration effort and in the municipal elections; several minorities put forward political parties and citizens' initiatives that won municipal seats in the vote. In some cases minorities agreed to accept appointed seats after the elections. There was an increase in politically-inspired violence and intimidation in the period prior to the October 2000 municipal elections. Political parties, especially the LDK but also the PDK and other parties, reported attacks on political figures, both before and after the October municipal elections. In most cases, no suspects were arrested; however, local observers blamed many of these attacks on the rival PDK party and former KLA fighters. Nonpolitical motives including clan rivalry, criminality, and competition for economic resources also were suspected in some cases.

Despite the violence in some areas prior to and after election day, the municipal elections themselves were held on October 28, 2000 with virtually no violence. Voter turnout was approximately 79 percent. International and domestic observers reported some irregularities and logistical flaws, including underage voting, incomplete registration data, late polling station openings, and a lack of crowd-flow systems at many stations that resulted in occasional minor crowd unrest. However, election officials were able to address most problems during the course of the day. The Council of Europe observer mission concluded that the elections were carried out in accordance with international democratic standards and met the criteria for credible elections. The LDK won 58 percent of the overall vote, compared with 27 percent for the Democratic Party of Kosovo (PDK) and less than 8 percent for the Alliance for the Future of Kosovo (AAK). A number of small parties won the remaining votes. Members of the assemblies in three Serb-majority municipalities where elections were largely boycotted were selected and sworn in December 2000.

Yugoslav authorities organized polling sites inside Kosovo for those who wished to vote in Yugoslavia's federal elections on September 24, 2000. According to

UNMIK, which did not support this electoral activity but which sent out several hundred "witnesses," approximately 45,000 of roughly 60,000 eligible Kosovar Serbs turned out, but only a handful of Kosovar Albanians voted. The Yugoslav elections were peaceful; however, the voting was conducted in a disorganized, illegitimate, and fraudulent manner.

Despite pledges from most parties that they would cogovern with their rivals, there was little postelectoral cooperation. In three municipalities, the winning party selected a deputy mayor from an opposition party, and in others, the municipal leadership selected members of other parties as office directors and other civil servants, but the postmunicipal election period has been marked by interparty squabbling.

After investigating incidents associated with the municipal elections, the OSCE's Election Complaints and Appeals Sub-Commission (ECAC) imposed a series of penalties on some political parties. These penalties included fines of up to \$2,400 (DM 5,000) and, in one case, a candidate being stricken from the PDK list of candidates. Faced with the OSCE threat of decertification, the parties paid all outstanding penalties by the summer.

The percentage of women in government or politics does not correspond to their percentage of the population, although there are no legal restrictions on women's participation in government and politics. According to women's groups, few women traditionally entered politics because of a lack of interest, money, education, and family support. Nonetheless women held between 4 and 7 of the 35 KTC seats, led at least 2 political parties, and were coheads of 2 JIAS departments, from early 2000 until the end of the year. Although UNMIK electoral regulations for the municipal elections required that 30 percent of party candidate lists be women, the "open list" system allowed voters to ignore female candidates, resulting in just over 8 percent of the municipal seats going to women. UNMIK corrected the procedure for the November 17 election, requiring that every third candidate be female, and women won 34 Assembly seats, 28 percent of the total. A female human rights activist and former political prisoner in Serbia, Dr. Flora Brovina, ran for President on the PDK ticket during her electoral campaign; however, the PDK did not nominate her for consideration by the Assembly in its deliberations on the Presidency.

The percentage of ethnic minorities in government and politics did not correspond with their percentage in the population, although no legal restrictions exist on participation by ethnic minorities in government and politics. The Constitutional Framework requires that the Assembly include 10 reserved seats for Serbs and 10 for members of other minorities, in addition to the 12 seats Serbs won and the 2 seats other ethnic minorities won in the November elections. The Kosovar co-head positions in JIAS departments were shared by minority groups, with two such positions reserved for Serbs and two for other minority members. The Serbs, through the Gracanica-based Serb National Council (SNV), participated in JIAS organs. A prominent Serb observer sits on the IAC; three Serbs, five other members of ethnic minorities and a Roman Catholic cleric held positions on the KTC. Although Serbian Kosovars boycotted the municipal elections, they registered the Coalition Return citizens' initiative for the November general elections.

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

A wide variety of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases. UNMIK was cooperative and responsive to their views. UNMIK and the OSCE continued their encouragement of the development of civil society, including domestically based NGO's. In November 1999, UNMIK issued a regulation on NGO registration; over 900 domestic NGO's are registered and active in the province. A broad range of U.N. agencies and numerous international organizations and NGO's pursued operations in the province to assist with administration and to provide relief to all Kosovars as they faced the aftermath of war. This included assistance to hundreds of thousands of returning refugees, support for the search for the missing, and social services to ameliorate the effects of trauma (see Sections 1.b. and 2.d.). The International Organization for Migration (IOM) coordinated over fifty humanitarian projects for the KPC, often in collaboration with nongovernmental organizations (NGO's).

Human rights monitors, including those of the OSCE as well as some associated with domestically based NGO's, were active in documenting ethnically or politically motivated killings, disappearances, attacks, and incidents of intimidation (see Sections 1.a., 1.b., and 1.c.). Monitors and observers also looked into reported abuses by members of the KPS, KPC, CIVPOL, and KFOR. UNSC Resolution 1244 gave the OSCE the mandate for human rights monitoring. Although UNMIK and the OSCE did not reach agreement on procedures, OSCE monitors generally were able

to carry out their mandate on an ad hoc basis in most courts and prisons (see Section 1.c.).

In June 2000, UNMIK authorized the establishment of the Institution of the Ombudsperson (the OI) to ensure Kosovars' rights under international human rights laws and to investigate allegations of abuses by governmental entities. Following the opening of his office in November 2000, Ombudsperson Marek Nowicki and his staff received more than 350 complaints, of which almost a third were made by Serbs, and about 10 percent by other minorities. The largest number of cases (almost half) involved property rights, with employment, fair hearing and liberty rights applications also pursued in significant numbers. While the OI had no authority to intervene in cases against KFOR and while UNMIK extends broad immunities to its employees, the OI nonetheless exercised advisory authority both in individual cases and through general unofficial opinions.

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

UNMIK's regulation on applicable law specifically prohibits discrimination on the basis of gender, race, religion, or ethnic origin; however, violence and discrimination against women and ethnic minorities persisted.

*Women.*—Violence against women, including rape and a high level of domestic violence, remained a serious and persistent problem. Applicable criminal law, as defined by UNMIK regulation, is incomplete in addressing both domestic violence and sexual crimes. There are no governmental agencies dedicated to coping with family violence. Several domestic and international NGO's pursued activities to assist women, but they were constrained by a tradition of silence about domestic violence, sexual abuse, and rape. In Kosovo's traditionally male-dominated society, domestic abuse of women is culturally acceptable. Credible sources reported that violence against women increased in the post-conflict period. Few victims of spousal abuse ever file complaints with the authorities. The Kosovo Police Service School, charged with training the KPS, included segments on domestic violence and rape in its curriculum. In October UNMIK commended six KPS officers for their part in preventing a gang rape and arresting its would-be perpetrators.

