

AFRICA

ANGOLA

The Popular Movement for the Liberation of Angola (MPLA) has ruled the country since its independence from Portugal in 1975, and the country has experienced several periods of civil war since then. The present government was formed in 1997 after the National Union for the Total Independence of Angola (UNITA) and 10 smaller opposition parties joined the ruling MPLA in a government of national unity and reconciliation.

The most recent period of civil war began in 1998 and continued until February when UNITA leader Jonas Savimbi was killed in an Armed Forces of Angola (FAA) attack in Moxico Province. On April 4, the Government and UNITA signed the Luena agreement, which called for disarming and disbanding all UNITA military forces by the end of July and the implementation of the remaining provisions of the 1994 Lusaka Protocol under U.N. supervision. On August 2, UNITA's military force officially was disbanded and all ex-UNITA personnel were incorporated into the FAA. The National Assembly served as a rubber stamp for the Council of Ministers, and while opposition deputies held about 43 percent of National Assembly seats, few mechanisms existed to check the power of the MPLA majority or defeat legislation supported by the executive branch. The judiciary was subject to executive influence, functioned only in parts of the country, and did not ensure due process.

The Ministry of Interior was responsible for internal security, a function that it traditionally exercised through the Angolan National Police (ANP) and other organs of state security; however, as part of a July organizational reshuffling, the internal intelligence service became directly answerable to the Office of the Presidency. The FAA were responsible for protecting the country against external threats and has intervened in a number of regional conflicts in recent years. The FAA continued counterinsurgency operations against the Front for the Liberation of the Enclave of Cabinda-Armed Forces of Cabinda (FLEC-FAC), which increased in intensity with the launching of a major offensive in October. The Government's security forces remained under civilian leadership; unlike in the previous year, there were no reports that security forces acted independently of the Government. Security forces committed serious human rights abuses.

Government policy continued to inhibit economic reform. At least 20 percent of the national budget or 11 percent of gross domestic product (GDP) was dedicated to defense during the year, while an estimated 50 percent of state expenditures were not reflected in the official budget. The economy continued to perform poorly, and despite abundant natural resources, output per capita remained extremely low. In October the Government announced the creation of a customs warehouse system that established a fixed import regime for basic food items, slowing the trend toward import and regulatory liberalization. The population is estimated at 13 million, and annual per capita GDP was approximately \$600. The country's wealth continued to be concentrated in the hands of a small elite who often used government positions for massive personal enrichment, and corruption continued to be a common practice at all levels. The average monthly salary of urban wage earners (approximately 20 percent of the labor force) was far below what is required for basic subsistence. Rural wages were even lower as the majority of the rural economy was dependent on subsistence agriculture, which was affected seriously by the civil unrest. In May the already large-scale international humanitarian feeding operation was expanded further to prevent widespread rural famine caused mainly by the forced displacement of rural populations during the Government's aggressive counterinsurgency offensive during the last months of the war against UNITA and greatly expanded access to former UNITA areas after the April ceasefire.

The Government's human rights record remained poor, and it continued to commit serious abuses. Citizens have no effective means to change their government.

Members of the security forces committed extrajudicial killings, were responsible for disappearances, and tortured, beat, raped and otherwise abused persons. The FAA employed scorched earth tactics and forced movements of rural populations as part of its counterinsurgency operations against UNITA and FLEC. After the April 4 Luena agreement ended the conflict between the Government and UNITA, the army ceased to be the major human rights offender outside of Cabinda province, and the poor discipline of the police force made it the worst offender. The Government often did not prosecute or punish those in the security services responsible for abuses. Prison conditions were harsh and life threatening. The Government routinely used arbitrary arrest and detention, and lengthy pretrial detention was a problem. Where it did function, the judiciary was subject to the influence of the President, the ruling MPLA party, or anyone able to offer bribes in exchange for favorable rulings. The Government infringed on citizens' privacy rights and forcibly recruited military-age males. The Government at times restricted freedom of speech and of the press, and intimidated journalists into practicing self-censorship. During the year, the Government passed the Law on State Secrecy that gave the executive branch even greater control over public information and imposed criminal penalties on individuals who publicize information that the Government considered damaging. The Government restricted the freedoms of assembly, association, and movement; however, it allowed peaceful public protest and opposition party meetings. Unlike in the previous year, the Government did not restrict the freedom of movement of journalists. The Government continued to limit independent investigations of human rights abuses, although it permitted international human rights organizations to conduct research in partnership with local civil society groups in the country. The number of persons internally displaced by the conflict increased, largely as a result of forcible resettlements. Violence and discrimination against women were common; adult and child prostitution were prevalent; and children and persons with disabilities continued to suffer as a result of the civil conflict and poor economic conditions. The Government continued to dominate the labor movement and restricted workers' rights. Forced labor, including forced child labor, was a problem in UNITA areas until the end of the war. There were reports of trafficking in persons.

The armed UNITA forces, under the control of Jonas Savimbi, were responsible for killings, disappearances, torture, rape, and other abuses until the effective cessation of hostilities in February; the two Luanda-based factions of UNITA were not responsible for abuses. UNITA prevented freedom of speech, the press, assembly, association, and movement in areas it held until April. UNITA continued forced military recruitment, including of underage males, and used forced labor for a large part of its local-level logistical support until the end of the war. The sexual abuse of women conscripted to work as porters was common.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Prior to the conclusion of the April ceasefire between the Government and UNITA, the FAA, the National Police, and UNITA troops reportedly committed human rights violations and participated in extrajudicial killings. Verification of reports of abuses committed by both the Government and UNITA was extremely difficult. After the April ceasefire, reports of killings and human rights violations by the FAA ceased, except in the diamond-mining areas and Cabinda. Police participated in extortion, robbery, and carjackings and were cited as the primary human rights abusers by local human rights organizations by year's end (*see* Section 1.c.). It is believed widely that police resorted regularly to extrajudicial killings, especially of known criminal gang members, as an alternative to the country's ineffective judicial system. Other than those personnel assigned to elite units, the Government gave tacit permission for security personnel to supplement their income through the extortion of the civilian population. For example, independent media sources accused police in Lunda Norte of terrorizing and extorting money from citizens in the municipality of Nzagi during the year. Police commanders were accused of permitting such activity and killing market vendors who complained about the abuses. Impunity remained a serious problem.

In November 17 persons were robbed and killed in Malange. There were allegations of police involvement, and an investigation was ongoing at year's end.

There were no developments in the June 2001 police killing of two residents of Boa Vista (*see* Section 1.f.).

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

Unlike in the previous year, there were no reports of localities changing hands before the war ended that resulted in the extrajudicial killing of government administrators or persons accused of collaboration with UNITA.

The army engaged in a scorched earth policy during the closing stages of the war, burning villages and killing civilians (*see* Sections 1.f., 1.g., and 2.d.). The failure of the Government to provide adequate protection for civilians contributed to the number of civilian casualties prior to the end of the war. After the April ceasefire, there were no reports that soldiers summarily executed civilians suspected of supporting UNITA.

As the Government intensified its counterinsurgency campaign up until the death in combat of Jonas Savimbi, large numbers of persons were uprooted by the Government's scorched earth policy, which destroyed thousands of acres and resulted in extrajudicial killings. Internally displaced persons (IDPs) and refugees fled the fighting and triggered a large-scale humanitarian crisis as rural food stocks were destroyed and subsistence agriculture was hampered severely in many areas. According to official estimates, up to four million persons were displaced due to war and resulting famine. Access by nongovernmental organization (NGO) and other aid workers to previously denied areas revealed many pockets of extreme deprivation, which significantly increased the need for humanitarian relief.

Undocumented workers in the diamond fields, including ex-UNITA soldiers and Congolese workers, were targeted in government efforts to retain control of alluvial diamond mining operations. In September in the Government-owned newspaper *Jornal de Angola*, a FAA general threatened action against ex-UNITA forces that left quartering areas and reportedly were engaged in illegal mining in Lunda Sul. Subsequently local NGOs reported that government forces attacked and killed undocumented diamond miners in Uige.

Unconfirmed but credible reports suggested that both sides summarily executed prisoners of war (POWs) until the end of the war. In Cabinda province, reports of civilians killed in fighting were increasing at year's end (*see* Section 1.g.). In December the Ad-Hoc Commission for Human Rights in Cabinda released its first report that contained a detailed list of nine alleged arbitrary killings by government forces. The Government had not responded to the report by year's end.

Unlike in the previous year, there were no reports that government soldiers killed civilians in Namibia or that individual members of the FAA summarily executed citizens of the Democratic Republic of the Congo (DRC).

No action was taken, nor was any likely to be taken, into the alleged November 2001 killing of seven Zambian civilians by government forces.

Since the April ceasefire provided for the amnesty of FAA and UNITA forces, there was unlikely to be any further investigation or action taken against the FAA member responsible for the killing of Thaddeus Vili at Bagani or against those responsible for the 2000 killing of more than 100 persons in Bie province and the discovery of a mass grave.

No action was taken, nor was any likely to be taken, into the following reported killings by FAA members in 2000: The July execution of two Namibian civilians, and the January killing of Thadeus Mubili in Mushangara in western Caprivi.

Both government and UNITA forces continued to use antipersonnel landmines in the country and in Namibia until the end of the war, which resulted in dozens of deaths and numerous injuries during the year (*see* Section 1.g.).

UNITA military units reportedly pillaged rural areas, depopulated parts of the country, killed or abducted traditional leaders, and eliminated all opposition, real or potential until the end of the war. UNITA troops also committed extrajudicial killings during attacks on villages. Interviews with many refugees indicated that UNITA committed abuses, including public extrajudicial killings, as a deliberate policy. UNITA killed numerous civilians during attacks on civilian traffic in the interior of the country. Such attacks were designed to halt transportation, disrupt commerce, isolate populations, and maintain a climate of insecurity. UNITA abducted numerous persons during the year; many, including children, died or were killed while in captivity (*see* Section 1.b.). There were reports that UNITA used forced conscription until the end of the war and killed persons who attempted to desert (*see* Sections 1.b. and 1.f.). Unlike in the previous year, there were no reports that UNITA forces killed Namibian citizens. Following the April 4 ceasefire, the movement of UNITA forces to the quartering areas, and the August 2 abolition of UNITA's military forces, killings attributed to UNITA ceased.

NGO workers were killed during UNITA attacks. It was unknown in most cases whether they were targeted because of their work.

UNITA never accounted for the deaths of numerous senior party officials. A number of high-ranking UNITA officials who had defected revealed the extent of killings in UNITA-held areas. UNITA did not allow the U.N. to investigate claims of human

rights abuses in the limited areas (less than 5 percent of the country's territory) that it controlled until April. With the demobilization of UNITA, investigators were able to enter areas formally under UNITA control.

There were no reports of any action taken, nor was any likely, against the UNITA rebels responsible for the following killings in 2000: The January killing of 2 civilians outside of Rundu; the February killing of 3 civilians in Shinyungwe village; the February attack on Santa Clara in Cunene Province in which at least 26 civilians were killed; the March stoning and crucifixion of 6 children for allegedly giving information to the Government; the May attack on a hospital in Camacupa; the June unconfirmed discovery of 17 mass graves in Bie Province, each containing more than 100 bodies; the July attack on a residential school and training center in Huambo Province in which one boy was killed; the July attack on an orphanage in Huambo Province in which a teenager was killed; and the August killing of four civilians during an attack on the town of Catete.

There were no developments in the November 2001 case in which armed persons killed five civilians and abducted two children outside Luanda.

FLEC-FAC forces also reportedly tortured and killed civilians in Cabinda. According to the Ad-Hoc Commission on Human Rights in Cabinda, in August FLEC guerrillas decapitated a woman accused of collaborating with the Government.

There were no developments in the April 2000 case in which FLEC-FAC killed a foreign national during an ambush north of Dingo.

b. Disappearance.—Persons taken into police custody disappeared without a trace, particularly in rural areas. In March three teenagers were handed over to police officials after an altercation in the municipality of Cazenga outside of Luanda. Family members discovered their bodies 4 days later. Investigation of the case was ongoing at the year's end. Suspects accused of illegal weapons ownership or collaboration with UNITA or FLEC-FAC disappeared. The Ad-Hoc Commission on Human Rights in Cabinda reported several disappearances of persons detained by government forces during the year for alleged ties to FLEC insurgents (*see* Section 1.g.).

There were no new developments in the 2001 disappearance of civilians abducted from Zambian territory. Unlike in the previous year, there were no reports that government forces or UNITA rebels abducted persons from Zambia; however, in December government forces detained eight Zambians who crossed the border into the country. A detained woman was released quickly; however, there was no further information on the whereabouts of the seven detained men at year's end.

On September 2, unidentified armed men abducted a traditional chief in Huambo Province. It was the first incident involving the kidnaping of a traditional leader since the signing of the April 4 Luena Accord. There were no developments in the case at year's end.

Prior to the April 4 ceasefire, civilians abducted by UNITA generally either were recruited forcibly as soldiers or support personnel, or were considered government collaborators. The frequent discovery of bodies in the aftermath of attacks suggested that suspected collaborators were executed summarily. Those who escaped UNITA custody and were able to return to government-held areas reported that they were subjected to torture, beatings, and sexual abuse (*see* Section 1.c.). Some of the women kidnaped by UNITA soldiers did not know their origins or families because they were abducted at a very young age. Several eventually were forced into marriage. There were no reports that UNITA abducted persons after the April ceasefire.

There were no developments in the February 2001 case in which suspected UNITA rebels kidnaped a traditional chief in Huambo or the April 2001 kidnaping of 50 persons in Benguela Province.

There were no developments in the cases from 2000 in which UNITA rebels kidnaped persons: The January abduction of 2 teenage girls from a village near the border by 6 armed men suspected to be UNITA rebels; the July kidnaping of 21 children in Huambo Province; and the July kidnaping of 100 children from Quela.

In previous years, the FLEC-FAC separatist group kidnaped civilians and foreign national employees of companies operating in Cabinda. In August FLEC-FAC announced that it no longer would perpetrate kidnaping. Unlike in previous years, there were no reports that the Front for the Liberation of the Enclave of Cabinda-Renewed (FLEC-Renovada) abducted persons.

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

Security service personnel frequently employed torture and other forms of cruel and degrading treatment, including rape. Until the April ceasefire, those suspected

of ties to UNITA regularly were detained under inhuman conditions and were subjected to primitive and brutal forms of interrogation. Police frequently used torture and coerced confessions during investigations and rarely, if ever, were punished for such abuses. Nonpolitical criminal suspects also were subjected to abuse, although to a lesser extent. Police often beat and released suspects in lieu of trials (*see* Section 1.d.). For example, in August police detained and tortured two young men for illegal possession of a firearm in the municipality of Kilamba Kiaxi, according to independent media reports.

After the April ceasefire, there were few reports of human rights abuses by the FAA, with the exception of operations in Cabinda and against illegal diamond miners (*see* Sections 1.a. and 1.b.). From April until the end of the year, the National Police and prison officials were the principal human rights abusers. Reports of police abuses collected by local human rights organizations detailed specific violations and generalized behavior during the year.

Police frequently participated in acts of intimidation, robbery, carjacking, and killing (*see* Section 1.a.). For example, in June the local human rights organization Maos Livres reported that police raided the Sumbe market in Kwanza Sul and beat bystanders. Police also reportedly stole and destroyed vendors' merchandise.

Police also extorted money from travelers and harassed refugees at checkpoints (*see* Section 2.d.). Police officers and soldiers reportedly harassed IDPs and denied them humanitarian supplies (*see* Section 2.d.). Police injured persons while forcibly dispersing demonstrations on at least one occasion (*see* Section 2.b.). Impunity was a serious problem.

There continued to be reports that government forces raped women (*see* Sections 2.d. and 5).

Unlike in the previous year, there were no reports that government forces harassed NGO workers.

No action reportedly was taken in the following 2001 cases: The reported January beating and torture of several Namibians in Caprivi by a group of men in FAA uniforms; against the FAA soldiers who reportedly raped a woman in Zambia; the reported raping and looting while stationed in the DRC by some individual members of the FAA; the June injuring by police of an undetermined number of Boa Vista residents who were protesting their eviction and relocation.

No action reportedly was taken, nor was any likely to be taken, in the following 2000 cases: The February beating by police of protesters during demonstrations, and the alleged July execution of two Namibian civilians and the injury of another by members of the FAA.

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

The U.N. and human rights organizations reported that abuse of suspects was common in areas that remained under UNITA control until April. Interviews with persons who fled UNITA-held areas revealed that UNITA used cruel and inhuman practices, including public torture, to punish dissent and deter further acts of disloyalty. Torture was used at all levels by UNITA forces during the war. There were repeated credible allegations that, prior to his death, UNITA leader Jonas Savimbi ordered suspects tortured and executed in his presence. There were reports that until the ceasefire UNITA engaged in reprisal attacks on civilians.

Unlike in the previous year, there were no reports that UNITA forces abused Namibian citizens in border areas.

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

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

There were government press reports that UNITA members harassed National Union for the Total Independence of Angola-Renewed (UNITA-Renovada) members in Lunda Sul, Benguela, and Luanda.

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

Prison conditions were harsh and life threatening. Cells were overcrowded and lack basic sanitary facilities. The prison system held approximately five times the number of prisoners that it was built to hold. Warehouses in Bengo, Malange, and Lunda Norte provinces were used as prison facilities during the year. Many prisons, lacking financial support from the Government, were unable to supply prisoners with adequate food and health care. There were credible reports from local NGOs that prisoners died of malnutrition and disease. For example, at the Viana Prison, malnutrition and disease were pervasive problems. Local human rights organizations reported that conditions were considerably worse outside the Luanda prison system. Many rural prisons, such as Chitato in Lunda Norte, were cited by local

human rights organizations for not having toilets, beds, mattresses, water, or medicines. One prisoner reportedly died of malnutrition in Dundo Prison during the year.

Prison officials routinely beat detainees. During the year, local human rights organizations reported that an inmate in Bengo Prison was held inside a water tank for 2 days without food or water as punishment for making an escape attempt. There also were independent media reports of a prison director in Huambo using prisoners as laborers in his house.

Prisoners depended on families, friends, or international relief organizations for basic support, including food. Prison officials, who chronically were unpaid, supported themselves by stealing from their prisoners and extorting money from family members. For example, prison guards continued to demand that prisoners pay for weekend passes that they were entitled to receive.

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

The Government permitted foreign diplomatic personnel and local and international human rights observers to visit prisons during the year. Local human rights monitors were permitted to visit some individual prisoners; however, in July deputies from the National Assembly Committee on Human Rights attempted to visit prisons in Malange and Lunda Sul provinces to verify conditions but were blocked from entering the institutions by prison officials.

d. Arbitrary Arrest, Detention, or Exile.—Under the law, a person caught in the act of committing a crime may be arrested and detained immediately. Otherwise, the law requires that a judge or a provincial magistrate issue an arrest warrant. Arrest warrants also could be signed by members of the judicial police and confirmed within 5 days by a magistrate; however, arbitrary arrest and detention were serious ongoing problems, and security forces used arbitrary arrest and detention during the year (*see* Section 1.c.). Persons were denied due process. With the end of active FAA counterinsurgency operations against UNITA in April, the National Police became the primary source of abuses during the year; however, from September to December reports of arbitrary detentions increased markedly in Cabinda with the launching of a large government offensive against FLEC guerrillas (*see* Section 1.g.).

The Constitution provides for the right to prompt judicial determination of the legality of the detention. Under the law, the prosecution and defense have 90 days before a trial to prepare their case, although both sides generally have the right to request an extension of this deadline under extenuating circumstances. The Constitution also provides prisoners with the right to receive visits by family members; however, such rights frequently were ignored in practice. There was a scarcity of personnel and resources and a lack of official determination to ensure these rights. Although the Ministry of Justice was nominally in charge of the prison system, the Ministry of the Interior continued to arrest and detain persons systematically, arbitrarily, and secretly for all categories of crimes and for indefinite periods, often with no apparent intent to bring the detainees to trial.

Under the criminal law, a person may not be held for more than 135 days without trial. The National Security Law provides for a maximum of 180 days of preventive detention; however, in practice, laws regarding preventive detention frequently were ignored. Preventive detention is allowed when an individual is caught in the act of committing a crime punishable by a prison sentence.

An insufficient number of judges and poor communications between various authorities led to prolonged detention. More than 60 percent of inmates were awaiting trial. Inmates who had been awaiting trial for 2 or 3 years were common. In one case, an inmate detained in Uige province was transported to Luanda and held for 2 years waiting to be returned to Uige to stand trial. Local human rights groups cited at least seven cases of inmates who had been detained between 2 and 5 years still awaiting hearings at year's end. In many cases, police beat and then released detainees rather than make any effort to prepare a formal court case (*see* Section 1.e.). Local human rights organizations, such as Maos Livres and Association for Justice, Peace, and Democracy were successful in securing the release of some detainees during the year.

Unlike in the previous year, there were no reports that the Government detained opposition supporters.

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

Unlike in the previous year, there were no reports that local police detained UNITA-Renovada supporters.

There were reports that UNITA kidnaped and detained persons primarily from rural areas against their will until the end of the war. The number of such affected persons was unknown.

Unlike in previous years, the Government did not hold political detainees. As part of the April ceasefire, 84,000 UNITA troops were quartered in 35 gathering areas. In August FAA and UNITA military commanders selected 5,007 UNITA troops for integration into active-duty FAA units. On October 20, the remaining ex-UNITA forces began returning to their areas of origin in a government-organized resettlement program (*see* Section 1.g.). Unlike in previous years, there were no reports of POWs being held by either the Government or UNITA.

The Government did not use forced exile as a form of punishment. Some UNITA members previously claimed that they went into self-imposed exile because the Government threatened their lives. Several prominent UNITA members returned to the country following the Luena Accord and the transition of UNITA to solely a political party.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary, where it functioned, was not independent of the President and the MPLA, and political pressure from the presidency affected the outcome of cases. In practice the court system lacked the means, experience, training, and political backing to assert its independence from the President and the ruling MPLA party. The President has strong appointive powers, including the power to appoint Supreme Court justices without confirmation by the National Assembly. The judicial system largely was destroyed during the civil war and did not function in large areas of the country. During the first half of the year, the Government rebuilt courts in Cabinda, Benguela, and Kwanza Sul; however, where provincial courts existed there was often only one judge to cover all cases, civil and criminal, in the province. In many cases, police beat and then released detainees rather than make any effort to prepare a formal court case.

The court system consists of the Supreme Court at the appellate level plus municipal and provincial courts of original jurisdiction under the nominal authority of the Supreme Court. The Supreme Court serves as the appellate division for questions of law and fact. A Constitutional Court provided for in the 1991 Constitution had not been established by year's end; the Constitution provides for judicial review of constitutional issues by the Supreme Court until the Constitutional Court is established. There were long delays for trials at the Supreme Court level. Trials for political and security crimes are supposed to be handled exclusively by the Supreme Court; however, there were no known cases of such trials. The criminal courts, in particular, have a large backlog of cases that caused major delays in scheduling hearings. The legal code and rules of procedure remained outdated, although some steps toward modernization had begun.

The Constitution provides defendants with the presumption of innocence, the right to a defense, and the right to appeal. Legal reform in 1991 established the right to public trials, a system of bail, and recognized the accused's right to counsel; however, the Government did not always respect these rights in practice. Trials are open to the public; however, each court had the discretion to close proceedings arbitrarily. Defendants do not have the right to confront their accusers. Judges were usually not licensed lawyers. The judge and two lay persons elected by the full court act as the jury.

During the year, human rights training was provided to lawyers with support from the Human Rights Division of the U.N. Mission in Angola (UNMA). The lawyers were trained to work in municipal police stations and intervene to protect the rights of individuals in police custody.

Government corruption was pervasive, and accountability was limited. The Tribunal de Contas (Anticorruption Tribunal) was created in April 2001. The Tribunal was headed by a judge who also was a deputy in the National Assembly. It had a generous budget and reportedly is autonomous, with powers to investigate and prosecute corruption at all levels. While it had not tried any cases yet, the Tribunal claimed to be investigating senior members of the Government, including governors and ministers.

Unlike in the previous year, no one was released under the Amnesty Law; however, a general amnesty for all acts committed by government and UNITA soldiers during the war was included in the April ceasefire.

In the past, UNITA established a nominal military and civilian court system in territories under its control and claimed that its Civil Code was equivalent to the Portuguese Civil Code used by the Government; however, there was no indication that UNITA maintained this system in the isolated pockets of territory it controlled at the end of the war, and reports indicated that strict martial law applied in those areas.

Unlike in previous years, there were no reports that the Government held political prisoners.

After the signing of the April ceasefire, there were no reports that UNITA held political detainees or prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution provides for privacy of home, correspondence, and business information; however, the Government infringed on citizens' privacy rights. The Government maintained a sophisticated security apparatus dedicated to the surveillance, monitoring, and wiretapping of certain groups, including opposition party leaders, journalists, members of the National Assembly, and foreign diplomats. Legal requirements for search warrants routinely were disregarded.

Until the April ceasefire, there were reports that army units engaged in a scorched earth policy in the central and eastern parts of the country, burning villages, destroying crops, and terrorizing civilians (*see* Sections 1.a. and 1.g.). There were reports of similar tactics used against separatists in Cabinda. Government and UNITA forces reportedly attacked women in their homes, while they were working in the fields, near military camps, and during searches of homes (*see* Sections 1.g. and 5). There were no developments in the May 2001 case of four soldiers arrested in Namibia for threatening a woman.

During the final stages of the war, the IDP situation deteriorated as the Government forcibly moved large numbers of persons as part of its counterinsurgency operations against UNITA. With the end of hostilities and the high number of IDPs straining humanitarian relief efforts, there were reports that the Government forced IDPs out of camps and back to their places of origin before resettlement areas were declared free of mines and accessible to continued food deliveries or otherwise met standards adopted by the Government as preconditions to return (*see* Section 2.d.).

In June 2001, the Government evicted 5,500 families from their homes in the Boa Vista neighborhood in Luanda as a part of an urban renewal project; a number of persons were killed, injured, or arrested during the confrontation between police and residents. The forced relocation effectively denied them access to employment and services, including public transportation, in the capital (*see* Section 2.d.). At year's end, the Government had built only a fraction of the houses it promised, and the residents still were living in temporary shelters at an isolated camp outside of Luanda. Journalists were able to report on the camp.

To enforce laws on mandatory military service, the armed forces and police conducted forced conscription drives, particularly in rural areas, in which some minors may have been recruited. Under the law, military service is obligatory, but the pattern of the forced recruitment targeted poor communities and unemployed young men. Persons who could prove that they had jobs usually were released, and those with financial means could purchase an exemption from the armed forces. Unlike in the previous year, there were no reports that NGO workers were targeted for forced recruitment. The Government denied that forced recruiting took place.

Until the April ceasefire, UNITA looted and destroyed property to replenish their supplies of food and medicine and continued to conscript forcibly civilians, including children, for military duty (*see* Section 1.g.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—The country's competing independence movements began a civil war immediately after independence in 1975, which lasted until the signing of the Bicesse Accords in 1991. In 1992 UNITA, under the leadership of Jonas Savimbi, rejected the results of the presidential election and resumed the civil war. In an effort to end the civil war, the Government and UNITA signed the Lusaka Protocol in 1994. The agreement called for the demilitarization of UNITA, the creation of a national army, the seating of a government of national unity and reconciliation, and the extension of state administration to areas formerly under UNITA control. The Government generally complied with its obligations under the protocol; however, UNITA failed to comply with several fundamental aspects of the protocol. It maintained a significant military capability, and it refused to surrender the territory it held to state administration.

In 1998 fighting resumed between the Government and Jonas Savimbi's armed faction of UNITA. A splinter group called UNITA-Renovada and another, larger, peaceful faction of UNITA rejected war and pursued their respective agendas through peaceful political activity, including as members of the National Assembly. In 1999 the FAA destroyed the conventional military capacity of UNITA and consolidated its military control of most of the nation's territory; however, UNITA reorganized itself as a guerrilla force and continued to carry out deadly attacks on lightly defended targets until the February 22 death of Savimbi in a FAA attack in Moxico Province.

Within weeks of Savimbi's death, the remaining UNITA leadership began ceasefire negotiations in the eastern city of Luena with the Government. On April 4, the Government and UNITA signed the Luena agreement, which set a timeline for disarming and disbanding all UNITA military forces by the end of July. On August 2, UNITA's military force officially was disbanded, and all ex-UNITA personnel were incorporated into the FAA.

Military operations by both the Government and UNITA resulted in numerous human rights violations until the end of hostilities. The Government and UNITA used antipersonnel landmines to strengthen defensive positions and, in the case of UNITA, reportedly to prevent residents within its own areas from fleeing to government-held areas (see Section 2.d.). Large areas were remined after the resumption of fighting in 1999, mostly by UNITA. Military attacks resulted in indiscriminate and summary killings, abductions, torture, destruction of property, and theft (see Sections 1.a., 1.b., and 1.c.). The provinces most affected were Lunda Norte, Lunda Sul, Malange, Bie, and Moxico, although UNITA also mounted raids near the coast during the last months of the war. The Government's failure to pay, feed, and equip many of its army and police personnel resulted in frequent extortion and theft. Government personnel confiscated food, including donated relief supplies, livestock, and personal property. The Government continued to use forced conscription until the ceasefire with UNITA (see Section 1.f.).

In the closing stages of the war, both the Government and UNITA used the control of civilian populations as part of their tactics. Government units engaged in a scorched earth policy, burning villages and killing civilians (see Section 1.a.). In part due to this policy, a large number of persons in rural areas were displaced, and agricultural production was diminished. UNITA tried to prevent the same populations from fleeing in order to retain authority over them. As a result, many civilians were trapped in extremely remote areas, inaccessible to humanitarian relief agencies and unable to grow their own food. After the end of the conflict, the U.N. conducted surveys of 28 previously inaccessible areas and found serious to severe malnutrition and high morbidity and mortality rates in most of them. Large-scale international humanitarian assistance was necessary to avert widespread famine.

The Luena Accord provided for the quartering and demobilization of UNITA's 84,000 soldiers and officers. Of that total, FAA and UNITA military commanders selected 5,007 for integration into active-duty FAA units in August. On October 20, the remaining ex-UNITA forces began returning to their areas of origin after the Government began closing the 35 quartering camps. Although the Government initially announced it would close the camps by October 15, it reversed that decision and allowed the camps to remain open until at least the end of the year. There were credible reports that one camp in Kwanza Sul province was burned and emptied by the FAA in late October. Conditions in many of the resettlement areas did not meet the Government's own standards for being clear of landmines, accessible to government services, and near potable water. There were no confirmed reports of human rights violations against ex-UNITA troops in the 35 quartering areas.

Unlike in the previous year, there were no reports of FAA and police harassment and attacks on humanitarian workers.

While estimates varied widely and there was a growing consensus that the exact number was lower than previously thought, at least 500,000 landmines were estimated in the country. The United Nations Development Program (UNDP) also estimated that there were 2 million unexploded munitions in the country. According to the Angolan National Institute for the Removal of Explosive Obstacles and Devices (INARÓEE), at least 42 persons were killed and 124 injured by landmines during the year. With large numbers of persons returning following the April ceasefire and mass migrations due to food insecurity, the number of affected persons was believed to be higher than the previous year. The Government and various international NGOs had ongoing landmine clearance operations.

The number of IDPs increased significantly over the previous year as the counterinsurgency campaign against UNITA intensified in the last months of the war, and military forces forcibly displaced citizens (see Section 2.d.).

There continued to be reports that government forces raped women (see Section 5).

With the cessation of hostilities with UNITA in April, the Government reportedly intensified its military operations against separatists in Cabinda. While reports of generalized human rights abuses by the FAA almost ceased in other parts of the country after the signing of the Luena Accord, reports of civilians killed in the fighting in Cabinda were increasing at year's end. There were reports that government forces shelled civilian villages during the year, and there were reports that government forces were employing similar counterinsurgency tactics against FLEC-FAC as they used against UNITA. A detailed report by the Ad-Hoc Commission on Human

Rights in Cabinda released in December listed several dozen cases of human rights violations by government forces and a smaller number by separatist guerillas (see Sections 1.a., 1.b., 1.c., and 1.d.).

UNITA forces routinely violated citizen's rights in pursuit of military objectives. There were continued reports of deaths resulting from UNITA attacks on villages throughout the country and executions of suspected government supporters by UNITA forces until the April ceasefire (see Section 1.a.). UNITA carried out forced recruiting, including of children, in territories under its control until the end of the war. Recruits were taken to isolated military camps and subjected to psychological stress and extreme hardships; those who attempted to desert were executed. Women, many as young as 13 years of age, were recruited forcibly to serve as porters and camp followers, and reports of sexual assault were widespread and credible (see Sections 5 and 6.c.). Unlike in the previous year, there were no reports that UNITA rebels targeted for killings and other abuses citizen NGO employees in the country. Unlike in previous years, after the April ceasefire there were no reports that UNITA rebels raided villages or kidnaped civilians. Reports of abuses by UNITA ceased after the April ceasefire.

The separatist group FLEC-FAC killed foreign nationals and tortured and killed civilians in the Cabinda region.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression and of the press and specifically provides that the media cannot be subject to ideological, political, or artistic censorship; however, the Government at times restricted this right in practice. The Government continued to intimidate journalists into practicing self-censorship. There were reports that the Government paid journalists to publish progovernment stories. In previous years, the Government detained for up to several months or placed under investigation journalists who reported on sensitive issues, including military operations, government corruption, and UNITA, especially Jonas Savimbi. However, during the year, there was increasing private media attention to corruption, economic mismanagement, and opposition politics, and there were no reports that journalists were placed under investigation for such reporting. Nevertheless, there were reports that the Government limited access by independent journalists to certain events and interviews, and journalists acknowledged that they exercised self-censorship when reporting on highly sensitive matters.

Defamation against the President or his representatives is a criminal offense, punishable with imprisonment or fines. Truth was not a defense to defamation charges; the only allowable defense was to show that the accused did not produce the actual write the allegedly defamatory material. Criminal defamation charges were dropped against journalist Gilberto Neto, and he was free to travel outside the country.

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

The majority of the media was state-run and carried very little criticism of the Government; however, the Government tolerated increasing criticism of its policies and actions in the independent media. Specific harassment of independent media diminished during the year in most of the country. There were seven private weekly publications with circulation in the low thousands. A committee composed of the Minister of Social Communication, the spokesman of the Presidency, and the directors of state-run media organizations controlled policy and censorship authority. The MPLA's Secretary General also influenced the content and tone of state-run media reporting. The Government used its control of the media to influence local and international public opinion, particularly about UNITA.

The state press often criticized independent journalists and opposition leaders, but limited access for these journalists to respond. During the year, UNITA leadership and opposition party leaders complained they were denied the opportunity to respond to criticism and negative innuendo against them in the official media. In August the Government announced the formation of a committee consisting of both government and nongovernment representatives to revise the media law. The committee appointed by the President was expected to release a draft law for public

comment in January 2003. In 2000 the Government suspended the earlier drafting process and withdrew a draft law submitted for public comment after widespread criticism of the text for not allowing expansion of political dialogue and for increasing the criminal penalties for defamation.

Provincial governments, particularly in Malange and Kwanza Norte, limited press freedom and harassed independent journalists during the year. Unlike in the previous year, local authorities did not prohibit independent journalists from traveling to the provinces.

The news ban on war coverage that was instituted in 1999 ended with the April ceasefire.

Unlike in the previous year, there were no reports that the Government discouraged potential advertisers from buying advertising space in independent newspapers. Unlike in the previous year, there were no reports that the Government harassed, arrested, or detained journalists on charges of slander, and crimes against the security of the State. Unlike in the previous year, there were no reports that government authorities threatened journalists or that police confiscated material from journalists.

There were no developments in the July 2001 case in which police confiscated Folha 8 journalist Gilberto Neto's reports without a warrant, or the July and November 2001 cases in which government authorities threatened journalists.

There were also five commercial radio stations including the Catholic Radio Ecclesia, and Radio Lac Luanda, which openly criticized aspects of government policies and highlighted poor socioeconomic conditions. Unlike in the previous year, there were no reports that radio stations suspended their programming reportedly because of government pressure. Also unlike in the previous year, there were no reports that journalists working for radio stations were attacked or kidnaped.

There were no developments in the February 2001 case in which VOA and Radio Ecclesia correspondent Isaias Soares was attacked by armed men, or the July 2000 case in which Radio Ecclesia director Paulo was kidnaped by individuals claiming to represent the Government.

The Government generally did not restrict the activities of foreign media, including the British Broadcasting Corporation (BBC) and Voice of America (VOA). Unlike in the previous year, there were no reports that the Government refused to allow direct retransmissions of their broadcasts. Foreign journalists must obtain authorization from the Ministry of the Interior to obtain access to government officials or to travel within the country. With the end of the war in April, media requests to travel to areas previously not controlled by the Government were no longer denied. The Government placed no abnormal visa restrictions on foreign journalists and allowed them freedom to report on all aspects of society. Unlike in the previous year, there were no reports that the Government authorities prevented foreign correspondents from reporting in any area of the country.

UNITA did not permit freedom of expression in the areas under its control until the end of the war.

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

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of assembly; however, the Government restricted this right in practice. The law requires a minimum of 3 days' prior notice before public or private assemblies are to be held, and makes participants liable for "offenses against the honor and consideration due to persons and to organs of sovereignty" (*see* Section 2.d.). Applications for progovernment assemblies were granted routinely without delay; however, applications for protest assemblies rarely were granted.

In August local human rights organizations reported the illegal detention of three refugees from the DRC in the municipality of Ingombotas. According to independent media reports, the three refugees were held illegally for 1 week after they attempted to hold a public demonstration in front of the local U.N. High Commissioner for Refugees (UNHCR) office to protest their conditions.

On October 8, police forcibly dispersed students who were demonstrating in support of a strike by their professors at Agostino Neto University (*see* Section 6.b.), and arrested at least five students. On October 18, the strike was resolved, and no charges were brought against the five arrested students. The Government-run daily, *Jornal de Angola*, criticized the police for their handling of the demonstration.

On November 28, police moved 30 Congolese refugees who had maintained a vigil outside the UNHCR's Luanda office for 5 months to a nearby refugee camp (*see* Section 2.d.).

Unlike in the previous year, there were no reports that opposition supporters were detained after holding demonstrations.

No action was taken, nor is any likely to be, against members of the police who in February 2000 beat protesters and used excessive force to disperse several demonstrations, including a demonstration in front of a church in Luanda.

The Constitution provides for the right of association; however, the Government restricted this right in practice. Legislation permits the Government to deny registration to private associations on security grounds. Although the Government approved most applications, including those for political parties, the Ministry of Justice continued to block the registration of the local human rights group Association of Justice, Peace, and Democracy (AJPD) by not taking action on its application originally filed in 2000. At year's end, AJPD was awaiting a Supreme Court decision on its suit against the Ministry of Justice for not processing the registration application. AJPD continued to function during the year (*see* Section 4). Independent labor activists reportedly also encountered difficulty with provincial government authorities in registering branch associations; however, vigils and demonstrations did take place (*see* Section 6.b.). The Government also arbitrarily restricted associations that it considered antigovernment, by refusing to grant licenses for organized activities and through other means, such as police or other official harassment. Opposition parties were permitted to organize and hold meetings during the year.

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

In January the Government confirmed that religious groups must register with the Ministry of Justice and the Ministry of Education and Culture. Colonial-era statutes banned all non-Christian religious groups from the country; while those statutes still exist, they no longer were enforced. Early in the year, the colonial-era law granting civil registration authority to the churches was reinstated. In October the provincial government in Cabinda banned 17 religious sects for not being registered, for endangering lives with the unauthorized practice of medicine on sect members, and for illegally setting up churches in residences. No additional information was available at year's end.

Members of the clergy regularly used their pulpits to criticize government policies. Church-based organizations, in particular the ecumenical Inter-Church Committee for Peace in Angola (COIEPA), were vocal in calling for peace and dialog between the Government and UNITA until the April ceasefire. Members of the Catholic clergy also were active in trying to facilitate talks between the Government and FLEC-FAC in Cabinda.

While in general UNITA permitted freedom of religion in the areas it controlled until the end of the war, persons who left UNITA-controlled areas prior to the ceasefire revealed that the clergy did not enjoy the right to criticize UNITA policies.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement and residence, and freedom of exit from and entry into the country; however, the Government did not respect these rights in practice. A network of government security checkpoints throughout the country interfered with the right to travel, and such checkpoints also served as a principal source of income for many of the country's security service personnel. Police routinely harassed refugees at checkpoints. The Government routinely restricted access to areas of the country that were deemed insecure or beyond the administrative authority of the Government. Lack of security prevented persons from transporting goods until the April 4 ceasefire. Since April increasing stretches of previously inaccessible areas have been opened to transit. Poor infrastructure and landmines were the principal obstacles to free movement of persons throughout the country.

Extortion at checkpoints was routine in Luanda and pervasive on major commercial routes. In July the Bishop of Uige spoke out against ANP officers who systematically extorted residents at checkpoints on roads linking surrounding municipalities with the provincial capital.

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

Unlike in the previous year, there were no reports that the MPLA attempted to restrict the ability of opposition deputies to travel within the country.

Unlike in the previous year, there were no reports that police or army members obstructed the movements of NGOs in the country.

Landmines were a major impediment to the freedom of movement. UNITA used landmines primarily on roads and trails to disrupt transportation and to control vil-

lage populations. Government mining generally was confined to strategic positions around towns for defensive purposes. Estimates of the total number of landmines deployed throughout the country ranged into the millions. Fear of injury and death from landmines effectively imprisoned and impoverished entire communities. There were 42 recorded deaths due to landmine explosions during the year, and there were more than 80,000 persons who survived landmine explosions (*see* Sections 1.g. and 5).

Unlike in previous years, the Government did not prohibit journalists who were convicted of defamation from traveling outside of the country (*see* Section 2.a.). Foreign journalists must obtain authorization from the Ministry of the Interior to obtain access to government officials or to travel within the country. After the April ceasefire, media requests to travel to areas previously not controlled by the Government were no longer denied.

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

The number of persons internally displaced by the conflict increased during the year, largely as a result of forcible resettlements. Family separations also increased markedly due to the sudden and disorganized displacements. These population movements combined with the disruption of agricultural work led to widespread food shortages in rural areas. The ceasefire allowed access to previously isolated areas suffering from famine. International humanitarian agencies significantly boosted emergency feeding operations to respond to the crisis.

The Ministry of Assistance and Social Re-Insertion (MINARS) reported that there were more than 4 million IDPs in the country at the peak of the humanitarian crisis, and in September the U.N. reported that there were 1,269,303 confirmed IDPs and 4,440,056 reported IDPs in the country. By year's end, the Government reported that at least 2.8 million people still were displaced. Many IDPs were returned refugees from neighboring countries who were reintegrated into the country from 1994 to 1998. The majority of registered IDPs were located in Bie, Huambo, and Malange provinces in the interior of the country. IDPs who arrived from UNITA-controlled areas displayed signs of abuse and severe malnutrition. MINARS has primary responsibility for IDPs and implemented housing and resettlement programs; however, these efforts remained inadequate. Conditions for IDPs continued to be difficult throughout the year. In August the U.N. Office for the Coordination of Humanitarian Affairs (OCHA) estimated that between 2 and 6 persons per 10,000 IDPs perished every day.

There were 120 IDP camps in the country, all of which were accessible to humanitarian agencies at year's end, although some were inaccessible prior to the April ceasefire with UNITA. International humanitarian agencies confirmed 1.5 million IDPs in need of humanitarian assistance and projected that the caseload would increase to 1.9 million by the end of the year. A total of 314,494 UNITA family members were included in the total that were registered for humanitarian assistance in the family reception areas established under the April 4 Luena Accord. IDPs continued to be harassed in camps; however, unlike in previous years, there were no reports that IDPs contributed labor or paid for building materials or water. There continued to be reports that police officers and soldiers harassed IDPs and denied them humanitarian assistance due to misappropriation by the authorities who were stealing supplies. IDPs were conscripted forcibly in both government- and UNITA-controlled areas until the end of the war (*see* Section 1.f.).