Rape is underreported significantly due to the cultural stigma attached to victims and their families. Tradition prevents much discussion of the topic of rape among ethnic Albanians, since the act is seen as dishonoring the entire family. The frequent use of rape by Yugoslav and Serbian forces and the KLA in the summer of 1999 has heightened the profile of rape as a form of war crime (see Section 1.c.), but few individual women have come forward publicly. During the year, police registered over 103 rapes and rape attempts in the province, an increase in the number of reported cases over the previous year. However, there is credible anecdotal evidence, supported by customary practice, that rape is underreported significantly.

The province served increasingly as a transit point and destination for trafficking in women for the purpose of prostitution (see Section 6.f.).

Women traditionally do not share status equal to men, and relatively few women obtain upper level management positions in commerce or government, although there is no legal restriction on their doing so. Traditional patriarchal ideas of gender roles, which hold that women should be subservient to the male members of their families, continued to subject women to discrimination. In some rural areas, women often have little effective right to control property and children. Women widowed by the war risked losing custody of their children due to an Albanian custom requiring children to be given to the deceased father's family. While legally women and men have equal rights to inherit property, it is customary that family property passes to men only. Particularly in rural areas, when a man dies, his widow often is returned to her birth family and his family assumes his land, leaving the widow without property.

UNMIK's Office of Gender Affairs worked to coordinate gender issues throughout the programs of all UNMIK offices. It identified a network of gender focal points in all JIAS departments and in UNMIK's regional and municipal offices that were responsible for initiating and implementing gender policy in their respective areas and for facilitating consultation between UNMIK and women's organizations. UNMIK Regulation 1999/24 binds government officials to abide by the provisions of international human rights law and conventions, but that requirement has not yet benefited women's lives in rural areas.

In population centers, the presence of UNMIK and an unprecedented number of international and nongovernmental organizations opened a large number of previously unavailable jobs to women. UNMIK police and the OSCE launched an aggressive campaign to recruit women for the Kosovo Police Service (they make up 17 to 20 percent of the force). Women are increasingly active in political and human

rights organizations; several professional women worked as NGO and human rights activists.

*Children.*—UNMIK established the JIAS Departments of Education and Science and of Health and Social Welfare, which addressed concerns about children's education and health. UNMIK issued a regulation in August 2000 making enrollment in public school compulsory for children between the ages of 6 and 15 (with only minor exceptions). The regulation made no provision for a waiver due to ethnic concerns, but authorities did not enforce it where ethnically-based security concerns existed. For example, Serb and Roma parents were reluctant to send their children to the reopened schools despite the efforts of the authorities to provide security. Educational inequities continued to exist among ethnic communities, but varied depending on the community in question. Following Kosovo's loss of autonomy in 1989, Albanian parents refused to send their children to Serb-run public schools and developed a "shadow" education system. The quality of education was uneven and the divisions inherent in society were replicated in children's schooling. There were some examples, notably in Kamenica/Kamenice, where Albanian and Serb children attended separate classes on the same compound; however, most minority children continued to attend separate schools.

Although public schools run by UNMIK and then the JIAS Department of Education were reopened, extensive damage to many school buildings, a lack of educational materials, and persistent electrical power outages continued to hinder the full functioning of the education system. Both because of a lack of freedom of movement and because of reluctance to depart from a Belgrade-based curriculum, Serbian Kosovar children attended neighborhood schools that were sometimes housed in inadequate facilities and lacked basic equipment. In Lipjan/Lipjan, Serbs refused to send their children to school because the facilities were temporarily housed in donated containers while authorities worked with community leadership to identify a site for building a new school. During the year, international organizations continued to rebuild and equip schools and the numbers of students enrolled in school increased. According to a World Bank Poverty Assessment issued in September, enrollment for both Serb and Albanian children at the primary level was almost universal; numbers dropped but remained high at the secondary level. Serb girls were less likely than Albanian girls to drop out after primary school. In rural areas, lack of transportation made families reluctant to send girls to school since the prospect of future employment was slim. Roma, Ashkali and Egyptian children attended mixed schools. Roma children reportedly faced intimidation and their community's poverty and tendency not to place a high premium on education over early contributions to the family income hampered schooling. Bosniak children were able to obtain some primary education in their own language, but faced a lack of trained Bosniak teachers.

Economic problems and the aftermath of the conflict also affected the health care system, with adverse consequences for children, particularly minority children. Humanitarian aid officials primarily blamed the high rate of infant and childhood mortality, as well as increasing epidemics of preventable diseases, on poverty that led to malnutrition, poor hygiene, and the deterioration of public sanitation. Observers believe that the high levels of air and water pollution, as well as the environmental effects of the uncontrolled release of toxic substances, including lead at the Trepca industrial complex, contributed to poor health conditions as well.

The province served as a destination and transit point for trafficking in girls for the purpose of prostitution (see Section 6.f.).

There was no societal pattern of abuse of children.

*Persons with Disabilities.*—Although the law prohibits discrimination against persons with disabilities in employment, education, or in the provision of state services, inadequate facilities and the level of unemployment posed obstacles to the employment of the disabled. The law mandates access to new official buildings; however, it was not enforced in practice.

*Religious Minorities.*—Religion and ethnicity are intertwined so closely that it is difficult to clearly identify discriminatory acts as primarily religious in origin rather than ethnic. Serbian Kosovars identify themselves with the Serbian Orthodox Church, which defines not only their religious but also their cultural and historical perspectives. However, the political identities of all ethnic groups have been influenced strongly by religion, and some instances of ethnic discrimination or tension may have religious roots.

There were some attacks on Serbian Orthodox churches and cemeteries during the year, presumably by ethnic-Albanian extremists, although the number of such attacks decreased. On February 7, unknown assailants planted a bomb in an Orthodox church in the village of Gornji Livoc, destroying it. On February 8, unknown assailants reportedly fired shots at the Draganac monastery. Also in February, eth-

nic Albanians fired mortar rounds into a Serb village near Orahovac/Rahovec, and mortar rounds fell next to an Orthodox cemetery. In August unknown persons threw a grenade into the yard of a Serb couple living just behind the local church; damage to the church may have been intended. In November a chapel in the cemetery in Staro Gracko, near Lipjan/Lipjan, was bombed during the year; the chapel was damaged and nearby gravestones were damaged.

Propaganda and anti-Orthodox expressions continued during the year. In early September, more than one newspaper published a letter from an alleged local human rights activist in Decani/Decan, falsely asserting that the monks at the Decan Monastery had assisted in Serb paramilitary activities during the conflict. In the absence of a formal complaint, the TMC took no action against the newspaper.