Unlike in the previous year, there were no reports that local leaders displaced populations suspected of UNITA sympathies into villages that were located in the path of oncoming attacks.

Following the April ceasefire, provincial governments began the relocation of IDPs. According to OCHA, as of December, approximately 1.1 million had returned home and approximately 10,000 persons left the IDP camps every day. In 2001 MINARS gave provincial governments primary responsibility for IDP resettlement and set forth guidelines to ensure the safe, voluntary resettlement of IDPs to areas cleared of mines and with access to water, arable land, markets, and state administration; however, by year's end, there were reports of forced relocations of IDPs to resettlement sites that did not meet the published standards. There also were credible reports of government efforts to force IDPs to leave camps and return home without respect to conditions at their places of origin or even to MINARS' own standards. In one case in October, the Government forcibly moved 18 families by FAA helicopter in Moxico and confiscated their possessions.

As of June, the U.N. estimated that there were 435,000 Angolan refugees in neighboring countries as a result of the conflict. The largest number of them sought refuge in the DRC, with smaller numbers fleeing to Namibia and Zambia. At year's

end, Namibia's border was open, and goods and people moved freely. According to the UNHCR, more than 190,000 Angolan refugees were living in the DRC, some of whom began returning to the country during the year. Spontaneous returns began after the April ceasefire. The UNHCR estimated that more than 86,000 Angolan refugees returned spontaneously to the country by year's end.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the UNHCR, and provided first asylum to refugees. An eligibility committee to evaluate asylum claims met regularly to evaluate asylum requests. According to UNHCR, the country had approximately 14,000 refugees, most of whom were from the DRC.

In June a group of refugees in the country began petitioning for better living conditions and more legal protections. The refugees complained that they were not given appropriate identity documentation. They also accused the Government of not keeping its promise to provide land and building materials after the refugees were moved by the Government in 2001. After they had camped in front of the UNHCR's Luanda office for 5 months, the police moved them to a nearby refugee camp in November.

There were reports of the illegal detention of refugees after they attempted to hold a demonstration (*see* Section 2.b.).

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

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

The Constitution provides all adult citizens with the right to choose the President of the Republic and deputies in the 220-seat National Assembly by secret ballot in direct multiparty elections; however, in practice citizens have no effective means to change their government. The Constitutional Committee of the National Assembly continued to work on a new constitution and a new electoral law. After a 5-month suspension of debate, the Government and UNITA concluded an agreement in December resolving the impasse over what system of government would be adopted. Opposition political parties criticized the deal for not including their input. Despite its previously stated intentions to schedule elections during the year, the Government postponed elections until at least 2004 and some government officials have suggested 2005. Opposition parties complained of harassment and intimidation by the Government.

Under the April 4 Luena Accord, UNITA began the transition to a demilitarized opposition political party; however, it struggled to unify members who stayed in Luanda after the resumption of war in 1998 and UNITA-Renovada faction leaders with those leaders who fought with Savimbi until his death in February. The Government complicated reunification by continuing to recognize the tiny Renovada faction as the official UNITA party and providing it with material support, even though it represented only a small number of UNITA supporters. The Luena Accord provided for the conclusion of the final political tasks of the Lusaka Protocol, including the naming of UNITA officials to government ministries, provincial governorships, and ambassadorial posts.

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

Ruling power was concentrated in the President and other members of the Council of Ministers, through which the President exercised executive power. The Council can enact decree-laws, decrees, and resolutions, thereby controlling most functions normally associated with the legislative branch. Although the Constitution establishes the position of Prime Minister, the President dismissed the Prime Minister during the MPLA Party Congress in 1998, assumed the position himself by decree, and held it for 4 years. In December the President named Interior Minister Fernando Dias dos Santos "Nando" the Prime Minister. Since its inception, the National Assembly has served as a rubber stamp for the Council of Ministers. While opposition deputies held approximately 43 percent of National Assembly seats and substantive debates sometimes took place, few mechanisms existed to check the power of the MPLA majority or defeat legislation supported by the executive branch. Laws passed during the year, such as the Law on State Secrecy and the Law on National Security, further strengthened executive authority and limited legislative oversight (*see* Section 2.a.).

Immediately after independence, the country's competing independence movements began a civil war, which lasted until the signing of the Bicesse Accords in 1991 that legalized opposition parties. The 1992 elections were the first multiparty democratic elections in the country's history; they were conducted with U.N. supervision and financial support. MPLA president Jose Eduardo Dos Santos won a plurality of votes cast (49 percent), and UNITA leader Jonas Savimbi finished second (40 percent). Although local and international observers declared the election to be generally free and fair and called on UNITA to accept the results, UNITA claimed that the elections were fraudulent, rejected the results, and returned the country to civil war. The runoff election between Dos Santos and Savimbi never was held. The Lusaka Protocol stated that it would take place following a U.N. determination that requisite conditions exist.

The present government was formed in 1997 after UNITA and 10 smaller opposition parties joined the ruling MPLA in a government of national unity and reconciliation. In 1998 UNITA officials assumed 4 ministerial and 7 vice-ministerial positions, and 70 UNITA deputies took their seats. UNITA governors, vice governors, and local administrators were nominated, but the remaining positions were filled by members of a splinter UNITA group, UNITA-Renovada, which was recognized and assisted by the Government. The National Assembly promulgated a special status for Savimbi, declaring him to be the leader of the largest opposition party and providing him with 5 official residences and a bodyguard contingent of 400 personnel. The National Assembly revoked Savimbi's status in 1998 for abrogating his duties under the Lusaka Protocol. In 1999 the Government declared Savimbi a war criminal and issued a warrant for his arrest. After almost 3 years of intense counterinsurgency operations by government forces, on February 22, Savimbi was killed in battle with FAA troops in Moxico. On April 4, the remaining UNITA forces in the field signed the Luena Accord with the Government, which provides for the demilitarization of UNITA and the resumption of the Lusaka peace process. Under the ceasefire agreement, the Joint Commission, composed of the Government and UNITA, with oversight provided by the U.N. and Troika nations (United States, Russia, and Portugal), was to resolve the remaining tasks outlined in the Lusaka Protocol, including a final determination to cancel the runoff presidential election. Between September and November the Joint Commission met several times and agreed on the completion of the Lusaka and Luena provisions.

Opposition parties complained of harassment and intimidation by the Government. There were reports of localized harassment of individuals who were not members of the ruling party, particularly after increased UNITA military activity; these reports ceased after April. Unlike in previous years, there were no reports that members of the MPLA beat or detained UNITA-Renovada members. In the transition of official recognition from UNITA-Renovada to UNITA after the April ceasefire, there were reports that UNITA-Renovada offices were vandalized by UNITA supporters as part of intra-UNITA factional strife.

There were no legal barriers to the participation of women in the political process; however, women were underrepresented in government and politics (*see* Section 5). There were 35 women in the 220-seat National Assembly, and there were 10 women in the 83-member Cabinet, including 3 ministers.

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

The Government does not prohibit independent investigations of its human rights abuses; however, it failed to cooperate and often used security conditions as an excuse to deny access to affected areas.

There were more than 100 international and approximately 34 domestic NGOs operating in the country. Local NGOs actively promoted human rights during the year by documenting and exposing prison conditions and providing free legal counsel. In December a new organization called the Ad-Hoc Commission on Human Rights in Cabinda, which emerged from the civil society umbrella organization Coalition for Reconciliation, Transparency and Citizenship (RTC), released its first report detailing human rights violations in Cabinda (*see* Section 1.g.). While some expanded political freedom enabled some local NGOs to investigate previously sensitive issues, the Government continued to be suspicious of local NGOs receiving international support. During the year, the Ministry of Justice blocked the registration of the AJPD by continuing not to respond to its application (*see* Section 2.b.). The AJPD continued to await responses from the Supreme Court and the Ministry of Interior's Director of Prison Services on longstanding requests for the list of active judges and the number of prisoners in the justice system, respectively.

Several international organizations have a permanent presence in the country, including the International Committee of the Red Cross (ICRC) and the U.N. Human

Rights Division. Human Rights Watch (HRW) visited the country during the year and joined with AJPD to release a report on the protection of human rights of the country's IDPs. The Government consistently criticized HRW's statements about the country.

Unlike in the previous year, there were no reports that FAA, police, or UNITA forces harassed NGO workers during the year.

Human rights organizations had increased access to the country following the April ceasefire. During the year, U.N. humanitarian activities increased operations significantly in response to an acute food security and IDP crisis (*see* Sections 1.g. and 2.d.). Also, a new UNMA was established to oversee the peace process and the final implementation of the Lusaka Protocol as set forth in the April 4 Luena Accord (*see* Section 3).

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

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

Women.—Violence against women was widespread. Credible evidence indicated that a significant proportion of homicides were perpetrated against women, usually by spouses. The Ministry of Women and Family dealt, in part, with violence against women. The Government continued its project to reduce violence against women and improve the status of women. Domestic violence was prosecuted under rape and assault and battery laws. Rape is defined as a forced sexual encounter and is punishable by up to 8 years in prison; the law treats sex with a minor under the age of 12 as nonconsensual. However, an inadequate judicial system obstructed investigation and prosecution of such cases.

In July HRW and AJPD accused government forces of raping women and practicing sexual slavery in areas of counterinsurgency operations. The December report by the Ad-Hoc Commission on Human Rights in Cabinda alleged that government forces raped several women and girls. UNITA also was accused of rape and abducting women as porters and sexual slaves; however, there were no such reports after the April ceasefire (*see* Sections 1.g. and 6.c.).

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

The Constitution and Family Code provide for equal rights without regard to gender; however, societal discrimination against women remained a problem, particularly in rural areas. In addition, a portion of the Civil Code dated to colonial times and included discriminatory provisions against women in the areas of inheritance, property sales, and participation in commercial activities. There were no effective mechanisms to enforce child support laws, and women carried the majority of responsibilities for raising children. Due to poor economic conditions, an increasing number of women engaged in prostitution. The law provides for equal pay for equal work; however, in practice women rarely were compensated equally with men. Some women held senior positions in the armed forces (primarily in the medical field) and civil service, but women mostly were relegated to low-level positions in state-run industries and in the small private sector. In much of the country, women constituted a growing percentage of persons with disabilities, as they were most likely to become victims of landmines while foraging for food and firewood in agricultural areas. Under the law, adult women may open bank accounts, accept employment, and own property without interference from their spouses. Upon the death of a male head of household, the widow automatically was entitled to 50 percent of the estate with the remainder divided equally among legitimate children.

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

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

Although primary and secondary education was free and compulsory until the sixth grade, students often had to pay significant additional expenses. Although primary education was compulsory, there were not enough schools, and many children had to work to support their families. Teachers were chronically unpaid and often demanded unofficial payment or bribes from students. During the year, teachers en-

gaged in strikes in Benguela, Huila, and Namibe provinces. The enrollment rate of school-age children was 40 percent; however, while 55 percent of children 5 to 14 years of age were in school, only 30 percent of children remained in school after grade 5. There was a significant gender gap in the enrollment rate, favoring boys over girls. More than 1 million children were estimated to be out of school, with no prospect of integrating them into the education system. Most of the educational infrastructure was damaged and lacked basic equipment and teaching materials. Only 42 percent of the population was literate, and the illiteracy rate for women was almost twice that of men.

The Government has not brought any significant numbers of children into the armed forces since the 1996–97 demobilization campaign; however, some children reportedly continued to be recruited as a result of the absence of civil registration and the inability to prove dates of birth. There continued to be reports of forced recruitment of children in the provinces until the April ceasefire. There were credible reports that UNITA often forcibly recruited children as young as 10 years of age into its armed forces.

Children often were victims in the civil war. Local NGOs estimate that 100,000 children were abandoned or orphaned as a result of the war, and malnutrition was a problem. During the year, MINARS trained 1,070 child protection monitors who assisted 43,000 children that were separated from their families. Government and UNITA forces killed, kidnaped, and injured children during attacks until the end of the war (*see* Sections 1.a., 1.b., and 1.c.). Landmine explosions killed and injured children at an increasing rate. According to INAROOEE, out of a total of 660 landmine accidents in 2001, 105 involved children under the age of 18.

There were approximately 5,000 street children in Luanda; some were orphans or abandoned, while others ran away from their families or from government facilities that were unable to support them. Living conditions in government youth hostels were so poor that the majority of homeless children preferred to sleep on city streets. Street children shined shoes, washed cars, and carried water, but many resorted to petty crime, begging, and prostitution in order to survive. The Government-sponsored National Institute for Children was established to enforce child protection, but it lacked the capacity to work effectively with international NGOs. The Institute reported that in a sample from Catchiungo, the number of street children assisted by the Institute doubled from 7,890 in 2000 to 14,000 in 2001 and that more than 90 percent of these children suffered from malnutrition. The Government publicized the problems of street and homeless children during the year.

There were reports of trafficking in children and child prostitution (*see* Section 6.f.).

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

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

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

There continued to be lack of adequate protections of the property rights of traditional pastoral indigenous communities. In July the Government published a draft land tenure law for public comment that it claimed would increase protection of indigenous community land ownership. In response to requests from civil society groups for more time to review the legislation, the Government extended the public comment period until November. The legislation was pending at year's end. During the year, as part of a government project, with assistance from the U.N. Food and Agriculture Organization, 10 leases of 45-year duration were given to pastoral communities in Bengo and Huila provinces.

National/Racial/Ethnic Minorities.—Years of war and internal dislocation have produced substantial integration of ethnic and linguistic groups, particularly in the coastal areas, where as much as half of the population resided. The largest ethnolinguistic group, approximately 40 percent of the country's population, is

Ovimbundu, whose traditional region includes much of the south-central part of the country. Although the Ovimbundu formed the base for UNITA, there was little evidence of systematic discrimination against them by the Government or other groups. Other important ethno-linguistic groups include the Bakongo in the north; Kimbundu in the north-central area; and Chokwe in the extreme eastern part of the country. The coastal population centered in Luanda and, to a lesser extent, Benguela-Lobito, predominantly speaks Portuguese as a first language. The Portuguese-speaking group included a large minority of “Mesticos” of mixed European and African ancestry and a small, white, predominantly Portuguese-descended population. In addition, approximately 30,000 Portuguese citizens lived in the country, forming the bulk of the nonrefugee expatriate community.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to form and join trade unions, engage in union activities, and strike; however, the Government did not respect these rights consistently in practice. The Government dominated the National Union of Angolan Workers (UNTA), which was the labor movement affiliated with the ruling MPLA party; however, there were two independent unions, the General Center of Independent and Free Labor Unions of Angola (CGSILA) and the small Independent Union of Maritime and Related Workers (SIMA). There continued to be division and legal suits between member unions of CGSILA over accusations of administrative malfeasance. There was no further information regarding members of CGSILA being fired for recruiting members of UNTA to join the union. CGSILA had a membership of approximately 50,000 members, and UNTA claimed to have more than 400,000 members. The law requires that the Government recognize labor unions. Nevertheless, SIMA encountered difficulty with provincial government authorities in registering branch associations and organizing dock and rig workers (*see* Section 2.b.). Restrictions on civil liberties potentially prevent any labor activities not approved by the Government; however, the major impediment to labor’s ability to advocate on behalf of workers was the 60 percent formal sector unemployment rate.

Legislation prohibits discrimination against union members and calls for worker complaints to be adjudicated in regular civil courts. Under the law, employers found guilty of antiunion discrimination were required to reinstate workers who have been fired for union activities. In practice the judicial system was not capable of defending or prepared to enforce these rights.

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

b. The Right to Organize and Bargain Collectively.—The Constitution provides for the right to organize and for collective bargaining; however, the Government did not respect those rights in practice. The Government did not facilitate a positive environment for constructive labor management negotiations. The Government dominated the economy through state-run enterprises. The Ministry of Public Administration, Employment, and Social Security set wages and benefits on a semi-annual basis (*see* Section 6.e.).

The Constitution provides for the right to strike. Legislation passed in 1991 provides the legal framework for strikes, and strictly regulates them. The law prohibits lockouts and worker occupation of places of employment and provides protection for nonstriking workers. It prohibits strikes by armed forces personnel, police, prison workers, and fire fighters. The law does not prohibit effectively employer retribution against strikers. The law permits the Government to force workers back to work for breaches of worker discipline and participation in strikes. Small strikes over wages took place, mainly in the construction sector, during the year. Teachers also engaged in strikes during the year (*see* Section 5).

In July 2001, 190 employees of the oil services company WAPO-Angola went on strike demanding better wages. Management refused to negotiate and fired the workers. In September 2001, the workers sued the company, and in July a judgement in favor of the workers was announced. The court instructed WAPO to reinstate the workers and pay all salaries in arrears for the period of time the case was in court. WAPO claimed that it would face financial ruin and refused to pay or reinstate the workers. After 30 days, the workers asked the court to liquidate the company if they were not reinstated. In September WAPO agreed to pay and reinstate the striking workers, and the workers were paid and reinstated in October.

SIMA continued an organized protest that began in October 2000. The employing company, Angonave, subsequently was declared bankrupt and put in receivership under court supervision. SIMA members continued to maintain a vigil at the facility

to demand severance compensation. No such compensation was provided by year's end. Participants in the vigil reportedly were subject to government harassment.

In October the university professors' union, a member union of CGSILA, staged a strike at Agostino Neto University over salaries. The Ministry of Education and university administration reached agreement with the professors' union after 2 weeks (*see* Section 2.b.).

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, the Government was unable to enforce these provisions effectively. In addition, the law permits the Government to force workers back to work for breaches of worker discipline and participation in strikes, and it has been cited by the ILO as an example of forced labor in violation of ILO conventions. There were reports that the FAA forcibly conscripted persons until the end of the civil war with UNITA in April. There also were independent media reports of a prison director in Huambo using prisoners as laborers in his house.

UNITA forces regularly abducted children for military service and other forms of forced labor (*see* Sections 1.b., 1.f., and 5). UNITA depended on forced labor for much of its logistical support. Refugees and IDPs reported that rural women frequently were forced to work as porters for UNITA military units and kept in life-threatening conditions of servitude. There were reports that UNITA troops sexually assaulted these women; however, there were no such reports after the April ceasefire.

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

Children were abducted by UNITA forces for forced labor during the war (*see* Section 6.c.).

e. Acceptable Conditions of Work.—In December the minimum wage was set by the Ministry of Public Administration, Employment, and Social Security at the equivalent of \$50 (3,000 Kwanzas) per month to be adjusted for inflation every 6 months. This standard existed previously; however, the Government did not enforce it. Many urban workers earned less than \$20 (1,200 Kwanzas) per month. Neither the minimum wage nor the average monthly salary, which was estimated at \$40 to \$150 (2400 to 9000 Kwanzas) per month, were sufficient to provide a decent standard of living for a worker and family. As a result, most wage earners held second jobs or depended on the informal sector, subsistence agriculture, corruption, or support from abroad to augment their incomes. The Government reformed the national system of setting the minimum wage by pegging it to inflation and adjusted the rate quarterly during the year. Employees receiving less than the legal minimum wage have the right to seek legal recourse; however, it was uncommon for workers to do so.

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

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

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

An international NGO that worked with street children estimated in 2001 that there were 500 to 1,000 underage prostitutes in Luanda. There are no laws that specifically prohibit child prostitution; however, child prostitution is prohibited by a general criminal statute. The age of sexual consent is 12 years, and sexual relations with a child under 12 years of age is considered rape. Sexual relations with a child between the ages of 12 and 17 can be considered sexual abuse. All pornography is prohibited statutorily. The Ministry of Family and Women's Affairs enforced and oversaw special family courts, and the National Institute for Assistance to Children had daily responsibility for children's affairs. The Ministry of Justice continued its campaign to register children and provide them with identity papers and protect them against potential trafficking. In November the Ministry of Justice announced that more than 1.5 million children had been registered since August 2001—one half of the initial goal. In December there were international reports that Angolan children residing in Portugal were trafficked to the United Kingdom for exploitation. There were unconfirmed local reports that some of the children involved actually were trafficked from Angola.

Until the end of hostilities in April, there continued to be allegations that UNITA abducted persons, including children, for forced labor, and abducted women for use as sex slaves. There were reports that the Government forcibly recruited persons for military service (*see* Section 1.f.). There also were credible reports that UNITA forcibly recruited children into its military (*see* Section 5).

BENIN

The Republic of Benin is a constitutional democracy headed by President Mathieu Kerekou, who was inaugurated in April 2001, after elections that observers generally viewed as free but not entirely fair. There were 19 political parties represented in the unicameral, 83-member National Assembly. The March 1999 parliamentary elections, which were free, fair, and transparent, resulted in significant gains by the opposition, notably the party of former President Nicephore Soglo, which gained 27 seats in Parliament. Although a loose alliance of progovernment deputies holds a 42 to 41 seat majority, some progovernment deputies side with the opposition, depending on the issue. The Government generally respected the constitutional provision for an independent judiciary; however, the executive has important powers in regard to the judiciary, and the judiciary was inefficient and susceptible to corruption at all levels.

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

The country was extremely poor with average yearly per capita income below \$400; its population was approximately 6.5 million. The economy was based largely on subsistence agriculture, cotton production, regional trade (including transshipment of goods to neighboring countries), and small-scale offshore oil production. The Government has maintained the austerity program; continued to privatize state-owned enterprises; reduced fiscal expenditures; and deregulated trade. The Government estimated the growth rate at 5 percent for the year; however, approximately 2 percent of this growth can be credited to major infrastructure projects, such as road construction, that were funded by foreign aid.

The Government generally respected the human rights of its citizens; however, there were problems in several areas. There were credible reports that police sometimes tortured and beat suspects, and at times the authorities arbitrarily arrested and detained persons. During the year, some local authorities at times restricted freedom of assembly and police forcibly dispersed demonstrations. The most serious human rights problems continued to be the failure of police forces to curtail acts of vigilantism and mob justice; harsh and unhealthy prison conditions; serious administrative delays in processing ordinary criminal cases with attendant denial of timely, fair trials; judicial corruption; violence and societal discrimination against women; and trafficking and abuse of children. The practice of female genital mutilation (FGM) and, to a lesser extent, infanticide also remained problems. Child labor, including forced and bonded child labor, continued to be a problem. Trafficking in persons was a problem. Benin was invited by the Community of Democracies' (CD)

Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

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

There was no action taken against the persons responsible for the deaths of three prisoners during the May 2000 riot at the Lokossa prison (Mono department).

In March and June, there were reports that unidentified persons attacked and killed Fulani in the Zou (west) and Alibori (north) regions.

During the year, incidents of mob justice continued to occur nationwide. Most often these were cases of mobs killing or severely injuring suspected criminals, particularly thieves caught in the act. For example, in October a mob set fire to a man who allegedly attacked a motorbike taxi driver in Calavi. In the same month in a Cotonou suburb, a mob beat to death two men who allegedly stole a woman's purse (firefighters prevented the mob from burning the two bodies). Although a number of these incidents occurred in urban areas and were publicized in the press, the Government apparently made no concerted attempt to investigate or prosecute anyone involved, and police most often ignored vigilante attacks. However, in January vigilante leader "Colonel Devi" was arrested in the southwest (Couffo) region following the November 2001 killing of two persons at his home. He was taken to a prison in the northeastern region, where he remained confined awaiting trial at year's end.

There was no known action taken against the persons responsible for the following 2001 mob killings: The April burning to death in Bante sub-prefecture of a suspected sorcerer and an accused thug, and the 10 reported incidents in November in which mobs in several sections of Cotonou attacked persons, killing at least 5, who allegedly had committed ritualistic "thefts" of children and of body parts.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were credible reports that police sometimes beat and tortured criminal suspects. In February the nongovernmental organization (NGO), Human Rights League (HRL), claimed that police or military agents had beaten and tortured taxi driver Togbe Kuassi Mensah and businessman Patrice Doko for their expressions of political opinion. HRL insisted that a National Hospital physician had signed a medical certificate attesting to Mensah's injuries. After an investigation, the Ministry of Justice concluded the allegations were baseless, and no further action was taken by year's end.

There were no further developments in the case of the March 2001 police attack on National Assembly Deputy Valentin Somasse.

Although the Government continued to make payments to victims of torture under the military regime that ruled from 1972 to 1989, not all victims were paid by year's end. In 2001 a commission within the Justice Ministry was assigned to look into nonpayment; however, no further action was taken by year's end.

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

Prison conditions continued to be extremely harsh. Extensive overcrowding and lack of proper sanitation and medical facilities posed a risk to prisoners' health. The prison diet was seriously inadequate; malnutrition and disease were common. Family members were expected to provide food for inmates to supplement prison rations.

Women were housed separately from men; however, juveniles at times were housed with adults. Pretrial detainees were held with convicted prisoners; however, they were not held with the most violent convicts or those subject to the death penalty. Prisoners were allowed to meet with visitors such as family members, lawyers, and others.

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

The Government permitted prison visits by human rights monitors, and NGOs continued their prison visits. In December the Benin Commission for Human Rights (CBDH) made unannounced visits to several prisons.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, at times the authorities arbitrarily arrested and detained persons. The Constitution prohibits detention for more than 48 hours without a hearing by a magistrate whose order is required for continued detention. However, there were credible reports that authorities exceeded this 48-hour limit in many cases, sometimes by as much as a week, using the common practice of holding a person indefinitely “at the disposition of” the public prosecutor’s office before presenting their case to a magistrate. Approximately 75 percent of persons in prison were pretrial detainees.

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

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

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

A civilian court system operated on the national and provincial levels. There was only one court of appeals. The Supreme Court was the court of last resort in all administrative and judicial matters. The Constitutional Court was charged with deciding on the constitutionality of laws, disputes between the President and the National Assembly, and disputes regarding presidential and legislative elections. Its rulings in past years against both the executive and legislative branches, which were respected by both branches, demonstrated its independence from both these branches of government; however, it was accused of bias in favor of the President during the 2001 presidential elections (*see* Section 3).

The Constitution also provides for a High Court of Justice to convene in the event of crimes committed by the President or government ministers against the state. Under the Constitution, the High Court is to consist of members of the Constitutional Court (except for its president), six deputies elected by the National Assembly and the Supreme Court, and the Chairman of the Supreme Court. The first members of the High Court of Justice were sworn in and began serving their terms in 2001. Inefficiency and corruption particularly affected the judiciary at the trial court and investigating magistrate levels. Military disciplinary councils deal with minor offenses by members of the military services, but they have no jurisdiction over civilians.

The legal system is based on French civil law and local customary law. The Constitution provides for the right to a fair public trial. A defendant enjoys the presumption of innocence and has the right to be present at trial and to representation by an attorney, at public expense if necessary. In practice the court provided indigent defendants with court-appointed counsel upon request. A defendant also has the right to confront witnesses and to have access to government-held evidence. Trials were open to the public, but in exceptional circumstances the president of the court may decide to restrict access to preserve public order or to protect the parties. Defendants who were awaiting a verdict may request release on bail; however, the courts granted such requests only on the advice of the Attorney General’s office.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. Police were required to obtain a judicial warrant before entering a private home, and they usually observed this requirement in practice. In 2000 the Government, namely the former Managing Director of the Office of Post and Telecommunication, denied charges of wiretapping involving former President Soglo. The National Assembly began an investigation in 2001; however, no results were released publicly by year’s end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. The Government entity with oversight responsibility for media operations was the High Authority for Audio-Visual Media and Communications (HAAC), which required broadcasters to submit weekly lists of planned programs and required pub-

lishers to deposit copies of all publications with it; however, the media did not comply with these requirements in practice.

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

There was a large and active privately owned press composed of more than a dozen daily newspapers. These publications criticized the Government freely and frequently, but the effect on public opinion was limited because of their urban concentration. A nongovernmental media ethics commission (ODEM) continued to censure some journalists for unethical conduct during the year, as well as commending some journalists for adherence to the standards of their profession.

Privately owned radio and television stations have become increasingly popular sources of information. Programs critical of the Government were broadcast without interference during the year, and "call-in" and other talk shows often were used for public discussion of topics related to the December municipal election campaign. On November 19, the HAAC published the media regulations for the municipal election campaigns. It designated which radio and television outlets were allowed to cover the elections and indicated the geographical locations in which they will be permitted to operate. The HAAC also set the official radio advertising fees for the campaign.

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

A similar arrangement existed for television transmissions; the ORTB broadcast more than 12 hours per day on a signal that was easily received in urban areas. Approximately 80 percent of the ORTB's television programming was in French.

TV5, a commercial venture with investments by television broadcasting organizations in France, Canada, Belgium, and Switzerland, broadcasts locally 24 hours per day entirely in French under an agreement with the Government. A privately owned television station, LC-2, broadcast in Cotonou. LC-2 was owned by several private businesspersons and featured light entertainment and news; however, news coverage generally required payment. Although neither television station broadcast partisan programs in support of, or unduly critical of, the Government, the vast majority of news programming centered on government officials' activities, government-sponsored conferences, and international stories provided by French television or other foreign sources.

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

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

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

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice; however, during the year, local government officials at times restricted this right. The Government requires permits for use of public places for demonstrations and generally granted such permits; however, during the year, the new mayor of Cotonou, Jerome Dandjinou, refused to allow demonstrations and marches by students, the opposition political party Renaissance du Benin (RB), and labor unions. In April and May, the RB party attempted protest marches; however, the police forcibly dispersed them with tear gas. The Mayor claimed he only was trying to "discourage civil unrest." In August he refused to permit a demonstration by HRL members protesting a new tax on motorbike taxis. Nevertheless, the HRL attempted to march, and the police forcibly dispersed them.

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

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

Persons who wish to form a religious group must register with the Ministry of the Interior. Registration requirements were identical for all religious groups. There were no reports that any group was refused permission to register or was subjected to unusual delays or obstacles in the registration process. Religious groups were free from taxation.

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

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

The Government did not restrict international travel for political reasons, and those who travel abroad may return without hindrance. However, during the year, the Government imposed documentary requirements for minors travelling abroad as part of its continuing campaign against trafficking in persons (see Section 6.f.).

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

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated closely with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees, including those in need of first asylum. During the year, a number of citizens of Togo continued to enter the country and were granted refugee status or given first asylum; however, many returned to Togo. As of December 2001, there were 1,182 Togolese refugees in the country and a total of 1,921 Togolese living in the country under UNHCR auspices. Despite severe economic pressures that limited its ability to provide education for children, the Government allowed these Togolese to enroll their children in local schools and permitted their participation in some economic activities. As of December 2001, the Government had accepted 1,186 refugees and asylees from the Democratic Republic of the Congo (DRC) and 486 others were destined for eventual resettlement in another country.

In contrast the UNHCR estimated that 250 Ogoni refugees from Nigeria were at a disadvantage because they did not speak French and could not work nor could their children attend schools. UNHCR officials directed them to remain within the confines of the Kpomasse refugee camp to avoid potential confrontations with local inhabitants and maintained administrative control over their activities.

In addition, there were fewer refugees from Algeria, Burundi, Cameroon, the Central African Republic, Chad, the Republic of Congo, the DRC, Ethiopia, Liberia, Niger, Nigeria, Rwanda, Sudan, and Sierra Leone. The UNHCR estimated that, as of December 2001, there were 5,021 refugees of various nationalities in the country and that approximately 2,300 persons residing in the country were requesting asylum.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and generally fair elections held on the basis of universal suffrage. Citizens exercised this right in the 2001 presidential elections; however, observers generally viewed the presidential elections as free but not entirely fair. The Constitution provides for a 5-year term of office for the President (who is limited to two terms) and 4-year terms for National Assembly members (who may serve an unlimited number of terms).

President Kerekou was inaugurated in April 2001. Observers viewed the reelection of Kerekou as free but not entirely fair because of the apparent judicial manip-

ulation of the presidential electoral counts, the intimidation of opposition deputies, and the unprecedented scope of the campaign expenditures made by the President's coalition. When opposition candidates challenged the preliminary, first-round presidential vote tallies, the Court initially affirmed those results despite the electoral commission's concession that computer failures and other irregularities made those tallies unreliable. Following extensive public criticism, the Court reviewed the evidence in more detail, modified the tallies, and gave some of the numerous opposition candidates marginally higher total votes. President Kerekou, who ruled the country as a Socialist military dictator from 1972 to 1989, succeeded his democratically elected predecessor in 1996 and continued the civilian, democratic rule begun in the 1990–91 constitutional process that ended his previous reign. There were 19 political parties represented in the unicameral, 83-member National Assembly. The 1999 parliamentary elections, which were free, fair, and transparent, resulted in significant gains by the opposition, notably the party of former President Soglo, which gained 27 seats in Parliament. Although a loose alliance of progovernment deputies holds a 42 to 41 seat majority, some progovernment deputies side with the opposition, depending on the issue. Consequently, legislative power shifts between opposition and progovernment forces. For example, the President of the National Assembly was from an opposition party. The campaign for the country's first ever municipal elections in December was marred by charges by the opposition parties that the pro-Kerekou coalition engaged in the same vote-buying and other improper election tactics, which it also was alleged to have done in the 2001 presidential elections. The opposition parties alleged fraud and forged voter cards during the December 15 municipal elections and criticized the National Election Commission's handling of the election; however, the opposition won the majority of seats on the municipal councils in the large cities.

Women participated actively in political parties. Following a Cabinet reshuffle in 2001, there were 2 women in the 22-member Cabinet. There were 6 women in the 83-member, unicameral National Assembly, including the leader of the largest opposition party. The President of the Constitutional Court was a woman.

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

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

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

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

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

The Government generally was unsuccessful in preventing FGM, which was legal. FGM was practiced on females ranging from infancy through 30 years of age and generally took the form of excision. Surveys, including one conducted by the World Health Organization in 1999, reliably estimated that the number of women who had undergone FGM at approximately 50 percent. A prominent NGO, the Benin chapter of the Inter-African Committee, made progress in raising awareness of the dangers of the practice, and the Government cooperated with its efforts. According to recent research, there was a strong profit motive in the continued practice of FGM by those who performed the procedure, usually older women. The efforts of NGOs and others to educate rural communities about the dangers of FGM and to retrain FGM practitioners in other activities continued during the year. The press reported that the number of girls and women undergoing FGM decreased significantly each year since 1996. The NGO APEM believed that if the trend continued, the practice could be eradicated by 2005.

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

and property rights, but local custom in some areas prevented them from inheriting real property.

The long-debated Family Code finally was approved by the National Assembly in June. It was being reviewed by the Constitutional Court at year's end. Critics called it a women's code and charged that it would give women unfair advantages. The code strengthened the inheritance and property rights for women, among other things; however, both opponents and supporters considered that the legislation was only a first step and that the code likely will be amended.

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

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

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

The Government, in concert with NGOs, made serious efforts to combat child abuse and trafficking in children, including media campaigns, programs to assist street children, greater border surveillance, and a conference on trafficking (*see* Section 6.f.). Following the April 2001 arrival of the *Etireno*, a ship reportedly transporting trafficked children, the National Commission on Children's Rights prepared an action plan to counter child trafficking. The plan was presented to the Government and financing for it still was pending at year's end. Despite such efforts, the abuse of children remained a serious problem.

Some traditional practices inflicted hardship and violence on children, including most prominently the custom of "vidomegon," whereby poor, often rural, families place a child, primarily a daughter, in the home of a more wealthy family to avoid the burden the child represents to the parental family. The children work, but the arrangement was voluntary between the two families. There was a considerable amount of abuse in the practice, and there were instances of sexual exploitation. Approximately 90 to 95 percent of the children in vidomegon were young girls. Children were sent from poorer families to Cotonou and then some of the children were sent to Gabon, Cote d'Ivoire, and Central African Republic to help in markets and around the home. The child received living accommodation, while income generated from the child's activities was split between the child's parents in the rural area and the urban family that raised the child. Following the *Etireno* incident, the Government renewed its analysis of the impact of vidomegon (*see* Sections 6.c. and 6.f.). In March a 12-year-old child living in vidomegon reportedly committed suicide because of ill treatment. In June a woman reportedly beat to death a 6-year-old child living in her household, then she returned the body to the child's parents for burial.

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

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

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

Persons with Disabilities.—The Constitution provides that the State should care for persons with disabilities; however, the Government did not mandate accessibility for them. There were no legal requirements for the construction or alteration of buildings to permit handicapped access.

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

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

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

During the 2001 presidential campaign, ethnic rivalries were evident. Candidate Sacca Lafia, first vice-president of the National Assembly, gave speeches urging his fellow northerners and members of his own Bariba group to prepare to seize power from other groups. President Kerekou, also a northerner, is a member of the Somba group (see Section 3).

Section 6. Worker Rights

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

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

The Labor Code prohibits employers from taking union membership or activity into account regarding hiring, work distribution, professional or vocational training, or dismissal; however there were reports of individuals being dismissed for union activity. In 2001 the Brasseries du Benin reportedly fired union leaders Rufin Domingo, Roger Loko, and Jean Ahossi, and alleged their involvement in theft and distribution of confidential accounting documents. There was no warning that they were suspected of any such offense. The three were the General Secretary and first and second Assistant Secretaries of the Syndicat National des Ouvriers et Cadres, and they were dismissed on the day of union elections at the company. The Government levies substantial penalties against employers who refuse to rehire workers dismissed for lawful union activities. Union leader Rufin Domingo brought his case before the Labor Tribunal. His case was pending at year's end.

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

During the year, the mayor of Cotonou prohibited demonstrations by labor unions (see Section 2.b.).

Unions may form freely or join federations or confederations and affiliate with international bodies. The two major labor confederations were affiliated with the Brussels-based Confederation Internationale de Syndicats Libres. In October 2001, union members voted in "professional elections" for the federation or confederation that each member would like as his or her labor representative. In March the Government finally released the election results; many unions criticized the unexplained delay. The Confederation Syndicale des Travailleurs du Benin (CSTB), and Confédération des Syndicats Autonomes du Benin (CSA-Benin) were declared the winners. The Government's decision to certify CSTB and CSA-Benin as cownersers for the public and the private sector contests drew heavy criticism.

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

Strikes were permitted; however, and the authorities can declare strikes illegal for stated causes, such as threatening to disrupt social peace and order, and can requisition striking workers to maintain minimum services. Unlike in the previous year, there were no reports that strikes were declared illegal. There were a number of teachers' strikes during the year, which disrupted schools from the primary through university levels.

Under the strike law of 2001, the Government can no longer prohibit any strike on the grounds that it threatens the economy or the national interest. The law also reduced the advance warning required before a strike from 5 to 3 days.

Labor unions continued to oppose the Government's merit-based promotion scheme. Unions also opposed a 1969 decree (which was still in effect) permitting the Government to dock the wages of striking public sector employees.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Labor Code prohibits forced or bonded labor, including by children; however, the law provides for sentences of imprisonment involving compulsory labor for certain acts or activities related to the exercise of the right of free expression. No such sentences were imposed during the year.

In addition, forced child labor was a problem (*see* Sections 5 and 6.f.). Some financially desperate parents indentured their children to “agents” recruiting farm hands or domestic workers, often on the understanding that wages for the children would be sent to the parents. According to press reports, in some cases, these agents took the children to neighboring countries for labor (*see* Sections 5 and 6.f.). The Government took steps to educate parents and to prevent such placing of children in bonded labor. Also, many rural children were sent to cities to live with relatives or family friends, often on the understanding that in return for performing domestic chores, they would receive an education (*see* Section 5). Host families did not always honor their part of the bargain, and the abuse of child domestic servants occurred. The Government has taken some steps to curb abuses, including media campaigns, regional workshops, and public pronouncements on child labor problems. In March government officials from Benin and five other West African countries met with trade unionists to discuss how they will work together to combat widespread child labor and child trafficking in the region.

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

Forced child labor was a problem (*see* Sections 6.c. and 6.f.).

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

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

f. Trafficking in Persons.—Although no law specifically prohibits trafficking in persons, the Government interprets its laws as prohibiting trafficking in persons in general and in underage girls in particular; however, there were reports of trafficking in children, which continued to be the subject of considerable media coverage. Longstanding provisions of the criminal code prohibit kidnaping. The country was a source, transit, and destination for trafficked persons, primarily children.

The Constitution and the law prohibit child prostitution; however enforcement was not effective and frequently lax. Child prostitution mainly involved young girls. They were from poor families who urged them to become prostitutes to provide income for the family. They were abused sexually by teachers who sought sex for better grades. They were lured to exchange sex for money by older men who acted as their “protectors.” There were street children who became prostitutes to support themselves. There were reports of sexual tourism and reports that adult males pre-

ferred young girls because they were viewed as less demanding and less likely to have HIV/AIDS. The Government organized assistance to child prostitution victims and worked jointly with NGOs and international organizations on prevention programs.

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

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

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

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

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

At year's end, none of the persons arrested in connection with the MV Etireno, a ship suspected of carrying trafficked children in March 2001, had been brought to trial.

Following the arrival of the Etireno, the Government undertook a formal investigation and produced a final report, cosigned by UNICEF and Terre des Hommes, an NGO. The final report stressed the regional nature of the trafficking problem, asked for international assistance to help the Government improve its antitrafficking measures, and criticized the tone of international media's coverage of the event. No further action was taken by year's end.

The Government was limited severely by a lack of resources, but did recognize that trafficking was a problem. To prevent trafficking, the Government worked with international organizations to increase literacy rates, diversify the economy, and improve health care. The Brigade for the Protection of Minors, under the jurisdiction of the Interior Ministry, fought crimes against children. The Brigade estimated that between 1998 and the beginning of 2001, the various border control agencies, including gendarmes and police, intercepted 2,053 children at borders other than the port of Cotonou. The Government also worked with NGOs to combat trafficking in children, taking measures that included media campaigns and greater border surveillance (*see* Section 5); however, police complained that they lacked equipment to monitor trafficking adequately.

The Government participated in a two-part ILO trafficking project with seven other countries (Burkina Faso, Cameroon, Cote d'Ivoire, Ghana, Nigeria, Senegal,

and Togo). The Government also has bilateral agreements with Togo, Gabon, and Nigeria, which focus on border control and repatriation of trafficking victims. During the year, the Government concluded a formal agreement with government of Gabon for the repatriation and reintegration of trafficked children.

In August 2001 in Abomey-Calvi, a group of magistrates held a conference to discuss better ways to enforce the country's existing laws against trafficking and displacement of persons. In August 2001, the city of Cotonou hosted a subregional conference of West African police chiefs to discuss their broad array of trafficking cases, including women and children, and to explore more effective ways to integrate their enforcement and interdiction efforts. Although there was no evidence of concrete results, the subregion's police chiefs adopted resolutions pledging increased information sharing on border control issues; the magistrates created a compilation of existing laws and regulations related to trafficking and discussed methods of improving enforcement efforts.

BOTSWANA

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

The civilian government maintained effective control of the security forces. The military, the Botswana Defense Force (BDF), primarily was responsible for external security, although it did assist with domestic law enforcement on a case by case basis. The Botswana National Police (BNP) primarily were responsible for internal security. Some members of the security forces, in particular the police, occasionally committed human rights abuses.

The economy was market oriented with strong encouragement for private enterprise and has achieved rapid sustained real per capita economic growth. Nearly 50 percent of the population of approximately 1.7 million was employed in the informal sector, largely subsistence farming and animal husbandry. Rural poverty remained a serious problem, as did a widely skewed income distribution. Per capita gross domestic product increased to \$3,956 from \$3,486 in 2000, according to 2001 Bank of Botswana figures. Diamond exports provided more than two-thirds of the country's export income and much of the revenue of the Government, which owned half of a company engaged in the production of diamonds from existing mines.

The Government generally respected the human rights of its citizens; however, there were problems in several areas. There were reports that the police sometimes beat or otherwise mistreated criminal suspects in order to obtain evidence or coerce confessions. The authorities took action in some cases against officials responsible for such abuses. Prison conditions were poor and overcrowded, although the Government made efforts to address the problem by constructing new detention facilities. In many instances, the judicial system did not provide timely fair trials due to a serious and increasing backlog of cases. The Government coerced Basarwa to relocate outside of the Central Kalahari Game Reserve (CKGR) during the year. The Government continued to dominate domestic broadcasting and limited freedom of the press. Some citizens, including groups not numbered among the eight "principal tribes" of the Tswana nation, the majority ethnic group, remained marginalized in the political process. Violence and discrimination against women remained serious problems. Trade unions continued to face some legal restrictions, including those against the right to strike, and the Government did not always ensure that labor laws were observed in practice. Botswana was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

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

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

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

In previous years, there were reports that BDF soldiers at the Dukwe refugee camp beat and abused Dukwe residents. In 2000 one refugee applicant claimed that BDF soldiers beat him for allegedly stealing a bag of sugar. A formal investigation was conducted and the soldiers were issued a warning. Following the incident, all BDF soldiers were removed from Dukwe.

During the year, there were allegations that police used excessive force in repatriating Zimbabweans who fled across the border into the country; however, local nongovernmental organizations (NGOs) were not able to confirm reports of mistreatment (*see* Section 2.d.).

Unlike in the previous year, there were no reports that government game wardens abused the Basarwa (Bushmen) in the CKGR.

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

Prison conditions remained poor, and conditions largely remained unchanged during the year. Conditions in all prisons generally were poor, although women's prisons were less crowded than men's prisons. A 2000 report by the Botswana Prisons Service to the Commissioner reportedly denied government responsibility for the conditions of prisons; however, the report was not released publicly. With the country's high incidence of HIV/AIDS and tuberculosis, prison overcrowding was a serious health threat. The Government and prison authorities were aware of the problem, and cooperated fully with the Center for Disease Control in a study on the prevalence of tuberculosis in the prisons. HIV/AIDS testing and U.N. Development Program (UNDP) peer counseling was available to all prisoners. There were reports that some prisoners died in custody from HIV/AIDS related illnesses.

The 23 prisons across the country had a capacity of approximately 3,300 inmates but held 5,829 at year's end. Construction of a new prison for male juvenile offenders was delayed due to lack of funds, and it was scheduled to open in August 2003. The Prison Commissioner has the authority to release terminally ill prisoners who were in the last 12 months of their sentences and allow citizen prisoners with sentences of 12 months or less to perform "extramural" labor. By year's end, the Government had released more than 1,000 prisoners under the program. Foreign prisoners were required to serve out their entire sentences.

The Prisons Act makes it illegal for prison officials to mistreat prisoners. When there is an allegation or suspicion of mishandling of prisoners by prison officials, the Department of Prisons is required to forward the case to the police for investigation. In 2000 the Minister of Presidential Affairs and Public Administration stated that stiff penalties would be imposed on prison officials who treat inmates improperly.

Men were held separately from women, and juveniles were held separately from adults; however, pretrial detainees were held in the same facilities as convicted prisoners.

The Prisons Act provides for a governmental visiting committee for each prison, the members of which are appointed by the Minister of Labor and Home Affairs. Members of these committees serve 1-year terms, must visit their prison four times within their first term, and issue a report both to the Commissioner of Prisons and the Minister of Labor and Home Affairs. These reports normally were not released to the public. During the year, the committees visited each prison quarterly. The committees issued another report during the year to the Minister of Labor and Home Affairs; however, the report was not released to the public.

While the Prisons Act grants relatives, lawyers, magistrates, and church organizations the right to visit prisoners for "rehabilitative purposes," the Commissioner of

Prisons has the authority to decide whether domestic and international human rights organizations may visit. Independent monitoring of prison conditions by human rights groups, the media, or the International Committee of the Red Cross (ICRC) was allowed if these organizations sought permission from the Commissioner of Prisons; however, none of these groups sought permission during the year. In the past, some local human rights organizations were granted access to visit specific prisoners.

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

Suspects must be informed of their legal rights upon arrest, including the right to remain silent. Detainees must be charged before a magistrate within 48 hours. A magistrate may order a suspect held for 14 days through a writ of detention, which may be renewed every 14 days. Detainees had the right to contact a family member and to hire attorneys of their choice, but in practice most were unable to afford legal counsel. Poor police training and poor communications in rural villages made it difficult for detainees to obtain legal assistance, and authorities did not always follow judicial safeguards. The Government did not provide counsel for the indigent, except in capital cases. Most citizens charged with noncapital offenses were released on their own recognizance; some were released with minimal bail. Detention without bail was highly unusual, except in murder cases, where it was mandatory. Constitutional protections were not applied to illegal immigrants, although the constitutionality of denying them due process has not been tested in court.

Pretrial detention was prolonged in a large number of cases. In Gaborone Central Prison, the average wait in prison before trial was 1 year. The Government attempted to alleviate the backlog of cases by temporarily hiring more judges and held a referendum in 2001 in which voters authorized amending the Constitution to raise the retirement age of judges from 65 to 70; however, several magistrates resigned during the year, and the backlog of cases increased.

The Government sometimes held newly arrived refugees and asylum seekers in local jails until they could be interviewed by the Botswana Council for Refugees (BCR) or the U.N. High Commissioner for Refugees (UNHCR) (*see* Section 2.d.). During the year, the Government completed construction of the Francistown Holding Center with a capacity of 504 illegal immigrants awaiting repatriation. There were 257 illegal immigrants in the holding center at year's end. BCR or the UNHCR interviewed immigrants claiming refugee status, and once persons were granted refugee status, the Government transferred them to the Dukwe Refugee Camp (*see* Section 2.d.). The five refugees from Namibia's Caprivi Strip who committed criminal offenses while at the Dukwe refugee camp remained in protective custody at Mahalapye Prison, despite a request from the Namibian government that they be repatriated.

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

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

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

The law provides for the right to a fair trial; however, the civil courts remained unable to provide for timely, fair trials in many cases due to severe staffing shortages and a backlog of pending cases. Most trials in the regular courts were public, although trials under the National Security Act (NSA) may be held in secret. Those charged with noncapital crimes were tried without legal representation if they could not afford an attorney. As a result, many defendants may not be informed of their rights in pretrial or trial proceedings. The BCHR provided free legal services, but its capacity was limited. Another NGO, the University of Botswana Legal Assistance Center, provided free legal services in civil, but not criminal, matters.

In 1999 a High Court judge declared a mistrial in the case of two Basarwa (Bushmen) men who had been convicted in 1995 of murder and who were awaiting execution. Ruling that the two had been deprived of their constitutional rights, the judge ordered a new trial, which was scheduled for March 2003.

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

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice, with the exception of the resettlement of the Basarwa out of the CKGR.

During the year, the Government coerced ethnic Basarwa (also known as the San or Bushmen) into abandoning their ancestral communities within the CKGR, and moved them to resettlement camps located outside the reserve (*see* Section 5). Government officials maintained that the resettlement program was voluntary and necessary in order to reduce the cost of providing public services and to minimize human impact on wildlife. The Government “assisted” the inhabitants to relocate and provided compensation for abandoned property. In some cases, the Government used intimidation and coercion to force families to leave the reserve. Government officials dismantled local houses and made it difficult to bring water into the reserve.

Section 2. Respect for Civil Liberties, Including:

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

The Government’s Botswana Press Agency (BOPA) provided most of the information found in the media owned and operated by the Government: The free Daily News newspaper, Botswana Television (BTV), and two FM radio stations, Radio Botswana (RB1) and Radio Botswana 2 (RB2). RB1 operated from 5 a.m. to 12 a.m. daily, and RB2 operated 24 hours per day. News coverage in the state-owned media focused on the activities of government officials and supported government policies and actions. The Daily News also published general coverage of current events and issues and included a second front page in Setswana, the most commonly spoken language.

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

Government officials sometimes complained of bias in the private press. However, government officials and other public figures have recourse to the courts if they believe that they have been libeled. Libel was a civil law matter; there were no criminal libel laws. In 2000 the Vice President filed a libel suit against the Botswana Guardian and the Midweek Sun newspaper, which was pending at year’s end.

In April 2001, after a series of negative press stories about government officials, the Government directed all government agencies and parastatals to refrain from advertising in the Botswana Guardian and its sister newspaper, the Midweek Sun. While officials initially claimed that the decision was solely a financial one, officials admitted in court that the decision to ban advertising was meant to have a punitive nature during a lawsuit brought by the newspapers. In September 2001, the High Court overruled the decision to ban advertising and ordered the Government to pay the newspapers’ legal fees; however, the Court’s decision on whether depriving the newspapers of advertising revenue was an unconstitutional suppression of speech and of the press was pending at year’s end.

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

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

The debut of BTV generated considerable discussion among members of the public, parliamentarians, and government officials about whether its status as a government-owned station would interfere with its ability to function independently, especially with respect to reporting the news. In April Presidential Affairs and Public Administration Minister Daniel Kwelagobe criticized the Government media for irresponsible reporting following stories about a kgotla (community) meeting in Molepolole, in which Bakwena tribesmen suggested that President Mogae's origins could be traced to Zimbabwe. The Minister, whose responsibility then included media matters, declared that stories for the Daily News, Radio Botswana, and Botswana Television would be censored in order to sanitize them. Other than these remarks, no real action was taken, and there were no instances of censorship reported during the year.

The opposition Botswana Congress Party (BCP) criticized government control over BTV, Radio Botswana, the Daily News, and BOPA and urged that they be privatized or turned into parastatals.

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

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

Internet access continued to spread quickly. The Government did not restrict e-mail or Internet usage. Thirteen Internet service providers (ISPs) were available to the domestic market, up from four in the previous year. Botsnet is the commercial arm of the parastatal Botswana Telecommunications Corporation (BTC). While private ISPs were allowed to operate, they did so at a competitive disadvantage due to the larger bandwidths dedicated to Botsnet.

The Government did not restrict academic freedom.

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

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

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

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

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

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 strictly applied a policy of first asylum. Refugee applicants who were unsuccessful in obtaining asylum were allowed to remain at Dukwe until the Government referred their cases to the UNHCR for resettlement; however, in some sensitive cases, the Government has used deportation. There were no such cases this year. The Government maintained a policy of considering asylum requests only from refugees from bordering countries; however, in practice the Government often considered refugee applications from Angolans. The BCR or the UNHCR interviewed immigrants claiming refugee status. Although the Government sometimes held newly arrived refugees in local jails until they could be interviewed by BCR or UNHCR officials, once persons were granted refugee status, the Government transferred them to the Dukwe Refugee Camp until their resettlement or voluntary repatriation (see Section 1.d.). There were 4,300 ref-

ugees at Dukwe by year's end; they were primarily from Namibia, Angola, and Somalia. At year's end, five refugees were being held in "protective custody" in Mahalapye Prison (*see* Section 1.d.).

Unlike the previous year, there were no reports that BDF soldiers beat or abused residents of the Dukwe refugee camp (*see* Section 1.c.).

During the year, there were allegations that police used excessive force in repatriating Zimbabweans who fled across the border into the country. The Deputy Commander of the Botswana Police Service and the Zimbabwean High Commissioner said that there was no truth to the allegations. Ditshwanelo, the Botswana Center for Human Rights, was not able to confirm reports of mistreatment.

More than 2,500 refugees from the Caprivi Strip in neighboring Namibia have fled to the country since 1998. Many were armed and linked to the ethnically based opposition groups based in the Caprivi Strip. Male refugees linked to such groups requested asylum based on their claim that they were being forced into the Namibian army to fight in the Democratic Republic of the Congo. The Government provided first asylum to all such persons. No refugee repatriation took place in 2001; however, between August 12 and October 17, approximately 1,000 Namibian refugees were voluntarily repatriated at the Ngoma border. This repatriation took place after a tripartite agreement between the Government, Namibia, and the UNHCR. The UNHCR head of liaison was satisfied with the dignified and orderly manner being accorded Namibian refugees by all parties to the tripartite agreement. There were approximately 1,300 Namibian refugees at the Dukwe refugee camp by year's end, and arrangements were being made for their repatriation in March 2003.

In December the High Court rejected Namibia's request to have 13 alleged Caprivi secessionists extradited to face charges of murder and high treason on the grounds that they would not receive a fair trial in Namibia. Human rights groups have applauded this decision. There was no further action taken 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 exercised this right in practice through periodic, free, and fair elections held on the basis of universal adult (18 years of age) suffrage. The President is elected by the National Assembly and is limited to two 5-year terms in office. Members of the BDP have held a majority of seats in the National Assembly and have controlled the presidency continuously since independence.

The House of Chiefs, an advisory body with limited powers, was restricted constitutionally to the eight "principal tribes" of the majority Tswana ethnic group and four elected chiefs representing smaller tribes, including the Bakalanga, Balozi, Humbukushu, and Bakgalagadi. Consequently other groups such as the Basarwa, Ovaherero, or Bayei were not represented there. Given the limited authority of the House of Chiefs, the impact of excluding other groups of citizens largely was symbolic, but some non-ethnic Tswana viewed it as important in principle. Following a study by the Balopi Commission, in December 2001, the Government released a policy paper recommending constitutional amendments to make the House of Chiefs more inclusive and ethnically neutral. Parliament adopted its recommendations; however, no date was set for implementation. Members of the National Assembly were required to speak English.

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

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

The 1999 elections doubled the number of women serving in the National Assembly, from 4 to 8 of 44 members. The number of women serving in the cabinet also increased from 4 to 6 of 20 members. Of the 13 High Court justices, 1 was a woman.

During the year, one of the eight paramount Tswana-speaking tribes selected Mosadi Seboko to be the first female chief in tribal history.

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

A number of domestic and international human rights groups, including the BCHR, generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials usually were cooperative and responsive to their views; however, some groups complained that the Government's cooperation was designed mainly to mute criticism and did not result in improved human rights conditions. Emang Basadi Women's Association and Women Against Rape were active on issues concerning women's rights, particularly rape and domestic violence (see Section 5). Survival International, the NGO that took up the cause of the Basarwa and protested their removal from the CKGR, was not obstructed in carrying out its situation assessments.

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

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

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

Women.—Domestic violence against women remained a serious problem. Under customary law and in common rural practice, men have the right to "chastise" their wives. Police rarely were called to intervene in cases of domestic violence. Reports of sexual exploitation, abuse, and assault increased an estimated 18.4 percent during the year, in part due to public awareness of the problem and a willingness of victims to come forward. The national police force began training officers in handling domestic violence problems to make them more responsive in such cases. Although the Government has become far tougher in dealing with sexual assault, societal attitudes toward other forms of domestic violence remained lenient. Half of the murders of women were linked to histories of domestic violence. Human rights activists estimated that 6 women in 10 were victims of domestic violence at some time in their lives.

Rape was another serious problem, and given the high incidence of HIV/AIDS, sexual assault became an even more serious offense. By law the minimum sentence for rape was 10 years, with the minimum increasing to 15 years with corporal punishment if the offender was HIV-positive, and to 20 years with corporal punishment if the offender knew of his or her HIV status. The law does not address the issue of marital rape. Women's groups acknowledged an improvement in the treatment of alleged victims by police officials during rape investigations; however, they noted that police still lacked basic investigative knowledge of rape cases.

Sexual exploitation and harassment continued to be problems with men in positions of authority, including teachers, supervisors, and older male relatives who pressured women and girls to provide sexual favors. In 2000 the Government amended the Public Service Act to recognize sexual harassment as misconduct carrying penalties under the law. Greater public awareness and improved legal protection have led more victims of domestic violence and sexual assault to report incidents to the authorities. In May 2001, the Women's Affairs Department held a national workshop on violence toward women and issued a report that promoted the use of an integrated approach among all interested parties to gender based violence.

Women legally enjoyed the same civil rights as men; however, in practice societal discrimination persisted. A number of traditional laws enforced by tribal structures and customary courts restricted women's property rights and economic opportunities. A woman married under traditional law or in "common property" was held to be a legal minor and required her husband's consent to buy or sell property, apply for credit, and enter into legally binding contracts. Under the law, women married under an intermediate system, referred to as "in community of property," were permitted to own immovable property in their own names; however, their husbands still retained considerable control over jointly held assets of the marriage. Moreover, the law also stipulates that neither spouse can dispose of joint property without the written consent of the other party.

Women increasingly exercised the right to marriage "out of common property," in which case they retained their full legal rights as adults. Polygyny still was legal under traditional law with the consent of the first wife, but it rarely was practiced. The Government and local NGOs focused on constructive methods to address discrimination against women in the areas of marital power, legal disabilities, and proprietary consequences of marriage under common law, customary law, and the Married Persons Property Act. In 2001 the Government amended the marriage laws. Prior to the amendment, girls could be married with parental consent at age 14,

and boys with parental consent at age 16. The new law sets the age of marriage with parental consent at 18 for both sexes, and at age 21 if parental consent is not given. All marriages must be registered, regardless of customary law or religious belief.

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

Young women did not have access to military or national service training. Military service was voluntary for men only. The Government abolished its national service program in 2000, a program that previously allowed male and female high school graduates to serve in government departments, mostly in rural areas. In 2000 Parliament passed a resolution calling for young women to be allowed to serve in the BDF "as soon as practicable."

The Government and interested NGOs met regularly to implement the long term plan of action described in the National Policy on Women. The Women's Affairs Department of the Ministry of Labor and Home Affairs, in conjunction with the U.N. Development Program, developed the Program Support Document (PSD) in 1997, which provides a framework for implementation of the national policy on women until the end of the year. The Women's Affairs Department had not released a report on progress in the target areas at year's end.

A number of women's organizations emerged to promote the status of women, and the Government entered into a dialog with many of these groups. While some women's rights groups reportedly felt that the Government was slow to respond concretely to their concerns, women's NGOs stated that they were encouraged by the direction of change and by the increasingly collaborative relationship with government authorities. Major women's NGOs included the Emang Basadi Women's Association, which promoted the social, economic, and legal status of women and the Botswana Council of Women.

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

The Government provided 7 years of free primary education for children, although attendance was not compulsory. Government estimates of the proportion of children who never attended school ranged from 10 to 17 percent, and fewer than 20 percent of children completed secondary school; school attendance and completion rates were highest in urban areas, and lowest in remote rural areas, especially those inhabited chiefly by Basarwa. In some cases, girls were denied schooling because of religious or customary beliefs. The Government continued to allocate the largest portion of its operating expenditures to the Ministry of Education, and the second largest portion to the Ministry of Local government, which administered primary education. It also continued to allocate a large part of its investment expenditures to construct primary and secondary schools, so children have ready access to education. The literacy rate is 69 percent: 70 percent for females and 67 percent for males.

UNAIDS estimated that 38.8 percent of persons between the ages of 15 and 49 were infected with HIV/AIDS, and due largely to deaths from HIV/AIDS, 78,000 orphans were reported by UNICEF. However, 28 percent of babies born from HIV positive mothers were protected from the virus. Increasing numbers of children, mostly believed to be orphans, became beggars or prostitutes in urban areas. Relatives denied inheritance rights to orphans who were infected with HIV/AIDS.

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

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

Persons with Disabilities.—Employment opportunities for persons with disabilities remained limited. The Government did not require accessibility for public buildings and public conveyances for persons with disabilities, and the NGO community began to address the needs of persons with disabilities only during the last decade. The Government had a national policy that provides for integrating the needs of persons with disabilities into all aspects of government policymaking. The Government funded NGOs that provide rehabilitation services and supported small scale work projects by workers with disabilities.

Indigenous People.—The Basarwa (also known as Bushmen or San), who now chiefly inhabit the Kalahari Desert, are the earliest known inhabitants of the country and were the only inhabitants until Bantu speaking groups arrived during the 16th century. They were linguistically, culturally, and often morphologically distinct from the rest of the population; however, they themselves were not a homogenous group. They remained economically and politically marginalized; they have lost access to their traditional land in fertile regions of the country and were vulnerable to exploitation by their non-Basarwa neighbors. Their isolation, ignorance of civil rights, and lack of political representation have stymied their progress. The estimated 52,000 to 65,000 Basarwa represented approximately 3 percent of the country's population. Although the Basarwa traditionally were hunter-gatherers, most employed Basarwa worked as agricultural laborers on cattle ranches that belonged to other ethnic groups. During the year, a substantial proportion of the Basarwa resided in government-created Remote Area Dweller settlements and subsisted on government social welfare benefits.

The colonial government established the 20,000 square mile CKGR in 1961 to protect the food supply of some Basarwa groups still pursuing a subsistence hunter-gatherer livelihood. Starting in 1995 the Government made a concerted effort to remove Basarwa from the CKGR and relocated the population to two newly created settlements just outside the reserve. Between 2000 and the end of 2001, the remaining CKGR communities and the Government negotiated to reach an accommodation for the population remaining in the reserve. This process culminated in several draft "CKGR Management Plans." The plans envisaged the formation of community use zones for the remaining communities and assumed the continued level of public service provided by the Government (water provision, healthcare services, and the distribution of old age, orphan, and destitute benefits). In August 2001, the Government delivered an ultimatum declaring that all current residents of the CKGR would be removed and relocated. The Government continued to accommodate the CKGR population until January, at which time all public services were terminated and subsistence hunting licenses were revoked. In April the Government required all Basarwa to leave the CKGR and resettle in the townships of Kaudwane New Xade, and Xere, where the facilities had to cope with a doubling of population without an increase in resources (see Section 1.f.).

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of workers' association. In practice all workers except public employees were free to join or organize unions of their own choosing. Government employees were not permitted to organize their own unions. The industrial or wage economy is small, and unions were concentrated largely in mineral extraction and to a lesser extent in the railway and banking sectors. There was only one major confederation, the Botswana Federation of Trade Unions (BFTU), but there were no obstacles to the formation of other labor federations. During the year, the BFTU and the Manual Workers' Union completed its merger into one union. In 2001 the Government authorized the Civil Service to organize its own union; however, the union was not established by year's end. Labor laws were not yet compliant with the International Labor Organization (ILO), but draft laws were scheduled to be presented to Parliament in 2003.

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

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

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

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

The law severely restricted the right to strike. Legal strikes theoretically were possible only after an exhaustive arbitration process. Sympathy strikes were prohibited. In August 2001, a consultancy appointed by the Government recommended that a separate pay structure from the rest of the public service be created for teachers. Teachers expected the separate pay structure to be implemented in April, the beginning of the Government fiscal year. On September 25, after the Government failed to take any action, the teachers of the Botswana Federation of Secondary School Teachers (BOFESETE) went on a 3-day strike. Teachers struck again during exam time, from October 14 through October 21. The President stated he would appoint a new commission to hear the teachers' grievances and to consider the awarding of retroactive pay. The teachers did not strike again during the year.

In November the Botswana Unified Local government Service Association (BULGSA) held a 2-week strike action protesting discrepancies between the salaries of local government employees and their central government civil service counterparts. The President again intervened and promised to appoint a new commission. In late November, University of Botswana academic and non-academic staff went out on strike over salaries, and quickly were joined by students protesting chaotic exam schedules. After demonstrations became disruptive, the university was shut down on December 6, 2 weeks earlier than it was scheduled to close. There were no legal strikes during the year.

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

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

d. Status of Child Labor Practices and Minimum Age for Employment of Children.—Only an immediate family member may employ a child age 13 or younger, and no juvenile under age 15 may be employed in any industry. Only persons over age 16 may be hired to perform night work, and no person under age 16 was allowed to perform hazardous labor, including mining. District and municipal councils had child welfare divisions, which were responsible for enforcing child labor laws. Because research on child labor was limited, it was difficult to state whether child labor laws were enforced effectively. However, the Labor Commissioner, officials of the Ministry of Local government, Lands, and Housing, and UNICEF generally agreed that the child labor problem was limited to young children in remote areas who worked as cattle tenders, domestic laborers, and child care providers.

The law provides that adopted children may not be exploited for labor and protects orphans from exploitation as labor or coercion into prostitution.

The Government launched a 10-year program of action for children in 1997 (see Section 5); however, implementation has proceeded slowly.

e. Acceptable Conditions of Work.—The minimum daily wage for most full time labor in the private sector was \$3.15 (17 pula), which remained less than 50 percent of what the Government calculated as necessary to provide a decent standard of living for a family. The Cabinet determined wage policy and decided based on recommendations made by the National Economic, Manpower and Incomes Committee (NEMIC), which consists of government, BFTU, and private sector representatives. The Ministry of Labor was responsible for enforcing the minimum wage, and each of the country's districts had at least one labor inspector. Civil service disputes were referred to an ombudsman for resolution. Private labor disputes were mediated by labor commissioners; however, an insufficient number of commissioners resulted in 1 to 2 year backlogs in resolving such disputes. The Industrial Court registered 288 cases during the year, and 205 were outstanding at year's end.

Formal sector jobs almost always paid well above minimum wage levels. Informal sector employment, particularly in the agricultural and domestic service sectors, where housing and food were included, frequently paid below the minimum wage. There was no mandatory minimum wage for domestic workers, and the Ministry of Labor did not recommend a minimum wage for them.

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

The law provides that workers who complain about hazardous conditions may not be fired. However, the Government's ability to enforce its workplace safety legisla-

tion remained limited by inadequate staffing and unclear jurisdictions among different ministries. Nevertheless, employers generally provided for worker safety, with an occasional exception in the construction industry.

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

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, although penal code provisions cover such related offenses as abduction and kidnaping, slave trafficking, compulsory labor, and procuring women and girls for the purpose of prostitution; however, there were reports of trafficking. Although the law criminalizes child prostitution, there were reports that children who were orphaned by HIV/AIDS became prostitutes in urban areas (*see* Section 5).

BURKINA FASO

President Blaise Compaore continued to dominate the Government of the Fourth Republic, assisted by members of his party, the Congress for Democracy and Progress (CDP), despite gains made by the opposition in the May 5 legislative elections. The Government included a strong presidency, a prime minister, a cabinet, a one-chamber National Assembly, and the judiciary. In 1998 President Compaore was reelected to a second 7-year term with 88 percent of the vote; 56 percent of the electorate voted; however, some serious political figures boycotted the election. The two candidates who opposed the President provided only token opposition and reportedly were persuaded by the Government to run for the presidency to help create the appearance of a contested election. International observers considered the May 5 legislative elections to have been substantially free and fair, although a collective of 14 local nongovernmental organizations (NGOs) cited voter list irregularities and cases of fraud. The judiciary was subject to executive influence.

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

An estimated 80 percent of the population of approximately 12.6 million engaged in subsistence agriculture. Frequent drought and limited communication and transportation infrastructures, in addition to a 77 percent illiteracy rate, were longstanding problems. In 2000 the Government adopted an antipoverty strategy to open the economy to market forces, while shifting resources to the education and health sectors. Gross national product per capita was \$230.

The Government's human rights record remained poor, and it continued to commit abuses. The continued dominance of President Compaore and his ruling party limited citizens' right to change their government, although the gains made by the opposition in the May 5 legislative elections represented another step toward democratic government. The security forces were responsible for numerous extrajudicial killings and continued to abuse detainees. During the year, there were credible reports that security forces summarily executed suspected criminals. Prison conditions remained harsh. Arbitrary arrest and detention were problems, and authorities did not provide detainees with due process. Although the Government continued attempts to improve its human rights performance, a general climate of impunity for members of the security forces and members of the President's family, along with slow progress in identifying or punishing those responsible for abuses, continued to be problems. Courts were subject to executive influence, and authorities did not ensure fair trials. At times authorities restricted media activity, and the media practiced self-censorship. The deaths of internationally respected journalist Norbert Zongo, his brother, and two other men in a suspicious car fire in December 1998 remained a focus of public concern during the year. The Government at times restricted freedom of assembly. Violence and discrimination against women, including female genital mutilation (FGM), were problems. Violence against children, child labor, and child trafficking continued to be problems. The Government took steps to combat FGM and trafficking in persons. Social discrimination against persons with disabilities was widespread. Killing or severe beating of criminal suspects by vigilante mobs remained common. Burkina Faso was invited by the Community of

Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as an observer.

RESPECT FOR HUMAN RIGHTS

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

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

On March 14, the press reported that the bodies of four persons were discovered on the road to the western city of Niangoloko. These persons reportedly were known criminals in Banfora, Comoe Province. It was believed that security forces might have killed them as part of the Government's anticrime campaign. No known official action was taken by year's end.

On June 17, the MBDHP reported the death of Mahamadi Bonkougou, who died under mysterious circumstances on May 5 while in police custody. Bonkougou was arrested for theft on February 4 and was detained until May 5, which exceeds the legal time of detention without charge (*see* Section 1.d.). The MBDHP alleged that this death likely was connected with the Government's anticrime campaign, initiated in 2001. No official action was taken on this case by year's end.

On August 1, unknown persons killed former Cote d'Ivoire Minister of Higher Education and opposition leader Balla Keita in his home in Ouagadougou. Keita, an Ivorian citizen, had arrived in the country in March 2001 as a political refugee. According to Prosecutor General Abdoulaye Barry, the killing could be a political killing perpetrated by agents of the Government of the Cote d'Ivoire. There were no developments in the case by year's end.

There was no action in the following 2001 cases: The February killing of Jean Roger Sanou in Bobo-Dioulasso by security forces; the May killing of Issa Diallo by gendarmes in the small city of Pouytenga, Kouritenga Province; the September killing of Daouda Ouedraogo in Ouagadougou by Presidential Guard Sergeant Momouni Koueba.

In March 2001, retainers of the King of Po beat to death petty theft suspect Jules Nankouly after gendarmes turned over Nankouly to the King. The King was an activist in the ruling CDP party and also the mayor of Po, a city in Nahouri Province. On July 15, the King was arrested, indicted, and jailed at Ouagadougou Main Prison. In August he was released on bail. On September 6, the Ministry of Territorial Administration ordered him suspended from office; however, there still was no action taken against his retainers by year's end.

There were no developments in the 2000 shooting and killing by gendarmes of 12-year-old Flavien Nebie.

In 2001 the Government filed murder and arson charges against former Presidential Guard Marcel Kafando, a key suspect in the 1998 murder of respected journalist Norbert Zongo and his companions. Kafando and two other former Presidential Guards were convicted and sentenced to prison in 2000 for killing the chauffeur of President Compaore's brother Francois; Norbert Zongo's newspaper had been leading investigations into the death of the chauffeur. Two of the convicted Presidential Guards died under suspicious circumstances in 2001. Kafando remained jailed in poor health, and there were no further developments reported in the investigation of the Zongo case by year's end.

A 2001 MBDHP report stated that a grave containing the remains of approximately five persons had been found in Wayen, Ganzourgou Province. The dates of death, causes of death, and identities of the bodies have not been determined; however, the MBDHP alleged that the deceased were victims of political violence. There were no further developments by year's end.

The June 2000 killing of Mamadou Kere by self-styled militiamen who claimed allegiance to the Naba Tigre was resolved during the year. On May 24, 11 perpetrators of the Kere killing were charged with "not helping a person in danger, unlawful arrest and sequestration, and fatal blows." Five of the defendants received 1 to 3 years' imprisonment, and six of them were acquitted.

Killings by vigilante mobs and self-styled militias remained a problem nationwide. The vast majority of such killings targeted suspected thieves and other alleged

criminals, who typically were burned or beaten to death. On several occasions in 2001, vigilantes destroyed the property of persons accused of sorcery or witchcraft and expelled them from their communities; however, there were no reports of such activity during the year.

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

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

Security forces commonly beat suspected criminals.

In October and November, gendarmes forcibly dispersed student protests in and around the University of Ouagadougou (see Section 2.b.).

Citizens of the town of Kaya alleged that on December 18, soldiers from a nearby military barracks raided the police station of the city and beat up police officers as well as a number of civilians, including women, children, and old men. The MBDHP reported that the soldiers were protesting police treatment of one of their military colleagues, who was stopped in civilian dress by police earlier in the week and beaten after refusing to show his identification card. A citizens' group was formed to protest the treatment of civilians, and an investigation was ongoing at year's end.

There was no action taken against the responsible members of the security forces who arrested, stripped naked, and shaved the heads of numerous elderly male residents of Bobo-Dioulasso in February 2001; beat, illegally detained, and humiliated dozens of local residents including women, the elderly, and children in the city of Mani, Gnagna Province in April 2001; or beat a suspected thief in Mouhoun Province, in the western part of the country also in April.

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

Progovernment vigilantes in several locations have used violence and threats of violence against persons and properties to harass and intimidate opponents; however, unlike in the previous year, there were no confirmed reports of such activity.

There was no action taken, nor was any likely to be, against progovernment vigilantes who detained, tied up, and threatened human rights activists, cut with a machete an activist who tried to negotiate their release, and forced a high school teacher and student to flee Fada N'Gourma in December 2000.

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

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

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

Gendarmes arrested journalists during the year (*see* Section 2.a.). Gendarmes also arrested several student activists following protests in and around the University of Ouagadougou; the students were held for several days without being charged (*see* Section 2.b.).

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

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

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

The 2000 amended Constitution replaced the Supreme Court with four higher courts: The Supreme Court of Appeal, the Council of State, the Audit Court and Office, and the Constitutional Council. All of the higher courts were operational by year's end. Beneath these higher courts were 2 Courts of Appeal and 10 provincial courts. There also was a High Court of Justice, with jurisdiction to try the president and senior government officials for treason and other serious crimes. The ostensibly independent military court system, which tried only military cases, was subject to executive influence. In June 2001, the Supreme Court ruled that civil courts lacked jurisdiction in a wrongful death case brought by the widow of murdered former Chief Executive Captain Thomas Sankara. The Court ruled that jurisdiction was vested in the military court system. No further action was taken by year's end.

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

The Constitution provides for the right to public trial, access to counsel, a presumption of innocence, and has provisions for bail and appeal. While these rights generally were respected, the ability of citizens to obtain a fair trial remained restricted by their ignorance of the law and by a continuing shortage of magistrates. There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. However, in national security cases a law permits surveillance, searches, and monitoring of telephones and private correspondence without a warrant. By law and under normal circumstances, homes may be searched only with the authority of a warrant issued by the Attorney General.

Section 2. Respect for Civil Liberties, Including:

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

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

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

Despite self-censorship, independent newspapers and radio stations often criticized the Government, reporting allegations of corruption and mismanagement by authorities and accusing the Government of human rights violations. The inde-

pendent media also reported the opposition's and human rights associations' criticism of the Government's failure to investigate and prosecute human rights violations.

On August 7, gendarmes arrested, detained, and interrogated for 2 days Christophe Koffi, an Ivorian citizen and correspondent of both Agence France Presse and Reporters without Borders (RSF). He was suspected of spying for Ivorian authorities who were suspected to be behind the killing of Balla Keita (*see* Section 1.a.). Police released Koffi after questioning; there were no further developments by year's end.

On August 8, gendarmes arrested and interrogated for several hours Newton Ahmed Barry, editor of the monthly independent paper L'Evenement. He was accused of providing information to the Ivorian press in connection with the killing of Balla Keita (*see* Section 1.a.) and spying for a foreign power. Police released Barry after questioning; there were no further developments by year's end.

There were regulations for private and independent radio and television. The regulations allowed reinstatement of call-in shows, which were suspended in 1997. However, radio stations were held responsible if their call-in programs threatened the public order or the rights of any third party.

During the May 5 legislative elections, the CSI fulfilled its responsibility under the electoral code to ensure equal media treatment of the candidates prior to the elections. Despite some minor criticisms from the opposition, the general belief was that press reporting on candidates' campaigns was more balanced than the previous legislative elections.

The Government did not restrict access to the Internet.

The Government usually respected academic freedom. In previous years, the Government generally tolerated peaceful student strikes to protest government education policy or demand better school conditions; however, on a number of occasions, security forces used the threat of violence to disrupt meetings of striking students, and student leaders and protesters have been arrested, detained, and abused (*see* Section 2.b.).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, at times the Government restricted this right in practice. Demonstrations generally were tolerated following the rescission in March 2001 of a 2000 decree that banned all public demonstrations or gatherings except for weddings, funerals, or religious ceremonies.

After the March 2001 rescission, political parties and labor unions were allowed to hold meetings and rallies without requesting government permission. However, the law also requires that authorities be notified in advance of planned demonstrations and allows the authorities to invoke the need to preserve public order to forbid demonstrations. Penalties for violation of the advanced notification requirement include 2 to 5 years' imprisonment. Permits must be obtained from municipal authorities for political marches. Applicants must indicate the date, time, duration, and itinerary of the march or rally, and authorities may alter or deny requests on grounds of public safety. Denials or modifications may be appealed before the courts.

Police forcibly dispersed a student demonstration on the campus of the University of Ouagadougou in October; students were protesting a doubling of registration fees. On November 21, police raided a meeting of a student union that had previously organized protests against the fee increase, forcing the student activists out of the classroom where the meeting was being held. Once out in the streets, some of the protesters damaged cars and burned one government vehicle. On November 21, six student leaders were arrested after the protests and were held in Ouagadougou's main prison without formal charges for 10 days. On December 17, the students were put on trial for vehicle destruction, assault of a police officer, and illegal assembly. The alleged ringleader, the president of one of the student unions, received a sentence of 1 month in jail and a fine of approximately \$23,000 (15,600,000 CFA). Two other students also received a month's sentence and lighter fines; the other three students were released for lack of evidence. Lawyers for the sentenced students said they intended to appeal. The University continued to experience student unrest throughout December. On December 3 and 4, secondary school students in Ouagadougou and Bobo Dioulasso also called a strike. Security forces in Bobo Dioulasso used tear gas to disperse forcibly the students; however, there were no reported deaths or injuries.

No action was taken against members of the security force who used excessive force to disperse the 2001 demonstration by those who opposed the inauguration of the mayor of Bobo-Dioulasso, the country's second largest city.

No action was taken against members of the security forces who used excessive force to disperse demonstrations on the following months in 2000: April; August; and December.

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

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

The Government required that religious groups register with the Ministry of Territorial Administration. Registration established a group's legal presence in the country but entailed no specific controls or benefits. Religious groups only were taxed if they carried on lucrative activities, such as farming. There were no penalties for failure to register. All groups were given equal access to licenses, and the Government approved registrations in a routine fashion.

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

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

Following the Government's ban on demonstrations in 2000 (see Section 2.b.), progovernment vigilantes intimidated human rights activists and forced some to flee from cities such as Koudougou. Activists in Bobo-Dioulasso, Kaya, and Fada N'Gourma also complained of similar harassment in 2001. However, unlike in previous years, there were no reports that progovernment vigilantes harassed human rights activists.

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

During the year, the UNHCR continued its efforts to respond to the needs of the refugees, notably during visits in the spring and in fall. The refugees continued to receive some assistance for school and medical fees; however, their monthly financial assistance from the UNHCR was terminated during the year. Some of the refugees asked the UNHCR to send them to third countries; these requests were being evaluated at year's end.

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

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

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

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

The Compaore government included a strong presidency, a Prime Minister, a cabinet presided over by the President, a one-chamber (formerly two-chamber) National Assembly, and the judiciary. The legislature was independent, but it remained susceptible to influence from the executive branch.

In 1999 President Compaore instructed the Prime Minister to reshuffle and broaden the Government. The new cabinet included four members from small opposition parties; however, the major opposition bloc, the Group of 14 February (G-14),

refused to participate. In 1999 the Council of Ministers passed decrees creating a Commission for Political Party Consultations, a Commission of National Reconciliation, and a Commission on Political Reforms.

Pursuant to the Commissions' recommendation in 1999, Article 37 of the Constitution was amended in April 2001 to provide that the presidential term of office be 5 years, renewable once, starting in 2005. The provision was not retroactive, and the National Assembly has determined that this provision will not be applied retroactively to President Compaore. Previously the Constitution allowed the President to run for an unlimited number of terms.

In 2000 the Government promulgated a new electoral code that gave more independence to the Government-funded Independent National Electoral Commission (CENI). Under the revised code, the CENI has full responsibility for managing its budget and was the only organization responsible for monitoring elections and referendums. However, during the 2000 municipal elections, the CENI was criticized for deferring to the Government on important questions such as postponing the elections and candidate eligibility. In 2001 a new CENI, composed of 15 members, was sworn in. Five representatives of opposition parties, including the G-14 coalition, agreed to serve on the CENI in addition to five representatives of progovernment parties (including the CDP) and five representatives of civil society.

On May 5, the Government held parliamentary elections. For the first time in the country's history, multiple (13) political parties, including the opposition, participated in the elections. The ruling CDP won 57 out of the 111 parliamentary seats. The opposition parties unified to compete in the elections and won 54 seats. Domestic observers characterized the elections as generally free and fair.

Following the May 5 legislative elections, the Government was reorganized, and the November 2000 protocol, which ceded one-third of cabinet posts to the opposition and which the Prime Minister and opposition had signed, was voided. Of the 30 cabinet members, there were six ministers from parties other than the ruling CDP.

There were no restrictions in law or practice on the participation of women or minority group members in politics. There were 12 women in the 111-seat National Assembly, and there were 3 female ministers in the 30-member Cabinet. The President of the Social and Economic Council was a woman. In part because of the important role that women played in reelecting President Compaore in 1998, the CDP increased the number of women on its National Executive Council from two to six in 1999.

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

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

Following the Government's 2000 ban on demonstrations, progovernment vigilantes intimidated human rights activists and forced some to flee from cities such as Koudougou (*see* Section 2.d.). Unlike in the previous year, there were no reports that progovernment vigilantes intimidated human rights activists and forced some to flee from cities.

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

The Government failed to honor repeated requests for information from the OAU about alleged human rights abuses that occurred between 1983 and 1997. In 2001 the OAU's Human Rights Commission issued a report that criticized the Government for failing to investigate human rights violations that occurred between 1983 and 1997, criticized the Government for not responding adequately to the OAU's requests for information, and called on the Government to prosecute the perpetrators of these offenses and to compensate the victims. The Government had not responded by year's end.

In 2001 the Government, at the initiative of the Junior Minister for Human Rights, established a National Commission on Human Rights to serve as a permanent framework for dialog on human rights concerns. Commission members included representatives of human rights NGOs, union representatives, government officials, and representatives from professional associations. In December 2001, the commission adopted a plan of action to promote human rights; however, it took no specific action by year's end.

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

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

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

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

FGM was practiced widely, especially in many rural areas, and usually was performed at an early age. The percentage of girls and women who have undergone this procedure may be as high as 70 percent. The Government has made a strong commitment to eradicate FGM through educational efforts, and the National Committee for the Fight Against Excision campaigns against the practice. FGM is a crime, with strict punishments for those involved in its practice. Perpetrators were subject to 6-months' to 3-years' imprisonment and a significant fine. The Government continued its sensitization campaign regarding the deleterious effects of this practice. There were no reports of FGM-related arrests or prosecutions during the year. Another form of mutilation, scarification of the faces of both boys and girls of certain ethnic groups, gradually was disappearing.

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

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

There were no specific constitutional provisions or laws protecting women, who faced extensive discrimination. In general women continued to occupy a subordinate position and experienced discrimination in such areas as education, jobs, property, and family rights. Overall, women represented 45 percent of the workforce. In the modern sector women make up one-fourth of the Government workforce, although they usually were found in lower paying positions. The Ministry of Women's Affairs actively promoted women's rights during the year; the Minister was a woman.

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

Although the Government dedicated approximately 25 percent of the national budget to education and the law provides for free compulsory education, the Government lacked the means to provide universal, free primary education. If a child qualified on the basis of grades and social condition (that is, the family was "poor"), free education could continue through junior high and high school. In practice the family condition requirement often was ignored, giving many children a free education through high school. Many children, especially girls, did not attend school; girls represented only 38 percent of school enrollment. The Government has taken steps to promote primary education for girls. Girls made up approximately one-third of the total student population in the primary school system and were represented in the secondary and higher educational systems, although the percentage decreased significantly beyond the primary level. Schools in rural areas had even lower percentages of female students than schools in urban areas, and illiteracy for girls in the rural areas ran as high as 95 percent. The Government set up a scholarship pro-

gram for female secondary students to encourage them to stay in school. The estimated adult literacy rate was 23 percent. The rate of male literacy was approximately 30 percent and female literacy was 9 percent.