Although UNMIK continued to take steps to ensure that members of all religious groups could worship safely, Bishop Artemije Radosavljevic, the leading cleric of the Serbian Orthodox Church in Kosovo, remained at a monastery in Gracanica, near Pristina, rather than at his diocesan seat in Prizren (see Section 2.c.). Other leading Orthodox clerics also left their home parishes to reside in Gracanica. However, at the beginning of the year, Father Sava Janjic returned to his home monastery in Decani/Decan, and nuns and some monks remained, under KFOR protection, at the Pec/Peja Patriarchate.

*National/Racial/Ethnic Minorities.*—Although the high level of retaliatory anti-Serb violence that followed Yugoslavia's 1999 withdrawal dropped significantly, ethnically motivated violence and crime continued to affect minorities. Serbs, Roma, and other minorities were victims of murder, kidnaping, assault, and property crimes, especially arson. Observers attributed the drop in violent crime to increased CIVPOL and KPS efficiency, the lessening of tensions with the passage of time, and the fact that Serbs and Roma drastically restricted their movements (see Section 2.d.).

There were a number of attacks on, and killings of, ethnic Serbs during the year. On February 13, unknown assailants attacked a KFOR-guarded convoy near Urosevac/Ferizaj, killing one Serb and wounding three others. On February 16, attackers set off a bomb near Podujevo/Podujeve, destroying one of 5 buses in a KFOR-escorted Serb convoy, killing 10 Serbs and wounding more than 40 others (see Sections 1.a. and 1.d.). On February 18, Serb passport official Aleksander Petrovic was killed and four Serbs were wounded when a car bomb exploded in front of their Pristina office; police arrested a foreign-born former KLA mercenary, Roland Bartetzko. On February 27, Branko and Savita Jovic, an elderly Serb couple in Kamenica/Kamenice municipality, were found beaten to death by unknown assailants. In April and May, at least three Serbs were killed in separate drive-by shootings in Vitina/Viti municipality. On August 5, unknown assailants threw a grenade into a Serb couple's backyard in Gernica/Cernica near Gjilane/Gjilan, killing the husband and injuring the wife. Also in August, unknown assailants killed a Kosovar Serb in Strpce/Shterpce. On August 7, attackers shot at a convoy of Serb cars near Podujevo/Podujeve, wounding three persons. On September 4, unknown assailants stabbed a Kosovar Serb farmer to death in Vrbocvac, near Vitina/Viti. On September 28, unknown assailants shot and killed former Serb police officer Trajan Trajkovic in Kopernica, near Gnjilane/Gjilan. On September 30, a Serb woman was killed by an explosive device, possibly planted shortly beforehand, in a field near Vitina/Viti. On December 2, unknown assailants in Obiliq killed an elderly Serb woman in a drive-by shooting, as she walked home with her husband from the train stop to their home. There were no new developments in the majority of ethnically-related killings that occurred in 2000.

Retaliatory violence against Albanians continued. On January 29, unidentified assailants threw grenades at a group of ethnic Albanians in Mitrovica, killing one boy and wounding five others. Subsequently an Albanian crowd beat and seriously wounded an OSCE translator. Ethnic Albanians also later stoned the train bringing Serbs from Obilic/Obiliq to Mitrovica, forcing the train to return south. In February UNMIK police arrested three Serbian Kosovars for the killing during the same month of ethnic Albanian Raif Vllasi in Kamenica/Kamenice municipality. After a bomb destroyed a vacant Serb house in Partes/Parteshi on March 12, a group of Serbs gathered along the highway and started attacking passing vehicles in protest. Twelve cars and 4 trucks were damaged; the crowd severely beat one Albanian truck driver, who was hospitalized for 4 days. On August 21, unknown attackers killed ethnic-Albanian Hamze Hajra, his wife, and three children in an ambush; police believed the killings were retribution for Hajra's employment with the Serbian police prior to 1999. In October Serbs allegedly murdered an Albanian in the Little Bosnia section of Mitrovica.

Although the number of murders and reported attacks on other minorities decreased, there were numerous incidents of violence against Roma and Ashkali, in-

cluding murder, disappearance, and beatings. For example, in an August 7 grenade attack in Stimlje/Shtime on a Romani family, five persons were injured; reportedly the family recently had returned from refuge in Macedonia. In July Serbs in Zvecan reportedly attacked and beat a group of some 40 Ashkali returning from Serbia to live in Kosovo Polje/Fushe Kosove. Between February and June, at least six Romani houses were set on fire. Many of the remaining Roma in Kosovo were settled in enclaves and encampments and were almost wholly dependent on humanitarian aid to survive; others lived outside enclaves (see Section 2.d.). In Kosovo Polje/Fushe Kosove, Podujevo/Podujeve, Lipljan/Lipjan, and Gnjilane/Gjilan, there was some degree of harassment by neighboring Albanians, especially in the latter two towns. However, there were areas, notably around Urosevac/Ferizaj and Djakovica/Gjakove and Janjevo/Janjeve where Roma, Egyptians, and Albanians reportedly lived together without major incidents. The UNHCR reported that Albanian Kosovar hospital workers discriminated against Roma.

Although there were some efforts to resettle Roma, Ashkali and Egyptians in their prior homes, security concerns persisted (see Section 2.d.). For example, in November 2000, four displaced Ashkali were killed after they returned to their village of Dosevac/Dashevc near Srbica/Skenderaj to rebuild their houses, which were destroyed during the war.

Civilians were responsible for the destruction, often through arson, or private property. There were 218 cases of arson during the year, at least 62 of them directed against Serb properties and another 20 against other minorities. The reported phenomenon of "strategic sales" persisted and grew: violence, intimidation, and attractive price offers were used to convince Serbs to sell properties at key locations, leading to the erosion of Serb neighborhoods and a consequent increase in isolation of those remaining (see Section 1.f.). Of the approximately 120,000 homes damaged by Yugoslav and Serbian forces and paramilitaries from 1998 on, 60,000 houses were beyond repair and, despite the efforts of international organizations, another 38,000 were not habitable (see Section 1.f.).

Serbs and Roma who did not leave when Yugoslav forces withdrew lived primarily in enclaves, except for the Serbs in the north of the province, where Serbs and Albanians effectively partitioned Mitrovica. Serbs lived largely in the northern Kosovo municipalities of Leposavic/Leposaviq, Zubin Potok, and Zvecan, in the northern part of Mitrovica, and in scattered enclaves under KFOR protection elsewhere. KFOR and UNMIK provided security to these enclaves, settlements, and camps, and escorted minority members who left their residence areas as well as convoys of private Serb vehicles. The UNHCR transferred responsibility to UNMIK for providing buses to transport Serbs in larger numbers between enclaves and into Serbia to take care of personal business (see Section 1.f.).