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

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

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

Section 6. Worker Rights

a. The Right of Association.—The Labor Code was amended several times during the past decade. Under the Labor Code, workers, including civil servants, enjoyed a legal right of association, which was recognized under the Constitution. There were 4 major labor confederations and 12 autonomous trade unions linked by a national confederate committee. They represented a wide ideological spectrum; the largest and most vocal member espoused a socialist doctrine. Approximately 85 percent of the workforce was engaged in subsistence agriculture. Of the remainder, approximately 50 percent of private sector employees and 60 percent of public sector employees were union members. Essential workers, such as police, could not join unions.

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

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

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

The Constitution provides for the right to strike, and workers used strike actions to achieve labor goals. Labor organizations called many strikes during the year to advance worker objectives, such as opposing the privatization of state-owned enterprises and demanding salary and pension increases. The Collective of Mass Organizations and Political Parties called strikes to press for justice in the aftermath of the 1998 Zongo killings. There was no governmental interference in these demonstrations and strikes.

On April 23 and 24, a strike, which was organized by all the major trade union federations and autonomous unions, shutdown public institutions and private enterprises throughout the country. There also were strikes by bus drivers and insurance employees during the year.

The International Labor Organization (ILO) Committee of Experts has expressed concern about the right to strike of public servants, particularly the law that allows the authorities to requisition striking civil servants and state officials. The ILO has been critical of the law for years for defining essential services too broadly and opening the door for abuse by the authorities.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports of household employment of children outside their own families without any status or formal remuneration as well as the procurement and exploitation of young immigrant girls (*see* Section 6.f.). In cooperation with donors, the Government has undertaken many sensitiza-

tion programs to inform children and parents of the dangers of sending children away from home to work.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code sets the minimum age for employment at 14 years; however, child labor was a problem. In the domestic and agricultural sectors, the law permits children under the age of 14 to perform limited activities for up to 4.5 hours per day; however, many children under the age of 14 years worked longer hours. According to a pamphlet published by the Ministry of Labor in 2000, more than 50 percent of children worked, largely as domestic servants or in the agricultural or mining sectors. Children commonly worked with their parents in rural areas or in family-owned small businesses in villages and cities. Most children actually began working at an earlier age on small, family subsistence farms, in the traditional apprenticeship system, and in the informal sector. According to a recent study by the ILO, 70 percent of child workers were in the informal sector. There were no reports of children under the age of 14 employed in either state or large private companies.

The Ministry of Employment, Labor, and Social Security, which oversees labor standards, lacked the means to enforce this provision adequately, even in the small business sector. In cooperation with UNICEF, the ILO, and local NGOs in 1997, the Government developed a national plan of action on child labor. During the year, the Government worked to update this plan of action; the updated plan was pending the National Assembly's approval at year's end. The International Program to Eliminate Child Labor (IPEC) has been working with the Government since 1999 to fund child labor projects. The Government also has organized workshops and produced films and a television series on the problem of child labor.

e. Acceptable Conditions of Work.—The Labor Code mandates a minimum monthly wage, which was approximately \$40 (28,811 CFA francs) in the formal sector; it did not apply to subsistence agriculture. The Government last set a minimum wage in 1996; it did not provide a decent standard of living for an urban worker and family. Wage earners usually supplemented their income through reliance on the extended family, subsistence agriculture, or trading in the informal sector. The Labor Code also mandates a standard workweek of 40 hours with at least one 24-hour rest period for nondomestic workers and a 60-hour workweek for household workers, and establishes safety and health provisions.

A system of government inspections under the Ministry of Employment, Labor, and Social Security and the labor tribunals was responsible for overseeing occupational health and safety standards in the small industrial and commercial sectors, but these standards did not apply in the subsistence agricultural sector. The Government paid social security benefits on a sliding scale according to an employee's length of service and pay, up to a ceiling of \$308 (approximately 221,000 CFA francs) per month, and payments were timely. However, the Government's Labor Inspector Corps did not have sufficient resources to fulfill its duties adequately. Every company was required to have a work safety committee. If a workplace was declared unsafe by the Government's Labor Inspection Office for any reason, workers had the right to remove themselves from the dangerous work without jeopardy to continued employment. In practice there were indications that this right was respected, but such declarations by the Labor Inspection Office were relatively rare.

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

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

In April 2001, for the first time a court tried an accused child trafficker, and he was sentenced to 3-months' suspended prison time. The Government provided initial shelter to the child victims and helped return them to their homes. Some children asserted that they were going voluntarily to Cote d'Ivoire in search of work.

The Ministry of Social Affairs and the Directorate of Labor Health and Security, Child Labor, and Trafficking Division of the Ministry of Labor implement and enforce child labor laws and regulations. Despite good intentions, the Government only has limited resources to combat trafficking in women and children.

The country was a source, transit, and destination country for internationally trafficked persons, including children. It was an occasional source country for women who traveled to Europe to work as domestics but upon their arrival were exploited sexually. The country was a transit point for trafficked children, notably from Mali. Children from Mali often were trafficked to Cote d'Ivoire. Malian chil-

dren also were trafficked into the country. Destinations for trafficked Burkinabe children included Cote d'Ivoire, Ghana, and Nigeria.

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

The Government worked with international donors and the ILO to address child trafficking. The Government also organized seminars against child trafficking for customs officers. During the year, similar workshops and seminars were organized for gendarmes and the civil society.

During the year, in coordination with donors, the Government started a program to establish watch committees in certain provinces in which child trafficking and labor were problems. The watch committees included representatives of industries usually implicated in child labor (cotton growers, for example), the police, NGOs, and social welfare agencies.

Since August 2001, the Coalition in Burkina Faso for Children's Rights (COBUFADE) conducted, in conjunction with IPEC, a sensitizing campaign on child labor to develop and strengthen children's rights. The campaign targeted at least 30,000 working children in various sectors, 3,000 employers, 5,000 business and social leaders, and 250 associations. In addition, in June IPEC initiated a program of action to prevent child trafficking for work purposes on cotton plantations, and the program was expected to run from October through September 2003.

BURUNDI

Prior to the inauguration of a transitional government in November 2001, Burundi was ruled by an authoritarian military regime led by self-proclaimed interim President Pierre Buyoya, a former army Major who was brought to power in a bloodless coup by the largely ethnic Tutsi armed forces in 1996 and who abrogated the Constitution. President Buyoya held power in conjunction with a political power structure dominated by members of the Tutsi ethnic group. Since 1993 the civil war has caused thousands of civilian deaths and mass internal displacement. In July 2001, President Buyoya and the regional leaders signed an agreement to begin the 3-year transition period agreed to in peace negotiations on November 1, 2001. The two major armed rebel groups declined to join the peace process. A Transition Constitution was adopted in October 2001, and on November 1, 2001, Buyoya was sworn in as president; Domitien Ndayizeye, the secretary general of the predominantly ethnic Hutu opposition party FRODEBU, was sworn in as vice president. Under the agreement, Buyoya will serve as transition president for 18 months and then be succeeded by Ndayizeye, who will serve 18 months as transition president. Continued efforts to negotiate a cease-fire with the two largest rebel groups were unsuccessful. Political parties operated under significant restraints. The judiciary was controlled by the ethnic Tutsi minority and was not impartial or efficient.

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

The country, which has a population of 6.4 million, was poor, and approximately 90 percent of the population was dependent on subsistence agriculture. Many internally displaced persons (IDPs) were unable to grow food and depended largely on international humanitarian assistance. The civil war has caused severe economic disruption, especially to the small modern sector of the economy, which was based mainly on the export of coffee, tea, and cotton. The country's GDP dropped from \$4.1 billion in 1998 to \$662.4 million in 2001, and wages have not kept pace with inflation. The Government continued its plans to privatize publicly-owned enterprises, but made little progress during the year.

The Government's human rights record remained poor, and it continued to commit numerous serious abuses. Citizens did not have the right to change their government. Security forces continued to commit numerous arbitrary and unlawful killings with impunity. The armed forces killed armed rebels and unarmed civilians,

including women, children, and the elderly. Rebel attacks on the military often were followed by army reprisals against civilians suspected of cooperating with the insurgents. Impunity for those who committed serious human rights violations, and the continuing lack of accountability for those who committed past abuses, remained key factors in the country's continuing instability. There were credible reports of disappearances, and the security forces continued to torture, beat, rape, and otherwise abuse persons. Despite some improvements, prison conditions remained very poor in general and sometimes life threatening. Arbitrary arrest and detention, and lengthy pretrial detention were problems, and there were reports of incommunicado detention. The court system did not ensure due process or provide citizens with fair trials. The Government infringed on citizens' privacy rights. The Government controlled the media and restricted freedom of speech and of the press. It also restricted freedom of assembly, association, and movement. Since 1993 the civil war has caused thousands of civilian deaths and massive internal population displacement. The armed forces sometimes limited access to certain areas by human rights observers, citing security conditions. Violence and discrimination against women continued. The Government did not protect the rights of children, and child prostitution was a problem. Discrimination against persons with disabilities, indigenous Twa (Pygmies), and state discrimination against Hutus remained serious problems. Societal discrimination between the Hutus and Tutsis continued. Incidents of ethnically motivated property destruction and killing occurred throughout the country. Soldiers required persons, including children, mostly Hutus, to perform forced labor. Child labor, including forced labor, was a problem.

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

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Security forces committed numerous unlawful killings of Hutu and Tutsi civilians following fighting with rebels, in reprisal for rebel attacks, and for suspected collaboration with rebels. Civilians also were killed during fighting between government and rebel forces (*see* Section 1.g.). There were reports of deaths and injuries caused by the explosion of landmines laid by both government and rebel forces. Government troops rarely were disciplined for killing civilians.

There were no developments in the July 2001 killings in the Kiriri section of Bujumbura Rural Province, where government soldiers killed 11 civilians in retaliation for the July 9 killing of a soldier who had threatened to rape a woman and who had attempted to extort money and beer.

Security forces violently dispersed demonstrations, resulting in numerous deaths and injuries (*see* Section 2.b.).

The Government's widespread use of torture continued; however, unlike in the previous year, there were no reports of deaths as a result of torture in custody (*see* Section 1.c.).

On July 18, the army arrested and killed one of its soldiers; subsequent media photos indicated that the soldier had been tortured, according to League Iteka, a local human rights nongovernmental organization (NGO). No action had been taken against those responsible by year's end.

Harsh prison conditions contributed to the deaths of prisoners from disease and malnutrition.

The reopening of the investigation into the 1993 assassination of President Melchior Ndadaye, which was scheduled to occur in January 2001, did not take place, and the Government was unlikely to take any further action in the case.

Comprehensive and accurate information about landmines was hard to obtain; however, there were credible reports of deaths and injuries during the year when landmines laid by government or rebel forces exploded (*see* Section 1.g.).

There were several high-profile killings by unknown actors during the year. For example, on January 4, the body of Elvis Makhado, a civilian member of the South African Protection Force, was discovered in the Kinama suburb of Bujumbura; the motive for the killing was believed to be robbery. On September 7, two unidentified gunmen killed Samuel Nimubona, leader of World Outreach Initiatives (WOI), which funded the private radio station Radio Ivyizigiro, in Bujumbura. There were no arrests in connection with the killings by year's end.

In November 2001, Kassi Manlan, the local representative of the World Health Organization (WHO), was killed in an apparent robbery attempt. On December 21,

Manlan's assistant and four guards were arrested and charged with the killing; they remained in custody at year's end with no trial date scheduled.

Rebels killed numerous persons during the year and committed serious abuses against the civilian population (*see* Section 1.g.). There were no reports that rebel forces prosecuted or punished members of their groups who were responsible for the abuses.

In May members of the opposition party FRODEBU, which was mostly ethnic Hutu, attempted to kill Agathon Rwasa, the leader of the rebel National Liberation Forces (FNL); two FNL bodyguards were killed during the attempt. There were unconfirmed reports that FNL spokesman "Anicet" subsequently was accused of complicity in the attack and starved to death on Rwasa's orders.

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

On June 14, in Cibitoke Province, FNL rebels reportedly killed 13 civilians in a roadside ambush.

There were reports of mob violence and lynchings. For example, on May 9, in Kunama, Bubanza Province, residents reportedly lynched two people accused of practicing witchcraft and sorcery. On May 19, residents of Muramba, Bubanza Province, reportedly bludgeoned to death two bandits they accused of being affiliated with FNL rebels.

There were a number of urban bombings during the year. For example, on April 10, in the village of Murama, Muyinga Province, a grenade explosion reportedly killed 4 civilians and injured 13 at an outdoor café. On August 23, a grenade exploded in a crowded market in Bujumbura and killed 3 persons and injured 20 others. No group claimed responsibility for either incident, and no arrests were made by year's end.

In 2001 the Chief Prosecutor stated that the Government would create special ad hoc committees to investigate several urban bombing incidents in 2000 and 2001; however, no action had been taken by year's end, and no suspects had been identified.

b. Disappearance.—Human rights groups reported that abductions and disappearances occurred during the year. Rebels were responsible for many of the disappearances; rebels kidnaped and raped women.

On January 18, Rwandan-backed rebels from the Congolese Rally for Democracy based in Goma (RCD/G) and agents of the Rwandan government reportedly deported members of the Banyamulenge refugee community. The Banyamulenge claimed the deportations were in retaliation for their support of dissident former RCD/G Commander Patrick Masunzu; the Government claimed the deportations were a result of Banyamulenge involvement in arms trafficking. According to the UNHCR, the Banyamulenge were deported safely from the country.

On May 18, rebels from the the Forces for the Defense of Democracy (FDD) killed two gendarmes and kidnaped Evariste Nduryibua, the Catholic Bishop of Ruyigi, near the Kiriba forest; the Bishop was released unharmed on May 23.

On May 27, in the town of Buhonga, Bujumbura Rural Province, two persons disappeared during an ambush perpetrated by rebels of unknown affiliation, according to League Iteka. No action had been taken against the responsible rebels by year's end, and the whereabouts of the victims remained unknown.

On August 29, in Makamba Province, armed intruders kidnaped a university student from his parents' house. The victim was later released after a ransom was paid. No action had been taken against the responsible kidnapers by year's end.

In November Human Rights Watch (HRW) interviewed a child soldier who had been kidnaped in November 2001 when he was 11 years old by FDD; he claimed to have been forced to work as a porter and to perform other general tasks for the FDD. The youth, who said he had tried to escape 4 times and repeatedly was beaten, reported that numerous other child soldiers between 14 and 16 years of age had been kidnaped and were working with the FDD.

There were no further developments in the August 2001 case in which rebels abducted four persons in Rumonge commune. Two of the four remained missing at year's end, and no action had been taken against the responsible rebels.

In November 2001, FDD rebels kidnaped approximately 250 Musema high school students; the remaining captive students were released in January.

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

On March 1, League Iteka released its annual report, which charged that torture remained widespread in the country. In June Human Rights Minister Alphonse Barabcirca reportedly said that torture remained a daily occurrence for citizens of the country.

In September Amnesty International (AI) released a report indicating that the torture of children in prisons was widespread. Based upon interviews that were conducted in March, the report detailed beatings using electric flexes, sticks and other weapons, beatings on the soles of feet and joints, and being tied in excruciating positions for long periods of time. The report noted that the children interviewed displayed scars consistent with their stories and that the practice of incarcerating children with adults exposed the children to sexual abuse while in detention.

In October 2001, the Burundian Association for the Defense of the Rights of Prisoners (ABDP), a local NGO, conducted a survey on the use of torture in Mpimba prison in Bujumbura and in the provincial prisons and detention centers in Rumonge, Gitega, Rutana, Muramvya, Ruyigi, Bubanza, Bururi, and Ngozi Provinces. The ABDP estimated that prison officials and security forces had tortured up to 45 percent of the prison population.

On June 4, in the town of Buhiga, Karuzi Province, soldiers tortured two persons, according to League Iteka. No action had been taken against those responsible by year's end.

No action reportedly was taken in the March 2001 case in which police in Gitega tortured Methode Nkurunziza, who later died; and in the May 2001 case in which a district administrator and three merchants in Bweru commune, Ruyigi Province, beat to death Emmanuel Ntikarahera.

Security forces beat at least one journalist during the year (*see* Section 2.a.).

Unlike in the previous year, there were no specific reports that members of the security forces raped women.

No action had been taken by year's end against the responsible parties in the following 2001 rape cases: the rapes by soldiers of numerous women following fighting in February and March between security forces and rebels; the April rape of an 80-year-old woman in Kinama by 3 soldiers and a civilian; and the July rape by soldiers of a 12-year-old girl.

Security forces used excessive force to disperse demonstrations, resulting in deaths and injuries during the year (*see* Section 2.b.) No action had been taken by year's end against the gendarmes who beat representatives of the G-8 Tutsi parties after preventing them from holding a press conference in May 2001 in Bujumbura.

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

No action was taken against members of the security forces responsible in the following 2000 cases: The February beatings by police of several demonstrators; the February torturing to death of a domestic servant by a police officer; the May torture and decapitation of a man in the Kavumu regroupment camp; the November case in which government troops injured civilians after forcing them to remove foliage near a battleground; the December case in which security forces forcibly dispersed a group of students; and the numerous rapes of women in regroupment camps by government soldiers.

Impunity for those who committed serious human rights violations, and the continuing lack of accountability for those who committed past abuses, remained key factors in the country's continuing instability. The security forces did not cooperate with civilian prosecutors or magistrates, especially in investigations involving members of the security forces.

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

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

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

On February 14, a 12-member commission released a report to the Minister of Justice, which noted severe overcrowding, dangerous conditions for both guards and inmates, deficiencies in both food and hygiene, and prolonged pretrial detention; however, a UNICEF report released in May indicated that progress had been made in terms of prison sanitary conditions, food and education programs.

Prison conditions remained harsh and sometimes life threatening. Conditions in prisons run by the Ministry of Justice continued to improve, largely due to efforts by the ICRC and a local NGO to improve sanitation, hygiene, medical care, food, and water. Prisoners still relied on family members to provide an adequate diet, and some prisoners died from disease and malnutrition. According to government officials, prisoners suffered from digestive illnesses, dysentery, and malaria. Severe overcrowding persisted. According to the Government, 9,013 inmates were held in facilities built to accommodate a maximum of 3,650 persons during the year. A local NGO estimated that the prison population was more than 12,000.

Women were detained separately from men. There were approximately 160 children in prisons during the year; juvenile prisoners were held with and often treated as adults. Children sometimes were subjected to torture or sexual exploitation. Political prisoners often were not held separately from convicted prisoners. Pretrial detainees generally were held in detention camps; however, some also were incarcerated with convicted prisoners.

International and local human rights monitors were permitted to visit most prisons and to speak with inmates; however, they were denied access in some cases (*see* Section 4). The ICRC reached a formal agreement in 2001 with the Interior Ministry regarding access to prisoners and detained persons, including persons detained for "reasons relating to the conflict." Similar agreements between the ICRC and the Ministries of Justice and Defense already were in place. The Ministries cooperated with the ICRC.

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

The disruption of the political process and the generally poor security conditions severely impeded the judicial process. The majority of persons arrested on criminal charges since October 1993 remained in pretrial custody. The ICRC estimated that 2,000 to 3,000 persons were held in pretrial detention in the approximately 60 temporary detention camps run by the ICRC. Family members were expected to provide all food for detainees, although in some instances family members were not notified of the detention of their relatives. There were credible reports that some detainees were kept in these camps, which were designed for temporary use, for extended periods of time.

There were numerous instances of arbitrary arrest, including an arrest of a journalist and arrests of demonstrators during the year (*see* Sections 2.a. and 2.b.). Police also arrested a union member during the year (*see* Section 6.a.).

Opposition politicians also were arrested arbitrarily. For example, on October 6, the presidential police arrested Charles Mukasi, head of the opposition political party UPRONA, in advance of his party's national congress; he was released on November 29. On November 2, the Government placed under house arrest former President and PARENA party leader Jean-Baptiste Bagaza, who on June 29 had returned from self-imposed exile. Bagaza remained under house arrest at year's end.

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

and elsewhere. Some senior authorities kept members of their families outside the country. Pancrace Cimpaye, the publisher of the FRODEBU opposition newspaper *La Lumiere*, remained outside the country at year's end. A significant number of self-exiled Hutu politicians moved back to Burundi during 2001; however, 31 reportedly returned only with the understanding that South African forces would protect them.

e. Denial of Fair Public Trial.—The Transition Constitution provides for an independent judiciary; however, in practice the judiciary was not independent of the executive and was dominated by ethnic Tutsis. Many citizens have lost confidence in the system's ability to provide even basic protection. Reform of the judicial system was a priority of the 2000 peace accord, which has not yet been fully implemented. An international human rights organization estimated that ethnic Hutus accounted for only 10 percent of the country's lawyers and 5 percent of High Court judges; in lower courts, 10 percent of the judges were Hutu, although Hutus constituted an estimated 85 percent of the population. This discrepancy in part was due to unequal access to education, and in part to the conflict because a number of Hutu judges and lawyers were killed or fled the country. Most citizens assumed that the courts promoted the interests of the dominant Tutsi minority; members of the Hutu majority believed that the judicial system was biased against them. The Chief Prosecutor, who was Hutu, continued to lead the Government's effort to recruit Hutu attorneys living abroad to return to the country; during the year, 10 of those who returned were hired to serve as magistrates.

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

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

In all cases, the Constitutional Court has the ultimate appellate authority; however, in practice few cases of lower ranking offenders reached this level. Procedures for civilian and military courts were similar; however, military courts reached decisions more quickly, and trials generally failed to meet internationally accepted standards for fair trials.

Citizens generally did not have regular access to civilian and military court proceedings. Defendants in theory were presumed innocent and had the right to appeal; however, in practice the structure of the court system inappropriately limited the possibility of appeals of defendants accused of the most serious crimes, according to legal observers. While defendants had a right to counsel and to defend themselves, in practice few had legal representation. The civil court system functioned, but the lack of a well-trained and adequately funded judiciary limited expeditious proceedings.

The criminal code provides for suspects' rights to a lawyer before official charges were filed and during pretrial investigations. Authorities sometimes were unable to carry out their investigations or transport suspects and witnesses to the appropriate court because of lack of resources and poor security conditions. The Government postponed fewer trials than in previous years.

According to the law, persons had the right to appeal to the military's court of appeal, then to the Supreme Court, and then to the President for clemency; however, this did not occur in practice.

The traditional Burundian court system, the "Bashingantahe," stressed settlement and reconciliation of disputes and was recognized officially by the Government. A Bashingantahe opinion often was necessary before access was granted to the formal civil court system. The Bashingantahe was limited to civil and minor criminal matters and had no jurisdiction over serious criminal matters.

The Government held political prisoners. An international organization estimated that up to 2,000 of all convicted inmates were being held for political crimes; however, no reliable figures were available. Charges against defendants convicted for nonpolitical crimes sometimes were politically motivated. In December 2001, a commission of international legal experts arrived in the country to examine the judicial

system and to identify political prisoners. An ad hoc committee has been formed but has yet to make any recommendations concerning the release of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Transition Constitution provides for the right to privacy; however, the authorities did not respect the law requiring search warrants. Security forces widely were believed to monitor telephones regularly.

There were numerous reports during the year that the army looted and destroyed houses whose occupants were accused of harboring rebels (*see* Section 1.g.).

During April and May, in Ruyigi Province, the army forced more than 30,000 civilians from their homes into “protection camps.” Soldiers reportedly forced people to walk to the camps by firing rifles into the air. The army denied NGOs access to the camps to aid those suffering from malnutrition and disease. Camp residents, who were denied adequate food, sanitation facilities, and water, were allowed to cultivate their fields only 2 days a week. Soldiers reportedly stole livestock from the local population and cooked it with firewood obtained by chopping up desks stolen from a local school.

A National Assembly committee on human rights launched an investigation into the May 2000 arrest of seven residents of the Kavumu regroupment camp, one of whom was found decapitated; however, no findings were made public by year’s end.

There were numerous reports of rebel forces imposing taxes on the civilian populace and confiscating property such as chickens, cattle, and other items of value (*see* Section 1.g.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—The ongoing conflict resulted in numerous serious abuses against the civilian population by government and rebel forces during the year; generally no action was taken against the perpetrators. Government forces killed numerous Hutu and Tutsi civilians following fighting with rebels, in reprisal for rebel attacks, and for suspected collaboration with rebels. Abuses included civilian massacres, the looting and burning of houses, armed attacks on noncombatants, the conscription of children into the military, the displacement of sizable numbers of persons, and the rape of women. Security forces prevented international humanitarian aid agencies from reaching some areas of the country (*see* Section 2.d.).

On August 22, army spokesman Colonel Augustin Nzabampema warned that civilians who did not disassociate themselves from rebel forces would be considered enemies. On August 26, the Minister of the Interior and Public Security issued a statement in support of the warning and reiterated that civilians complicit with the rebels would be considered rebels themselves.

In February armed forces in Bubanza Province killed 30 Hutu civilians, many of whom were burned to death or killed with bayonets.

In May 12, in Giharo commune, Rutana Province, members of the army and Guardians of the Peace reportedly killed several civilians and looted and burned houses. HRW reported that on July 19, in Kiganda commune in Muramvya Province, the army killed approximately 30 civilians.

During an August 4 shootout with alleged FNL rebels in the town of Migera, Bujumbura Province, government soldiers reportedly killed 18 civilians who had just left a church mass.

HRW reported that on August 25, in Rutegama commune, Muramvya Province, the army killed more than 50 civilians.

In the largest reported massacre of civilians during the year, on September 9, army soldiers reportedly killed more than 500 civilians in Itaba commune, Gitega Province. On October 3, the Government arrested three army officers, who remained in prison at year’s end, in connection with the massacre.

No action reportedly was taken against members of the security forces responsible for the following killings in 2001: The February killings in Kinama of more than 200 civilians accused of collaboration with the rebels; the February killings in Gishubi commune, Gitega Province, of more than 50 civilians by government forces; the March killings in Kanyosha commune of 2 women following a battle with rebel forces; the April killings in Ruburizi section of Bujumbura Rural Province of approximately 30 civilians; the June killing of 9 civilians in Bujumbura who were mistaken for rebels; the October 25 killings in Bubanza Province of at least 6 women and 2 children; the October killings in Muzinda, where government forces killed 11 civilians, including 2 students; and the November killings in Maramya, Bujumbura Rural Province, of 42 civilians.

The soldier arrested for the April 2000 killing of a local Bujumbura government official and four members of the official’s family allegedly in retaliation for the killing of four soldiers by rebels remained in detention pending trial at year’s end.

No action was taken, nor is any likely to be taken, against members of the security forces responsible for the following killings in 2000: The June killings of 69 persons in Taba commune, Gitega Province; the July killings of 53 persons by soldiers in Butaganzwa commune, and the August killings of 35 civilians by soldiers in Nyambuye zone, Bujumbura Rural Province.

In many cases, it was unknown whether government or rebel forces were responsible for the killings of civilians during the course of fighting. For example, on April 6, in the town of Gihanga, Bubanza Province, more than 20 civilians were killed during a conflict between government and rebel troops. On August 26, in the towns of Muyira and Nyambuye, Bujumbura Rural Province, 30 civilians, including 17 women and 7 children, were killed. On September 21, in Kabezi commune, Bujumbura Rural Province, 1 child was killed and 40 civilians were injured during an army attack against FNL rebels.

Landmines placed by government or rebel troops continued to result in civilian deaths and injuries. There were reports that the Government continued to lay landmines during the year. According to League Iteka, on June 22 in Rusengo, Ruyigi Province, one person was killed and two were injured when their bus struck a landmine. In a similar incident on July 16, one person was killed and two were injured when their van struck a landmine.

Rebels killed, beat, and stole from civilians, and kidnapped and raped women (*see* Section 1.b.).

Rebel forces killed numerous civilians during the year and committed serious abuses against the civilian population. Hutu rebels killed Hutu and Tutsi civilians; Hutu rebels sometimes deliberately targeted and killed Tutsis. There are no definitive statistics available on how many persons were killed by Hutu rebels. The Government stated that rebels were responsible for the majority of civilian casualties. There were no reports that rebel forces prosecuted or punished any members of their groups who were responsible for the abuses.

Rebels also killed a priest, administrative leaders, a journalist, and civilians suspected of collaborating with the Government (*see* Sections 1.a. and 2.c.). For example, on May 7, in the town of Kazirame, Bujumbura Rural Province, FNL rebels reportedly killed 10 civilians for allegedly collaborating with the national army. On June 14, in Cibitoke Province, FNL rebels reportedly killed 13 civilians in a roadside ambush. On August 7, rebels attacked the Kabezi commune and killed 20 persons. On October 8, in the town of Ruyigi in Ruyigi Province, FDD rebels killed 2 administrative leaders; and on October 10, in the town of Ngeru, they killed another administrative leader. No action had been taken against any of the perpetrators by year's end.

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

In 2001 there also were numerous cases in which rebel forces ambushed vehicles.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Transition Constitution does not impose restrictions on the media; however, the Government restricted freedom of speech and of the press. A press law requires that newspaper articles undergo review by a government censor 4 days before publication. The Government controlled the media and harassed and detained journalists. Journalists practiced self-censorship.

The Government restricted freedom of speech during the year; however, unlike in the previous year, there were no reports that security forces arrested persons for making false statements.

Unlike in the previous year, the Government did not interrogate NGO employees.

The Government controlled much of the news, since it owned the only regularly published newspaper and the major radio and television stations. The Government-owned newspaper *Le Renouveau* was published three times a week. The one opposition newspaper, *La Lumière*, ceased publication in March 2001 after it published lists of colonels, their hometowns, and their ownership shares in parastatal companies; the owner received threats from unknown persons and as a result decided to cease publishing (*see* Section 1.d.). Political tracts circulated, and two private faxed newsheets, *Azania* and *NetPress*, were published almost daily and represented mainly Tutsi political viewpoints. In February the Government banned *Netpress*, claiming that it imposed the ban to defend professional journalistic standards; other reports charged that the Government disagreed with the content of the publication. The ban was lifted on February 22.

On March 16, the Government suspended Azania for 1 month, and accused it of plagiarizing stories.

On July 31, the Government banned the newspaper PanAfrika for publishing “extremist and subversive” material regarding the dismissal of Mathias Hitimana, the former Minister of Energy and Mines.

The Government and its security forces harassed journalists, questioned and detained them, and searched and seized their property. On March 7, the Government arrested journalist Aloys Niyoyita, who was beaten before being released without charge after 4 hours in custody.

The Government-owned radio broadcast in the Kirundi language, French, and Swahili, and offered limited English programming. The independent radio station, Radio Bonesha, formerly Umwizero, continued its broadcasts in French, Kirundi, and Swahili, and the independent station Radio Public Africa (APR) broadcast in French, Kirundi, and Swahili; both stations received funding from international donors. Listeners could receive transmissions of the British Broadcasting Corporation (BBC), the Voice of America, and Radio France Internationale. Citizens were allowed to work as local stringers for foreign news organizations and filed reports regularly. Due to widespread poverty and limited literacy, radio remained the most important medium of public information.

The Government remained very sensitive to reporting on the country’s internal conflict, and continued to threaten independent radio stations with shutdown if they disseminated reports that contradicted the official line.

On May 15, APR broadcast journalist Alexis Sinduhije was summoned to appear before a committee composed of the chief of intelligence and the Ministers of Defense, Interior, and Communications. Sinduhije was accused of compromising a defense secret by broadcasting a story about a national defense operation under preparation. The National Communications Council subsequently warned journalists to respect defense secrets, broadcast only truthful information, and respect the private lives of citizens.

On May 16, the National Communications Commission issued an order prohibiting APR from broadcasting interviews with rebel leaders or reporting further on the November 2001 murder of Dr. Manlan, the country director for WHO (see Section 1.a.). On June 1, five APR journalists were summoned to appear before the Prosecutor General and admonished for reporting on Manlan’s murder; however, no further action was taken against the journalists.

On July 8, the National Radio and Television station (RTNB) banned the airing of a report on the return of former President Bagaza.

In July the Government threatened the manager of Radio Bonesha after it broadcast a story concerning cease-fire talks between the Government and rebels. He increased his self-censorship after the incident.

On August 28, APR ceased broadcasting after the Government Communication Control and Regulation Agency on August 23 began jamming its broadcasts due to unpaid fees; APR resumed broadcasting on September 3.

On August 28, RTNB reported that the National Communications Council issued an order prohibiting websites from containing propaganda against the Government or information against the cause of peace and reconciliation.

No laws or regulations limit academic freedom, and no action was taken against persons at the University of Burundi for what they published or said. Staff and students at the university remained primarily ethnic Tutsi, and tensions have flared occasionally between Hutu and Tutsi students on campus, where politically and ethnically motivated killings occurred in 1995 and 1996.

Authorities used excessive force to disperse student demonstrations, resulting in deaths and injuries (see Section 2.b.).

On August 5, journalist Amissi Bizimana was killed in crossfire between government forces and FNL rebels.

b. Freedom of Peaceful Assembly and Association.—The Transition Constitution permits political demonstrations; however, the Government restricted freedom of assembly. Government permits were required for public meetings and demonstrations, and applications routinely were routinely denied to groups that criticized or opposed the Government.

On March 4, gendarmes reportedly beat a member of the Banyamulenge tribe during a protest march outside the offices of the U.N. High Commissioner for Refugees (UNHCR).

On May 2, Diomede Rutamucero, leader of the pro-Tutsi PA-Amasekanya party, and six other persons were arrested outside of the National Assembly, where they were protesting proposed legislation that would give provisional immunity to politicians accused of committing genocide. The six demonstrators were released shortly thereafter; Rutamucero was held for 5 weeks before being released. On May 16, out-

side the office of the Prosecutor-General, security forces forcibly dispersed demonstrators protesting Rutamucero's detention. On September 1, Rutamucero was re-arrested while jogging with four PARENA members, who also were arrested. All were fined and released after 4 days in custody.

Unlike in the previous year, there were no arrests of individuals for organizing unauthorized demonstrations.

Security forces used excessive force to disperse demonstrations during the year, which resulted in deaths and injuries; no action was taken against the responsible parties. For example, on May 23, in Bujumbura, Gitega, and Matana, gendarmes opened fire on students demonstrating in support of a countrywide teachers union strike; two students were killed and several were injured. On April 28, police reportedly shot and killed one student during a demonstration of the Youth Association for Rebuilding a Destroyed World.

No action was taken against security forces responsible for the violent dispersal of demonstrations in 2001, including the May beating of representatives of the G-8 Tutsi parties.

Unlike in the previous year, the Government did not ban meetings by mainly Tutsi groups critical of government policy and the peace process.

The Government restricted freedom of association and arrested members of organizations and political parties (*see* Section 1.d.). Private organizations were required to present their articles of association to the Ministry of Interior for approval, a process that could take years if the Government disliked the organization. The Transition Constitution permits political parties to operate; however, the Government placed restrictions on groups that criticized its policies.

Following the November 2 house arrest of PARENA party leader Bagaza, the Interior Minister on November 7 suspended the PARENA party for 6 months.

c. Freedom of Religion.—The Transition Constitution provides for freedom of religion, and the Government generally respected this right in practice. There was no state religion; however, the Catholic Church, which represented approximately 60 percent of the population, was predominant.

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

On August 5, FDD rebels in Kigihu, Rutana Province, reportedly killed parish priest Peter Tondo.

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

d. Freedom of Movement Within the Country, Foreign Travel, Immigration, and Repatriation.—The Transition Constitution provides for these rights; however, the Government restricted them in practice. There was a government-imposed curfew in parts of the country; in Bujumbura the curfew began at 11 p.m. and ended at 5 a.m.

During April and May, in Ruyigi Province, the Government forcibly regrouped more than 30,000 civilians into camps. Humanitarian groups were denied access, and the movement of camp residents was restricted (*see* Section 1.f.).

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

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

According to UNHCR, more than 387,000 IDPs lived in 212 sites at year's end, which represented approximately 5 percent of the total population. Many were Tutsis who fled to other parts of the country in 1993 because of ethnic violence and never returned home. Soldiers generally did not restrict the movement of residents of IDP camps and provided a measure of protection to camp inhabitants; however, security forces prevented access by international humanitarian aid agencies to some of the IDPs in remote sections of Bujumbura Rural and Ruyigi Provinces. There were no reports of abuses committed against IDPs during the year. Camp inhabitants often were required to perform labor for the soldiers without compensation (*see* Section 6.c.).

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

The law does not provide for the granting of asylum or refugee status in accordance with the provisions of the 1951 U.N. Convention on the Status of Refugees and its 1967 Protocol; however, there was a special ad hoc administrative body in the Government that coordinated refugees, and the Government cooperated with the UNHCR and other humanitarian organizations assisting refugees. The Government has granted first asylum in recent years. Approximately 27,000 citizens of the DRC lived in the country; 3,800 were registered with the UNHCR. Approximately 1,000 Rwandan refugees remained in the country during the year.

According to the U.N., more than 370,000 Burundian refugees, most of them Hutus, remained in Tanzania. Estimates of "old caseload" refugees—many of whom fled as early as 1972 or following the October 1993 assassination of former president Ndadaye—ranged from 200,000 to 400,000. Such refugees were not assisted by UNHCR and therefore not encamped under UNHCR auspices in the system of camps in Western Tanzania. Estimates of the total number of Burundians living in Tanzania at year's end ranged from 570,000 to nearly 800,000. More than 23,000 additional refugees, most of them Hutu, were in Angola, Cameroon, the DRC, the Republic of the Congo, Kenya, Malawi, Rwanda, and Zambia.

By year's end, approximately 115,000 Burundian refugees had registered to repatriate from Tanzania; UNHCR had facilitated approximately 31,100 voluntary repatriations. However, this was offset by the arrival of 30,000 new refugees and the birth of 10,000 to 20,000 children in the camps. During the last 6 months of the year, repatriation slowed due to an increase in fighting. Many of the 30,000 new Burundian refugees had voluntarily repatriated earlier in the year to areas that later became unstable again.

On January 18, members of the Banyamulenge tribe were deported to Rwanda.

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

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

Citizens do not have the right to change their government. The Transition Constitution makes no specific provision for elections. The 1992 Constitution and 1994 Convention of government were suspended by the Buyoya military regime that assumed power in July 1996, in a bloodless coup. On that date, the regime dissolved the National Assembly and banned political parties. Approximately 3 weeks later, President Buyoya announced the restoration of the National Assembly and political parties with certain restrictions. The opposition party, FRODEBU, which was mostly ethnic Hutu, holds just over half of the National Assembly seats. On November 1, 2001, President Buyoya was sworn in as president for the first 18 months of the 3-year transitional period.

In April 1998, multiparty peace talks began in Arusha, Tanzania, and the Government subsequently launched an internal peace process. In June 1998, Buyoya's regime and the National Assembly entered into a partnership agreement. The National Assembly adopted the Transition Constitution and a transition political platform. The Transition Constitution changed the structure of government by eliminating the post of prime minister, creating one vice president, removing the National Assembly Speaker from the line of presidential succession, and enlarging the National Assembly. The Transition Constitution placed no time limits on the President's or the National Assembly's term of office.

In August 2000, the Buyoya regime and other negotiating parties present at the peace talks signed a peace agreement, which was ratified by the National Assembly in November 2000. The peace agreement instructs the country's next transitional government to hold local, national, and presidential elections within a 3-year period, and to oversee elections for a newly formed Senate; however, this agreement was not implemented fully by year's end. Representation of both Hutus and Tutsis in institutions, including the army, the National Assembly, and the Senate, was a key component of the agreement.

In July 2001, President Buyoya and the regional leaders signed an agreement to begin the 3-year transition period on November 1, 2001. On November 1, 2001, Buyoya was sworn in as President and Domitieh Ndayizeye, the secretary general of FRODEBU, was sworn in as vice president. Under the agreement, they will each serve for 18 months; the G-7 Hutu parties will then select a president, and the G-10 Tutsi parties will select a vice president. All future presidents will be elected by universal suffrage. The Vice President and 14 of the 26 cabinet ministers were members of the G-7 Hutu-based political parties. The cabinet also included 12 Tutsis. Progovernment ethnic Tutsis served as Ministers of Defense and Foreign Affairs.

The transitional political platform endorsed in general terms the restoration of democracy and correction of the ethnic imbalance within the army and the judicial system. It called for the creation of an international tribunal to try crimes of genocide. Although the peace accord also provides for a commission of inquiry on genocide as well as a National Truth and Reconciliation Commission to investigate other crimes, the agreement was not implemented fully, and no commissions were created by year's end.

Under the 1992 Constitution, deposed President Ntibantunganya would have remained in office until 1998. The last elections to fill the National Assembly took place in June 1993. The Transition Constitution stipulates that the National Assembly shall consist of 121 parliamentarians: Those elected in 1993 who sat in the previous National Assembly, plus 40 new members, 28 members of civil society appointed by the President, and 1 representative each (selected by their respective parties) from all 12 officially recognized political parties not previously represented. Not all of those elected in 1993 were alive or in the country, and the vacant seats were filled by substitutes from the same political party as the original parliamentarian. Tutsi supporters of the Government filled 22 of the 40 new seats.

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

Political parties operated under significant constraints; however, unlike in the previous year, the Government did not ban meetings of groups critical of government policy and the peace process. Police often prevented or disrupted political demonstrations and arrested opposition politicians (*see* Sections 1.d. and 2.b.).

There were no laws that restricted the participation of women in the political process. There were 17 women in the 185-seat National Assembly and 10 women in the 53-seat Senate. Of the 26 cabinet seats, women filled 4: The Minister of Social Affairs; the Minister of Reintegration of Refugees; the Minister of Development, Planning and Reconstruction, and the Minister at the Presidency for HIV/AIDS. Two of the nine members of the Supreme Court were women, as were three of the seven Constitutional Court members, including its president.

There were no laws that restricted the participation of minorities in the political process. Approximately 1 percent of the population was Twa (Pygmies), but there were no Twa in the Cabinet. One Twa was an appointed member of the National Assembly, and two were members of the Senate.

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

Domestic human rights groups received varying degrees of cooperation from government ministries. The local human rights group, League Iteka, continued to operate and publish a newsletter. Human Rights Watch maintained an office in the country. The U.N. Special Rapporteur for Human Rights visited twice during the year. The office of the UNHCR maintained a three-person observer team in the country.

The Government cited insecurity in rural areas in denying access to journalists, international relief workers, and human rights observers to some areas of the country (*see* Section 2.d.). Army elements in the field frequently denied access to human rights observers to areas where the army was accused of human rights violations. Human rights NGOs frequently were unable to investigate reports of killings because of these restrictions. Many areas of the country, particularly near Bujumbura, near the border with the DRC, and near the border with Tanzania, remained off limits for normal operations.

Unlike in the previous year, there were no reports that the army interrogated NGO employees.

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

The Transition Constitution provides equal status and protection for all citizens, without distinction based on sex, origin, ethnicity, or opinion; however, the Government failed to implement effectively the Transition Constitution's provisions, and discrimination persisted. The Tutsi-dominated government and army discriminated against the Hutus. Discrimination against persons with disabilities was a problem.

Women.—Domestic violence against women was pervasive; however, inadequate data made it impossible to quantify. Wives had the right to charge their husbands with physical abuse, but they rarely did so. Police normally did not intervene in domestic disputes, and the media rarely reported incidents of violence against women. The law does not specifically prohibit domestic violence; however, persons accused

of domestic violence could be tried under assault provisions of the law. No known court cases have dealt with the abuse of women. The Government rarely investigated such cases, and prosecutions were rarer still. According to League Iteka, women were beaten by their husbands, forced out of their homes, denied basic food necessities, and denied freedom of movement.

The law prohibits rape, which is punishable for up to 20 years' imprisonment. Rebel forces raped women during the year (*see* Section 1.g.).

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

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

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

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

More than a quarter of the primary schools have been destroyed in the war, and many teachers have been killed. Teacher training has been interrupted, and it was difficult to find qualified teachers to work in the provinces most affected by fighting. The Government provided elementary education at nominal cost through grade six; however, inequitable distribution of educational resources favored those children in southern and central areas of the country, according to International Alert, an international NGO. Education was not compulsory. Approximately one-third of primary school-aged children attended school in 1999; less than 9 percent of children aged 13 to 19 years attended school.

According to the Women's Commission for Refugee Women and Children, school attendance rates for girls were well below school attendance rates for boys, and girls comprised only 44 percent of primary school students and 30 percent of secondary school students. Female illiteracy was a problem. Only 22 percent of women were literate compared to 46 percent of men. Only 25 percent of university students were women.

Unlike in the previous year, there were no reports that rebels abducted children and teachers during the year; however, on July 8, an FDD rebel bombardment of Ruyigi destroyed a school.

The ongoing conflict and increasing prevalence of HIV/AIDS has increased the number of orphans, which has resulted in an increase in the number of street children. Child prostitution was a problem (*see* Section 6.f.).

The minimum age for military service was 18, but observers believed that there were some children below that age in the military. Children continued to serve in the armed forces, and the U.N. Special Representative reported in December that both the Government and rebel groups continued to recruit child soldiers. There also were credible reports that the Guardians of the Peace recruited children to provide a quasi-police presence in public places such as markets; some of these children reportedly were sent to the front lines. In 2001 the National Assembly voted in favor of the ratification of the Additional Protocol Against Child Soldiers. The President has the authority, with the approval of the National Assembly, to issue a decree ratifying the Protocol and to transmit an instrument of ratification; however, there was no information on whether the decree had been issued or whether the Government deposited its instrument of ratification of the Protocol.

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

Indigenous People.—The Twa (Pygmies), who were believed to be the country's earliest inhabitants, comprised approximately 1 percent of the population and generally remained marginalized economically, socially, and politically (*see* Section 3).

Most Twa lived in isolation, without formal education, and without access to government services including health care.

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

State discrimination against Hutus, who constitute an estimated 85 percent of the population, affected every facet of society, but most strikingly in higher education and certain branches of the Government, such as the armed services and the judicial system. The President and the Tutsi-dominated army retained their dominance in decision-making and did not share power equally with Hutu members of the Government. Northern and eastern Tutsis also had a more difficult time acceding to positions of power.

Section 6. Worker Rights

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

The CSB was dependent financially on a system of checkoffs, or voluntary contributions, as was a rival trade union, COSYBU. The Government has interfered in the COSYBU's selection process by refusing to recognize union leaders selected by members in union congresses. However, unlike in the previous year, the Government recognized Pierre-Claver Hajayandi as COSYBU President, although it prevented him from giving the traditional Labor Day address. On May 1, the Government also excluded other labor union representatives from participation in official ceremonies because of ongoing wage disputes.

The Labor Code permits the formation of additional unions or confederations outside the CSB. When settling disputes in which more than one labor union was represented, the law stipulates that the Minister of Labor must choose the union representing the greatest number of workers to participate in the negotiations; however, according to the national union of secondary school teachers (SNES-FSU), the Government did not always respect this provision.

Unlike in the previous year, there were no arrests of individuals for organizing unauthorized demonstrations.

On May 24, police arrested a member of the CONAPES labor union during a demonstration; no further information was available.

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

The Labor Code prohibits employers from firing or otherwise discriminating against a worker because of union affiliation or activity, and this right was upheld in practice.

Unions were able to affiliate with international organizations.

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

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

The Labor Code provides for Labor Court jurisdiction over all labor dispute cases, including those involving public employees. Negotiations were conducted largely under the supervision of the tripartite National Labor Council, the Government's

highest consultative authority on labor issues. The Council represented government, labor, and management, and was presided over and regulated by the Minister of Labor.

The Labor Code provides workers with a restricted right to strike. The restrictions on the right to strike and to lock out included that all other peaceful means of resolution must be exhausted prior to the strike action; negotiations must continue during the action, mediated by a mutually agreed upon party or by the Government; and 6 days' notice must be given. The Ministry of Labor determines if strike criteria have been met. The law prohibits retribution against workers participating in a legal strike; however, in January 2001, the Government declared illegal the strike of 21 trade unions protesting a rise in the price of staple commodities and threatened the strikers with dismissal.

In April members of IGEBU, the union representing government mapmakers and meteorologists, went on strike for a week. Approximately 20 other unions issued a statement in support of STUB; the strike subsequently ended when the Government agreed to an increase in wages and benefits.

On May 13, members of the teachers union began a nationwide strike. Gendarmes shot and killed at least two protesting students and injured several others during demonstrations (see Section 2.b.). On July 8, the strike ended when the Government agreed to a wage increase.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, soldiers guarding IDP sites and soldiers at military posts often required persons to cook, fetch water, chop wood, work in the fields of military leaders, and perform other chores without compensation. The military also required persons to perform regular night watches.

Children continued to serve in the armed forces, and both the Government and rebel groups continued to recruit child soldiers (see Section 5).

Child prostitution was a problem (see Section 6.f.)

Rebel groups forced the rural population to perform uncompensated labor, including the transport of rebel supplies and weapons. Rebels also recruited and used children for labor. Unlike in the previous year, there were no reports that FDD rebel forces abducted primary school students to serve as soldiers. There were no statistics on the number of child soldiers in the country.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code states that children cannot be employed by “an enterprise” even as apprentices, although it also states that they may undertake occasional work that does not damage their health or interfere with their schooling. In practice children under the age of 16 in rural areas performed heavy manual labor in the daytime during the school year. The World Bank reported that approximately 48 percent of children between the ages of 10 and 14 years worked in 1999. The Government made no effort during the year to enforce child labor laws.

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

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

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

e. Acceptable Conditions of Work.—The formal minimum wage for unskilled workers was \$0.21 (160 francs) per day in the cities of Bujumbura and Gitega, and \$0.14 (105 francs) in the rest of the country, with a graduated scale for greater skill levels. This amount did not provide a decent standard of living for a worker and family, and most families relied on second incomes and subsistence agriculture to supplement their earnings. Unionized employees, particularly in urban areas, generally earned significantly more than the minimum wage. Public sector wage scales were set by agreement between the Government and either the CSB or COSYBU; however, an individual employee's position on the wage scale was determined by individual negotiation between the employer and the employee. The Government wage scale has remained unchanged since 1992, but allowances, such as the one for housing, have risen.

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

The Labor Code establishes health and safety standards that require an employer to provide a safe workplace and assigns enforcement responsibility to the Minister

of Labor; however, the Ministry did not enforce the code effectively. Health and safety articles in the Labor Code did not address directly workers' rights to remove themselves from dangerous tasks.

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

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and there were reports of trafficking. The trafficking of women and children for prostitution was a serious problem.

The Government continued a campaign to reduce underage prostitution. Legislation prohibiting the facilitation of prostitution could be used to prosecute such offenses. On March 27, according to the International Organization for Migration (IOM), during a layover in Addis Ababa, Ethiopia, while traveling to Lebanon, two female Congolese refugees who had been living in Burundi declared themselves to be victims of a trafficker. According to the IOM, the women asked to be returned to the DRC. No further information was available.

Children continued to serve in the armed forces, and both the Government and rebel groups continued to recruit child soldiers (*see* Section 5).

CAMEROON

Cameroon is a republic dominated by a strong presidency. Since the early years of independence, the Cameroon People's Democratic Movement (CPDM) has remained in power. In 1997 CPDM leader Paul Biya won re-election as President in a vote boycotted by the three main opposition parties. Marred by a wide range of procedural flaws, the election generally was considered by observers not to be free and fair. Legislative and municipal elections held during the year were dominated by the CPDM and flawed with irregularities; however, most local and international observers considered them to be transparent. The President retains the power to control legislation or to rule by decree, and has used his control of the legislature to change the Constitution. The Government remained highly centralized and dominated by the presidency. The judiciary was subject to political influence and suffered from corruption and inefficiency.

Internal security responsibilities, also dominated by the Presidency, were shared by the national police (DGSN), the National Intelligence Service (DGRE), the Gendarmerie, the Ministry of Territorial Administration, military intelligence, the army, and to a lesser extent, the Presidential Guard. The police and the Gendarmerie have dominant roles in enforcing internal security laws. The civilian Minister of Defense and the civilian head of police also were responsible for internal security. Security forces continued to commit numerous serious human rights abuses.

The majority of the population of 15.2 million was rural; agriculture accounted for 28.8 percent of gross domestic product (GDP). Economic growth has continued over the past 5 years, despite decreases in world prices for the country's major primary exports, and gross national product growth has averaged 4 to 5 percent annually. However, economic recovery continued to be inhibited by a large inefficient parastatal sector, excessive public sector employment, and the Government's inability to deregulate the economy to attract more investment. Widespread corruption in government and business also impeded growth. Members of the Beti and Bulu ethnic groups dominated government, civil service, and the management of state-owned businesses.

The Government's human rights record remained poor, and it continued to commit numerous serious abuses. Citizens' ability to change their government remained limited. Security forces committed numerous unlawful killings and were responsible for disappearances. They also tortured, beat, and otherwise abused detainees and prisoners, generally with impunity. However, the Government prosecuted a few offenders. Prison conditions remained harsh and life threatening. Security forces continued to arrest and detain arbitrarily various opposition politicians, local human rights monitors, and other citizens, often holding them for prolonged periods, often without charges or a chance for trial and, at times, incommunicado. The judiciary remained corrupt, inefficient, and subject to political influence. The Government infringed on citizens' privacy, and monitored and harassed some opposition activists. The Government continued to impose limits on freedom of speech and press and harassed journalists. The Government restricted freedom of assembly and association. Security forces limited freedom of movement. Violence and discrimination against women and child abuse remained serious problems. Discrimination against indigenous Pygmies continued. Societal discrimination based on religion persisted in some areas; societal discrimination against ethnic minorities continued. The Govern-

ment continued to infringe on worker rights and restricted the activities of independent labor organizations. Child labor remained a serious problem. Slavery reportedly persisted in northern parts of the country. Forced labor, including forced child labor, was a problem. There were reports of trafficking in persons, primarily children, for purposes of forced labor. Mob violence continued to result in some deaths.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no confirmed reports of politically motivated killings; however, the security forces continued to use excessive, lethal force against private citizens and committed numerous unlawful killings. During 2001 Douala's military anticrime unit, the Operational Command, reportedly was suspended amid increasing reports of human rights abuses; the status of the Command was unknown at year's end. There were reports that prior to suspension, Command leaders ordered the execution of the 81 detainees who remained in the special Command prison facility, Kosovo.

The Operational Command operated above the authority of other security forces and killed some suspects in shootouts and high-speed car chases. It also reportedly used a network of informants, including a large number of convicted criminals and prison officials, to obtain the names of suspected bandits who the Command then arrested and summarily executed (*see* Section 1.b.). Conservative estimates placed the number killed in the hundreds, but Cardinal Tumi, the Archbishop of Douala, believes the number may range as high as 1,000. The Operational Command also used neighborhood sweeps to search for criminals, occasionally executing suspects for minor offenses such as smoking marijuana. Press and other reports alleged that the Operational Command has several mass graves, including one in the "Forest of Monkeys" (Bois des Singes) and another off the "Old Road" between Douala and Edea, where bodies were abandoned in pits or buried.

Security authorities in the remote North and Far North Provinces also were accused of unlawful killings; however, there were fewer reported incidents than during the previous year. During the year, the security situation in the northern provinces appeared to have improved, but there still were occasional accusations of summary executions following acts of banditry. Local human rights groups noted that local authorities, even the special anti-gang units, paid more attention to due process than in previous years; they believed that the paramilitary forces received strict instructions to restrain their activities in an attempt to avoid another scandal that would embarrass the Government. However, authorities in the region maintained that the anti-gang units largely have completed their mission and that the remaining bandits were living in fear, thus eliminating the necessity for excessive use of force. They also noted a significant drop in crime in the region.

An elite crime-fighting unit, the Light Intervention Battalion (BLI), which received extensive training from Israeli military consultants, became operational in 2001 and reported directly to the Presidency. BLI members have been accused of conducting summary judgements against suspected criminals. Preliminary reports indicated that this group has benefited from improved training and intelligence gathering methods; however, no further information was available at year's end.

On January 25, army sergeant Nje stabbed to death 22-year-old Isidore Usabo Lappe, in Douala's popular "CCC" quarter. The killing followed a private dispute between Usabo Lappe and the sergeant's girlfriend. Nje was arrested and remained in police custody on murder charges at year's end.

On February 23, a gendarme killed 26-year-old Pierre Kewe in the Yaounde neighborhood of Elig-Edzoa. Kewe's older brother summoned a team of gendarmes to help resolve a dispute, and Kewe refused their order that he remain inside the house. During his attempt to leave, a gendarme shot him. The authorities arrested the gendarme, who was in detention awaiting trial at year's end.

During the year, the Government investigated a few cases of security personnel accused of violating the law. For example, on January 29, the Douala Military Tribunal began trying Operational Command Sergeant Jean Claude Mbita on charges of assault occasioning death in the 2000 shooting of Luc-Benoit Bassilekin. After several postponements, the trial started on November 26.

On April 23, a military trial began for Colonel Bobbo Ousmanou and seven other army officers charged with the execution of nine youths in Bepanda in January 2001. On July 9, the military tribunal sentenced two of the higher ranking officials for disobeying orders; six others were acquitted (*see* Section 1.b.).

In April the Douala High Instance Court began hearings on the case of the 2000 torture death of Emmanuel Ebanda. The prosecutor requested life-imprisonment for

police officers Biyick Mang, Peter Enonguene, and Elouga. The trial was ongoing at year's end.

There were no further developments in the following 2001 cases: The torture death of a 23-year-old man named Apah in Njikwa, Momo Division, Northwest Province; the reported arrest and execution of Hamadou Kadri by the BLI based in Maroua; the killing of Eloi Sanda Abba by a gendarme at the students residential quarters of Bonamoussadi, in Yaounde; and the shooting death of Aliou Oumarou by police.

There were no further developments in the following 2000 cases: the January shooting death of Alhadji Bapetel at the Douala port; the May detention, torture, and killing of Edouard Leuat; the May killing of Laurent Abbe; the May killings of two women in Yaounde; the June killing of two bandits; the September torture death of Mathew Titiahonjo; and the October killing of Paul Petchucke.

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

Mob violence and summary justice directed against suspected thieves and those suspected of practicing witchcraft and other crimes reportedly continued to result in an increased number of deaths and serious injuries. For example, in early March, an angry mob in the Oyom Aban neighborhood of Yaounde beat to death Emile Eyenga, a 34-year-old bandit who previously had been arrested and released on several occasions. Aban was caught burglarizing a private residence.

In early August, the gendarmerie company commander for Ngoketunjia Division, North West Province, stated that angry mobs lynched three persons caught stealing. The commander severely criticized the "jungle justice" and asked the citizens of Ngoketunjia to inform security forces of the presence of any suspected criminal in their respective areas.

On August 27, inhabitants of the Douala neighborhood of Bepanda beat to death a 26-year-old thief for stealing a goat. No investigation has been reported.

There were no further developments in the 2001 beating death cases of Joseph Nzelanmyuy or Abdulai Fonyuy.

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

On March 13, Dieudonne Atsako, Steve Kehebe, Etienne Kuete, Talla, Blaise Nokam, Victory Tegou, Jules Nouma, Jean Alain Kenfack, and Croisil Moutsoul were arrested and detained in the Bafoussam gendarmerie brigade. Following widespread rumors of their deaths at the hands of gendarmes, the National Commission on Human Rights and Freedoms (NCHRF) and the West Gendarmerie Legion conducted an investigation. On April 18, the Minister of Communication, Jacques Fame Ndong, stated that the nine were alive and confirmed that the Gendarmerie Legion and the NCHRF were conducting an investigation into the case. Later in April, the NCHRF issued a press release denying allegations that the nine had disappeared. At year's end, the Government had not produced proof that the nine were alive.

In January 2001, the Douala Operational Command arrested Marc Etah, Frederic Nguffo, Chatry Kuete, Jean Roger Tchiwan, Eric Chia, Charles Kouatou, Effician Chia, Elysee Kouatou, and Fabrice Kouate, who were suspected of stealing a gas canister in the Bepanda District of Douala. Initially the families of the detained "Bepanda 9" were accorded visiting rights; however, these rights were abrogated as of January 27, 2001. The case drew both national and international attention, and many observers believed the Douala Operational Command summarily executed the nine youths. Douala authorities attested to the youths' arrests but denied any executions and refused to produce verification of the youths' continued wellbeing. The victims' families formed another group, the Committee for the Defense of the Nine (or C9 as they were known domestically) and held weekly protests, which police often forcibly dispersed, demanding the location of the nine youths. In March 2001, President Biya ordered an investigation into the disappearance of the Bepanda 9 and transferred or replaced several members of the Operational Command. In April 2001, authorities arrested Colonel Ousmanou and seven other officers of the Operational Command. In November 2001, the military trial of the eight officers was referred to the High Court of Yaounde after the Court of First Instance dismissed the case due to a technicality. The trial was closed to the public, and the Government refused to release the court's findings or to consider a civilian trial for the officers. After several postponements, on July 9, the High Court of Yaounde finally ruled on the case. Although the eight officers initially were prosecuted on charges of murder, torture, corruption, and violation of instructions, the High Court convicted two of the eight officers on charges of disobeying orders and sentenced Colonel Ousmanou to 3 years probation and Captain Jean Jacques Abah Ndzenge to 16 months in jail,

respectively. Samuel Houag, Nicolas Eyong Taku, and Luc Evoundou were found not guilty for lack of evidence. Major Pascal Yeremou Nyamsi, Captain Onana Ambassa, and adjunct chief Adrumpai were found not guilty by benefit of doubt. The C9 have appealed the ruling.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.— The law prohibits such practices; however, there were numerous credible reports that security forces, including the Operational Command, continued to torture, beat, and otherwise abuse prisoners and detainees. There were reports that security forces, including the Operational Command, detained persons at specific sites where they tortured and beat detainees. The Operational Command reportedly tortured some persons before summarily executing them (*see* Section 1.a.). Security forces also reportedly subjected women, children, and elderly persons to abuse. Most cases apparently were not reported to the relevant authorities because of ignorance, lack of confidence, or fear of reprisal.

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

Security forces continued to subject prisoners and detainees to degrading treatment including stripping, confinement in severely overcrowded cells, and denial of access to toilets or other sanitation facilities. Police and gendarmes often beat detainees to extract confessions as well as the names and whereabouts of alleged criminals. Pretrial detainees sometimes were required, under threat of abuse, to pay “cell fees,” which essentially was a bribe paid to prison guards to prevent further abuse.

Security forces beat persons while arresting them, particularly under Operation Harmattan, an anti-crime operation in Douala. For example, on April 4, soldiers and gendarmes cordoned off Koupa Kagnam and Koumenke, two villages of the Noun Division, West Province, and raided houses, beating and arresting scores of men and women. According to official statements, Gabriel Esoa Eloi, Koutaba’s Sous-prefet, ordered the operation when unidentified individuals allegedly tried to break into his office and steal election-related documents. Esoa Eloi “was told” that the perpetrators were from the two villages. CDU Chairman, Dr. Adamou Ndam Njoya, criticized the operation, claiming it was aimed at intimidating members of his party 2 months before national elections. On April 8, authorities released all those arrested.

Security forces harassed and threatened journalists (*see* Section 2.a.). Security forces also frequently used roadblocks to exact bribes or disrupt opposition political activities and injured persons they believed tried to evade checkpoints (*see* Section 2.d.).

On March 10, soldiers of the Edea Military Regiment in the Sanaga Maritime Division of Littoral Province arrested, beat, and severely injured Samuel Mben Mben, publisher of Habeas Corpus after a woman accused him of helping men rob her. The gendarmes then took Mben Mben to the gendarmerie brigade where they released him after the intervention of his lawyer, family, and the Sanaga Maritime Senior Divisional Officer (who also was the Prefet). Mben Mben later said that he was missing \$155 (104,000 CFA francs).

On March 14, police officers beat and injured Narcisse Kouokam, a nationally known comedian, in Yaounde. In a statement to the press, Kouokam said that the officers recognized him and sought to “punish him” for his performances criticizing the country’s malfeasance. Narcisse Kouokam filed a complaint against his attackers, which was pending at year’s end.

On June 28, Douala police officers arrested Jean René Ndouma on allegations of theft complicity. On July 18, Ndouma was transferred to the Douala New Bell Prison where his family learned he had been tortured seriously, particularly by police officer Daouda Mama. Ndouma had been handcuffed and hung by the hands, which resulted in severe gashes on his wrists. It was unknown if there was any action taken in this case.

There were no new developments in the following 2001 cases: The January kidnaping of Hortense Toukam; the March beating and attempted strangling by gendarmes of Pierre Nyemeck Ntamack; the May arrest and torture by police of Jacques Zoua, a member of a Maroua-based human rights NGO; and the June arrest and torture by security forces of many persons during neighborhood sweeps in Kodogo and Garoua.

There were no developments in the following 2000 cases: The death of Magloire Evoutain; the January torturing of customs inspector Vincent Nkengfue; the January injuring and beating of several students when a demonstration was dispersed forcibly; the March torturing of Jean Paul Kentsa and two others; the April beating and torturing of a foreign volunteer teacher; the April injuring of Cecile Ngono; the April beating of Nicole Ajong; the April beating of parishioners at Notre Dame De Sept Douleurs; the May torturing of Achille Tehoumba Heubo; the May beating of Madeleine Ngo Songane; the May torturing to death of Mathew Titiahonjo; the May beating of several student demonstrators; the June beating of Amelie, a female soccer player; the June injuring of several persons in a bar; the June beating of Beatrice Elouga; the June assault of numerous citizens; the September rape of two girls; and the November beating of a journalist.

A minor number of security force officers have received jail sentences and/or severe sanctions for the misconduct. For example, on February 27, the Bafang, Upper Nkam Division, West Province High Instance Court sentenced Police Commissioner Simon Menzouo and policeman Jules Oscar Soboa to 5 years in jail and damages of \$10,000 (6.5 million CFA francs) after finding the two guilty of torturing a police detainee to death in 1999. The Court awarded the damages to the victim's family.

On September 16, Pierre Minlo Medjo, Delegate General for National Security (DGSN), issued a press release stating that three police officers serving at the Mbalmayo Nyong So'o Division in Center Province's Public Security Police Station were arrested and arraigned by a Mbalmayo prosecutor who ordered their detention. On September 7, the officers, Jean Christophe Avom, Appolinaire Eva Ntyam, and François Jiande, had shot and killed Thomas Alima during an arrest. According to Minlo's press release, the police officers misused their arms in an illegal manner.

The Government has made some efforts to minimize security forces' abuse. For example, in a January 25 speech to newly trained gendarmes of an elite unit, Remy Ze Meka, the Secretary of State for Defense in Charge of the National Gendarmerie, reinforced that security forces must respect citizens' rights. There was no evidence during the year that the January 25 speech affected a significant change in security force behavior, and in the vast majority of cases of torture or abuse, the Government rarely investigated or punished any of the officials involved.

Mob violence, including beating and torture, directed against suspected thieves continued to result in a number of deaths (*see* Section 1.a.).

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

On January 14, the Douala branch of the Action of Christians for the Abolition of Torture (ACAT) issued a document, which stated that 17 detainees died in November 2001 and 21 died in December 2001 at the Douala New Bell prison due to a lack of adequate medical care.

On March 25, 38-year-old Barthélemy Kengne, a businessman in Bafoussam, the West Province capital, was found dead in his cell at the Bafoussaman Gendarmerie Brigade. Gendarmes had detained Kengne for 10 days on accessory after the fact charges and during his detention chained his feet and hands and shot him in the foot, allegedly because of an escape attempt. Kengue's family was convinced his death resulted from torture. On April 23, the Government denied the allegations, stating that Kengne's cellmate had strangled Kengne to death following a dispute. The Minister stated that an investigation was ongoing.

On July 7, 19-year-old convicted thief Aime Martial Mbong died in his cell at the Douala Judicial police precinct, allegedly because of torture inflicted in custody. Due to inaccurate information, his parents initially were unable to locate him and on July 9, found his body in the morgue of Douala's Laquintinie Hospital. Both the provincial security office and the judicial police have accused the other of causing Mbong's death. An investigation was ongoing at year's end.

In an April report presented to the U.N. Human Rights Commission in Geneva, the Cameroonian League for Human Rights provided figures for the country's principal prison facilities. Yaounde-Kondengui prison contained 9,530 detainees for 2,500 places; Douala New Bell prison—7,000 detainees for 1,500 places; Bamenda prison—4,855 detainees for 330 places; Bafoussam prison—5,225 detainees for 850

places; Edea prison—4,255 detainees for 750 places; Dschang prison—6,845 detainees for 715 places; Garoua prison—4,636 detainees for 280 places; and Nkongsamba prison—8,753 detainees for 620 places. The figures were not corroborated independently. Overcrowding was exacerbated by the large number of long pretrial detentions and the practice of “Friday arrests” (*see* Section 1.d.). According to credible press reports, more than 1,400 of the inmates of the Douala prison were pretrial detainees.

From September 1 to 14, Dr. Vera Mlangazuwa Chirwa, Special Rapporteur on Prisons and the Conditions of Detention in Africa, working with the African Commission for Human and People’s Rights, visited seven prisons (Yaounde, Bafoussam, Douala, Bamenda, Garoua, Maroua, and Bafang), five gendarmerie detention cells, and five police station detention cells. In addition to those officially selected prisons and detention cells, Dr. Mlangazuwa made surprise visits to other prisons. Her team addressed approximately 6,000 prisoners (roughly 28 percent of the prison population) and personally interviewed 150 detainees. In her September 13 assessment of the visit, Mlangazuwa said that congestion, poor nutrition, and lack of adequate health care were principal problems in the prisons; however, she noted that there was a productive prisoner work program.

Corruption among prison personnel was widespread. Prisoners sometimes could “buy” special favors or treatment, including temporary freedom. Credible reports from Bafoussam Central prison indicated that freedom between 6 a.m. and 6 p.m. was available daily to any prisoner who could afford the superintendent’s weekly fee of \$20 (15,000 CFA francs). Prisoners in Bafoussam reportedly used their purchased freedom to steal the following week’s extortionate fees.

The law specifies that children should not be detained without trial beyond 3 months after an investigation; however, the Government detained children for longer periods of time. Juvenile prisoners often were incarcerated with adults, occasionally in the same cells or wards. There were credible reports that adult inmates sexually abused juvenile prisoners. Persons awaiting trial routinely were held in cells with convicted criminals. There were few detention centers for women, who routinely were held in prison complexes with men, occasionally in the same cells. Mothers often were incarcerated with their children or babies. Some high-profile prisoners were able to avoid some of the abuse that security forces routinely inflicted on other criminals. High-profile prisoners often were kept in more privileged wings of certain prisons where they enjoyed relatively lenient treatment.

The NCHRF stated in a February 2001 media interview that “some people are just forgotten in prison.” For example, in September the Government daily newspaper, Cameroon Tribune, reported that 58-year-old prisoner Pierre Owono Mvondo was forgotten in prison. Between 1969 and 1972, Owono Mvondo received two prison sentences amounting to 20 years in jail. After serving the 20 years, he was unable to afford a lawyer. Apparently his case was forgotten or misplaced, and his release request was denied. In 2001 Owono Mvondo had his case referred to Monsignor André Wouking, the Archbishop of Yaounde, who visited the Yaounde-Kondengui central prison. As a result of the Archbishop’s intervention, an August 23 court ruling freed Owono Mvondo and on August 29, after having served 13 extra years in jail, he was set free. Owono Mvondo was not awarded compensating damages.

In 2001 the Cameroon Organization for Citizens’ Rights and Freedoms disclosed the results of an investigation that it conducted in the Yaounde Central Prison. According to those results, several persons who had completed their prison terms or had been released by a court ruling still were in detention, including prisoners whose files had been lost and were subsequently not given a court date. One detainee had been in jail for 6 years without a trial. The organization worked with the prosecutor’s office to secure the release of approximately 100 of the most egregious cases.

On January 29, the prisoners of the Yaounde Kondengui prison addressed a letter to the Minister of Justice and various newspapers in which they complained about their conditions. The letter indicated that of the 3,600 persons held in the prison, approximately 3,000 still were awaiting trial. The prisoners threatened to riot and go on hunger strikes; however, there were no reports that this occurred.

The Government continued two programs for the renovation and humanization of prisons, and feasibility studies were in progress for the construction of new prisons in Yaounde, Douala, and other cities at year’s end.

In the north, the Government permitted traditional Lamibe (chiefs) to detain persons outside the Government penitentiary system, in effect creating “private prisons.” Private prisons within the palaces of traditional chiefs Rey Bouba, Gashiga, Bibemi, and Tcheboa had a reputation of serious mistreatment. Members of the National Union for Democracy and Progress (UNDP) party have alleged that other

UNDP members have been detained in these private prisons and that some have died from mistreatment.

The Government has granted international humanitarian organizations access to prisoners. Both the Cameroonian Red Cross and the NCHRF infrequently visited prisons during the year. The International Committee of the Red Cross (ICRC) continued to visit prisons. Although the ICRC does not release its findings publicly, the Government generally complied with its agreement with the ICRC.

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

Police legally may detain a person in connection with a common crime for up to 24 hours, renewable three times, before bringing charges. The law provides for the right to judicial review of the legality of detention only in the two Anglophone provinces. Otherwise, the French legal tradition applies, precluding judicial authorities from acting on a case until the administrative authority that ordered the detention turns the case over to the prosecutor. After a magistrate has issued a warrant to bring the case to trial, he may hold the detainee in administrative or “pretrial detention” indefinitely, pending court action. Such detention often was prolonged, due to the understaffed and mismanaged court system. The law permits detention without charge by administrative authorities for renewable periods of 15 days, ostensibly to combat banditry and maintain public order. Persons taken into detention frequently were denied access to both legal counsel and family members. The law permits release on bail only in the Anglophone provinces, where the legal system includes features of British common law; however, in practice bail was granted infrequently.

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

There were reports that security forces, including the Operational Command, detained persons at specific sites where they tortured and beat detainees (*see* Section 1.a.).

Security forces also continued to arrest and arbitrarily detain various opposition politicians, local human rights monitors, journalists, and other critics of the Government, often holding them for prolonged periods, without charges or a chance for trial and, at times, incommunicado (*see* Sections 2.a. and 4). For example, on January 17, police officers in Douala arrested and detained Mboua Massok, an opposition political activist, for approximately 5 hours for distributing pamphlets at the entrance of the Akwa technical school, in support of salary increases for secondary education teachers. He later was charged with disturbance of public order and released.

On February 13, Dominique Djeukam Tchameni, an opposition leader and human rights activist, was held for approximately 10 hours at the Douala premises of the Littoral Provincial Delegation for National Security. Djeukam Tchameni had gone to the police headquarters to request that his previously confiscated passport be returned to him. Police officers continuously threatened Djeukam Tchameni during his 10-hour detention, and his passport was not returned upon his release.

In March the police began Operation Harmattan in an effort to rid Yaounde and Douala of crime. Police used Operation Harmattan as a pretext for committing numerous abuses, including roadblocks, identity checks, house searches, and raids of nightclubs (*see* Section 1.f.). Gendarmes of the Operation detained for questioning 2,792 persons in March and April; it was not known if any had been charged at year’s end.

On April 18, gendarme officers arrested a local embassy guard after his employers accused him of distributing leaflets calling for a guard strike, even though striking is not illegal. The guard was detained for 72 hours and released without charges. Authorities arrested at least one other guard at an embassy residence who also was released.

In late July, the State Prosecutor interrogated Former Minister of Posts and Telecommunications Mounchipou Seidou, and in November he ordered that the former minister be brought to trial.

On September 27, the police arrested human rights activist Albert Mukong and 19 other Southern Cameroons National Council (SCNC) activists in Mamfe to prevent them from taking any action on October 1, the date associated with the Anglophone Cameroon independence movement. They were released on October 22, pending trial on sedition charges (*see* Section 3).

There were no developments in the 2001 arrest of 50 demonstrators and three men from Jakiri following the October SCNC demonstrations.

There were no developments in the following arrests in 2000: The March arrests of Catherine Yami and Roger Tankeu, respectively the Social Democratic Front (SDF) president for the Bassamba electoral district and the SDF West provincial coordinator; the April arrests of several parishioners at Notre Dame de Sept Douleurs; and the June arrest of Beatrice Elouga.

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

There were no further developments in the 2001 alleged bewitching case against Iyassa Anou, Joseph Regeant, Johnson Mambo Naseri, Mathew Ajong Awor, Christian Buma, Francisca Nyando, and James Okenye.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary remained highly subject to political influence. Corruption and inefficiency remained serious problems. The court system remained technically part of the executive branch, subordinate to the Ministry of Justice. The Constitution specifies that the President is the guarantor of the legal system's independence. He also appoints judges with the advice of the Supreme Council of the Magistrature. Some politically sensitive cases never were heard by the courts. However, the judiciary has shown some modest signs of growing independence. For example, the courts repeatedly ordered the Ministry of Territorial Administration to desist from seizing print runs of newspapers critical of the Government.

The court system includes the Supreme Court, a Court of Appeals in each of the 10 provinces, and courts of first instance in each of the country's 58 divisions.

Military tribunals may exercise jurisdiction over civilians not only when the President declares martial law, but also in cases involving civil unrest or organized armed violence. Military tribunals also have jurisdiction over gang crimes, banditry, and highway robbery. The Government interpreted these guidelines quite broadly and sometimes used military courts to try matters concerning dissident groups and political opponents. Military trials often were subject to irregularities and political influence.

The legal system includes both national law and customary law, and many cases can be tried using either. Customary law was based upon the traditions of the ethnic group predominant in the region and was adjudicated by traditional authorities of that group. In some areas, traditional courts reportedly have tried persons accused of such offenses as practicing witchcraft by subjecting them to various ordeals, such as drinking poison. There were no known incidents during the year.

Customary courts may exercise jurisdiction only with the consent of both parties to a case. Either party has the right to have the case heard by a national rather than a customary court; customary law is deemed valid only when it is not "repugnant to natural justice, equity, and good conscience." However, many citizens in rural areas remained unaware of their rights under civil law and were taught that customary laws form the rules by which they must abide. Consequently, traditional courts remained important in rural areas and served as a primary means for settling disputes. Most traditional courts permitted appeal of their decisions to traditional authorities of higher rank.

The legal structure is influenced strongly by the French legal system, although in the two Anglophone provinces certain aspects of the Anglo-Saxon tradition apply. The Constitution provides for a fair public hearing in which the defendant is presumed innocent. Because appointed attorneys received little compensation, the quality of legal representation for indigent clients often was poor. The Bar Association and some voluntary organizations, such as the Cameroonian Association of Female Jurists, offered free assistance in some cases. Trials normally were public, except in cases with political overtones and judged disruptive of social peace.

Political bias often brought trials to a halt or resulted in an extremely long process, with extended court recesses. Powerful political or business interests appeared to enjoy virtual immunity from prosecution; some politically sensitive cases were settled with a payoff. Private journalists, political opponents, and critics of the Gov-

ernment often were charged or held and sometimes jailed under libel statutes considered by many observers as unduly restrictive of press freedom (*see* Section 2.a.).

On February 4, Amadou Ali, the Minister of State for Justice and Keeper of the Seals, severely criticized the “evils of the judiciary” in his opening remarks during a meeting with head justices of the different courts of appeal. He criticized violations of procedure, delayed judgements, and illegal detention, which he believed caused some observers to refer to court decisions as “judicial robbery” and gave the judiciary a bad image and weakened its powers. The Minister of State called on his collaborators to take a firm stance in fighting crime throughout the country.

The Government held a number of political prisoners, including Anglophones; however, there were no reliable estimates of numbers held at year’s end.

Titus Edzoa, former Minister of Health and long-time presidential aide who had declared himself a candidate to oppose President Biya in the 1997 election, and Michel Thierry Atangana, his campaign manager, remained incarcerated at the maximum security gendarmerie headquarters with very limited access to visitors at year’s end.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, these rights were subject to the “higher interests of the State,” and there were numerous, credible reports that police and gendarmes harassed citizens, conducted searches without warrants, and opened or seized mail. The Government continued to keep some opposition activists and dissidents under surveillance. Police sometimes punished family members and neighbors of criminal suspects.

The law permits a police officer to enter a private home during daylight hours without a warrant if he is pursuing an inquiry and has reason to suspect that a crime has been committed. The officer must have a warrant to make such a search after dark; however, a police officer may enter a private home at any time in pursuit of a criminal observed committing a crime.

An administrative authority may authorize police to conduct neighborhood sweeps in search of suspected criminals or stolen or illegal goods without individual warrants. Such sweeps were conducted frequently. Sweeps involving forced entry into homes continued to occur in Yaounde and Douala, especially as part of Operation Harmattan (*see* Section 1.c.). An increase in crime over the years has led to a dramatic increase in the number of such sweeps, called “kali-kali” or “raffles” in Douala and Yaounde, respectively. Typically, security forces seal off a neighborhood, systematically search homes, arrest persons arbitrarily, and seize suspicious or illegal articles. There were credible reports that security forces used these sweeps as a pretext to loot homes and arbitrarily arrest persons for minor offenses, such as not possessing identity cards (*see* Section 2.d.). For example, a police patrol raided the American Bar, a gambling and drinking establishment in Douala’s Bepanda neighborhood. Under the guise of a drug search, the patrol stripped naked the bar’s patrons and confiscated money and cell phones. The patrol repeated the same operation 2 days later at Moulin Rouge, an inexpensive popular Douala hotel.

In efforts to combat highwaymen, Colonel Pom and his special antigang gendarmerie unit used informants to identify and accuse persons of taking part in highway robbery (*see* Section 1.a.). Standards of proof for such accusations were nonexistent. Accusations occasionally have been used to pursue private grievances, and informants repeatedly have extorted money from innocent persons by threatening to accuse them of being bandits. The Douala Operational Command reportedly used informants in a similar fashion. These informants often were former criminals or prison guards, and were used to target criminals who then were summarily executed (*see* Section 1.a.).

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

There have been accusations, particularly in the North and Far North Provinces, of traditional chiefs arbitrarily evicting persons from their land. There also were credible reports that security forces forced Baka out of their homes (*see* Section 5). No further information was available on the May 2001 forcible eviction of Feu Bouba Toumba in Maroua at year’s end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government continued to impose limits on these rights. The Penal Code’s libel laws specify that defamation, abuse, contempt, and

dissemination of false news are offenses punishable by prison terms and heavy fines. The Government sometimes invoked these statutes to silence criticism of the Government and officials.

Unlike in the previous year, no one was tried for defamation.

The Government publishes an official newspaper, the Cameroon Tribune. This paper occasionally implies criticism of the Government; however, its reporters did not report extensively on activities or political parties critical of the Government, overtly criticize the ruling party, or portray government programs in an unfavorable light.

While approximately 60 private newspapers were published, only an estimated 20 were published on a regular basis. Most continued to be highly critical of the Government and reported on controversial issues including corruption, human rights abuses, and economic policies. Journalists continued to be critical of the Government; however, some journalists practiced self-censorship.

Despite the large number of newspapers in the country, the influence of print media on the average person was minimal. Circulation was low, distribution was problematic outside of Yaounde and Douala, and prices were high. Consequently, print media reached only a tiny percentage of the population, most notably the urban elite.

The Government frequently prosecuted its critics in the print media through criminal libel laws. These laws authorized the Government, at its discretion and request of the plaintiff, to criminalize a civil libel suit or to initiate a criminal libel suit in cases of alleged libel against the President and other high government officials. There were no new cases of libel during the year; however, the Government continued to pursue libel cases from previous years.

The Government largely ceased to interfere with private newspaper distribution or seize print runs of private newspapers; however, security forces continued to restrict press freedom by harassing or abusing private print media journalists. The Douala-based French-language publication *Le Front Independent* and the Littoral Province Office of Taxation reportedly negotiated an undisclosed deal during the year, and the newspaper remained open at year's end.

There were fewer cases of harassment, abuse, and arrests of journalists reported than during the previous year.

On March 1, the Littoral Province police chief in Douala arrested Peter William Mandio, publisher of the newspaper *Le Front Independent*, and transferred him to the General Security office in Yaounde. Although the police did not charge Mandio formally, press reports suggested he was arrested because of a story published disclosing a love affair between a senior official at the Presidency and a senior female civil servant. It also was alleged the arrest was due to his membership in the National Collective against Impunity (CNI), a civil association started in connection with the Bepanda 9 case. During Mandio's arrest, the police searched his office and seized certain documents. The Ministry of Communication, the Ministry of Justice, and the Union of Central African Newspaper Publishers (UEPAC) criticized the arrest and requested Mandio's immediate release. He subsequently was released.

On April 14, Yaounde police stormed the Abbia Movie Theater and seized the movie *Braquages*. The police claimed to be acting on instructions from the DGSN. The theater owner said the seizure was illegal because the movie had been sanctioned by the National Censorship Commission. According to press reports, the DGSN seized the movie because it inappropriately corresponded with the launching of Operation Harmattan. Abbia management's attempts to retrieve the film had not been successful by year's end.

There were no further developments on the following 2001 cases: the July arrest and detention of journalists Robert Harris, Mindja Meka, and Samuel Zang Des Joies; the July reported threat, harassment, arrest, and detention of Florent Ndjiki, Pierre Clement Tjomb, and Francois Bikoro; the August arrest and detention of journalist George Baongla; the August assault on journalist Remy Ngomo; and the October summoning and detention of Jean Marc Soboth, editor of *La Nouvelle Expression*.

There were no known developments in the 2000 case of Severin Tchounkeu, publisher of the Douala-based French-language tri-weekly, *La Nouvelle Expression*.

Radio remained the most important medium for reaching most citizens. There were approximately 2 million radios in the country. Television was less pervasive but still more influential than print media.

Rural radio stations must submit an application to broadcast but were exempt from paying fees. Potential commercial radio and television broadcasters must submit a licensing application and pay a fee when the application is approved. The annual licensing fees potentially were prohibitive: \$15,600 (10 million CFA francs) for radio broadcasters; \$73,000 (50 million CFA francs) for local television stations; and

\$146,000 (100 million CFA francs) for national television stations. The Ministry of Communication has received more than 100 applications from potential broadcasters. Five Yaounde-based private radio stations that previously had been broadcasting illegally and submitted applications to be licensed still had not received licenses at year's end. A small number of radio stations previously broadcasting illegally, including Radio Soleil, which broadcast from the Muslim quarter of Yaounde, did not apply for licenses, claiming the fees were exorbitant. The Government continued to allow these stations to broadcast. Although it has not obtained a license, Magic FM broadcast daily and had a wide audience. Radio Star and Radio Ventas still were not broadcasting at year's end.

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

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

Like the Cameroon Tribune, CRTV provided broad reporting of CPDM activities, while giving relatively little attention to the political opposition. CRTV management, which repeatedly has instructed CRTV staff to ensure that government views prevailed at all times, in the past punished CRTV journalists who criticized government policy.

CRTV television and radio programming included a weekly program, Direct Expression, which ostensibly fulfilled the Government's legal obligation to provide an opportunity for all political parties represented in the National Assembly to present their views. However, during the program, CRTV continued to restrict the freedom of speech of the SDF by occasionally censoring and significantly shortening proposed SDF programming.

In January Francis Wete, Deputy General Manager of CRTV, informed the leaders of opposition parties represented in the National Assembly that the program Political Space would be suspended during the African Nations Soccer Cup Finals and would resume on February 12. The suspension resulted in strong protest from the SDF insisting that soccer should not be given precedence over the country's politics.

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

Although there were no legal restrictions on academic freedom, state security informants operated on university campuses. Many professors believed that participation in opposition political parties could affect adversely their professional opportunities and advancement. Free political discussion at the University of Yaounde was hindered by the presence of armed government security forces, and some university students were harassed. On May 27, gendarmes stormed a Yaounde II University dormitory located in the Yaounde suburb of Soa and arrested five students (Jean Bruno Tagne, Alain Tayo, Vincent Chatue, Theodore Datchoua, and Josiane Fotsing) who were members of a student group that had voiced grievances against the administration. The University failed to validate some of the students' previous courses, which barred them from registering for the third year curriculum. The students passed out anti-University literature and subsequently became suspects in March and June arson incidents that destroyed University property. The students were held in police custody for 2 days and released pending further interrogation by the prosecutor. There were no new developments at year's end.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly; however, the Government restricted this right in practice. The law requires organizers of public meetings, demonstrations, or processions to notify officials in advance but does not require prior government approval of public assemblies and does not authorize the Government to suppress public assemblies that it has not approved in advance. However, officials routinely have asserted that this provision of the Penal Code implicitly authorized the Government to grant or deny permission for public assembly. Consequently, the Government often has not granted permits for assemblies organized by persons or groups critical of the Government

and repeatedly used force to suppress public assemblies for which it has not issued permits.