In April 2000, the Interim Administrative Council (IAC) endorsed a Declaration and Platform for Joint Action, under which key Albanian Kosovar leaders visited those areas where local Albanians and Roma were trying to establish more cooperative interethnic relations, thus encouraging a climate conducive to the return of those who fled the province earlier. Nonetheless little progress was made in resettlement of Roma, Ashkali, and Egyptians; Roma continued to experience difficulty in obtaining freedom of movement (see Section 1.f.).

In Mitrovica Serb and Albanian Kosovars harassed each other and restricted each other's freedom of movement (see Section 2.d.). After Serbian forces withdrew in 1999, many ethnic Serbs from throughout Kosovo fled to Mitrovica and occupied homes, including those belonging to ethnic Albanians in the northern part of that town. Ethnic Albanians who sought to return to their homes in the north were subject to violence and intimidation by ethnic Serbs, and about 1,500 who live in the northern section of town reported repeated harassment. Serbs in the northern part of the city continued to seize Albanian property resulting in numerous illegal house occupations. At the same time, ethnic Serbs, including some who owned property there, were unable to move freely in the southern part of the town without similar harassment from ethnic Albanians.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—On October 8, the SRS promulgated Regulation 2001/27 on the Essential Labor Law for Kosovo, which provides for fundamental rights at work, including the employment relationship, terms of employment, and, without specifically mentioning a right of association, the right to form and belong to organizations including unions without employer interference. Unions were consulted in the drafting of the legislation. In creating the JIAS Department of Labor and Employment, UNMIK included in its responsibilities policy recommendations on labor practices and the rights of workers and recognized labor as one element of an eventual tripartite commission, but did not include a specific right of association.

After the war, labor organizations, which had focused during the 1990's on members' welfare, redirected their focus to traditional labor issues. The dominant group, the Confederation of Independent Trade Unions of Kosovo (BSKP), was founded in 1990 and its membership reached a high point of about 260,000 members in the mid-1990's; its membership is approximately 40,000 active members. Its president was a member of the KTC until its disbanding on October 3. The BSKP continued to work with international entities, including the International Labor Organization (ILO) and the International Confederation of Free Trade Unions (ICFTU), to rebuild its membership. Other trade union organizations include the Independent Trade Union of Miners and the Union of Education, Science, and Culture of Kosova.

The right to strike is not recognized in the law; however, strikes are not prohibited. Nothing in the law addresses labor disputes. In October UNMIK, the BSPK, and the Chamber of Commerce concluded a Tripartite Agreement which may be used for agreements on labor disputes. On February 28, several thousand local trade union supporters protested in Pristina to demand approval of broad-ranging labor legislation.

The ability of unions to affiliate internationally remained constrained in practice, although there are no legal impediments to their doing so, and the legislation expressly permits such affiliation.

*b. The Right to Organize and Bargain Collectively.*—The labor law adopted in October provides for the right to organize and bargain collectively; however, collective bargaining was at a rudimentary level of development. The history of trade unionism was centered not on bargaining for the collective needs of all workers but rather for the specific needs of a given group. Thus workers in various sectors were ineffective in finding common denominators (e.g., job security protection, minimum safety standards, universal benefits, etc.) on which to negotiate. Given the poor state of the economy and the high unemployment rate, wages other than those paid by international and nongovernmental organizations rarely were paid on time, and there is little possibility for negotiation by labor organizations.

Antiunion discrimination is prohibited.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor; however, trafficking in women for the purpose of prostitution was a problem (see Section 6.f.).

The law prohibits forced or bonded labor by children; however, trafficking in girls was a problem (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—Under labor law dating from before 1989, the minimum age for employment was 16. The October labor law sets the minimum age at 18 for any work likely to jeopardize the health, safety or morals of a young person, but permits children to work at 15, provided such work is not harmful and is not prejudicial to school attendance; however, in villages and farming communities younger children work to assist their families. In addition children were found in a variety of unofficial "retail" jobs, typically washing car windows or selling newspapers and small items such as cigarettes. With an unemployment rate in excess of 60 percent, real employment opportunities for children in the formal sector were nonexistent.

The law prohibits forced or bonded labor by children; however, trafficking in girls was a problem (see Section 6.f.).

*e. Acceptable Conditions of Work.*—After the withdrawal of Yugoslav forces and authorities in June 1999, there was no effective minimum wage rate, because Kosovar Albanians refused to recognize the Yugoslav-Serbian legal code. During the year, the unemployment level exceeded 60 percent, and the average wage paid to those who had work was insufficient to provide a decent standard of living for a worker and family. While many international agencies and NGO's paid wages adequate to support a worker and family, UNMIK determined that wages for any jobs that eventually would be part of the province's own governmental structure, even if funded by the international community, should be set at a level estimated to be supportable by the consolidated budget. Salaries under the Kosovo Consolidated Budget were barely enough to support a worker and a family. The October labor legislation provided for a minimum wage, but did not set its level.

Reports of sweatshops operating in the province were rare, although some privately owned textile factories operated under very poor conditions. The official workweek, listed as 40 hours, had little meaning in an economy with massive underemployment and unemployment.

Neither employers nor employees tended to give high priority to the enforcement of established occupational safety and health standards, and focused their efforts instead on economic survival. The law does not safeguard the jobs of employees who remove themselves from dangerous situations. However, in December UNMIK

adopted an administrative instruction on labor inspection, and labor inspectors began their work at year's end.

*f. Trafficking in Persons.*—Regulation 2001/4 specifically prohibits trafficking in persons and trafficking was a serious and growing problem. The province was mainly a destination point, but also a transit point for women and girls trafficked for the purpose of prostitution. Police and the IOM agree that although there is little data, the problem is probably large.

The majority of trafficked women were from Moldova, Ukraine, Bulgaria, and Romania, and to a lesser extent from Kazakhstan, Belarus, and Albania. Security authorities also reported that women and girls were smuggled through Kosovo to Macedonia, Albania, and Italy. There were several kidnappings and disappearances of young women who subsequently were not located. Some local sources believed that these women were the victims of traffickers in some cases, although there is no clear evidence that this was the case. Traffickers into the province are reportedly linked to organized crime, rather than with employment agencies or marriage brokers. Evidence suggested that trafficking in women was an example of a coordinated effort between ethnic Serbs and Albanians, like other areas of organized crime. Women were recruited to work in cleaning jobs and are abducted and forced into prostitution. Trafficked victims work in Kosovo's sex industry, primarily in brothels and nightclubs. While some women were aware that they would enter the sex industry, they were not aware that they effectively would be imprisoned and unable to earn money. Trafficking victims reported that they were subject to physical violence, rape, denial of access to health care, and confiscation of their passports. According to the IOM, the presence of a large international community has contributed to the increase in the number of brothels that are involved in trafficking, but women rescued from the brothels often report that the majority of their clientele was local.

Since nothing in the applicable law, as defined by UNMIK Regulation 1999/24, provided an effective legal framework under which to address trafficking, during the year a Kosovo/international working group drafted a Regulation on the Prohibition of Trafficking in Persons in Kosovo, making the offense a crime punishable by from 2 to 20 years in prison, and providing for victim assistance. UNMIK promulgated the Regulation, 2001/4, in January.