There was a ban on SCNC activities from September 28 to October 10 in the Northwest and Southwest Provinces. There were no other bans on public rallies or marches during the year.

Security forces disrupted attempts by the SCNC to hold demonstrations on October 1 in Bamenda and Mamfe. There were no other reports that security forces forcibly disrupted demonstrations during the year.

On January 17, Oliver Nyuki, one of the demonstrators who was shot during the October 2001 SCNC demonstration in Kumbo, North West Province, died of his wounds.

No action reportedly was taken against the members of the security forces who forcibly dispersed demonstrations in 2001 and in 2000.

The law provides for freedom of association, and the Government generally respected this right in practice; however, there were some exceptions. The conditions for government recognition of a political party, a prerequisite for many political activities, were not onerous. More than 150 political parties operated legally, together with a large and growing number of civic associations.

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

In general the Law on Religious Congregations governs relations between the Government and religious groups. Religious groups must be approved and registered with the Ministry of Territorial Administration to function legally; there were no reports that the Government refused to register any group. It was illegal for a religious group to operate without official recognition, but the law prescribes no specific penalties for doing so. The approval process usually takes several years, due primarily to administrative delays. The only religious groups known to be registered were Christian and Muslim groups and the Baha'i Faith; additional groups may be registered. The Ministry stated that the number of registered religious denominations was 38. The Government did not register traditional religious groups on the grounds that the practice of traditional religion was a private concern observed by members of a particular ethnic or kinship group or the residents of a particular locality.

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

The sites and personnel of religious institutions were not exempt from the human rights abuses committed by government security forces; however, there were fewer reports of such abuse than in previous years.

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

On March 25, 6-year-old Manuella Cynthia Selam Tiave allegedly was tortured and killed by her mother and two other members of the Malla'a sect. The alleged purpose of the "session" was to follow the prescription of the sect's goddess and rid the girl of a demon that possessed her soul. In early April, the Prefet of Wouri Division banned the Malla'a sect because of the alleged murder.

On July 26, the GSO, a special Yaounde police unit, arrested 21-year-old Robert Ndoumbe Elimbi for the April 2001 murder of Appolinaire Ndi, a parish priest in the Yaounde diocese. Elimbi remained in detention at year's end.

There were no developments in the May 2001 case of the shooting death of Father Henri Djjeneka.

In the northern provinces, especially in rural areas, societal discrimination by Muslims against persons who practiced traditional indigenous religions was strong and widespread. Some Christians in rural areas of the north complained of discrimination by Muslims; however, no specific incidents or violence stemming from religious discrimination were reported, and the reported discrimination may reflect ethnic as much as religious differences.

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

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

Roadblocks and checkpoints manned by security forces have proliferated in cities and most highways making road travel both time-consuming and costly, since extor-

tion of small bribes was commonplace at these checkpoints. Police frequently stopped travelers to check identification documents, vehicle registrations, and tax receipts as security and immigration control measures. During the year, security forces injured persons they thought were evading checkpoints. For example, on April 10, a gendarme shot 32-year-old Francis Akondi Ndanle, a Bamenda, North West Province, taxi driver that he thought was trying to evade a checkpoint. Although the gendarme was not arrested, the North West Gendarmerie Legion conducted an investigation, the results of which were unknown at year's end.

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

During the year, authorities confiscated the passports of several human rights activists (*see* Section 4). For example, on June 16, Douala airport police confiscated the passport, national identification card, and driving license of human rights activist and publisher of *Le Messager* newspaper, Pius Njawe, when he returned from a trip to England. No justification was given. On June 19, Njawe's papers were returned to him.

There were no curfews imposed during the year.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government provided first asylum to persons who arrived at the border without documentation but who could show a valid claim to refugee status. In February approximately 21,000 Fulanis fleeing Nigeria entered the country. Approximately 5,000 to 6,000 Chadians were repatriated during the year. In November the UNHCR reported a total of 56,000 refugees, including 39,000 Chadians and 15,000 Nigerians. Other refugees mainly were from Rwanda, Burundi, and the Democratic Republic of the Congo, with small numbers from Liberia, Sudan, and Ethiopia. The Government accepted refugees for resettlement who were granted refugee status by the UNHCR.

The UNHCR office in Gabon was responsible for refugees. However, in early May, UNHCR West and Central Africa Bureau Chief Bah Thierno Oumar stated that the UNHCR intended to reopen its office in the country following the flow of more than 21,000 refugees fleeing ethnic unrest in Nigeria's Taraba State. The office was expected to reopen in early 2003 (*see* Section 4).

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

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

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

The Constitution provides that citizens have the right to change their government; however, dominance of the political process by the President and his party severely limited the ability of citizens to exercise this right. President Paul Biya has controlled the Government since 1982 and led the ruling CPDM party since 1985. Both international and domestic observers widely criticized and viewed as fraudulent the 1997 presidential and legislative elections. In these elections, administered by the Ministry of Territorial Administration, members of largely pro-opposition ethnic groups and inhabitants of largely pro-opposition localities effectively were prevented from registering and voting, registration and vote counting procedures were not transparent, a public announcement of results was delayed, and the number of votes cast in some pro-government areas exceeded the adult population.

The 1996 amendments to the 1972 Constitution retained a strongly centralized system of power based on presidential authority; however, the amendments imposed a limit of two 7-year terms on the President. They provided for the creation of a partially elected (70 percent) and partially appointed (30 percent) Senate along with the creation of a similarly constituted set of provincial assemblies with limited power over local affairs. The Senate and regional council amendments were not yet implemented by year's end. In the National Assembly, no bills other than government bills have been enacted since 1991, although the Assembly sometimes has not enacted legislation proposed by the Government.

Elections were held by balloting that officially was described as secret but permitted voters to leave the polling place with evidence of how they voted. At polling places on election day, registered citizens received a package containing one card for

each candidate. While alone inside a closed booth, citizens chose a ballot and sealed it into an envelope. Citizens then deposited the sealed envelope into a ballot box outside the booth. In previous elections, citizens could not dispose of their ballots privately; however, during the legislative and municipal elections, polling officials provided trash bags so that voters could dispose of unused ballots privately before exiting the closed booth.

President Biya's October 1997 reelection was marred by serious procedural flaws as well as a boycott by the three major opposition parties. While the boycott made the outcome a foregone conclusion, most observers nonetheless considered the election to be neither free nor fair. Election irregularities especially were egregious in opposition strongholds where boycotting opposition activists were not present to monitor voting procedures. The Supreme Court declared President Biya the winner with 92.57 percent of the vote, and the UNDP, which previously had been an opposition party, joined the CPDM in a coalition government that included a faction of the UPC party.

The President's control over the country's administrative apparatus was extensive. The President appoints all Ministers including the Prime Minister. On August 24, President Biya reshuffled his cabinet to bring in 18 new ministers, 16 of whom were CPDM members. The President also directly appoints the governors of each of the 10 provinces. The governors in turn wield considerable power in the electoral process, interpreting and implementing the laws. The President also has the power to appoint important lower level members of the 58 provincial administrative structures, including the senior divisional officers, the divisional officers, and the district chiefs. The governors and senior divisional officers wield considerable authority within the areas under their jurisdiction, including the authority to ban political meetings that they deem likely to threaten public order (*see* Section 2.b.). They also may detain persons for renewable periods of 15 days to combat banditry and other security threats (*see* Section 1.d.).

The right of citizens to choose their local governments remained circumscribed. The Government has increased greatly the number of municipalities run by presidentially appointed delegates, who have authority over elected mayors. Delegate-run cities included most of the provincial capitals and some division capitals in pro-opposition provinces; however, this practice was nonexistent in the southern provinces, which tended to support the CPDM. However, in municipalities with elected mayors, local autonomy was limited since elected local governments relied on the central government for most of their revenue and administrative personnel.

In 2001 the President signed a law that provides for the creation of the National Election Observatory (NEO) to supervise electoral procedure from the registration of voters to the collection of reports after the polls; all polling stations were expected to have a representative from the NEO. The law also provides that the NEO should have a presidentially appointed national office to appoint local offices at the levels of provinces, divisions, subdivisions, and districts. A presidential decree appointed the NEO's members in October 2001. The President postponed scheduled January municipal elections to June, ostensibly to give the NEO time to ensure free and fair elections. The NEO demonstrated a high level of political independence, facilitated voter registration, and encouraged free media access for opposition candidates. The President postponed the elections for another week after the opening of polls on June 23 since the administration failed to distribute electoral materials.

Legislative and municipal elections were held on June 30. The postponement of the elections contributed to low voter turnout. The ruling CPDM gained seats in municipal councils and in the National Assembly, it won 150 of 180 seats. The election results largely reflected the will of the people; however, there was much disorganization and some fraud. The Catholic Church, which observed the elections along with NEO, reported several election irregularities, including corruption, ghost polling stations, and discriminatory voter registration. NEO also admitted to administrative deficiencies in voter registration. Following the election, six opposition parties reported massive fraud and boycotted the municipal councils and the National Assembly. On July 18, the Supreme Court annulled legislative election results in nine divisions, in which the CPDM had won eight seats. The Court rescheduled elections in these divisions to occur within 60 days; they took place on September 15. On September 7, the Court also annulled the results for municipal elections in 17 districts due to violence, consisting mostly of fighting between political party members and polling station or ruling party officials, looting, and intimidation in those elections that largely were won by the CPDM.

There were no laws that specifically prohibit women or members of minorities from participating in government, the political process, or other areas of public life. Women held 16 of 180 seats in the National Assembly, 3 of 50 cabinet posts, and a few of the higher offices within the major political parties, including the CPDM.

Many of the key members of the Government were drawn from the President's own Bulu/Beti ethnic group, as were disproportionately large numbers of military officers and CPDM officials. Members of some of the other 200 ethnic groups held 39 cabinet seats, compared with 16 cabinet positions held by members of the President's ethnic group. The Biya government has proven particularly intolerant of opposition from within its Beti/Bulu ethnic-regional base in the Center Province.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing findings on human rights cases; however, government officials repeatedly impeded the effectiveness of human rights NGOs during the year by limiting access to prisoners, refusing to share information, and increasingly threatening and using violence against personnel of human rights NGOs (*see* Section 1.d.). The activities of virtually all of these groups were limited by a shortage of funds and trained personnel. Observers have criticized the country's NGO laws for giving the Government loopholes with which it could deny authorization to operate or eliminate NGOs by decree.

Domestic human rights NGOs included the National League for Human Rights, the Organization for Human Rights and Freedoms, the Association of Women Against Violence, the Cameroonian Association of Female Jurists, the Cameroonian Association for Children's Rights, Conscience Africaine (Nouveaux Droits de l'Homme), the Movement for the Difference of Human Rights and Liberties, the Human Rights Defense Group (HRDG), the National Association of Nontribalists and Nonracists, the Committee of Action for Women's and Children's Rights, the Human Rights Clinic and Education Center, the Association of Women against Violence (ALVF), the Cameroon National Association for Family Welfare, Tribes Without Frontiers, the Association for the Promotion of Communal Initiatives, and the League for Rights and Freedoms. Many of these groups held seminars and workshops on various aspects of human rights.

On January 16, security forces from the National Center for External Research arrested Abdoulaye Math, President of the Movement for the Defense of Freedom and Human Rights, in Yaounde. Math was arrested on his way to Ireland, where he was scheduled to deliver a speech on human rights in Cameroon. He was detained for 5 hours and his passport was confiscated. On September 28, members of the gendarmerie arrested Albert Mukong, former executive director of the HRDG in Ayukaba, Southwest Province (*see* Section 1.d.).

In late January, six international NGOs, Lawyers without Borders, the International Federation of Human Rights Leagues, the International Federation of the Action of Christians for the Abolition of Torture, Agir Ensemble, Reporters without Borders, and the World Organization Against Torture traveled to the country to investigate reported egregious acts perpetrated by the Operational Command. While they were able to meet with local NGOs and a representative of the Government's NCHRF, the group had no other contacts with government officials.

In June Mary Robinson, the U.N. High Commissioner for Human Rights visited the country. Robinson held meetings with Prime Minister Peter Mafany Musonge and other government officials. She also inaugurated the Central African Sub-regional Center for Human Rights in Yaounde.

The Government-established NCHRF, although hampered by a shortage of funds, conducted a number of investigations into human rights abuses, visited prisons, and organized several human rights seminars aimed at judicial officials, security personnel, and other government officers. Although the Commission infrequently criticized the Government's human rights abuses publicly, its staff intervened with government officials in specific cases of human rights harassment by security forces, attempted to stop Friday arrests (*see* Section 1.d.), and attempted to obtain medical attention for jailed suspects in specific cases. The law prohibits the NCHRF from publishing information on specific human rights cases; however, it may and does submit reports on specific alleged abuses to the authorities directly involved, along with recommendations for improving conditions or punishing violators. In April the NCHRF sent a team to Bafoussam to investigate the alleged disappearance of nine bandits who were detained in gendarmerie cells (*see* Section 1.b.).

The UNHCR, which ceased operations in the country in December 2001, was scheduled to reopen an office in early 2003 (*see* Section 2.d.).

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

The Constitution does not explicitly forbid discrimination based on race, language, or social status. The Constitution prohibits discrimination based on sex and man-

dates that “everyone has equal rights and obligations”; however, the Government did not enforce these provisions effectively.

Women.—Domestic violence against women was common. Women’s rights’ advocates reported that the law does not impose effective penalties against men who commit acts of domestic violence. There were no gender-specific assault laws, despite the fact that women were the predominant victims of domestic violence. Spousal abuse was not a legal ground for divorce. In cases of sexual assault, a victim’s family or village often imposed direct, summary punishment on the suspected perpetrator through extralegal means, ranging from destruction of property to beating. While there were no reliable statistics on violence against women, a large number of newspaper reports indicated that the phenomenon was widespread.

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

Despite constitutional provisions recognizing women’s rights, women did not enjoy the same rights and privileges as men. Civil law theoretically provides equal status and rights for men and women; however, no legal definition of discrimination exists, and some points of civil law were prejudicial to women. The law allows a husband to oppose his wife’s right to work in a separate profession if the protest is made in the interest of the household and the family. While the law gives a woman the freedom to organize her own business, the law allows a husband to end his wife’s commercial activity by notifying the clerk of commerce tribunal of his opposition based upon the family’s interest. Partly for this reason, some employers required a husband’s permission before hiring female employees.

Civil law offered a more equal standard than customary law, which was far more discriminatory against women, since in many regions a woman customarily was regarded as the property of her husband. Because of the importance attached to customs and traditions, laws protecting women often were not respected. Despite the law that fixes a minimum age of 15 years for a bride, many families married young girls by the age of 12 years. In the customary law of some ethnic groups, husbands not only maintained complete control over family property, but also could divorce their wives in a traditional court without being required to provide either verifiable justification or alimony. Polygyny was permitted by law and tradition, but polyandry was not. In cases of divorce, the husband’s wishes determined the custody of children over the age of 6. While a man may be convicted of adultery only if the sexual act takes place in his home, a female may be convicted without respect to venue.

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

Children.—The Constitution provides for a child’s right to education, and schooling was mandatory through the age of 14 years. The Government took measures during the year to improve access to schools. Since parents had to pay uniform and book fees for primary school, and because tuition and other fees for secondary education remained costly despite the elimination of tuition fees for public elementary schools, education largely was unaffordable for many children. According to statistics published in September in the Cameroon Tribune, approximately 4.5 million children, or 85 percent of all children, were enrolled in school; however, school enrollment varied widely by region. In the Far North Province, it was reported that

well below 50 percent of children attended school; the majority of attendees were boys.

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

The exact degree of familial child abuse was not known; however, the problem was one of several issues targeted by children's rights organizations. During a crime wave in the country's largest cities of Yaounde and Douala, newspaper reports often cited children as victims of kidnaping, mutilation, and even infanticide. There were several credible stories of mothers (usually young, unemployed, and unmarried) abandoning their newborns in streets, garbage cans, and pit toilets. In 2001 the Yaounde-based Center for Helpless Children harbored 24 abandoned or abused children, a small fraction of the suspected cases of abused, abandoned, or neglected children.

Early marriage was prevalent in the northern provinces of Adamawa and North, but especially characteristic of the remote Far North Province where many young women faced severe health risks from pregnancies as early as 13. Authorities were becoming increasingly concerned about this situation. In March the Governor of Adamawa Province called on parents to stop giving young girls in marriage to men old enough to be their grandparents.

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

There were reports of child prostitution and trafficking in children during the year (*see* Section 6.f.).

Persons with Disabilities.—The law provides certain rights to persons with disabilities, including access to public institutions, medical treatment, and education. The Government was obliged to bear part of the educational expense of persons with disabilities, to employ them where possible, and to provide them with public assistance when necessary; however, the Government rarely respected these rights. There were few facilities for persons with disabilities and little public assistance of any kind. Lack of facilities and care for persons with mental disabilities particularly was acute. In recent years, the Government reportedly has reduced the share of its expenditures benefiting persons with disabilities and has terminated subsidies to NGOs that helped them. Society largely tended to treat those with disabilities as misfits, and many felt that providing assistance was the responsibility of churches or foreign NGOs. The law does not mandate special access provisions to private buildings and facilities for persons with disabilities.

In August 2001, the Littoral National Education provincial officials threatened to expel members of the Cooperative of the Handicapped Persons of Cameroon from a building in which they were believed to be squatting. The Cooperative claimed the structure officially was given to them by the Provincial Delegation of the Ministry of Social Affairs. The National Education officials ultimately ceased the threats.

In September 2001, several blind persons blocked the road junction in Yaounde between the Ministry of Education and the Prime Minister's office asking to speak to the Prime Minister about the eviction of several blind persons from a building in which they were living illegally. The Prime Minister refused to meet with the group, and the group was expelled from the building early in the year.

Indigenous Persons.—A population of approximately 50,000 to 100,000 Baka (Pygmies), a term that encompasses several different ethnic groups, primarily resided (and were the earliest known inhabitants) in the forested areas of the South and East provinces. While no legal discrimination exists, other groups often treated the Baka as inferior and sometimes subjected them to unfair and exploitative labor practices. There were credible reports that logging companies and security forces forced Baka out of their homes. Baka reportedly continued to complain that the forests they inhabit were being logged without fair compensation. Some observers believe that sustained logging was destroying the Baka's unique, forest-oriented belief system, forcing them to adapt their traditional social and economic systems to a more rigid modern society similar to their Bantu neighbors. Local Baka along the proposed path of the Chad-Cameroon pipeline continued to complain that they were not compensated fairly for their land. Others alleged that they have been cheated of their compensation by persons posing as Baka representatives.

An estimated 95 percent of Baka did not have national identity cards; most Baka could not afford to provide the necessary documentation in order to obtain national identity cards, which were required to vote in national elections.

The Government made some efforts toward improving the condition of Baka and making them full citizens. In January the Ministry of Social Affairs, the ILO, and

a group of NGOs met in Abong-Mbang, Upper Nyong Division, East Province, to put in place strategies for the socio-economic advancement of the Baka. A second conference was held in November, but no concrete results were reported by year's end.

National/Racial/Ethnic Minorities.—The population was divided into more than 200 ethnic groups, among which there were frequent and credible allegations of discrimination. Ethnic groups commonly gave preferential treatment to fellow ethnic group members both in business and social practices.

Members of President Biya's Bulu ethnic group and of the closely related Beti groups of southern parts of the country held key positions and disproportionately were represented in government, civil service, state-owned businesses, the security forces, the military, and the ruling CPDM party. The large size and centralized character of the public sector long has been perceived widely to favor these two groups. Prospective economic and political liberalization was perceived as potentially harmful to these groups and potentially favorable to other groups such as the large Bamileke and Anglophone ethnic-cultural groups of the west whose members tended to be more active in private commerce and industry.

Northern areas of the country suffered from ethnic tensions between the Fulani (or Peuhl) and the Kirdi. The Kirdi remained socially, educationally, and economically disadvantaged relative to the Fulani in the three northern provinces. Traditional Fulani rulers, called Lamibe, continued to wield great power over their subjects, often including Kirdi, sometimes subjecting them to tithing and forced labor. Slavery still practiced in northern parts of the country was reported largely to be Fulani enslavement of Kirdi. Although the UNDP party was based largely in the Fulani community, the ruling CPDM party has a history representing Fulani as well as Beti-Bulu interests.

Since 1990 natives of the two Anglophone provinces, the Northwest and Southwest Provinces, have tended to support opposition party SDF and have suffered disproportionately from human rights violations committed by the Government and its security forces. The Anglophone community largely was underrepresented in the public sector. Anglophones generally believed that they had not received a fair share of public sector goods and services within their two provinces. Many residents of the Anglophone region sought greater freedom, equality of opportunity, and better government by regaining regional autonomy rather than through national political reform and have formed several quasi-political organizations in pursuit of their goals.

At least one Anglophone group, the SCNC, advocates secession from the country. Subsequent to strident secessionist activity in 1999, the SCNC has calmed considerably; however, the Government continued to hold some SCNC activists or suspected SCNC supporters in detention without trial. The opposition SDF party, whose base of support resides in the Anglophone provinces, reiterated its commitment to pursue a nonviolent political struggle toward the restoration of a federal republic.

Members of the country's large community of Nigerian immigrants often complained of discrimination and abuse by government officials (*see* Section 2.d.). Government officials repeatedly have announced crackdowns on undocumented Nigerian immigrants.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers both to form and join trade unions; however, it imposes numerous restrictions. The law requires that unions register with the Government, permitting groups of at least 20 workers to organize a union by submitting a constitution, internal regulations, and non-conviction certifications for each founding member. For unions in the private sector, the Government requires registration with the Ministry of Labor, Employment and Social Insurance. Unions for public sector workers must register with the Ministry of Territorial Administration. The law does not permit the creation of a union that includes both public and private sector workers.

The Government indicated that it remits certification within 1 month of union application; however, in practice independent unions, especially in the public sector, have found it difficult to obtain registration. In addition, the requirement for union registration apparently contradicts the International Labor Organization (ILO) Convention 87, which the country signed in 1960. The Convention states that unions have the right to exist through declaration not through government recognition or registration. Registered unions were subject to government interference. The Government chose the unions with which it would bargain; some independent unions accused the Government of creating small non-representative unions amenable to government positions and with which it could negotiate more easily. Some sections of labor law have not taken effect because the presidency had not issued implementing decrees.

There were two trade union confederations: The Confederation of Cameroonian Trade Unions (CCTU) and the Union of Free Trade Unions of Cameroon (USLC). In 2000 the Ministry of Labor, Employment and Social Insurance publicly began to support a faction of the CCTU; however, a court declared illegal an August 2001 “unity” conference attended by 400 members of the faction. The court stated that only the nationally (and legally) recognized body of CCTU had the power to convoke CCTU conferences.

The law prohibits antiunion discrimination, and employers guilty of such discrimination were subject to fines up to approximately \$1,600 (1 million CFA francs). However, employers found guilty were not required to compensate the workers against whom they discriminated or to reinstate fired workers. The Ministry of Labor has not reported any complaints of such discrimination during recent years; however, one organizer of the Union for Telecommunications Workers has claimed that his state-owned company demoted him due to union activism. The Confederation of Independent Trade Unions of Cameroon at SONEL complained to the ILO in 1998, on behalf of staff delegate Olongo, that he was dismissed in 1988 because of his union activity, that the Court of Appeals’ ruling in favor of his reinstatement was suspended by the Supreme Court, and that he had been unable to obtain a final judgment. During the year, the ILO Committee of Experts noted that 14 years after the dismissal, Mr. Olongo still was waiting for some form of compensation and urged the Government to take all necessary measures to ensure that he receive full compensation for his wrongful dismissal.

The CCTU was a member of the Organization of African Trade Unions and the International Confederation of Free Trade Unions. The USLC was a member of the Organization of African Trade Unions.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining between workers and management as well as between labor federations and business associations in each sector of the economy; however, no formal collective bargaining negotiations have taken place since 1996. When labor disputes arose, the Government chose the labor union with which it would negotiate, selectively excluding some labor representatives. Once agreements were negotiated, there was no mechanism to enforce implementation; some agreements between the Government and labor unions were ignored by the Government subsequent to negotiation.

The Labor Code explicitly recognizes workers’ right to strike but only after mandatory arbitration. Arbitration decisions legally were not enforceable and could be overturned or simply ignored by the Government. On March 26, the Minister of Labor held a meeting with the Labor National Consultative Committee in an attempt to streamline the proceedings for convoking a strike, which requires amending Articles 157 through 165 of the Labor Code. Meeting results were not made public at year’s end.

The law provides for the protection of workers engaged in legal strikes and prohibits retribution against them; however, these provisions of the law do not apply to civil servants, employees of the penitentiary system, or workers responsible for national security. Instead of strikes, civil servants were required to negotiate grievances directly with the minister of the appropriate department in addition to the Minister of Labor.

Labor unrest continued during the year. There were strikes by workers in various state-owned companies as well as the public service sector. Secondary teachers observed sporadic strikes throughout the 2001–2002 academic year. For several years, teachers demanded promised salary bonuses, and typically the Government agreed that the bonuses will come at the end of the year, then did not follow through on the promise.

From December 2001 to March, Cameroonian workers of Doba Logistics, a company involved in the construction of the Chad-Cameroon pipeline, staged a strike demanding better pay. The workers complained of discrimination because they believed that their expatriate counterparts received higher salaries. On March 10, management agreed to a salary increase.

On August 19, police officers in Douala’s Bonamoussadi neighborhood arrested two taxi drivers, 30-year-old Jacques Ngagnang and 27-year-old Clement Casimir Ewondo, on charges of attempting to provoke a strike. On the morning of August 19, Ngagnang, Ewondo, and other taxi drivers started a strike in protest of the new Ministry of Transportation requirement that all taxi drivers must carry a badge in their vehicles in order to be easily identified by their clients and to increase taxi security. The taxi drivers thought the cost of the badge, \$8 (5,000 CFA francs) was too high. On August 21, a Douala prosecutor interrogated the striking taxi driver group and subsequently ordered their detention and transfer to the New Bell Central prison where they awaited trial at year’s end. Various press reports have stated

that Douala's Wouri Division Prefet (Senior Divisional Officer) ordered the driver's detention.

On August 19, in Garoua, North Province, bus and bush-taxi owners observed a 24-hour strike to protest police harassment.

There was an industrial free trade zone, but the Government has not granted approval to any firms to take part in the zone. Free trade zone employers were exempt from some provisions of the Labor Code but must respect all internationally recognized worker rights.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor; however, it occurred in practice. The authorities continued to allow prison inmates to be contracted out to private employers or used as communal labor for municipal public works.

There were credible reports that slavery continued to be practiced in northern parts of the country, including in the Lamidat of Rey Bouba, a traditional kingdom in the North Province (see Section 5). In the South and East Provinces, some Baka (Pygmies), including children, continued to be subjected to unfair and exploitative labor practices by landowners, working on the landowners' farms during harvest seasons without payment (see Section 5).

The Government does not expressly prohibit forced and bonded labor by children; there were reports that these practices occurred (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law generally protects children in the field of labor and education and specifies penalties ranging from fines to imprisonment for infringement. In April 2001, President Biya ratified ILO Convention 138 that sets a minimum age of 14 for child employment. The law also bans night work and enumerates tasks that cannot be performed legally by children between the ages of 14 and 18 years. These tasks included moving heavy weights, dangerous and unhealthy tasks, working in confined areas, and prostitution. The law also states that a child's workday cannot exceed 8 hours. Employers were required to train children between the ages of 14 and 18, and work contracts must contain a training provision for minors. The law prohibits children from working before 6 a.m. or after midnight, though this prohibition was not enforced effectively.

According to a 2000 ILO study conducted in conjunction with local NGOs and the Ministry of Labor, child labor remained a serious problem, although the Government has made some progress toward its amelioration. In February the Government, along with the African Soccer Confederation (CAF), promoted the radio-televised "red-card" campaign against child labor. In the nation's major cities of Yaounde, Douala, and Bamenda the ILO estimated in 2000 that 40 percent of employed children were girls, 7 percent were less than 12 years of age, and 60 percent had dropped out of primary school.

The Ministry of Social Affairs and the Ministry of Labor were responsible for enforcing existing child labor laws through site inspections of registered businesses; however, lack of resources inhibited an effective inspection program. Moreover, the legal prohibitions do not include family chores, which in many instances were beyond a child's capacity. According to the ILO study, child labor existed chiefly in urban areas and in the informal sector such as street vending, car washing, agricultural work, and domestic service. An increasing number of children worked as household help and some children were involved in prostitution. In the north of the country, there were credible reports that children from needy homes were placed with other families to do household work for pay.

In rural areas, many children began work at an early age on family farms. Parents viewed child labor as both a tradition and a rite of passage. Often, relatives employed rural youth, especially girls, as domestic helpers. Many urban street vendors were less than 14 years of age.

On May 27, President Biya ratified ILO Convention 182 on the worst forms of child labor.

The Government does not prohibit forced and bonded labor by children, and there were reports that it occurred in practice (see Section 6.f.).

e. Acceptable Conditions of Work.—Under the law, the Ministry of Labor was responsible for setting a single minimum wage nationally applicable in all sectors. The minimum wage was approximately \$40 (23,514 CFA francs) per month. The wage did not provide for a decent standard of living for an average worker and family.

The law establishes a standard workweek of 40 hours in public and private non-agricultural firms and 48 hours in agricultural and related activities. The law mandates at least 24 consecutive hours of weekly rest.

The Government sets health and safety standards. Ministry of Labor inspectors and occupational health physicians were responsible for monitoring these standards;

however, they lacked the resources for a comprehensive inspection program. There was no specific legislation permitting workers to extricate themselves from dangerous work situations without jeopardizing continued employment. Illegal foreign workers were not able to claim legal protections.

f. Trafficking in Persons.—The law provides that any person who engages in any form of trafficking in persons shall be punished by 10 to 20 years of imprisonment; however, trafficking was a problem. The court also may impose a forfeiture penalty on any person who engages in trafficking. The country was a source, transit, and destination point for internationally trafficked persons; trafficking also occurred within the country. In 2000 the Government signed, but has not yet ratified, a U.N.-sponsored protocol on trafficking in persons.

The Government has criticized the practice of trafficking in persons, and the Ministry of Labor, Employment, and Social Insurance was primarily responsible for fighting trafficking. However, that Ministry severely was underfunded. There were no known cases of prosecution of traffickers or protection of victims by year's end. The Government established an interagency committee to combat trafficking and has developed a program to find and return trafficked children. The budget for the launching of the Government's interagency action plan to fight trafficking was scheduled for a vote during the June 2001 budget session in the National Assembly; however, that chapter was omitted in the draft budget. Unless the President is able to appropriate funding, implementation will continue to be delayed.

During the year, in collaboration with the ILO, the Government hired a consultant to conduct a new investigation assessing the level of national trafficking. In September the ILO launched a study assessing forced labor.

An ILO study conducted in 2000 in Yaounde, Douala, and Bamenda, revealed that trafficking accounted for 84 percent of child laborers (*see* Section 6.d.). In most cases, intermediaries presented themselves as businessmen, approaching parents with large families or custodians of orphans and promising to assist the child with education or professional training. The intermediary paid parents an average of \$8 (6,000 CFA francs) before taking the child and then transporting him or her to a city where the intermediary would subject the child to forced labor for little remuneration. In 4 out of 10 cases, the child was a foreigner transported to the country for labor. The report also indicated that Cameroon was a transit country for regional traffickers as well, transporting children between Nigeria, Benin, Niger, Chad, Togo, the Republic of the Congo, and the Central African Republic for indentured or domestic servitude, farm labor, and sexual exploitation. Citizens also were trafficked to South Africa. Children also were trafficked within the country. Parents sometimes offered their young daughters to the Lamido (chief) of the North Province of the Rey Bouba as gifts.

While there has been no published extensive study on trafficking in adult persons, anecdotal evidence from the NCHRF and others indicates that trafficking primarily in women also may exist. Women were "hired" into hubs of prostitution, often in Europe. The method for trafficking women usually involved a marriage proposition by a foreign businessman. The woman was inducted into servitude upon arrival at a foreign destination.

The Government was working with local and international NGOs to provide temporary shelter and assistance to victims of trafficking. In August the Catholic Relief Service designed the project "Nkeng-Shalom" to combat corruption in local schools that led to child prostitution.

CAPE VERDE

Cape Verde is a multiparty parliamentary democracy in which constitutional powers were shared among the elected Head of State, President Pedro Verona Rodrigues Pires, former president of the African Party for the Independence of Cape Verde (PAICV); the head of government, Prime Minister Jose Maria Neves; and Neves' party, the PAICV. In January 2001, Pires was elected by a slim margin of 12 votes over the country's former prime minister and Movement for Democracy (MPD) president, Carlos Veiga, in what the National Electoral Commission and international media judged to be free and fair elections. The judiciary generally was independent.

The Government controlled the police, which had primary responsibility for maintenance of law and order. Some members of the police and prison guards committed human rights abuses.

The country had a market-based economy but little industry and few exploitable natural resources. In 2000 per capita income was \$1,330. The country had a long history of economically driven emigration, primarily to Western Europe and the

United States, and remittances from citizens abroad remained an important source of income. The country produced food for only 15 percent of its population of 468,200, which resulted in heavy reliance on international food aid.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Despite government efforts to control beatings by police officers, there continued to be credible reports of police abuse. Prison conditions were poor. The judicial system was overburdened, and lengthy delays in trials were common. There were some limitations on press freedom, and there continued to be allegations of media self-censorship. Violence and discrimination against women and mistreatment of children continued to be serious problems. Although the Government supported legislation to correct these problems, it failed to adopt, implement, and enforce policies designed to address the most critical challenges. There were reports of trafficking in persons. Cape Verde was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

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

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were credible reports that police continued to beat persons in custody and in detention, despite government efforts to stop such practices. While there were mechanisms for investigating citizen complaints of police brutality, in practice these mechanisms neither ensured the punishment of those responsible nor prevented future violations. In addition, in some instances of violence against women, the police did not protect the victims effectively (*see* Section 5). Unlike in the previous year, there were no reports that immigration authorities harassed Nigerian citizens (*see* Section 2.d.). Following its January 2001 election, the Government began investigating allegations of human rights abuses by police; however, no effective action was taken.

No action was taken, nor was any likely, against police officers responsible for beating a detainee on Sal Island in 2000.

Prisons conditions were poor and suffered from severe overcrowding. Sanitation and medical assistance was poor; however, a doctor and a nurse were available and prisoners were taken to the public hospitals for serious problems. Psychological problems among prisoners were common. Although women and men are held separately, juveniles are not held separate from adults, and pretrial detainees are not held separate from convicted prisoners.

The Government permitted both formal visits by human rights monitors to prisons and routine visits to individual prisoners; however, there were no such visits during the year.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. The law stipulates that a suspect must be charged before a judge within 48 hours of arrest. Police may not make arrests without a court order unless a person is caught in the act of committing a felony. The courts had jurisdiction over state security cases, and there was a functioning system of bail.

The Government did not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. The Constitution provides for the right to a fair trial and due process, and an independent judiciary generally enforces this right. Cases involving former public office holders continued under investigation. For example, the investigation continued in the case of the former Prime Minister accused of embezzling approximately \$16,250 (2 million Cape Verdean escudos) in the privatization of ENACOL (a parastatal oil supply firm). The case has been transferred to the Attorney General's office because the former Prime Minister failed to appear at the first hearing.

The judicial system was composed of the Supreme Court and the regional courts. Of the five Supreme Court judges, one was appointed by the President, one by the National Assembly, and three by the Superior Judiciary Council. This council consisted of the President of the Supreme Court, the Attorney General, eight private citizens, two judges, two prosecutors, the senior legal inspector of the Attorney General's office, and a representative of the Ministry of Justice. Judges were independent and could not belong to a political party.

The Constitution provides for the right to a fair trial. Defendants are presumed to be innocent; they have the right to a public, nonjury trial; to counsel; to present witnesses; and to appeal verdicts. Free counsel was provided for the indigent. Regional courts adjudicated minor disputes on the local level in rural areas. The Ministry of Justice did not have judicial powers; such powers were with the courts. Defendants could appeal regional court decisions to the Supreme Court.

The judiciary generally provides due process rights; however, the right to an expeditious trial was constrained by a seriously overburdened and understaffed judicial system. A backlog of cases routinely led to trial delays of 6 months or more; more than 10,500 cases were pending at the end of 2001.

There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. There were some reports of restrictions on freedom of the press. There is a substantial and growing independent press; however, there continued to be criticism by many prominent government and opposition figures of state-controlled television for its failure to exercise properly its role of informing the public regarding political and economic issues. There continued to be reports of media self-censorship.

A 1999 constitutional amendment excludes using freedom of expression as a defense in cases involving defamation or offense to personal honor. This amendment was criticized strongly by then-opposition PAICV politicians and some journalists as potentially limiting freedom of expression; however, the PAICV government did not seek to change the provision by year's end.

There were three independent newspapers and one state-owned newspaper. There were six independent radio stations and one state-owned radio station. One television station was state owned, and two others were foreign owned. Foreign broadcasts were permitted. Journalists were independent of government control and were not required to reveal their sources; however, there were credible reports that journalists within the Government-controlled media still practiced self-censorship.

Government authorization was not needed to publish newspapers or other printed material. Despite the broadly interpreted criminal libel laws, no independent media outlets reported direct pressure in their daily operations or business activities. The national radio station provided live broadcasts of National Assembly sessions.

The law requires a formal licensing mechanism for mass media, including government authorization to broadcast; however, there were no reports that licenses were denied or revoked or that the Government refused to authorize broadcasts during the year.

The Government did not restrict Internet access. There was a private Internet service provider. There were technical limitations on Internet use related to bandwidth and the unavailability or inefficiency of electricity and telephone service in some parts of the country.

The Government did not restrict academic freedom.

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

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

The Catholic majority enjoyed a privileged status in national life. For example, the Government provided the Catholic Church with free television broadcast time for religious services and observed its holy days as official holidays.

To be recognized as legal entities by the Government, religious groups must register with the Ministry of Justice; however, failure to do so did not result in any restriction on religious belief or practice.

The trial of four individuals of the "Sao Domingos Group," who were accused of desecrating a Catholic Church in 1996 began in November 2001; however, a decision still was pending at year's end.

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

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

The Constitution and the law provide for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. During the year, there were media reports that Senegalese citizens residing in the country believed that they were subject to discriminatory treatment. Other observers reported no evidence of a government policy of discrimination against Senegalese. Three or four Basque separatists have been provided first asylum status. The Government 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 exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. In January 2001, Pedro Verona Rodrigues Pires, former president of the PAICV, was elected by a slim margin of 12 votes over the country's former Prime Minister and MPD president, Carlos Veiga. The principal opposition party, the MPD, held power from January 1991 until January 2001, after defeating the PAICV, which held power in a one-party state from independence in 1975 until 1991. The PAICV won the legislative elections in January 2000 and has an absolute majority in the National Assembly. The National Electoral Commission and the international media judged the January presidential elections, as well as legislative and municipal elections in 2000, to be free and fair.

The Constitution provides for the separation of powers. Constitutional powers were shared among President Pires, Prime Minister Jose Maria Neves, and the PAICV party. Cabinet ministers were subject to confirmation by the President. Collectively they must retain the support of a parliamentary majority. The President could dismiss the Government with the approval of the political parties represented in the National Assembly and the Council of the Republic. This council consisted of the President of the National Assembly, the Prime Minister, the President of the Constitutional Court, the Attorney General, the Ombudsman, the President of the Economic and Social Council, the former presidents, and five private citizens appointed by the President. The MPD and the Democratic Renovation Party were the main opposition parties.

There were 8 women among the elected "active" deputies in the 72-seat National Assembly, and there were 3 women among the 7 elected "reserve" deputies that fill any eventual vacancies during the legislative term. There were 4 women in the 17-member Cabinet.

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

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

There are three private human rights groups, the National Commission of the Rights of Man, the Ze Moniz Association, and the Alcides Barros Association.

The independent Ombudsman's powers remained undefined at year's end, and no Ombudsman was elected by year's end.

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

The Constitution prohibits discrimination based on race, sex, religion, disability, language, or social status. However, despite the Government's increased efforts to enforce all relevant constitutional provisions, it still did not do so effectively, and not all elements of society, particularly women and children, enjoyed full protection against discrimination.

Women.—Domestic violence against women, including wife beating, was common. The Government and civil society encouraged women to report criminal offenses such as rape and spousal abuse to the police; however, according to the media and a July report by the Women Jurists' Association, longstanding social and cultural values inhibited victims from doing so, and victims rarely reported these offenses to the police. Nevertheless, reporting of such crimes to police continued to increase during the year, and the media continued to report their occurrence. Violence against women was the subject of extensive public service media coverage in both government- and opposition-controlled media.

While there were mechanisms to deal with spousal abuse, in practice these mechanisms neither ensured the punishment of all those responsible nor effectively prevented future violence. Women's organizations, like the Women Jurists' Association,

continued to seek legislation to establish a special family court to address crimes of domestic violence and abuse; however, they made no progress in achieving such legislation during the year. The revised Penal Code protects certain rights of the victims of sexual abuse; however, it did not ensure compensation.

Despite constitutional prohibitions against sex discrimination and provisions for full equality, including equal pay for equal work, discrimination against women continued. Although they often were paid less than men for comparable work, women were making modest inroads in various professions, especially in the private sector.

The Constitution prohibits discrimination against women in inheritance, family, and custody matters; however, largely because of illiteracy, most women were unaware of their rights. Women often were reluctant to seek redress of domestic disputes in the courts. The Organization of Cape Verdean Women alleged that there was discriminatory treatment in inheritance matters, despite laws that called for equal rights. For example, some women were pressured to sign judicial agreements detrimental to their statutory inheritance rights.

In 2000 a group of female attorneys formed the Women Jurists Association, an association to provide free legal assistance to women throughout the country suffering from social abuse (both violence and discrimination) and spousal abuse.

Children.—In 2000 the Government updated its studies of social policy priorities and legal rights for children and adolescents and restructured the Cape Verdean Institute for Children in accordance with norms in the Convention on the Rights of the Child. The Government provided free, mandatory education for 6 years of primary school for all children. Normally this benefit covered children from age 6 to age 12. Education was compulsory until age 16; however, secondary education was free only for children whose families had an annual income below approximately \$1,700 (160,000 Cape Verdean escudos). According to 2001 Ministry of Education statistics, primary school attendance was approximately 98 percent. Attendance rates by boys and girls differ by less than 1 percent. The Government also sought to reduce infant mortality and disease, combat drug and alcohol abuse, and discourage teenage pregnancy; however, progress continued to be slow.

In September 2001, the Education Minister announced that pregnant students would be suspended from classes during pregnancy or nursing. Individual schools were responsible for enforcing the rule; however, no such suspensions have occurred.

Child abuse and mistreatment, sexual violence against children, and juvenile prostitution were problems, exacerbated by chronic poverty, large unplanned families, and traditionally high levels of emigration of adult men. The media reported cases of sexual abuse against children and adolescents. The inefficiencies of the judicial system made it difficult for government institutions to address the problem.

Persons with Disabilities.—There was no discrimination against persons with disabilities in employment and education; however, although the Constitution mandates “special protection” for the aged and persons with disabilities, the Government did not require access to public buildings or services for persons with disabilities. There were no official schools or trained teachers for persons with disabilities, which disadvantaged children with disabilities. Several NGO’s, including an association for the blind, were active.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides that workers legally are free to form and join unions without government authorization or restriction. There were two umbrella union associations: The Council of Free Labor Unions, comprised of 14 unions with approximately 18,000 members; and the National Union of Cape Verde Workers, formed by the former ruling party but operated independently, which included 14 unions with approximately 20,000 members. The Government did not interfere with the activities of these organizations; however, the National Union of Cape Verde Workers claimed that it received less than its share of funds for unions. Both unions suffered from a shortage of funds. There were no prohibitions against forming or joining unions.

The law provides that if an employer fires a worker without a “just cause,” as defined by the law, such as for union activity, the employer either must reinstate the worker or provide financial compensation to the worker. The law bans antiunion discrimination by employers with fines for offenders. No cases were brought to court during the year.

Unions were free to affiliate internationally and had ties with African and international trade union organizations.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for the right to organize, to operate without hindrance, and to sign collective work contracts; however, there has been very little collective bargaining. There were no

signed collective bargaining agreements. The ILO has cited the Government for its inability to provide examples of signed collective bargaining agreements.

Workers and management in the small private sector, as well as in the public sector, normally reached agreement through negotiations. Although there were no collective labor contracts, workers succeeded in negotiating important issues such as salary increases; however, as the country's largest employer, the Government continued to play the dominant role in setting wages. It did not fix wages for the private sector, but salary levels for civil servants provided the basis for wage negotiations in the private sector.

The Constitution provides union members with the right to strike, and the Government generally respected this right. However, in 1999 when the workers of the shipping company Arc Verde made two attempts to strike, the Government invoked a "civil request" under which it had the power, in an emergency or if a strike threatened coverage of basic needs, to name a list of minimum services that a union must continue to provide during any strike. Because of the Government's civil request, the crew and workers of four of the five ships in the fleet were required to continue working. According to the National Union of Cape Verde Workers, the Government's decision violated the law, since there was no emergency. The union claimed that, under such circumstances, the "minimum services list" that it presented to the Government would have ensured the continuation of essential services. The union presented the case to the International Confederation of Free Trade Unions, which in 1999 filed a complaint against the Government with the International Labor Organization (ILO). Despite numerous ILO requests, the Government continued to requisition workers to curtail strikes and to interpret essential services in the broadest terms. The ILO complaint remained unresolved at year's end.

In its 2000 report, the ILO Committee on Freedom of Association (CFA) noted that the Government amended legislation in 1999 so that organizations of workers may enjoy the right to peaceful demonstration without unreasonable restrictions, particularly the time limit on demonstrations. The CFA also reported that the Government began to take measures to amend its legislation so that in the event of disagreement between the parties on the minimum services to be provided during strikes, this difference of opinion would be resolved by an independent body. However, at year's end, the Government had not created an independent body to resolve such differences.

There were no legal or illegal strikes during the year. During the year, anti-erosion employees of the Ministry of Agriculture and Fish threatened to strike several times and held peaceful demonstrations. These workers have been negotiating with the Ministry of Finance for unpaid wages for work completed in 1997 and 1999.

Praia has a 30-acre export processing zone (EPZ), which housed two Portuguese companies and a Cape Verdean-Sengalese joint venture. There were no special laws or exemptions from regular labor laws for EPZ's.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age for employment was 14 years. The law prohibits children under the age of 16 from working at night, more than 7 hours per day, or in establishments where toxic products were produced; however, the Government rarely enforced the law, and child labor occurred. The Government was working with the ILO and the International Program for the Elimination of Child Labor. In practice the Ministry of Justice and Labor enforced minimum age laws with limited success, and then only in the urban, formal sectors of the economy.

e. Acceptable Conditions of Work.—There were no established minimum wage rates in the private sector. Large urban private employers linked their minimum wages to those paid to civil servants. For an entry-level worker, this wage is approximately \$120 (11,583 Cape Verdean escudos) per month. The majority of jobs paid wages insufficient to provide a worker and family with a decent standard of living; most workers relied on second jobs, extended family help, and subsistence agriculture.

The maximum legal workweek for adults was 44 hours. While large employers generally respected these regulations, many domestic servants and agricultural laborers worked longer hours.

The Director General of Labor conducted sporadic inspections to enforce the labor code and imposed fines on private enterprises that were not in conformity with the law. However, the Government did not enforce labor laws systematically, and much of the labor force did not enjoy their protection. Few industries employed heavy or dangerous equipment, and work-related accidents were rare.

There is no legal provision for workers to remove themselves from unsafe working conditions without jeopardizing their continued employment.

Foreign workers required both a work permit (granted by immigration authorities) and a work contract (approved by the Ministry of Labor). If in compliance with these requirements, foreign workers were protected fully by the law; however, there were no provisions to protect illegal foreign workers.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and illegal smuggling of economic emigrants to various points in Europe was believed to be a thriving business. This smuggling involved visa and related fraud; however, there were no reports that these persons were transported into forced labor or debt bondage. The country was a transit point for smugglers, and smuggling had become a concern for local authorities. Several press reports noted that the police had arrested some persons, smugglers as well as victims. In 2001 such cases involved fewer than 30 persons. The Government cooperated with European authorities, neighboring governments, and foreign embassies to deal with the problem.

CENTRAL AFRICAN REPUBLIC

The Central African Republic (CAR) is a constitutional democracy with a multiparty legislature. Ange-Felix Patasse, leader of the Movement for the Liberation of the Central African People (MLPC), was re-elected with a narrow majority to another 6-year term in September 1999. The presidential election, like the legislative elections held in late 1998, was generally free, but marred by irregularities that tended to favor the ruling party candidate. The Government was headed by a Prime Minister and Cabinet appointed by the President. Although the Constitution provides for separation of powers, the legislature was vulnerable to manipulation by the President, who dominated the Government. On October 25, forces loyal to General Francois Bozize, the former Chief of Staff of the Armed Forces who directed the coup from abroad, entered the country from Chad and led a coup attempt in Bangui. President Patasse retained power with the assistance of troops from Libya and Movement for the Liberation of the Congo (MLC) soldiers from the Democratic Republic of the Congo (DRC) led by Jean-Pierre Bemba. The coup attempt resulted in numerous deaths and abuses, 10,000 internally displaced persons (IDPs), and significant numbers of refugees in neighboring countries. On December 29, the Libyan troops withdrew from the country; however, approximately 1,000 of Bozize's rebels retained control of much of the north-central region at year's end. The Constitution provides for an independent judiciary; however, it was subject to executive influence.

The National Police were under the direction of the Ministry of Interior and Public Security, while the military forces, the National Gendarmerie, and the Presidential Security Unit (USP) were under the jurisdiction of the Ministry of Defense; all shared responsibility for internal security. Civilian authorities did not maintain effective control of the security forces. Apart from the USP, the military, much of which mutinied in 1996 and 1997, widely was perceived to be of doubtful loyalty to the Government, which owes approximately 21 months of salary arrears to the military. Former members of the security forces were involved in the October 25 and May 2001 coup attempts. Members of the security forces committed serious human rights abuses.

The economy of the country, which has a population of approximately 3.5 million, was dominated by subsistence agriculture. Foreign assistance was an important source of national income. Salary arrears owed to civilian employees and the military continued to impair the functioning of the Government and the ability of the state to enforce the rule of law. The misappropriation of public funds and corruption in the Government remained widespread. The large displacement of persons during and following the October 25 coup attempt adversely affected economic productivity during the year.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Citizens generally were able to choose their national government; however, the Government controlled the electoral process. Security forces continued to commit arbitrary and unlawful killings, including government-tolerated executions of suspected bandits. The October 25 coup attempt resulted in numerous killings of civilians in Bangui and the northern part of the country. Police continued to torture, beat, and otherwise abuse suspects and prisoners. The Government did not take effective action to punish abusers, and impunity remained a problem. Other human rights abuses included harsh prison conditions, arbitrary arrest, prolonged detention without trial, limits on judicial independence, and infringements on privacy. The Government restricted

freedom of the press, assembly, and association. There were some limits on movement. Violence and discrimination against women, female genital mutilation (FGM), child prostitution, discrimination against indigenous people (Pygmies), trafficking in persons, and child labor, including instances of forced child labor, continued to be problems.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Security forces continued to commit extrajudicial killings; however, unlike in the previous year, there were no reports that security forces engaged in military reprisals, open executions, or the elimination of suspected rebel sympathizers, particularly members of the Yakoma ethnic group. The special police Squad for the Repression of Banditry (OCRB) continued to operate and was responsible for killing and torturing individuals. The October 25 coup attempt resulted in numerous killings of civilians in Bangui and the northern part of the country. Border clashes between government and rebel soldiers also resulted in civilian killings. Police and security forces seldom were prosecuted for unlawful killings, and impunity remained a problem.

There reportedly were fewer incidents of OCRB killing and torture than in previous years. The OCRB's actions had tacit government support and popular approval and were seen as an effective means of reducing crime and increasing public security. No OCRB member has been prosecuted for extrajudicial killings or other abuses committed while on duty, and officials justified the unit's actions as a consequence of nonexistent prison facilities in Bangui. Unlike in the previous year, there were no reports that police officials publicized on radio and television the crimes of criminals apprehended by the OCRB, which executed the individuals the following day without a trial.

On January 19, soldiers from the military garrison at Bossangoa killed two civilians in response to protests by civilians over the murder of a civilian by a soldier 3 days before.

On December 17, in Bangui, a government soldier on night patrol shot and killed magistrate Jean Didier Mbainai. The soldier, who claimed it was an accident, was arrested and remained in prison at year's end.

There was no further information on the December 2001 police killing of Paul Medard Yamboka.

The October 25 coup attempt resulted in 105 civilian deaths in Bangui and an undetermined number in the north of the country. However, unlike in the aftermath of the May 2001 coup attempt, there were no reports that government forces deliberately targeted members of the Yakoma ethnic group for reprisal killings or that USP troops killed Rwandan refugees and nationals on suspicion that they assisted in the attempted coup. In October in Bangui, and in December in Damara and Sibut, small Libyan planes dropped bombs in support of government forces, resulting in an undetermined number of civilian deaths.

No action was taken against security forces responsible for killings following the May 2001 coup.

On October 31, Chadian rebel leader Abdoulaye Miskine, who President Patasse had asked to root out banditry in the north of the country, led government forces in an attack on Chadian cattle dealers at a meat market outside of Bangui; reportedly as many as 100 Chadians were killed. The motive of the attack was unknown; however, some Chadians had fought with Bozize's rebels, and government forces suspected Chadians of complicity in the October 25 coup. The Government denied that any killings occurred.

Numerous civilians were killed in the crossfire between government and rebel forces during the year. For example, on February 16, in Pospel, a border clash between government soldiers and MLC rebels resulted in the deaths of 11 civilians.

Clashes between government soldiers, rebel groups, and bandits along the border with Chad resulted in numerous deaths on both sides of the border. The presence of Miskine in the country and the exiled Bozize in Chad during part of the year intensified border unrest. For example, government forces under Miskine summarily executed Chadian civilians in Bavara and Bouassi during the year. On September 19, Chadian rebels based in the country attacked the Chadian town of Tizi. The Chadian government accused the Government of supporting the attack, and the Government blamed the attack on Sudanese poachers; however, the National Resistance Alliance, a Chadian rebel group, ultimately claimed responsibility. On October 2, the Central African Economic and Monetary Community (CEMAC) agreed to dispatch a contingent of 300 to 350 troops to the country to provide security for President Patasse and to secure the border with Chad.

During and following the October 25 coup attempt, rebel soldiers loyal to General Bozize killed numerous civilians in areas under their control; however, no numbers were available because those areas remained inaccessible to nongovernmental organizations (NGOs) and humanitarian groups. There were unconfirmed reports that in Pende, Bozize's rebels set fire to the brush where a group of students were hiding, resulting in the deaths of more than 10 students and the injuring of many others. During the year, there also were reports of rebel killings of civilians in Kaga-Bandoro and in Ouham.

During and following the October 25 coup attempt, MLC rebels under Bemba's command reportedly killed and raped numerous persons in Bangui and in the northern part of the country.

No action was taken against members of Kolingba's rebel forces responsible for numerous killings during the May 2001 coup attempt.

There were no developments in the U.N. investigation into the July 2001 killing of Colonel L'Hommee, the Field Security Officer for the U.N. Development Program.

There also were reports of societal violence along the country's porous border with Sudan. On May 17, tribal clashes resulted in the deaths of 63 Sudanese herders in Birao. The Governments and the Government of Sudan established a commission of inquiry to investigate the causes of the incident; however, no information had been released by year's end. On September 21, Sudanese raiders burned houses and killed numerous villagers in the towns of Oulou, Kore, and Otomassa. The attack reportedly was in retaliation for the May 17 incident.

Popular "justice" was an ongoing problem. There were several anecdotal reports that bandits were caught and killed by neighbors of robbery victims. For example, on October 5, a group of bandits robbed a neighborhood, attacking a policeman and killing one person. An angry mob caught two of the bandits and killed them in the street.

Mobs reportedly injured and killed suspected sorcerers or witches during the year. On January 31, night watchman Wambele Thomas was accused of sorcery and attacked by a mob; gendarmes intervened for his protection. On February 3, two elderly women accused of witchcraft were tortured, one to death. In early May, in Possel in the under-prefecture of Njoukou, Martin Ngouakouzou was accused of sorcery and tortured to death by villagers.

There were no reports of any action taken against members of mobs who killed suspected sorcerers or witches in 2001 and 2000.

b. Disappearance.—There were no confirmed reports of politically motivated disappearances by the Government during the year; however, on October 25, Bozize's rebels kidnaped the President's spokesman Prosper Ndouba, who was released on December 2.

After the May 2001 coup attempt, thousands of persons went into hiding, making it difficult to determine whether security forces were responsible for any disappearances during that time. Many of these people since have returned to their homes.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Penal Code prohibits torture and specifies sanctions for those found guilty of physical abuse; however, police continued to torture, beat, and otherwise abuse criminal suspects, detainees, and prisoners. Family members and human rights groups, including the Human Rights League (HRL) Executive Committee, pursued court complaints filed in previous years with the prosecutor, Joseph Bindoumi, regarding the deaths of several prisoners due to police abuse; however, authorities continued not to take action on any of the cases. The HRL did not file any court complaints of police abuse during the year.

On May 19, soldiers beat Abdul Razak Wallot, a mini-bus driver, for passing the vehicle of the Major General of the Army.

On June 27, soldiers with the Central African Naval Force arrested and beat Mondayen Chrysostome, a trader engaged in commerce between Bangui and Zongo, after he refused to turn over his merchandise to them.

No action was taken against those responsible for torturing Abdoulaye Aboukary Tembeley in February 2001, the torturing of Sergeant Emery Konguende in May 2001, and the September 2001 beating by gendarmes of Assingambi Zarambaud.

The USP frequently used excessive force in its operations; it reportedly also was responsible for other serious human rights abuses; however, unlike in the previous year, there were no reports that USP forces harassed, beat, and tortured Rwandan refugees and nationals. There were numerous cases during the year in which the USP physically abused detainees.

No action reportedly was taken against USP forces responsible for the following abuses during and after the May 2001 coup attempt: The killing of gendarmes, teachers, students, soldiers, opposition politicians, and civil servants, most of whom

were Yakomas; and the harassing, beating, and torture of Rwandan refugees and nationals on suspicion that they assisted in the coup attempt.

Police beat persons while forcibly dispersing demonstrators (*see* Section 2.b.).

Members of the armed forces often committed abuses against civilians, including armed robbery and racketeering. No action generally was taken against soldiers involved in such abuses; however, on July 10, the Deputy Minister of Defense for Military Restructuring expelled from service more than 40 soldiers charged with various felonies, including rape, robbery, extortion, insubordination, and erecting illegal barriers on roads. The former soldiers were arrested and jailed.

Trafficking in persons was a problem (*see* Section 6.f.); however, unlike in the previous year, there were no reports of possible government involvement.

No investigation was conducted into the September 2001 beating by gendarmes of Assingambi Zarambaud, who had published a series of articles critical of the Government.

Government forces launched rockets and mortar rounds indiscriminately into neighborhoods suspected of harboring rebels. In October in Bangui, and in December in Damara and Sibut, small Libyan planes dropped bombs in support of government forces, resulting in an undetermined number of civilian deaths.

Rebel forces loyal to the Government committed numerous abuses. During and following the October 25 coup attempt, MLC troops raped 94 women in Bangui and an undetermined number of women in the north. In October in Bangui, MLC rebels fighting for the Government assaulted two foreign missionaries in their home. The rebels looted the house and struck the head of one of the missionaries, who subsequently reported the loss of hearing in one ear.

Rebel troops loyal to Bozize were responsible for numerous rapes of women during November and December. There also were reports that Chadian fighters in the north loyal to Bozize abused and harassed civilians.

Mob violence against suspected sorcerers or witches continued to be a problem (*see* Section 1.a.).

Prison conditions were extremely harsh. In June before renovations were complete, the Government formally inaugurated Ngaragba Prison, Bangui's main prison that was destroyed during the 1996 mutinies. Prisoners were transferred to Ngaragba starting in early October, despite the lack of a budget for food and medical care for the detainees. Many detainees still were kept in 10 police stations around Bangui; however, the number remaining in detention at year's end was unknown. Police station cells were overcrowded, and basic necessities, including food, clothing, and medicine, were in short supply and often were confiscated by prison officials for their personal use. Prisoners frequently were forced to perform uncompensated labor at the residences of government officials and magistrates. Prison conditions outside of Bangui were generally worse, with the exceptions of Bouar and Bangassou, where religious organizations helped provide for the prisoners.

Male and female prisoners were held in separate facilities in Bangui but housed together elsewhere. There were no separate detention facilities for juvenile prisoners, who routinely were housed with adults and often subjected to physical abuse. Pretrial detainees were not held separately from convicted prisoners.

The Government permitted prison visits by human rights observers. The International Committee for the Red Cross (ICRC) and religious groups routinely provided supplies, food, and clothes to prisoners. The ICRC had unrestricted access to prisoners.

d. Arbitrary Arrest, Detention, or Exile.—The law provides protection against arbitrary arrest and detention and accords the right to a judicial determination of the legality of detention; however, the security forces frequently ignored such provisions. Judicial warrants were not required for arrest. The law stipulates that persons detained in cases other than those involving national security must be brought before a magistrate within 96 hours. In practice authorities often did not respect this deadline, in part due to inefficient judicial procedures. By law national security detainees are defined as “those held for crimes against the security of the state” and may be held without charge for up to 2 months. The law allows detainees to have access to their family and to legal counsel; however, in cases involving state security, the Government prohibited detainees from consulting legal counsel pending an investigation. Indigent detainees may request a lawyer provided by the Government. Detainees were allowed to post bail or have family members post bail for them. Prolonged pretrial detention was a serious problem; however, the number of pretrial detainees was unknown at year's end.

Government authorities arbitrarily arrested numerous persons, although fewer than in the previous year, when members of the Yakoma ethnic group were targeted as a result of suspected complicity in the May 2001 coup attempt.

On May 8, in Bangui, gendarmes arrested 15 Chadians and 14 citizens of the DRC on suspicion of plotting a coup with General Bozize. No further information was available.

Police arrested demonstrators during the year (*see* Section 2.b.).

Unlike in the previous year, there were no arrests of journalists or labor leaders. The Mixed Commission of Judicial Inquiry, which the Government established in June 2001 to investigate the causes of the attempted coup and to bring those responsible to justice, had not issued a final report by year's end.

The law does not permit the use of exile, and the Government did not employ it in practice. The Government has stated repeatedly that any person in exile for strictly political, rather than criminal, reasons may return without fear of persecution. Thousands of persons fled their homes or went into hiding following the attempted coup in May 2001, including many Yakomas and Rwandan refugees (*see* Section 2.d.). Most of the IDPs have returned home; however, some remained abroad, primarily in the DRC, the Republic of the Congo, and Chad (*see* Section 2.d.). Approximately 600 military personnel involved in the 2001 coup attempt returned to the country during the year; there were no reports that they experienced government harassment. Jean-Paul Ngoupande, the opposition leader who fled the country after gendarmes invaded his house in January 2001, remained in self-imposed exile abroad.

On February 5, David Yakata, deputy of the opposition party Central African Democratic Rally (RDC), also returned to the country from self-imposed exile in the DRC.

e. Denial of a Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary was subject to executive interference. The judiciary consists of regular and military courts. The highest court is the Constitutional Court, which determines whether laws passed by the National Assembly conform to the Constitution. The Constitutional Court also receives appeals challenging the constitutionality of a law. Lower courts hear criminal and civil cases and send appeals to the Court of Appeals. The Criminal Court held two sessions during the year, trying persons implicated in the May 2001 coup attempt. The court tried only one criminal case before it reopened in August. As a result, there was a large backlog of criminal cases. The courts of justice and the juvenile court barely functioned due to inefficient administration, shortage of trained personnel, salary arrears, and a lack of resources.

In general trial procedures, an officer of the judicial police writes a report of the investigation and sends it to the public prosecutor's office. If the prosecutor believes there is sufficient evidence that an offense has occurred and that the accused committed it, he places the accused under an arrest warrant. If there is insufficient evidence, the case is dropped. Trials were held publicly, and defendants had the right to be present and to consult a public defender. Defendants also had the right to question witnesses, to present witnesses and evidence on their own behalf, and to have access to government-held evidence relevant to their case. There was the presumption of innocence until proven guilty, and if convicted, defendants had the right to appeal. No groups were barred from testifying; relatives of the accused could testify. The Government generally complied with these legal requirements; however, the judiciary did not enforce consistently the right to a fair trial, and there were many credible reports of corruption within the court system. A number of persons were subjected to prolonged detention without trial or were killed summarily and extrajudicially by the OCB (*see* Section 1.a.).

During the year, Criminal Court proceedings were largely concerned with attributing responsibility to and punishing the perpetrators of the May 2001 coup attempt. Court proceedings, which began in February, were delayed when the Court barred Attorney Assingambi Zarambaud from representing clients charged with involvement in the May 2001 coup attempt, after the Prosecutor General claimed that Zarambaud was implicated in the coup attempt. The other lawyers went on strike, bringing the session to a standstill. The trial was held under heavy military guard, with most of the proceedings broadcast live on radio. Defense counsel challenged some procedural elements of the trial. Many cases brought against suspected coup plotters were based solely upon unsubstantiated "fiches," anonymous memoranda alleging a connection with the coup attempt or coup plotters. When court proceedings resumed in August, the Court acquitted more than half of the accused for insufficient evidence. The Court determined that those found guilty would forfeit their civil rights and ordered the confiscation of their property.

During August and September, 90 defendants were brought before the Criminal Court on charges of suspected complicity in the May 2001 coup attempt, or desertion; an additional 23 were tried in absentia. On August 26, former President Kolingba and 22 others were sentenced to death in absentia, including Charles

Massi, an opposition parliamentarian residing in France since early 2001. On October 7, former Defense Minister Demafouth, who had been held in custody since his August 2001 arrest, was released along with 48 other suspects for insufficient evidence; General Ndjengbot, who was in jail at the time of the coup attempt and subsequently freed by those attempting the coup, was sentenced to 20 years' hard labor. Of the remaining suspects, 10 were sentenced to 20 years' labor, while 30 were sentenced from 1 to 10 years' hard labor.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits invasion of homes without a warrant in civil and criminal cases; however, on occasion police used provisions of the Penal Code governing certain political and security cases that allow them to search private property without a warrant. Security forces continued to carry out warrantless searches for guns and ammunition in private homes. The increase of banditry in Bangui has become a pretext for the police to carry out warrantless house searches. The Government continued to engage in wiretapping without judicial authority.

Security forces, particularly the USP, continued to carry out warrantless searches of entire neighborhoods and seized vehicles, electronic goods, appliances, and other items for which residents could not produce sales receipts, alleging that the property was stolen. Few of these items were returned to the owners.

On April 19, in Bangui, police and gendarmes surrounded several neighborhoods and searched houses for arms as part of a mandatory disarmament program.

On August 1, a group of former soldiers, expelled from the military for extortion and establishing illegal checkpoints, violently burglarized the house of Jean-Serge Wafio, former First Vice-President of the National Assembly (*see* Section 1.c.).

During and after the October 25 coup attempt, MLC rebels fighting for the Government engaged in widespread home invasions and looting in Bangui and in the northern cities where they were deployed.

The Government interfered with private communication during the year. In July the Ministry of Defense promulgated an administrative order prohibiting the use of all nongovernment two-way radios. Several two-way radios were confiscated from missionaries in the western part of the country; however, on request, the Ministry granted exceptions for embassies, missionaries, NGOs, and international organizations.

During the October 25 coup attempt, and from November 9 to 10, the Government briefly interrupted both cellular and landline telephone service; however, unlike in the previous year, government authorities did not broadcast cell phone conversations over national radio.

Unlike in the previous year, there were no reports that the Government detained family members in an effort to compel suspects to turn themselves in.

Bozize's rebels looted homes, businesses, and church and NGO properties, according to missionary groups, the Central African (Catholic) Episcopal Conference (CAEC), and residents who fled to Bangui (*see* Section 1.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government continued to restrict the freedom of the print media to criticize the Government. The law prohibits the Government from censoring the press and defines the rights and responsibilities of private media. The Government continued to dominate domestic broadcast media. Libel cases were addressed in civil rather than criminal courts.

Opposition leaders in particular used press statements, manifestos, and copies of open correspondence to the Government to circulate their views; however, citizens continued to criticize the Government and political parties at some risk to themselves. Most journalists who fled the country after the May 2001 attempted coup had returned to the country by year's end.

The Government owned and controlled three newspapers, the Centrafrique Presse, the Agence Centrafricaine de Presse (ACAP) bulletin, which appeared sporadically, and Forum de l'Unite. Echo de Centrafrique, a private daily newspaper, was close to the ruling party. More than a dozen private newspapers were published at varying intervals; eight were published on a regular basis during the year. These newspapers often criticized the President, the Government's economic policies, and official corruption. Le Citoyen and Le Confident were the most widely read private newspapers. In 2000 both the President and Prime Minister threatened local journalists with sanctions if any newspaper transgressed the media code and went beyond journalistic propriety; however, there were no reports that these threats were carried out.

On November 17, border police expelled Thierry Oberle, special correspondent for the French newspaper *Le Figaro*; no reason was given for the expulsion.

There were credible reports that the editor of *Le Citoyen*, a newspaper noted for its critical coverage of the Government, received threatening telephone calls during the year. In 2001 the Government accused the editor of “fueling hatred among the population,” and USP forces threatened him with death.

Unlike in the previous year, there were no reports that security forces arrested and tortured journalists or seized printing equipment.

Radio was the most important medium of mass communication because literacy was not universal, and newspapers and television were relatively expensive and rarely found outside urban areas. The Government owned and operated a radio station and a television station. The activities of the President and other senior government officials dominated programming. Political observers complained that the ruling MLPC received more coverage of its activities or meetings than did opposition parties. The directors of the national television and radio stations were members of the ruling MLPC party; broadcasts by both stations favored the ruling party.

In November Radio France International (RFI) and Radio Africa Number 1 briefly went off the air following negative statements by President Patasse about RFI’s coverage of events in the country. The USP, which took control of the national radio station during the May 2001 coup, remained in control of the station at year’s end.

A private radio station, Africa Number One, part of a French-owned network based in Libreville, Gabon, broadcast in Bangui. Its programming included national news coverage by a correspondent based in the country. Radio Notre Dame, which was owned and operated by the Catholic Church, also broadcast; its programming included national news, debates, legal counseling, and human rights education. RFI also broadcast domestically; its programming included some national news coverage by a correspondent based in the country. The private radio station N’Deke Luka broadcast from Bangui on FM with assistance from foreign governments and development organizations. One of N’deke Luka’s objectives was to promote peace and development by publicizing programs of the U.N. agencies and NGOs working in the region. There were no privately owned stations that broadcast domestically produced national news or political commentary.

On December 9, in Bossangoa, Bozize’s rebels killed Father Jean Claude Kilamong as well as a local radio announcer and two watchmen. No further information was available.

The Government continued to monopolize domestic television broadcasting. Private television broadcasting is allowed by law. The High Council of Communication was responsible for authorizing private television as well as radio stations, but received no applications to establish a private television station. The Government did not restrict domestic receipt or distribution of satellite or cable television, but few citizens could afford it, and it was not widespread, even in the capital.

Government television and radio broadcasts included weekly programs intended to provide an opportunity for political parties to present their views and discuss their programs; however, in practice such access was not available.

A private telecommunications company operated a domestic Internet and e-mail service provider as well as one cyber-cafe called Bangui 2000. Few citizens could afford home access to the Internet, but many urban residents rented brief access at Bangui 2000. The Government did not limit Internet access.

The Government did not restrict academic freedom. University faculty and students belonged to many political parties and generally expressed their views without fear of reprisal. There were student demonstrations during the year (*see* Section 2.b.).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of assembly; however, the Government at times restricted this right. In addition, there were some legal restrictions on freedom of assembly. Organizers of demonstrations and public meetings were required to register with the Government 48 hours in advance, and political meetings in schools or churches were prohibited. There were several incidents of government interference with opposition meetings during the year. The Government widely was perceived as using the May 2001 attempted coup as a pretext for restricting political activity.

On February 9, the Democratic Movement for the Renaissance and Evolution of the Central African Republic attempted to hold a political rally in Bangui; however, police intimidation of party members prevented the meeting.

In February the Ministry of the Interior prevented the Social Democratic Party from holding a meeting of its Consultative Council. According to the Ministry, “the time is not right for organizing meetings and other political activities.”

Police forcibly dispersed several demonstrations during the year by university students protesting the non-payment of scholarships by the Government. On October 12, police used tear gas to break up one such demonstration.

On December 28, police and soldiers arrested 15 opposition demonstrators who were protesting government use of foreign troops; some of those arrested were beaten. Most of those detained were released within a few days, and all had been released by year's end.

No action was taken against responsible members of the security force for the use of excessive force to disperse demonstrations in 2000.

The Constitution provides for freedom of association; however, the Government restricted this right in practice. All associations including political parties must register with the Ministry of Interior in order to enjoy legal status. The Government usually granted registration expeditiously. A variety of associations have registered with the Government following a 3-month background investigation; there were more than 35 registered political parties and a variety of nonpolitical associations. The Government normally allowed them to hold congresses, elect officials, and publicly debate policy issues without interference, except when they advocated sectarianism or tribalism.

In June 2001, the Government issued an administrative decree suspending the activities of former President Andre Kolingba's RDC political party for 3 months. The decree forbade the RDC from holding public meetings or advertising on the radio. Several RDC deputies continued to sit in the National Assembly during the suspension, and the party resumed limited activities in late September 2001. In December the Minister of the Interior issued a letter lifting the suspension; on December 28, the executive committee of the party met and elected new party leadership.

The law prohibiting nonpolitical organizations from coalescing for political purposes remained in place; there were no reports of enforcement of this law.

c. Freedom of Religion.—The Constitution provides for freedom of religion but establishes fixed legal conditions and prohibits what the Government considers religious fundamentalism or intolerance. The constitutional provision prohibiting religious fundamentalism was understood widely to be aimed at Muslims. In practice the Government permitted adherents of all religions to worship without interference.

Religious groups (except for traditional indigenous religious groups) were required by law to register with the Ministry of Interior. This registration was free and conferred official recognition and certain limited benefits, such as customs duty exemption for the importation of vehicles or equipment, but did not confer a general tax exemption. The Ministry's administrative police kept track of groups that failed to register; however, the police have not attempted to impose any penalty on such groups. Any religious or nonreligious group that the Government considered subversive was subject to sanctions. The Ministry could decline to register, suspend the operations of, or ban any organization that it deemed offensive to public morals or likely to disturb the peace. The Ministry of Interior also could intervene to resolve internal conflicts about property, finances, or leadership within religious groups. However, the Government imposed no new sanctions on any religious group during the year.

General Bozize's church remained closed at year's end.

Although in general there is religious tolerance among members of different religious groups, there have been occasional reports that some villagers who were believed to be witches were harassed, beaten, or sometimes killed by neighbors (see Section 1.a.).

Unlike in the previous year, there were no reports of societal violence against Muslim Chadian commercial traders.

Bandits and rebels attacked, robbed, and injured missionaries during the year (see Sections 1.c. and 2.a.).

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for the right to move freely throughout the country; however, police, security forces, customs officers, and other officials harassed travelers unwilling or unable to pay bribes or "taxes" at checkpoints along major intercity roads and at major intersections in Bangui (see Section 1.c.). Attacks by bandits on major routes to the north and east sometimes occurred. In 2001 the Government established military bases in Zemio, Bambari, Bria, Kaga-Bandoro, and Bossangoa in an effort to curb highway banditry.

USP forces continued to be stationed at the airport to control travelers. The Government generally allowed opposition leaders to travel abroad or inside the country

without restrictions; however, on September 12, the public prosecutor issued an order barring opposition National Assembly Deputy Jean-Serges Wafio from leaving Bangui, charging that Wafio was subject to a lawsuit. In a letter published in local newspapers, Wafio claimed that there was no record of any lawsuit filed against him and that the National Assembly had not lifted his immunity to permit any lawsuit.

During and immediately following the October 25 coup attempt, the Government closed M'Poko Airport and all borders in the country. Private planes were not allowed to fly without permission from the military. On May 9, the nightly curfew imposed after the May 2001 coup was lifted; no curfew was imposed during the October 25 coup attempt.

In November Bozize's rebels briefly blocked the main road from the country to Cameroon. Road travel from Bangui to the regions north of Damara was nearly impossible as a result of interference by both the MLC and Bozize's troops. In November truck drivers from Cameroon and the country went on strike to protest harassment and extortion by MLC soldiers. The ICRC protested restrictions on access imposed by both rebel groups.

With the exception of diplomats, the Government required that all foreigners obtain an exit visa from the headquarters of the National Police. Travelers could be required to obtain affidavits that they owed no money to the Government or to parastatal companies.

Immediately following the October 25 coup attempt, approximately 20,000 persons fled their homes for the areas around Bangui. Congolese residents of Bangui also fled to take refuge in the DRC Embassy after citizens angered by MLC looting and violence attacked Congolese; the UNHCR assisted 1,177 Congolese to go to Zongo, DRC. Thousands of persons fled the country during the year, primarily following the October coup attempt and the fighting in Bangui; most left for the DRC. There were reports that government authorities harassed and tried to prevent persons from leaving the country to seek asylum in the DRC. The World Food Program (WFP) estimated that as a result of the coup attempt, there were approximately 10,000 IDPs in the Lobaye region; as a result of the violence along the border with Chad, an additional 6,000 IDPs remained in the region around Sido and Kabo. The UNHCR reported a total of 36,000 IDPs in the country as a whole, with approximately 6,000 in the north and 30,000 in Bangui. As of December, approximately 2,850 refugees from the country remained in the DRC, 2,000 in the Republic of the Congo, and 1,300 in Chad.

During and following the May 2001 coup attempt, approximately 80,000 citizens, including half of the country's ethnic Yakoma population, fled their homes, mostly to the forests and small village areas southwest of Bangui. Approximately 50,000 were displaced internally; an estimated 24,000 fled to the DRC border town of Zongo, and approximately 2,000 fled to the Republic of Congo. Approximately two-thirds of these refugees were thought to have returned to the country by year's end. According to UNHCR, an additional 14,000 citizens fled to other countries, including Cameroon, Cote D'Ivoire, Senegal, and France. Many refugees who did return home lost their jobs, particularly those who had been in government service. The Government began cutting refugees from their employment rolls after 6 months' absence. Some also returned to find their homes pillaged or destroyed. Early in the year, the MLC moved former combatants in the DRC to a separate camp in Bokilio; the UNHCR moved civilian refugees to a camp in Mole.

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, and the Government respected these provisions in practice. The Government continued to work with the U.N. High Commissioner for Refugees (UNHCR) and provided first asylum to Chadian, Sudanese, Rwandan, and Congolese refugees. Applicants for asylum often were accepted. Almost all refugees were registered with the National Commission for Refugees. According to the UNHCR, there were 50,740 refugees in the country at year's end, including 35,000 from Sudan, 10,000 from the DRC, and 2,000 from Chad. Of these, 10,081 were located in Bangui. Other significant concentrations included 36,403 Sudanese refugees in Mboki and 2,929 Congolese refugees in Molangue.

Unlike in the previous year, there were no reports that that armed elements attacked refugee camps.

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. Citizens exercised this right in legislative and presidential elections in 1998 and

1999, respectively. The Government strongly influenced the electoral process. Patasse's MLPC won both the Presidency and half of the seats in the National Assembly. International observers deemed both elections generally free; however, the presidential elections were marred by irregularities in voter registration and distribution of electoral materials. Some of the registration irregularities tended to favor the ruling party.

On October 25, forces loyal to General Bozize entered the country from Chad and led a coup attempt in Bangui. The rebels secured entrances to the city, seized the road to M'Poko Airport, and fired at the residence of President Patasse, who retained power with the assistance of troops from Libya and Congolese MLC troops led by Jean-Pierre Bemba. After 5 days of fighting, Bozize's rebels withdrew from the capital but retained control of much of the north-central region of the country at year's end. The coup attempt resulted in hundreds of deaths, 10,000 IDPs, and significant numbers of refugees in neighboring countries (*see* Sections 1.a. and 2.d.).

In May 2001, former President Andre Kolingba led a faction of the armed forces in a coup attempt, which resulted in hundreds of deaths and injuries, numerous arrests, and the displacement of significant numbers of persons. President Patasse retained power with the assistance of troops from Libya and rebel MLC soldiers from the DRC led by Jean-Pierre Bemba. In August 2001, the President named a new Cabinet, most of whom were members of his MLPC party. In October 2001, President Patasse removed General Bozize as Chief of Staff of the Armed Forces after accusing him of complicity in the May 2001 coup attempt.

The Constitution provides for multiple political parties. The President can veto legislation, although two-thirds of the unicameral legislature can override his veto, and he can rule by decree under special conditions. The state was highly centralized. The central government appointed all subnational government officials, and subnational government entities had no significant fiscal autonomy. The Government had appointed four successive mayors in Bangui, the capital, and a southern city well outside the ruling party's main political base in the north (*see* Section 5).

Municipal elections, which were scheduled for December, were postponed until 2003.

In the November 1998 National Assembly elections, opposition parties won 55 seats, while the ruling MLPC party of President Patasse and its allies won 54 seats. However, the defection of one opposition National Assembly member in December 1998 gave the ruling party and its coalition a one-seat majority.

President Patasse's first term of office expired in 1999, but he constitutionally was eligible to seek a second consecutive term. In 1999 the Government established the Mixed Independent Electoral Commission (CEMI) to supervise the presidential election. Although the CEMI included representatives from many political parties on its board, persons loyal to the President controlled it. However, several opposition parties suspended participation in CEMI after the Minister of Interior ignored their consensus candidate for the post of second Vice President of CEMI. Instead he named the representative of the Movement for the Democracy and Development (MDD), an opposition party that the other opposition parties charged was allied with the MLPC. The Government explicitly rejected suggestions by elements of the international community, which provided material and financial support for the election, that the executive branch of the Government not involve itself in the management of the electoral process. In August 1999, President Patasse promulgated a decree that subordinated CEMI to the Organ of Control (OCASPA), a state organization that he had created by decree to oversee the election process.

Before the presidential election, there were credible reports of attempts to inflate sharply the number of registered voters in pro-MLPC northern areas, although this was corrected before the polling. The Government postponed the first round of the presidential election three times after serious problems in ballot distribution became evident; however, the Government denied requests from opposition leaders for further delays to permit more complete resolution of the problems with the electoral process. Some provisions of the electoral code, requiring publication of voter lists at least 15 days before the election and distribution of voter identification cards at least 8 days before the election, were not respected. On election day, a shortage of ballots was reported in some largely pro-opposition districts. Opposition party poll-watchers reported the use of some falsified voter identification documents by voters, and there were several reports of ballot boxes being delivered to the CEMI without certified tally sheets, or from unofficial polling places.

There was occasional violence during the presidential election campaign, including fighting in Bangui between supporters of President Patasse and former President Kolingba, and attacks by some opposition supporters on foreign diplomats whose governments were perceived to have supported Patasse.

Approximately 2 weeks after the voting, the Constitutional Court announced the official results of the election and declared President Patasse reelected with 51.6 percent of the votes cast. Nine other candidates certified by the Constitutional Court had competed in the election. The Constitution required a second-round runoff election if no candidate received 50 percent of votes cast in the first round election. Only one of the unsuccessful candidates filed a complaint with the Constitutional Court.

In December 2001, President Patasse announced that local elections would be held in 2002; in July, a CEMI was formed to prepare for the elections. Several opposition parties suspended participation in the CEMI after the Interior Minister ignored their consensus candidate for the post of second Vice President of CEMI, a position that was reserved for an opposition candidate. Instead the Minister named a representative of the MDD, which the other opposition parties charged was allied with the MLPC. The CEMI made few election preparations, and after the October 25 coup attempt, the Government postponed local elections until 2003.

There were no laws that restricted the participation of women in the political process. Only 8 of the 109 members of the National Assembly were women, and only 2 of the 24 cabinet members were women.

There were no laws that restricted the participation of minorities in the political process.

President Patasse was a member of the Sara-Kaba ethnic group. Members of northern ethnic groups, including the Sara and Baya, continued to predominate among the President's advisors, in the leadership of the ruling party, and among ruling party members of the National Assembly. There were no Muslims in the Cabinet, but there were at least five Muslims in the National Assembly.

Pygmies (Ba'Aka), the indigenous inhabitants of the southern part of the country, who represented from 1 to 2 percent of the population, were not represented in the Government and have little political power or influence (*see* Section 5).

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

Several domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat responsive to their views. The Association of Central African Women Lawyers advised women of their legal rights. Several other NGOs, including the Movement for the Defense of Human Rights and Humanitarian Action, the Human Rights Observatory, and some religious groups actively monitored human rights problems. The Central African Human Rights League (LCDH) publicized human rights violations and pleaded individual cases of human rights abuses before the courts. In February 2001, the LCDH published a report that criticized the Government for numerous violations of the freedoms of assembly, movement, and expression. The LCDH and several other NGOs also criticized USP forces for human rights abuses during and following the May 2001 coup attempt; LCDH also criticized those responsible for the coup attempt.

On June 12, Amnesty International (AI) released its report on the May 2001 coup attempt and charged that security forces conducted targeted killings of members of the Yakoma ethnic group with impunity. In a June 27 press conference in Paris, the Government called AI's charges "insubstantial, erroneous, and totally lacking in foundation." The Government denied any ethnic violence by its forces during the coup attempt and denied any ethnic discrimination by the Government.

In November a delegation of the International Federation of Human Rights Leagues (FIDH) visited Bangui to assess human rights violations during and after the coup attempt; however, no report of the visit had been released by year's end. In the February report of its July 2001 visit, the FIDH criticized the security forces for numerous human rights violations during and after the coup attempt and charged that the Mixed Commission of Judicial Inquiry was an "instrument of political policing."

The U.N. office in the country (BONUCA) held several 2-week human rights sensitization programs for security forces in cooperation with the Ministries of Defense and Interior. The seminars, which were held in Bambari, Bouar, Bossangoa, Lola, Bangassou, Bangui, and Berberati for police, gendarmes, and provincial administrators, covered human rights standards, international humanitarian law, gender awareness, criminal justice procedure, and protection of minorities, refugees and displaced persons. In June members of the armed forces and USP units participated in the training for the first time.

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

The Constitution stipulates that all persons are equal before the law without regard to wealth, race, or sex, but the Government did not enforce these provisions effectively, and significant discrimination existed.

Women.—Domestic violence against women, including wife beating, reportedly was common; however, inadequate data made it impossible to quantify. Spousal abuse was considered a civil matter unless the injury was severe. Victims seldom reported incidents. The courts tried very few cases of spousal abuse, although litigants cited these abuses during divorce trials and civil suits. Some women reportedly tolerated abuse to retain a measure of financial security for themselves and their children. The Government did not address this problem during the year.