UNMIK actively investigates cases of trafficking and UNMIK police raided several brothels and nightclubs throughout the year all over Kosovo. However, to date, lack of a witness protection program and inadequate training for judicial personnel resulted in only a few convictions under the regulation. In addition because prostitution is punishable under provincial law, women often were afraid to report their traffickers due to fear of arrest. During the year, four CIVPOL officers were arrested for complicity in trafficking or prostitution during the year; all were expelled or voluntarily returned home. In July a man in Prizren with arrests for trafficking prior to the promulgation of the regulation was arrested for continuing to operate a brothel where trafficked women worked; he was convicted under the regulation and sentenced to prison. In October police detained five persons entering Kosovo near Podujevo/Podujeve: three trafficked women were accompanied by their captors, a Serb and an Albanian. The Trafficking and Prostitution Investigations Unit (TPIU) has registered 1,028 foreign women who have been questioned at least once by police. According to the TPIU, there were 52 charges of trafficking against suspects during the year. As of October, according to the OSCE's Legal Systems Monitoring Unit, 21 cases were in some stage of court proceedings. Of these trials were held in 8, with sentences ranging from 5 months to 6 years.

The OSCE has been involved in integrating trafficking into other work on organized crime and in gathering data, working on legislative review and data-gathering initiatives within the framework of the Stability Pact Trafficking Task Force. The IOM launched an awareness campaign directed at UNMIK, KFOR, and local men who purchase the services of women who were most likely to be trafficking victims, and ran an information campaign targeted at potential trafficking victims in Kosovo, using print and broadcast media. The IOM also offers free office skills courses at their employment assistance office, which approximately 300 women have attended, including 170 minorities.

UNMIK does not provide any official residency status to victims. Those who do not accept assistance from IOM generally are released, but if they continue to work as prostitutes, they are subject to rearrest, short jail sentences, and deportation. Some women who were trafficked have been jailed or made the subject of deportation orders by local judges. According to the police, when a woman is picked up in a raid, she is assumed to be a victim and is offered shelter and repatriation assistance. If she accepts, she is transferred to IOM. If she refuses, she is generally released if this is a first contact. Prostitutes who are not trafficking victims are also allowed to go with a warning if this is their first contact with the police. Prostitu-

tion is, however, a misdemeanor (subject to a 30-day sentence), and local judges have sentenced women, including those who were trafficked but refused repatriation, to jail. Moreover, judges have issued deportation orders against some women for lack of proper documentation.

Several international agencies and NGO's established programs to assist the victims of trafficking with material support in returning to their countries of origin or homes, if they so wished. The efforts of UNMIK, OSCE, IOM, and various international and local NGO's led to the repatriation of over 250 women to their home countries.

#### MONTENEGRO

Montenegro is constitutionally a constituent republic (together with Serbia) of the Federal Republic of Yugoslavia, and its efforts to build a multiparty, multiethnic, parliamentary democracy continued; however, systemic deficiencies, including the legacy of one-party rule and a socialist economy, years of war and economic sanctions and economic stagnation impeded its progress. The Republic Government remained minimally subordinate to Yugoslavia in foreign affairs and defense matters. Under the Milosevic government, Montenegro distanced itself from the regime and acquired a large degree of independence. It has a separate customs regime, a separate visa regime, its own central bank, a diplomatic service, and uses the Deutsche Mark as its currency. The Government's tenuous ties to Serbia were tested in April parliamentary elections; a generally moderate proindependence coalition headed by President Milo Djukanovic won a plurality and governs with the support of a proindependence party that has not joined the Government. However, the election was closer than anticipated; political groups opposed to independence from the Federation showed unexpected strength. Discussions were underway at year's end for holding a national referendum on Montenegrin independence. The Government generally respects the constitutional provisions for an independent judiciary.

The republic police, under the authority of the Ministry of the Interior, have responsibility for internal security. A greatly reduced detachment of the Yugoslav Second Army, which is under the control of the Federal Yugoslav Government, remained in the Republic and cooperated with Montenegrin police to arrest smugglers. It cooperates well with the Montenegrin Ministry of Interior. Members of the security forces committed human rights abuses.

The economic transition from a state-owned to a market-oriented economy continued to suffer from delay and resistance. The issuance of privatization vouchers to the public was a first step towards implementing privatization; however, the voucher program itself was subject to abuse. The small industrial sector, consisting of a few large state-owned plants and smaller private enterprises is inefficient and non-competitive. The republic's tourist and general infrastructure is poor. Official unemployment is estimated at approximately 40 percent, although a large and flourishing unofficial economy brings that figure down to approximately 22 percent. The annual per capital gross domestic product (GDP) was approximately \$950. The economy was dependent upon large amounts of foreign aid, technical assistance, and personnel.

The Republic Government generally respected the human rights of its citizens; however, there were serious problems in some areas. Police at times beat and otherwise abused citizens. Police arbitrarily arrested and detained citizens. Police infringed on citizens' privacy rights. The Government restricted freedom of the press and political parties, particularly those of the ruling coalition, retained an excessive degree of control of and influence over the media that often resulted in distorted coverage of events, especially by the state media. Domestic violence and discrimination against women continued to be problems. Discrimination against religious and ethnic minorities decreased but continued to be problems. Trafficking in women and children for sexual exploitation continued to be 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 arbitrary or unlawful deprivations of life committed by the Republic Government or its agents.

In January unknown assailants shot and killed Darko Raspopovic, the chief of the Montenegrin police antiterrorism unit. Raspopovic allegedly was a key player in the cigarette smuggling business.

There were no developments in the May 2000 killing of Goran Zugic, a close advisor or President Djukanovic, nor in the August 2000 killing of Milenko Vujovic.

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

*c. Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law prohibits torture and other cruel forms of punishment; however, the police reportedly at times beat and otherwise abused persons.

Police abused suspects during arrest or while suspects were detained for questioning. For example, on April 16, police arrested Miodrag Gajovic in Danilovgrad for robbery and violent behavior. He was confined for 72 hours and reportedly subjected to torture and harsh beatings. In May Gajovic described the police actions to a High Court judge in Podgorica; however, no action was taken against the officers involved by year's end. On April 25, two policemen brutally beat a law student because he failed to show them due deference as he entered a bakery in Podgorica. He suffered a concussion and other serious injuries. The Center for Democracy and Human Rights reported that no action was taken to punish the officers involved. In June in Bijelo Polje, police detained, interrogated, and abused Radislav Popovic. On August 11, police brought Igor Borisic to a police station after having accused him of talking too loudly, and beat him severely. A criminal complaint against the officers was filed. The police brought charges against Borisic for "assaulting an officer;" however, no action was taken to investigate the police misconduct. On August 28, police beat and kicked two horse traders, Fahrudin Huremovic and Rade Paunovic, at a market place near Podgorica. The incident led to a complaint by a local Helsinki Committee activist. During the summer, authorities beat two persons near Plav. An NGO alerted the Interior Minister and the police were reprimanded. In September a policeman assaulted a woman and her children and detained them for more than 2 days. The policeman was arrested and was awaiting trial at year's end. On October 10, police physically assaulted six members of the Kosovo Police Service (KPS) who had pursued a suspect's vehicle from Kosovo into Montenegro. The police took the KPS members into custody and beat them; two of the KPS officers were hospitalized as the result of their injuries.

Special police in plain clothes were involved in violence against opposition supporters. In one case, the police assaulted an opposition member at a political rally. In Bijelo Polje, plainclothes police beat one member of the People's Party (NS), held other members at gunpoint, and vandalized the NS offices. Calls to the local police for assistance were not answered.

Police were involved in trafficking and took bribes at border checkpoints (see Section 6.f.).

Prison conditions generally meet international standards; however, problems remained and prison facilities are antiquated. Incidents of brutality and other abuses occurred but were rare. Women are held separately from men. Juveniles are held separately from adults, as are pretrial detainees from convicted criminals.

The Government permits prison visits by human rights monitors, including the International Committee for the Red Cross (ICRC) and other NGO's, and they conducted visits during the year.

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

The law requires arrest warrants; however, arrest may also take place without probable cause. Under the law a suspect may be held in detention for up to 72 hours; it is within that period that most abuses occur (see Section 1.c.). There have been few publicized incidents of abuse.

In Yugoslav military authorities arrested and temporarily detained a Montenegrin journalist who had evaded the Yugoslav draft during the Kosovo war. Unlike in the previous year, there were no recorded incidents of citizens being stopped and harassed by the police applying selective traffic laws. Unlike in the previous year, one NGO reported that the practice of "informative talks," or summons to the authorities for a "chat" that might last for many hours, had stopped.

A lack of female police at police stations causes long delays in searching female suspects and in restraining violent female detainees.

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

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary and the Government generally respects this provision in practice. The judiciary provides citizens with a fair judicial process; however, a backlog of cases, a lack of resources, and corruption remained problems.

Although judges are poorly paid, they receive free housing, which to some extent offsets their low salaries. According to one NGO, there were many young and independent judges. The local NGO CEDEM runs seminars in which judges and lawyers from European countries participate with their Montenegrin counterparts. This training has helped to sensitize judges to following correct legal procedures. Albanian groups have complained about the lack of Albanian judges in courts.

The court system consists of local, district, and supreme courts at the republic level. There also is a military court system under the control of Federal authorities; civilians are not tried in these courts.

The law provides for the right to a fair trial, the presumption of innocence, access to a lawyer, and the right of appeal.

In February the Yugoslav Government passed a law that granted amnesty to conscientious objectors and draft evaders who refused to take up arms from April 27, 1992 to October 7, 2000.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits such actions; however, police infringed on privacy rights. There is no law on surveillance, phone tapping, or other such intrusive practices. The police reportedly used wiretapping and surveillance against opposition parties and other groups on a selective basis, and most individuals and organizations operate on the assumption that they are or could be placed, under surveillance. The law gives the Montenegrin State Security Service (RDB) opportunities to eavesdrop on citizens, especially opposition groups, and no court authorization is required. The VJ also reportedly eavesdropped on the Montenegrin Government.

In September the Government announced that it was opening secret police files from 1945–1989. However, no post-1989 files were released.

*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. Media and information laws do not protect freedom of the press, and libel laws, which carry criminal penalties, discourage a free press. The State media was controlled by the governing coalition, which also controlled state television and several print newspapers and magazines. News reports often are distorted. Licenses were issued to a wide range of independent radio or television stations seeking them. Lack of professionally trained staff, low professional standards, and lack of funds all hindered the development of an independent media.

The Government used libel laws to harass journalists. President Djukanovic sued Vladislav Asanin, editor of the opposition—and Serb nationalist—daily, *Dan*, for reprinting articles from the Croatian weekly *Nacional*, which linked President Djukanovic to a group involved in cigarette smuggling. In December a court convicted and sentenced Asanin to 3 months in prison. In another complaint filed by alleged smuggler Stanko Subotic Cane, the court sentenced Asanin to a 5-month suspended sentence. Asanin appealed both verdicts and was released from prisons by year's end. The Association of Montenegrin Professional Journalists and other media groups strongly condemned Asanin's conviction.

The print media is not independent; the governing coalition effectively controls the print media, with the exception of the opposition daily, *Dan*. Articles and opinions from the opposition frequently are printed in special supplements or are not printed at all by media controlled by the governing coalition. Opposition groups credibly charged that President Djukanovic used the media to promote independence sentiment while not permitting anti-independence parties to make the case for remaining in a democratic Yugoslavia. Foreign periodicals and other publications from abroad are available.

The State controls the public broadcasting station, Radio/TV Montenegro. However, a wide variety of articles and programs were available, including RAI TV, Croatian State Television (HRT), the British Broadcast Corporation (BBC), the Voice of America (VOA), Radio Free Europe (RFE), and other foreign broadcast services in Serbian or other languages on other broadcast media. Federal law delegates to each republic the responsibility for allocating broadcast frequencies.

The Yugoslav military stationed in Montenegro rebroadcasts YU-INFO-TV news from Serbia from transmitters located at military facilities in Montenegro. Since the end of the Milosevic regime, these broadcasts have not contained virulent anti-Montenegrin propaganda; nonetheless, the station broadcasts illegally, in violation of Montenegrin law.

Access to the Internet is unrestricted.

Academic freedom is respected.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for the freedoms of peaceful assembly and association, and the Government generally respected these rights.

Political rallies routinely are held without government interference.

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

The Constitution specifically recognizes the existence of the Serbian Orthodox Church, but not other faiths. The Montenegrin Orthodox Church is not recognized by other Orthodox Churches and was denied recognition on that basis by the Federal Ministry. However, it is registered with the Government of Montenegro's Ministry of Interior in Cetinje, the former capital, as an NGO. The Government of Montenegro has been careful to remain neutral in the dispute between followers of the Serbian Orthodox Church and the Montenegrin Orthodox Church, but political parties have used this issue in support of their own political agendas (see Section 5).

*d. Freedom of Movement within the Country, Foreign Travel, Emigration and Repatriation.*—The Republic Constitution provides for freedom of movement and the Government generally respected this right in practice. As the result of a February amnesty (see Section 1.e.), draft evaders were able to travel freely without fear of arrest, and many have returned to the country. Unlike in previous years, the VJ did not restrict freedom of movement.

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government generally cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government provides first asylum.

There were 14,600 refugees from the former Yugoslavia (10,600 from Bosnia, 3,800 from Croatia, 300 Romas and 20 Slovenes) in the Republic. In addition there were approximately 25,000 to 30,000 internally displaced persons from Kosovo; the majority were Serbs, but approximately 7,500 Roma were also displaced. While citizens are routinely issue travel documents, among refugees, only refugees who are leaving the country permanently are issued travel documents.

Conditions for refugees vary; those with relatives or property in the country have been able to find housing and, in some cases, employment. Many Roma refugees, on the other hand, live in collective centers, with only limited access to health care and education. One of the major problems for Roma children is their lack of knowledge of the Serbian language, and there are no schools teaching in the Roma language.

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

### *Section 3. Respect for Political Rights: the Right of Citizens to Change their Government*

The Montenegrin Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. In 1998 President Djukanovic became the first president popularly elected in elections that foreign observers considered generally free and fair.

A parliamentary election held on April 22 resulted in a narrow victory for the ruling coalition of the Democratic Party of Socialists (DPS) and the Social Democratic Party (SDP). The Organization for Security and Cooperation in Europe (OSCE) observed the elections and found them to be generally free and fair; however, some problems remained. The OSCE reported that during the campaign, State media were biased toward the Government, and all of the private media openly supported one of the major parties or coalitions. The OSCE also received complaints from two police officers that they were dismissed as a result of their political affiliation. In at least two confirmed incidents, special police in plain clothes were involved in violence against opposition supporters (see Section 1.c.). Plainclothes police were present at DPS rallies, and DPS campaign materials were prominently displayed in some police stations.

The pro-Yugoslav coalition has, on occasion, used antiminority rhetoric in arguing that non-Slavs should not be allowed to determine whether Montenegro achieves independence. Serb nationalists attempted to intimidate Muslim voters, particularly in the Sandzak region, by distributing pamphlets to the Muslim community. Heavily-armed police units of the VJ in Montenegro have made periodic visits to areas populated by Muslims to intimidate citizens; however, no violent incidents were reported.

The DPS and SDP parties had hoped for a substantial victory so that they could proceed with a referendum to achieve Montenegro's independence. As a result of the close outcome, the guidelines for such a referendum, including the minimum required voter turnout, the margin of victory required, voter eligibility, and other pertinent questions were not negotiated by year's end. The Government announced that it plans to hold the referendum vote during the spring of 2002; however, without agreement on the terms and conditions of the referendum, there are doubts that all sides would accept the referendum as valid or if it would take place at all.

Unlike in the past year, Montenegrins participated in the Federal Parliament, although some parties continued to boycott participation.

The percentage of women in government and politics does not correspond to their percentage in the population, although there are no legal restrictions on women's participation. The President of the Montenegrin Parliament is a woman; however, there are only 3 female deputies in the 78-seat parliament.

The percentage of minorities in government and politics does not correspond to their percentage of the population, although there are no legal restrictions on the participation. Ethnic Montenegrins and Serbs dominate the republic's political leadership. Ethnic Albanians participate in the political process, and their parties, candidates, and voters participated in the April elections, as did Bosniaks (Slavic Muslims). Members of the ethnic Albanian and Bosniak (Muslim) minorities are represented in the Government; however, their numbers are few in government and public service positions. Approximately 70 polling stations were designated to serve the Albanian minority in the April elections, which is approximately 7 percent of the population. The five seats allocated to ethnic Albanians also represent approximately 7 percent of the total seats in Parliament; however, the OSCE charged that these five seats were allocated with insufficient transparency. Several ministerial and deputy ministerial positions in the coalition government are held by ethnic Albanians and Muslims.

*Section 4. Government Attitude Regarding International and Nongovernmental Investigations of Alleged Violations of Human Rights.*

A number of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases. Republic officials were somewhat cooperative and responsive to their views. There are an estimated 1,300 NGO's operating in the republic of which a substantial number are work in the field of human rights. These include the Montenegrin Helsinki Committee, the Center for Democracy and Human Rights, and the National Democratic Institute. NGO's have been credited with helping to bring about, by their presence and activities, an overall decline in police brutality and incidents of abuse against citizens.

The Government's cooperation with the ICTY during the year was mixed. While the Government generally has been cooperative in providing information to the Tribunal, it has not arrested or transferred any indicted war criminals. In October the Montenegrin Government cooperated in the surrender of General Pavle Strugar, who was indicted by the ICTY for war crimes committed in Dubrovnik in 1999. On June 20, Vladimir Vlahovic, a Montenegrin imprisoned on local court charges for crimes in Bosnia, including murder, rape, kidnap and torture, escaped from prison at year's end he had not been reapprehended. Montenegrin authorities had refused to extradite Vlahovic to Bosnia, but had agreed to try him in Montenegro.

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

Federal and republic laws provide for equal rights for all citizens, regardless of ethnic group, religious or social status, or gender; however, in practice the Government provides little protection for such groups.

*Women.*—The traditionally high level of domestic violence persisted, particularly in rural areas. The few official agencies dedicated to coping with family violence have inadequate resources and are limited by social pressure to keep families together. Victims of spousal abuse rarely file complaints with the authorities.

Trafficking in women for prostitution was a growing problem (see Section 6.f.). A lack of female police at police stations resulted in long delays in investigating rapes, assaults, and offenses against women.

Sexual harassment was a problem. Women do not enjoy a status equal to that of men and few women hold upper level management positions in government or commerce. However, increasing numbers of women are serving as judges, and there were many women in professional fields such as law, science, and medicine. Women legally are entitled to equal pay for equal work; however, in practice they do not always receive it. Women are allowed 12 to 18 months of maternity leave. Traditional patriarchal ideas of gender roles, which hold that women should be subservient to the male members of their family, long have subjected women to discrimination in the home. In some rural areas, particularly among minority communities, women do not have the ability to exercise their right to control property or the ability to have legal responsibility for their children. Divorce occurs, but infrequently. Women are active in human rights organizations.

*Children.*—The Government attempts to meet the health and educational needs of children, but insufficient resources impeded this goal. The educational system

provides 8 years of mandatory schooling. Although ethnic Albanian children have access to instruction in their native language, some Albanians have criticized the Government for not also developing a curriculum in which Albanians could learn about their ethnic culture and history. Most Roma children receive little or no education beyond the primary school level.

There is no societal pattern of abuse against children. However, according to a Council of Europe report, the law does not allow a juvenile to make an allegation of a crime without a parent or guardian present. Consequently, there is almost no reporting of child abuse or incest. A lack of female police at police stations resulted in long delays in investigating rapes, assaults, and offenses against children.

There is no requirement for a juvenile suspect to have an adult present during interrogation. However, if a juvenile faces a sentence of 5 years or more, an attorney must be present during the interrogation. Some aspects of Federal rules on the treatment of juveniles were changed in November.

Trafficking in girls for the purpose of prostitution was a growing problem (see Section 6.f.).

*Persons with Disabilities.*—The law prohibits discrimination against persons with disabilities in employment, education, or in the provision of state services. The law mandates access to new official buildings, and the Government enforces these provisions in practice; however, facilities for persons with disabilities are inadequate. There was societal discrimination against persons with disabilities.

*Religious Minorities.*—Religion and ethnicity are so closely intertwined as to be inseparable. Relations between and with religious minorities are generally peaceful; however, tensions continued between the Serbian Orthodox Church and the Montenegrin Orthodox Church. Pro-Serbian political parties strongly support moves for the establishment of an official state religion, while proindependence parties have pushed for the recognition of the Montenegrin Orthodox Church. At the end of the year, the highest-ranking Serbian Orthodox Church official in Montenegro, Archbishop Amfilohije, implied in public statements that supporters of independence should be crucified; the Archbishop subsequently stated that he had been misunderstood. The Montenegrin Orthodox Church has claimed property holdings of the Serbian Orthodox Church in Montenegro. The Serbian Orthodox Church rejected the property claims. The Serbian Orthodox Church frequently has publicly criticized the Pentecostal Church; however, no violent incidents were reported during the year. There have been several incidents reported in which the religious practices of members of the Montenegrin Orthodox Church were interfered with. However, such incidents appear to have occurred less frequently than in the previous year.

Seventh-Day Adventists and members of Jehovah's Witnesses are officially registered religions in the republic, and Jehovah's Witnesses regularly proselytize without incident. Unlike the previous year, there were no reported problems during the year with the Serbian Orthodox Church regarding the construction and renovation of Jehovah's Witnesses' or Seventh-Day Adventists' church buildings.

On November 5, vandals threw rocks and broke the windows of a historic mosque in Pljevlja. This is the first such incident reported in this Muslim inhabited area of Montenegro.

*National/Racial/Ethnic Minorities.*—Societal discrimination against ethnic minorities persisted. For example, while there is no official discrimination against the Romani population, prejudice against them is widespread. Local authorities often ignore or condone societal intimidation or ill treatment of members of the Romani community.

Thirty-four percent of the police force is made up of Muslims; many of the Muslim police officers are deployed in a predominantly Muslim area in the north commonly referred to as the Sandzak area.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—All workers except military and police personnel have the legal right to join or form unions, and most if not all of the workforce in the official economy is organized. Both official, government-affiliated unions and independent unions exist. Because the independent labor movement largely is fragmented, there have been few tangible results in the form of improved working conditions or higher wages. A general lack of resources within the economy also acted as a restraint.

Strikes were frequent during the year, mainly caused by the economic situation, unpaid salaries, manipulation and fraud in the privatization process, and denial of union rights. In May dissatisfied workers, including at the Bokeljka Factory in Kotor, started blocking main roads in order to pressure the authorities to meet their demands.

Unions may affiliate with international labor organizations; however, access to international labor unions is limited.

*b. The Right to Organize and Bargain Collectively.*—The law provides for the right of collective bargaining; however, collective bargaining remains at a rudimentary level of development. Instead of attempting to make progress on the collective needs of all workers, negotiations generally center on advancing the needs of a specific group of workers. Job security fears prevail as a result of the high unemployment rate, and these fears limit the unions' willingness to take action. Another factor impeding the collective bargaining power of the workers was the weak economy, in which high unemployment gave employers the upper hand in setting wages and work conditions, as workers competed for relatively few existing jobs.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced and bonded labor; trafficking in women for prostitution was a problem (see Section 6.f.).

The law prohibits forced and bonded labor of children; however, trafficking in girls for prostitution was a problem (see Sections 6.d. and 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The official minimum age for employment is 16 years, although in farming communities, it is common to find younger children assisting their families. Children also can be found in a variety of unofficial retail jobs, typically washing car windows or selling small items such as cigarettes or newspapers. The high unemployment rate ensures that there is little demand for child labor in the formal sector.

The law prohibits forced and bonded labor of children; however, trafficking in girls for prostitution was a problem (see Section 6.f.).

*e. Acceptable Conditions of Work.*—The minimum wage is \$47 (100DM) per month, and large government enterprises, including all of the major banks and industrial and trading companies, generally observe this wage. The minimum wage is comparable to unemployment benefits or wages paid to those on mandatory leave. The gross average wage is approximately \$175 (400DM) per month, with a disposable average wage (after social contributions and payroll taxes) of approximately \$90 (220DM) per month. This amount is insufficient to provide a decent standard of living for a worker and family. The latest available data suggests that households spent almost all of their resources on basic needs, such as food, clothing, and housing. The official workweek is 40 hours.

Neither employers nor employees tended to give high priority to the enforcement of established occupational safety and health regulations, focusing their efforts instead on economic survival. In view of the competition for employment, workers are not free to leave hazardous work situations without risking the loss of their employment.

*f. Trafficking in Persons.*—The Montenegrin Criminal Code does not specifically address trafficking in persons and trafficking was a growing problem. There were reports that Montenegrin authorities facilitated trafficking.

The Republic primarily was a transit point for trafficked women and children; but also was a destination point. Women were trafficked from Romania, Ukraine, Moldova, China and Russia, often through Belgrade and on to Italy, other European countries, and Kosovo. Some women also were trafficked through Montenegro to Albania and then on to other European countries. Trafficking steadily has increased since the Kosovo war; however, precise figures on the number of women and children trafficked through Montenegro are not available.

Trafficked women often respond to employment advertisements for jobs abroad as babysitters, hairdressers, maids, waitresses, models, or dancers. According to the International Helsinki Federation, although some women may be aware that they are going to work in the sex industry, they often are unaware of the slavery-like conditions they may face. Many women are sold several times in different countries to different nightclub owners. Their passports often are confiscated. Women have reported being beaten and raped by their traffickers.

The International Helsinki Federation reports that police and local authorities do little to stop trafficking and often are clients of the nightclubs that keep trafficked women as prostitutes. There have been allegations, denied by the Montenegrin Government, that some Montenegrin authorities have colluded in trafficking by taking bribes.

Traffickers rarely were prosecuted.

During the year, the police, in coordination with the OSCE, trained a special police unit to deal with human trafficking. The unit was operational and conducted several raids during the year.

The Government does not provide any services to victims. Women found during police raids of bars and nightclubs during the year often were prosecuted for prostitution and deported after serving their sentences; however, their sentences gen-

erally were short. The Government, as a rule, repatriates victims. However, a number of international donors have funded programs. For example, with the close cooperation of the relevant Montenegrin ministries, the OSCE has formulated a Victim's Protection Program. The program calls for a four-pronged program of police awareness, victim assistance including return, law enforcement and data collection. Deportation of victims assisted by the OSCE program only takes place after counseling and an evaluation of conditions in the country of origin. One NGO reported that the program already has led to the rescue of 12 women and the repatriation of 8 of them. A foreign government funded a program that emphasized education, awareness, and making clients understand that they are dealing with victims of forced labor. This program also reportedly addressed the problem of corrupt border officials. So far the program has resulted in the return of 800 women from the Balkan region to Moldova, Romania and the Ukraine. A small number of NGO's work on trafficking. There is at least one shelter for victims. General awareness of the problem was low.