Rape is a crime, but spousal rape was not specified in the legislation. Men sometimes were arrested for rape, but the social stigma induced many families to avoid formal court action. There were numerous credible reports that government soldiers and rebels raped women during and following the October coup attempt (*see* Section 1.c.).

The law prohibits FGM; however, girls continued to be subjected to this traditional practice in certain rural areas, and to a lesser degree in Bangui. According to a study published in April 2001 jointly by UNICEF and the statistics office of the Ministry of Economy, Planning, and International Cooperation, approximately 36 percent of adult females had undergone FGM. In 2000 the International Committee of African Women for Development (CIFAD), a central African-based women's rights organization, began a national campaign against FGM with financial assistance from a foreign donor.

Trafficking was a problem (*see* Section 6.f.).

Women were treated as inferior to men both economically and socially. Single, divorced, or widowed women, even with children, were not considered socially to be heads of households. Only men were entitled to family subsidies from the Government. Women in rural areas generally suffered more discrimination than did women in urban areas. There were no accurate statistics on the percentage of female wage earners. Women's access to educational opportunities and to jobs, particularly at upper levels in the professions or in government service, was limited.

Polygyny is legal, although this practice faced growing resistance among educated women. The law authorizes a man to take up to four wives, but a prospective husband must indicate at the time of the first marriage contract whether he intends to take additional wives. In practice many couples never married formally because men could not afford the traditional bride payment. Women who were educated and financially independent tended to seek monogamous marriages. Divorce was legal and could be initiated by either partner.

The law does not discriminate against women in inheritance and property rights, but a number of conflicting customary laws often prevailed. A family code strengthened women's rights, particularly in the courts. The Association of Central African Women Lawyers advised women of their legal rights. The organization also published pamphlets in conjunction with the Ministry of Social Affairs on the dangers of FGM. Several active women's groups organized workshops and seminars to promote women's and children's rights and to participate fully in the political process.

Children.—Although there was no official discrimination against children, the Government spent little money on programs for them. Churches and NGOs had relatively few programs for youths. The failure of the education system, caused by a meager budget and salary arrears, resulted in a shortage of teachers and an increase in the number of street children. Education was compulsory from ages 6 to 14; however, parents rarely were prosecuted for their children's nonattendance. In practice the age that a child started school often varied by 2 to 3 years in rural areas. At the primary level, girls and boys enjoyed equal access to education, but the majority of young women dropped out at age 14 or 15 due to societal pressure to marry and bear children. According to the Ministry of Economy and Planning/UNICEF statistical abstract, only 42.9 percent of students of primary school age were enrolled in school, with 46.5 percent of boys and 39.1 percent of girls enrolled. Among those of age for secondary school, only 11.4 percent were enrolled, with 11.5 percent of boys and 11.4 percent of girls enrolled. School enrollment in urban areas generally was significantly higher than in rural areas.

The Government did not provide medical coverage for uninsured children.

There were more than 3,000 street children between the ages of 5 and 18 in Bangui. Many children begged and stole; several charitable organizations provided them with humanitarian assistance.

According to numerous credible reports, male teachers in primary and secondary schools as well as at the University level routinely pressed their female students

into having a sexual relationship in exchange for passing grades; the spread of HIV/AIDS was extremely prevalent between teachers and their female students.

The Penal Code forbids parental abuse of children under the age of 15 years. The Family Code was designed to strengthen children's rights. Illegitimate children had the same rights as those born in wedlock. A juvenile court tried cases involving children and provided counseling services to parents and juveniles during the year.

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

Trafficking and child prostitution was a problem (*see* Section 6.f.).

On September 16, the Government, in cooperation with the U.N. Development Program (UNDP), launched a nationwide HIV/AIDS awareness campaign.

There were several NGOs specifically promoting children's rights, including some which dealt with street children. In July the Government ratified the African Union Charter on the Rights and Welfare of the Child. On September 19, the Government, in cooperation with UNICEF, launched a nationwide implementation campaign to establish local committees to monitor and enforce children's rights in every district of Bangui.

Persons with Disabilities.—There was no codified or societal discrimination against persons with disabilities; however, there were no legislated or mandated accessibility provisions for persons with disabilities. There were several government and NGO-initiated programs designed to assist persons with disabilities, including handicraft training for the blind and the distribution of wheelchairs and carts by the Ministry of Social Services.

Indigenous Persons.—Despite constitutional protection, there was societal discrimination against Pygmies (Ba'Aka), the earliest known inhabitants of the rain forest in the southern part of the country, who comprised approximately 1 to 2 percent of the country's population. In general Pygmies had little input in decisions affecting their lands, culture, traditions, and the allocation of natural resources. Indigenous forest-dwelling Pygmies, in particular, were subject to social and economic discrimination and exploitation, which the Government has done little to prevent. Pygmies often worked for villagers at wages lower than those paid to members of other groups.

National/Racial/Ethnic Minorities.—The population included approximately 80 ethnic groups; many of these groups spoke distinct primary languages and were concentrated regionally outside urban areas. The largest ethnic groups were the Baya (33 percent), the Banda (27 percent), the Mandja (13 percent), the Sara (10 percent), the Yakoma (4 percent), and the M'baka (4 percent). The Mbororo comprised approximately 7 percent of the population but played a preponderant role in the economy; they were involved in mining development and remained the most important cattle breeders in the country.

During the year, the Government accelerated efforts to reform the Central African Armed Forces (FACA), a priority given its poor performance during the May 2001 coup attempt and history of repeated mutinies. There were reports that the Government had been primarily recruiting either from the President's home region or from among supporters of the MLPC. Those with the strongest connections and loyalties to the President entered the USP. Approximately 80 percent of USP members were native to the President's northern region; many belonged to the President's Kaba ethnic group or closely related groups.

Major political parties tended to have readily identifiable ethnic or ethnic-regional bases. The results of the 1998 legislative elections and the 1999 presidential election confirmed that the MLPC Party of President Patasse had strong support in the north, especially among the Sara and Baya ethnic groups, but that it also had strengthened its support in the capital (*see* Section 3). The MDD party of former President David Dacko was strong in the southwestern part of the country; the opposition RDC was popular in the southeast, in the Oubangui River basin, especially among the Yakoma.

Section 6. Worker Rights

a. The Right of Association.—Under the Labor Code, all workers are free to form or join unions without prior authorization. A relatively small part of the workforce, primarily wage earners such as civil servants, has exercised this right. There were five recognized labor federations, and the two most important were the Organization of Free Public Sector Unions and the Labor Union of Central African Workers (USTC), which were independent of the Government.

The law expressly forbids discrimination against employees on the basis of union membership or union activity. Employees can have their cases heard in the Labor Court. The Labor Code does not state whether employers found guilty of anti-union

discrimination were required to reinstate workers fired for union activities; however, employers legally were required to pay damages, including back pay and lost wages.

Unlike in the previous year, labor leaders were not arrested or prevented from leaving the country.

Labor federations were free to affiliate internationally, and the USTC was affiliated with the ICFTU.

b. The Right to Organize and Bargain Collectively.—The Labor Code grants trade unions full legal status, including the right to sue in court. It requires that union officials be full-time wage-earning employees in their occupation, but they may conduct union business during working hours. The Code does not provide specifically that unions may bargain collectively; however, the law protects workers from employer interference in their right to organize and administer their unions. The Government usually was involved in the collective bargaining process. While collective bargaining has taken place in some instances, no collective bargaining occurred during the year.

The Ministry of Labor and Civil Service set wage scales. Collective bargaining played a role in setting wages in private industry. Salary arrears continued during the year for both civilian (23 months) and military (21 months) personnel; the arrears continued to be a major complaint of the unions, but with minimal results.

Unions had the right to strike in both the public and private sectors. To be legal, strikes had to be preceded by the union's presentation of demands, the employer's response to these demands, a conciliation meeting between labor and management, and a finding by an arbitration council that union and employer failed to reach agreement on valid demands. The union also was required to provide 8 days' advance written notification of a planned strike. The Labor Code states that if employers initiate a lockout that is not in accordance with the Code, the employer is required to pay workers for all days of the lockout. However, the Government has the authority to end strikes because of public interest. The Code makes no other provisions regarding sanctions on employers for acting against strikers. There were no reports of employer actions against strikers.

In February the entire bar went on strike after the Criminal Court barred attorney Assingambi Zarambaud from representing clients charged with involvement in the May 2001 coup attempt (*see* Section 1.e.).

On July 1, medical staff from major Bangui hospitals went on strike to protest salary arrears following failed negotiations with Prime Minister Ziguéle. The strikers demanded payment of 6 months of salary arrears; however, they returned to work after the Government paid them for 1 month.

On October 1, more than 7,000 teachers staged a nationwide strike for 8 days, protesting the non-payment of salary arrears. The teachers demanded 9 months of their salary arrears of 23 months. The Government offered 1 month's salary; the teachers refused and extended their strike, which was ongoing at year's end.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Labor Code specifically prohibits forced or bonded labor; however, prisoners were forced to work without compensation for government officials or magistrates. The Ba'Aka often were coerced into agricultural, domestic, and other types of labor for different ethnic groups.

The Labor Code prohibition of forced or bonded labor applies to children, although they are not mentioned specifically; however, forced child labor occurred (*see* Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code forbids the employment of children under 14 years of age; however, the Ministry of Labor and Civil Service enforced the provision only loosely. The Labor Code defined the worst forms of child labor as dangerous work or tasks involving serious risks to the child's health, security, or morality. The Labor Code generally covered all labor sectors, although specific regulations covered specific sectors. In some cases, the Labor Code provides that the minimum age for employment could be reduced to 12 years for some types of light work in traditional agricultural activities or home services. Children frequently worked on farms at rural schools.

The Government did not have sufficient resources to enforce the prohibition against forced labor effectively, and child labor was common in many sectors of the economy, especially in rural areas. In some rural areas, teachers or principals used school children as labor on farms, ostensibly to teach them how to work the land since many students did not further their education beyond secondary school (*see* Section 5). The schools used the proceeds from the sale of the farm produce to purchase school supplies and equipment and to fund school-related activities. An international agency reported that children worked in the diamond fields alongside adult relatives.

e. Acceptable Conditions of Work.—The Labor Code states that the Minister of Labor must set minimum wages by decree. The minimum wage varies by sector and by kind of work. For example, the monthly minimum wage was equivalent to approximately \$12 (7,800 CFA francs) for agricultural workers but approximately \$28 (18,000 CFA francs) for office workers. The minimum wage did not provide a worker and family a decent standard of living. Most labor was performed outside the wage and social security system, especially by farmers in the large subsistence agricultural sector.

The law sets a standard workweek of 40 hours for government employees and most private sector employees. Household employees may work up to 55 hours per week. The law also requires a minimum rest period of 48 hours per week.

There also were general laws on health and safety standards in the workplace, but the Ministry of Labor and Civil Service neither precisely defined nor actively enforced them, a matter about which the ILO has expressed concern to the Government for many years. The Labor Code states that a labor inspector may force an employer to correct unsafe or unhealthy work conditions, but it does not provide the right for workers to remove themselves from such conditions without risk of loss of employment.

The Labor Code protects both legal and illegal foreign workers.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were reports that persons, particularly children, were trafficked. Child prostitution remained a problem. The Government has recognized that trafficking in persons occurs; however, statistics and specific examples of trafficking were not available.

Traffickers can be prosecuted under laws against slavery, Labor Code violations, mandatory school age laws, and laws against the exploitation of prostitution by means of coercion or fraud. Specific laws address the crime of prostitution and punish those who traffic women for the purposes of prostitution.

The Government did not investigate actively cases of trafficking, nor did it use or have access to special investigative techniques in trafficking investigations. In 2000 the Government established a commission to study the extent of the trafficking problem, to identify those responsible, and to devise a plan to combat the problem; however, few resources have been devoted to the problem. The Ministries of Social Affairs, Interior, Labor, Rural Development, Justice, and Defense were involved in anti-trafficking efforts and were part of the commission. There were no known NGOs specifically working on the issue.

Trafficking was confined primarily to children who were brought in by the foreign Muslim community from Nigeria, Sudan, and Chad to be used as domestic servants, shop helpers, and agricultural workers (*see* Section 5). Merchants, herders, and other foreigners doing business in and transiting the country also brought girls and boys into the country. Such children, who may or may not be related to their caretakers, were not afforded the benefit of a formal education, despite the mandatory school age, and worked without remuneration for their labor. There were a few anecdotal reports of children being trafficked to Nigeria and several other nearby countries for use as agricultural workers. There was no evidence of sexual exploitation, but there were reports that children were beaten publicly.

Some girls entered prostitution to earn money for their families.

The indigenous Ba'Aka often were coerced into agricultural, domestic, and other types of labor within the country. The Ba'Aka often were considered to be the slaves of other local ethnic groups, and subjected to wages far below those prescribed by the labor code. There were credible reports in 2001 of three cases in which persons obtained a Ba'Aka child by deception and subsequently sent the child to Europe for adoption. One of the cases reportedly involved the implicit cooperation of government authorities.

CHAD

Chad is a centralized republic dominated by a strong presidency. President Idriss Deby, leader of the Patriotic Salvation Movement (MPS), has ruled since taking power in a 1990 rebellion. He was reelected President in May 2001; however, fraud, widespread vote rigging, and local irregularities marred the 2001 presidential election and the April legislative elections in which the MPS won 110 out of 155 seats in the National Assembly. The Government signed a formal peace treaty in January with the rebel Movement for Democracy and Justice in Chad (MDJT), led by former Defense Minister Youssouf Togoimi; however it still did not control some parts of northwestern Chad. In May 2000, the President and the National Assembly ap-

pointed 15 members of the High Court of Justice, despite a law providing for their election. The Constitution mandates an independent judiciary; however, the judiciary was ineffective, underfunded, overburdened, and subject to executive interference.

The army (ANT), Gendarmerie (State Police Force), police, National and Nomadic Guard (GNNT), Rapid Intervention Force (FIR), Republican Guard, Presidential Security Force, and the counterintelligence service (ANS) were responsible for internal security. Officers from President Deby's ethnic group dominated the FIR and the ANS. The National Army, Gendarmerie, the GNNT, and the Republican Guard (the Presidential Security Force) were deployed to fight the rebels. The various military and security forces generally were responsive to the civilian control of the Ministry of Defense (ANS and FIR), Ministry of the Interior (Gendarmerie and GNNT), and the Presidency (Republican Guard and the Presidential Security Force). The security forces committed serious human rights abuses.

The economy was based on subsistence agriculture, herding, and fishing, and more than 80 percent of the workforce was involved in these activities. The country's population was approximately 8.4 million. Impediments to sustainable economic growth were corruption and a thriving informal sector outside of government taxation policies. The Government remained heavily dependent on assistance from external donors and international financial institutions.

The Government's human rights record remained poor, and it committed serious human rights abuses. The Government limited citizens' right to change their government. Security forces committed extrajudicial killings, abductions, and continued to torture, beat, rape, and abuse persons. Prison conditions remained harsh and life threatening. Security forces continued to use arbitrary arrest and detention; the authorities arrested opposition leaders. The Government rarely prosecuted or punished members of the security forces who committed human rights abuses. Lengthy pre-trial detention remained a problem. The Government held political detainees. The judiciary remained subject to executive interference and was unable to provide citizens with prompt trials. Security forces used illegal searches and wiretaps and monitored the contents of private mail. The Government at times limited freedom of the press. The Government took judicial action against independent newspapers for publishing material that it deemed prejudicial to the Government. The Government limited freedom of assembly. At times the Government limited freedom of religion and movement. Violence and societal discrimination against women were common. Female genital mutilation (FGM) was widespread. Both official and societal ethnic and regional discrimination remained widespread; northerners, in particular members of President Deby's Bideyat and the allied Zaghawa ethnic minorities, continued to dominate key positions in the public sector. Intermittent armed conflict between the Government and rebels in the Tibesti continued. There also were reports of forced labor, including forced child labor. Child labor was a problem. 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.—Officially sanctioned extrajudicial killings of suspected criminals by police, the military, and gendarmes continued. Units of the armed forces were responsible for the extrajudicial killings of suspected members of the northwestern rebellion in the Tibesti. The extrajudicial killings rarely were directed centrally; they usually occurred outside the capital, where there was less control over security forces. The Government rarely prosecuted or punished members of the security forces who committed extrajudicial killings. During the year, extrajudicial killings continued unabated, usually with impunity. This led to a generalized sense of insecurity among the population, particularly in N'Djamena.

On January 3, a Kelo man died as a result of injuries sustained when gendarmes tortured him (*see* Section 1.c.).

In April a member of the Presidential Security Guard killed 20-year-old Epe Madi along the banks of the Chari River. No legal action was taken by year's end.

On April 26, Luc Ndonnena of Bodo died in detention, after being tortured (*see* Section 1.c.).

No action was taken on the preceding cases by year's end.

On May 7, the body of 20-year-old student Desire Betoudji was found in N'Djamena. His assailant or assailants had tied his hands behind his back, beaten and stabbed him, then slit his throat.

On June 4, two armed men in uniform and driving an unregistered vehicle broke into the N'Djamena home of jeweler Kabirou Inoua, robbing and fatally wounding him. There was no report of an investigation or other action by year's end.

On December 12, approximately 20 high school students and their friends from the Lycee Bilingue du Centre in N'Djamena stabbed 4 of their teachers, killing Goloum Tando. A policeman who tried to intervene also was attacked and injured. The killing followed a November 30 attack on a teacher who told his students during a class that members of a certain ethnic group had once been slaves; this assertion resulted in the teacher being assaulted by his pupils' parents. The December 12 fatal attack and an unsuccessful attempt to burn down the school on December 10 were reprisals for this assertion. Police arrested the suspected perpetrators of the December 12 attacks; however it was unknown if they had been charged by year's end.

Landmines laid by government, foreign, and rebel forces in previous years caused numerous deaths during the year (*see* Section 5).

On April 21, Dr. Mahamat Guetti, president of the African Democratic Party (PDA) and parliamentary hopeful, died after his car hit a landmine outside of Faya, the evening after the elections. Five other passengers were wounded. The Government initially placed responsibility on the MDJT, but police later arrested three young men whom they accused of having laid the mine; these men were still being detained at year's end. Opposition parties and human rights groups pointed out that Dr. Guetti was contesting the ruling MPS party for the legislative seat and accused the Government of having laid the mine.

On August 29, rebel leader Youssouf Togoimi's vehicle ran over a landmine in northern Chad, seriously wounding him; he died on September 24 from these wounds.

There were no developments in the following 2001 cases of killing: Jean Paul Kimtolnan, Brahim Selguet, and the fatal torture case in Abeche.

There were no developments in the following 2000 cases of killing: The May 2000 kidnaping and subsequent death of a civilian in an N'Djamena park or the 2000 extrajudicial killings of members of the MDJT rebel group.

Armed bandits operated on many roads, assaulting, robbing, and killing travelers; some bandits were identified as active duty soldiers or deserters (*see* Section 2.d.).

There were sporadic reports of clashes between rebel and government forces during the year.

There were no further developments in the October 2001 killing of Maxime Mbailaou.

During the year, members of the Tibesti rebellion reported that members of the army committed human rights abuses and killed suspected collaborators among the civilian population.

Clashes along the Chad and Central African Republic (CAR) border continued during the year. On August 6, 22 persons, including two Chadian soldiers, died after a confrontation between the army and troops loyal to Abdoulaye Miskine, a citizen who now supports CAR President Patasse, which had crossed the border into the Chadian town of Sido. Several days later, forces supporting exiled CAR General Francois Bozize—who sought and received political asylum in Chad after his 2001 failed coup attempt—raided the CAR town of Kabo. These skirmishes followed several smaller confrontations throughout the year.

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

There were no developments, nor were any likely, in the May 2000 disappearance of Souleyman Toke.

c. Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution specifically prohibits such practices; however, members of the security forces tortured, beat, abused, and raped citizens. Impunity for those who commit human rights abuses remained widespread.

On 26 April, Luc Ndonnena of Bodo died in detention after being tortured. Police had arrested him on April 22 on suspicion of rape.

On May 6, 12 members of the military raped a woman in the capital city of N'Djamena.

On July 23, security service members beat and robbed Mahamat Fadoul Awade, a student home on holiday with his family in N'Djamena. The agents approached him while he was out with his friends, telling him he was needed at the security services' office. There the agents assaulted and robbed him, accusing him of being a highway robber; agents also robbed two of his friends. After Awade surrendered his motorcycle, the agents allowed the young men to leave. The incident was referred to the security services for an internal investigation; however, there was no further action taken by year's end.

On July 25, six armed military members searched the temporary dwelling of several nomadic herders, ostensibly for weapons. Although they found no weapons, the military demanded that the herders pay them a \$1,500 (1 million CFA francs) fine,

which the herders refused to do. The military left, promising to return the next day. When the military located one herder, they tortured him and killed his horse. Upon finding the others, the military opened fire, killing one and injuring two others. The military then tied up, tortured, and detained the eight unwounded herders. When found, the soldiers denied involvement. The detained herders were brought before a military chief in Doba, and three were subsequently arrested and tortured. After the herders' families reported the incident to the authorities in N'Djamena, the military transferred the detainees to the National Gendarmerie headquarters, charging the herders with being rebels. According to *Le Progres* newspaper, the National Gendarmerie sent a committee to investigate the incident; however, there were no further developments by year's end.

After a series of rebel attacks in northern and eastern Chad in October, government troops carried out acts of reprisal against the local population, including burning villages and killing livestock. Local residents accused the troops of oppressing the civilian population and targeting them for robbery.

During the year, police raped women in custody. For example, on October 11, a young woman in Bebedjia was taken into the gendarmerie custody after she witnessed her cousin being stabbed. While in custody, the brigade commander raped her. A month later, he repeatedly raped another woman also in his custody. On November 11, the officer was charged in court, and the trial was ongoing at year's end.

In most cases of torture, and other cruel, inhuman, or degrading treatment or punishment reportedly done by security forces during the year no action was taken.

There were no further developments in the January 2001 attack on Juliette Denemadji Abdelkader, the May 2001 police shooting in Sarh, the 2001 physical abuse of opposition politicians, the June 2001 beating in Abeche, the July 2001 torture cases in Abeche and Barh Koh, the September 2001 assault on human rights activist Dobian Assingar's family, or the security services' support of interethnic clashes in Bongor in 2001.

From February 26 to March 7, a judicial mission from Belgium visited the country, investigating crimes against humanity committed by former dictator Hisssein Habre, who ruled from 1981 to 1990. In a letter dated October 7, Justice Minister Djimnain Koudji-Gaou informed the Belgian prosecutor that the Government had lifted Habre's diplomatic immunity and would not obstruct his prosecution. On October 8, Senegal's High Commissioner for Human Rights indicated that if the Belgian courts sought extradition of Habre, Senegal would permit it. The matter remained unresolved at year's end.

There were no reports of any investigation or action taken against the members of the security forces responsible for the following incidents in 2000: The October reported beating and abuse of a Zaghawa tribesman who was acting erratically near an embassy and died 3 days after his release from the National Security prison; the June severe beating, torturing, raping, and robbing with impunity of the residents of several villages in the south—Bessokoyan, Bekolo, Bembaitada, and Bamadja—whom the army accused of supporting the rebel chief Kette Nodji Moise; the May beating of Armel Ramadji, a high school student; the May severe beating of a civilian, Abdoulaye Absakine.

Landmines laid by government, foreign, and rebel forces in previous years caused numerous injuries during the year (*see* Section 5).

Prison conditions were harsh and life threatening. Prisons were characterized by serious overcrowding, poor sanitation, as well as inadequate food, shelter, and medical facilities. After visiting a prison in Abeche, a local human rights group reported that prisoners were malnourished, with only approximately 33 pounds of flour per day allotted to feed 145 people. Prisoners received either salt or a sauce made of okra as a condiment; they had meat once a year.

The law provides that a doctor must visit each prison 3 times a week; however, there were credible reports that this was not done. Prisoners in the Abeche facility also indicated that only those with access to money could receive hospital care.

The Government reported that there were more than 2,000 prisoners in 46 prisons throughout the country with nearly 700 in N'Djamena's Central Prison. The ongoing construction of a new prison was not completed by year's end. The law authorizes forced labor in prison.

Female prisoners usually were separated from males; however juvenile males were held with adult male prisoners. Pretrial detainees and political prisoners were held with the general prison population.

The Government permitted the International Committee of the Red Cross (ICRC) to visit all prisons, including some military prisons, although the Government insisted on advance notice. The ICRC conducted such visits during the year. Domestic NGOs, including human rights groups, may visit a prison only with authorization from a court or from the Director of Prisons. These groups reportedly were not al-

lowed access to military prisons, and their access to civilian prisons depended greatly on the personal inclinations of judges and prison administrators. There were no publicized visits by domestic nongovernmental organizations (NGOs) during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution and the Penal Code prohibit arbitrary arrest; however, security forces used arbitrary arrest and detention. A judicial official must sign arrest warrants; however, the Government often did not respect this requirement.

On January 11, authorities freed the president of a youth association from prison; he had been detained without charge for 1 month.

On March 23, gendarmes and the national police conducted sweeps throughout N'Djamena in an attempt to crack down on criminal activity. They moved 118 people to the town of Massakory (approximately 95 miles north of N'Djamena) and 70 more to Tourba, approximately 45 miles west of Massakory. A judge in Massakory ruled the detention irregular and deemed those held as not guilty of vagrancy, as accused by the gendarmes. Of all those arrested and moved, 90 percent were found to be in "regular administrative status," i.e., not wanted for criminal behavior, and were released several weeks after the initial detention.

On May 16, police used tear gas to evict a group of around 100 refugees from the N'Djamena cathedral, and took them to a holding facility at the national police academy. On April 7, the group occupied the cathedral to protest the abduction of another refugee during police sweeps in March and to publicize the plight of refugees in the country (*see* Section 2.d.).

In October following a number of rebel attacks in the north, security forces conducted sweeps of N'Djamena, forcibly conscripting civilian men and sending them to military zones in the north and east.

There were no new developments in the following cases from 2001: The May beating and arrest of election monitors; the May arrest of opposition politicians contesting for the presidency; the May and July arrest and detention of officers accused of fomenting rebellion; and the September arrest of World Vision's head of donor relations.

There were no new developments, nor were any likely, in the 2000 detention and torture case in Pala or the reported 2000 killing of 25 alleged rebels.

Members of the CARP were responsible for numerous cases of arbitrary arrest and detention; they beat, tortured, and raped detainees with impunity.

Lengthy pretrial detention was a problem. Persons accused of crimes could endure up to several years of incarceration before being charged or tried, especially those arrested for felonies in the provinces, who then were transferred to the overcrowded prison in N'Djamena (*see* Section 1.c.). For example, on March 27, the state prosecutor and his assistants made an unannounced visit to two police stations in N'Djamena, where they found people being detained illegally for long periods of preventative detention; they also found evidence of torture. The prosecutor ordered the detainees released.

On October 16, Mahamat Tabako, who was arrested in 1994 for the 1991 murder of Allafouza Barkai, was finally given a court hearing. Tabako was a major in the GSP at the time of his arrest, and was accused of shooting Barkai after a fight. However, because the civil party to the case and the witness were not present, the case has been postponed indefinitely.

The Government continued to hold political detainees.

The Government did not practice forced exile; however, some family members of persons who had joined the northern rebellion chose to leave the country for safety reasons.

e. Denial of a Fair Public Trial.—The Constitution mandates an independent judiciary; however, the judiciary was ineffective, underfunded, overburdened, and subject to executive interference. In practice government officials and other influential persons often enjoyed immunity from judicial sanction.

In 1999 President Deby swore in 16 members of the Supreme Court as well as 9 members of the Constitutional Court. In May 2000, the National Assembly enacted legislation calling for the election of 15 members of the High Court of Justice; however, the 15 members were appointed by President Deby and the president of the National Assembly. Although the establishment of these bodies fulfilled the Constitution's mandate for a judicial branch, some members of the Supreme Court and the Constitutional Court were appointed by the Government and not elected by citizens as required by the law, which weakened the independence of the courts.

The Constitution mandates a Superior Council of Magistrates to act as a guarantor of judicial independence, and in 2001, the Council sanctioned several judges for malfeasance. On June 20, President Deby signed a decree authorizing the cre-

ation of a 5-judge judicial oversight commission. The commission was empowered to conduct investigations of judicial decisions and correct judicial infractions. Parties to judicial cases who felt wronged by the judiciary or the Minister of Justice could appeal to the commission. There was no action by the commission during the year. President Deby appointed the members of the commission, which gave the executive branch further control over the judicial branch.

The national judicial system operated with courts located in provincial capitals. The N'Djamena Court of Appeals was supposed to conduct regular sessions in the provinces, but funding limitations did not permit the court to make circuit visits.

Applicable law can be confusing, as courts often tended to blend the formal French-derived legal code with traditional practices. Residents of rural areas often lacked effective access to formal judicial institutions, and legal reference texts were not available outside the capital. In most civil cases, they relied on traditional courts presided over by village chiefs, canton chiefs, or sultans. Decisions could be appealed to a formal court.

Official inaction and executive interference continued to plague the judiciary. In several well-publicized incidents, members of the executive branch and the security services intimidated members of the judiciary. In Goz Beida, the subprefect threatened and then arrested a justice of the peace, while in Faya Largeau, another judge was killed. On July 30, the judges' union held a press conference to denounce the "barbaric behavior, laxity, and complicity" of some administrative and military authorities. The union demanded that the Government intercede to protect the judiciary's independence and also to end the state of insecurity under which judges lived.

The salaries of judicial officials often were low. Although the Government stated that the strengthening and reform of the judiciary were priorities, it made little progress in these areas by year's end.

No further action was taken, and none was likely, against five soldiers who attacked and stoned a defendant at a session of N'Djamena's criminal court in August 2000.

There were no reliable figures concerning the number of political prisoners. During the year, the Government reported that there were no political prisoners. In June 2000, detainees implicated in Kette Moise's rebellion—Charles Mbairam, Padjar Ortingar, Mbairassem Elysee, Djikossem Nidja, Todjimbaye, and Michel Mbailemel—received public trials. However, other individuals arrested for suspicion of subversive activities against the Government in the Tibesti region simply were released or their whereabouts was unknown.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, authorities used illegal searches and wiretaps and monitored the contents of private mail. The Penal Code requires authorities to conduct searches of homes only during daylight hours and with a legal warrant; however, in practice security forces ignored these provisions and conducted unlawful searches at any time. Security forces also stopped private vehicles, motorcycles, bicyclists and pedestrians on a daily basis, extorting money or confiscating belongings.

On June 27, armed men in uniform forcibly entered the residence of a judge in Ati to take back a vehicle that the court had seized (*see* Section 1.e.). Under threat of death, he returned the car's papers to the intruders.

On October 31, seven men in uniform broke into the N'Djamena home of a local NGO coordinator, claiming to have been sent by the Government on an inspection. Once inside, they beat the coordinator's wife and stole about \$1,500 (1 million CFA francs) and some gold. That same night, another group of armed men broke into a home in N'Djamena, where they beat the resident and stole approximately \$9,000 (6 million CFA francs), jewelry, and other belongings. No action was taken by year's end.

There were no new developments in the September 2001 raid on human rights activist Dobian Assingar's home.

The Government engaged in wiretapping without judicial authorization, monitored the contents of private mail through the postal service, and monitored private e-mail through the main post office server. There were no reports of government wire tapping during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected freedom of speech; however, the Government limited freedom of the press in practice. The Government controlled the newspapers Info Tchad and Victoire and influenced Le Progres; however, it did not dominate the press. A number of private newspapers were published in

the capital; most were extremely critical of government policies and leaders. Unlike in previous years, the Government did not detain journalists. However, the Government continued to threaten journalists with legal retaliation for publishing material on the rebellion in the northern part of the country or about senior government officials accused of corruption or responsibility for attacks on Chadian citizens in Libya.

On August 28, the courts rejected a lawsuit filed by Mandigui Yokabdjim, now Minister of Education and former rector of the University of N'Djamena, against the independent weekly paper, *Notre Temps*. The paper had published an article denouncing Yokabdjim's leadership at the University and catalogued alleged misdeeds that occurred during his tenure. The court dismissed the approximately \$150,000 (100 million CFA francs) suit on a technicality—the press law stipulates that in cases of defamation, only the person defamed may pursue the suit. In this case, the University, not Yokabdjim, signed the complaint. The University was appealing the decision.

In November the Government filed a complaint against the private media with the High Council on Communication (HCC). The Government accused the media of “biased treatment of information in times of war” and deplored the “taking of partisan positions” in media coverage of rebel attacks in the north and the failed coup attempt in the CAR, in which the Government was implicated. On November 12, the HCC convoked media representatives to reprimand them and agreed with the Government that the media had demonstrated a “lack of patriotism” in its coverage. On November 20, to protest proposed revisions of the press law that they deemed harmful to freedom of the press, three private radio stations launched a strike; during the first week of December, private newspapers also went out on strike.

Due to widespread illiteracy and the relatively high cost of newspapers and television, radio was the most important medium of mass communication and information. The Catholic Church-owned *La Voix du Paysan* broadcast locally produced programming including news coverage and political commentary in French and indigenous languages from Doba over a 140-mile range. The HCC has set the licensing fee for a commercial radio station at a prohibitively high level: Approximately \$9,000 (6 million CFA francs) per year, 10 times the fee for radio stations owned by nonprofit NGOs such as *La Voix du Paysan*. However, the number of private FM stations has increased, including station FM *Liberte*, owned by a group of human rights organizations.

The Government placed limits on radio broadcasting. On February 11, the HCC banned FM *Liberte* for 3 weeks, accusing the station of inciting hatred. The HCC imposed the ban after FM *Liberte* broadcast erroneous reports concerning a student strike in Ngaoundere, Cameroon, that incited violent anti-Cameroonian riots.

During the year, local authorities in Moissala, including the mayor, subprefect, and the military, infringed on Radio Brakos' right to broadcast. The station appealed to the HCC to intervene on the station's behalf. After the president of the HCC and a delegation from the Ministry of Communications traveled to the region to investigate Radio Brakos' charges, the HCC sent a letter to the Minister of the Interior, objecting to the local authorities' interference in the journalists' work and to the confiscation of Radio Brakos' tapes and equipment.

The Government owned and operated the only domestic television station. On January 16, the Ministry of Communications suspended Hassan Boukar, editor in chief, and Ahmat Yacoub Adam, journalist, at the state-run television station, *Tele-Tchad*. After the Government signed a peace accord with the main rebel group, the MDJT, the international media covered the agreement widely. Ahmat Yacoub wrote and broadcast a piece criticizing local authorities for giving preferential treatment to foreign journalists over local ones. On January 22, in response to the suspensions, *Tele-Tchad* employees went on strike for several hours, until the Minister of Communications issued two decrees canceling the two suspensions.

On August 8, *Tele-Tchad* management censored a tape recorded by its own employees of a fight between *Tele-Tchad* employees and customs officers. The employees became involved in the melee when they witnessed and tried to stop customs officers beating a child in front of the *Tele-Tchad* office. A *Tele-Tchad* cameraman filmed the encounter, but the station hierarchy refused to broadcast it.

A new private television station was registered in 2001; however, demand for private television was limited by economic conditions, such as the lack of a sizeable audience with the required purchasing power. There was one privately owned satellite television service that distributed foreign programming in French and Arabic, but relatively few citizens could afford to subscribe to the service. A South African satellite network also sold subscriptions.

The official media, consisting of a national radio network, a press agency, and N'Djamena's only national television station, were subject to both official and informal censorship; however, at times they were critical of the Government. The official

media also gave top priority to government officials and events, while providing less attention to the opposition.

The sole Internet access server was provided by the Government-owned telecommunications monopoly. The Government did not restrict access to the Internet; however, the state-owned firm reportedly set prices and provided a quality of service that discouraged the establishment of private domestic Internet service providers.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government limited this right in practice. The law requires organizers of public demonstrations to notify local authorities 5 days in advance of the demonstration. Authorities banned demonstrations critical of the Government despite being notified in advance as required by law. In contrast, the authorities permitted peaceful demonstrations in support of the Government and its policies.

In February human rights organizations filed suit on behalf of the women that riot police wounded in June 2001 in front of the French embassy, and on behalf of the family of Brahim Selguet, the young man whom Presidential Guardsmen shot and killed in May 2001, following the presidential elections. The suit demanded that those responsible be held accountable and relieved of their duties. Although a judge was assigned, there was no further legal action by year's end.

The Constitution provides for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion.—The Constitution provides for religious freedom, and the Government generally respected this right in practice; however, at times it limited this right.

The Government required religious groups, including both foreign missionary groups and domestic religious groups, to register with the Ministry of Interior's Department for Religious Affairs. Registration conferred official recognition but not any tax preferences or other benefits. There were no specific legal penalties for failure to register, and there were no reports that any group had failed to apply for registration or that the registration process was unduly burdensome. The Government reportedly has denied official recognition to some groups of Arab Muslims in Ati, near the eastern border with Sudan, on the grounds that they have incorporated elements of traditional African religion, such as dancing and singing, into their worship.

On July 17, the Minister of Territorial Administration formally admonished the Catholic Church to stay out of all political activities. The Minister was reacting specifically to a "train the trainers" program that the Church conducted for election observers in advance of municipal elections, which were scheduled for 2003. A representative from the Ministry attended both the opening and the closing of the workshop, at the Church's invitation. According to the Minister, the Catholic Church was trying to become a political party or a civil society organization, which would intermix illegally religion and politics. However, during the 2001 presidential elections, the head of the Superior Council of Islamic Affairs was allowed to campaign on behalf of a Muslim candidate.

According to a Protestant pastor in N'Djamena, while differing faiths or denominations were treated equally by the Government, Islamic congregations appeared to have an easier time obtaining official permission for their activities. Non-Islamic religious leaders also claimed that Islamic officials and organizations received greater tax exemptions and unofficial financial support from the Government. State lands reportedly were given to Islamic leaders for the purpose of building mosques, while other religious denominations must purchase land at market rates to build churches.

Although the different religious communities generally coexisted without problems, there were reports of occasional tension between Christians and Muslims due to the proselytizing by evangelical Christians.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, there were some limits on them in practice. The Government did not require special permission for travel in areas that it effectively controlled; however, elements of the security forces, rebels, and bandits continued to maintain many roadblocks throughout the country, extorting money from travelers. The Government did not officially condone such behavior on the part of members of security forces, however, it did not discourage it effectively. In addition, armed bandits operated on many roads, assaulting, robbing,

and killing travelers; some bandits were identified as active duty soldiers or deserters (*see* Section 1.a.).

On April 28, members of the military driving an unregistered Toyota robbed and beat merchants in three cars coming home from the weekly market. One passenger was wounded seriously, and approximately \$7,000 (approximately 4.6 million CFA francs) worth of cash and goods was stolen. The robbers were not apprehended.

Chadian refugees were legally free to repatriate. The World Refugee Survey stated that about 35,000 Chadians (about 30,000 in Cameroon, 2,000 in the CAR, and 3,000 in Nigeria) were refugees at the end of 2001.

Figures on the numbers of refugees living in the country varied. According to the World Refugee Survey, Chad hosted 15,000 Sudanese refugees at the end of 2001; however, the U.N. High Commissioner for Refugees (UNHCR) set the total number of refugees in the country at the end of 2001 at 13,000 (mostly Sudanese with approximately 300 refugees from the Democratic Republic of the Congo).

The Government adhered to the principles of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, these principles were not incorporated into the law. An official national structure, the National Committee for Welcoming and Reinsertion (CONAR), handled domestic and foreign refugee affairs. The Government cooperated with the UNHCR and other humanitarian organizations assisting refugees. At the end of 2001, the UNHCR closed its branch office in N'Djamena as part of a worldwide scaling down operation; the UNHCR office in Bangui, Central African Republic, now has jurisdiction over Chad. The Government provided first asylum for refugees. The Government has granted refugee and asylum status informally to persons from Sudan and the Republic of the Congo and has allowed them to remain for resettlement.

On March 26, gendarmes kidnaped refugee Bienvenu Ngala Mambweni, along with more than 100 other persons, and took him to a town approximately 105 miles northeast of N'Djamena. On April 7, around 180 to 250 refugees, mostly Congolese but also Rwandan, Sudanese, Somali, Central African and Sierra Leonean, occupied the national cathedral in protest. One day later, Mambweni was returned to N'Djamena; however, the refugees refused to leave the cathedral and demanded that the UNHCR resettle them in a different third country (many of the occupiers were not officially recognized as refugees by the UNHCR.) On May 7, a UNHCR delegation visited the group and signed up some of the refugees for repatriation to their countries of origin; however, the UNHCR refused to agree to third-country resettlement. Authorities moved those who agreed to resettlement in their countries of origin to resettlement camps and, on August 26, 88 Congolese refugees voluntarily repatriated. Although no date was set, an additional 38 persons (20 Central Africans, 10 Sudanese and 8 Congolese) were to be repatriated in the next tranche.

For those who refused repatriation, the UNHCR delegation offered approximately \$50 (35,000 CFA francs) should they leave the cathedral. Many refused the offer. On May 16, the military forcibly evicted the refugees from the cathedral using tear gas (*see* Section 1.d.). The repatriation of the remaining cathedral refugees was dependent on their home country's willingness to accept them back. At year's end, 20 Sudanese and 9 Central Africans were awaiting repatriation; others decided to emigrate to a third country.

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

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

The Constitution provides citizens with the right to change their government peacefully; however, the Government continued to limit this right in practice. The Government was headed by a prime minister who was nominated by the President and confirmed by the National Assembly. In June President Deby appointed Haroun Kabadi as Prime Minister, replacing Nagoum Yamassoum, who had served for 3 years. The executive branch dominated all other branches.

During April legislative elections, President Deby's MPS party won 110 out of 155 seats in the National Assembly. The election results were largely determined in advance, due in large part to a faulty electoral census that the Government refused to revise, as well as to inaccurate registered voter lists. In addition, the MPS, running allied with another party in some districts, was the only political party to have a candidate in every district. Two of the primary opposition parties chose to boycott because of their concerns with the electoral conditions and urged their supporters to stay away from the polls. Turnout was just over 50 percent nationwide but only 22 percent in the capital. There were reports of irregularities committed on election day.

During the period leading up to and following the May 2001 presidential election, several cases of abuses against opposition supporters and candidates took place.

According to several observers, President Deby's first-round victory in 2001 was marked by irregularities, including voting by minors and unregistered voters, early and repeat voting by nomadic groups, election day campaigning by the ruling party, and the presence of government officials and the military in polling stations during the voting. While monitoring the voting process, unofficial observers from local human rights and civil society groups were assaulted in polling stations.

The Government restricted media coverage of the elections (*see* Section 2.a.).

The State remained highly centralized. The national government appointed all subnational government officials, who must rely on the central government for most of their revenues and their administrative personnel.

Many political parties objected to the Government's proposed decentralization plan and presidentially decreed internal territorial divisions. Opposition political leaders accused the Government of coopting their most popular local politicians to run as MPS members in upcoming local elections and also alleged intimidation by the military against those party members who refused.

The Independent Elections Commission, which is dominated by the MPS party, was ineffective in overseeing the April legislative election and the May 2001 presidential elections.

Few women held senior leadership positions. There were 3 women in the 125-seat National Assembly, and there were 2 women of cabinet rank.

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

Human rights organizations generally operated with few overt restrictions, investigating and publishing their findings on human rights cases; however, the Government obstructed the work of human rights organizations during the year through arrest, detention, and intimidation (*see* Sections 1.c. and 1.d.). Government officials often were accessible to human rights advocates; however, they generally were unresponsive or hostile to their findings. Areas of particular difficulty between the Government and human rights organizations were the latter's attempts to mediate between the Government and rebel groups and their attempts to monitor the legislative elections (*see* Section 3).

On October 3, Sylahorbe Maningonal and David Mamtadjinan, two members of the Maro branch of the Chadian League of Human Rights (LTDH), were arrested and tortured. Police accused them of possessing illegal weapons and belonging to a rebel group; however, the LTDH believed that their detention and torture was organized by an official in the intelligence service, who the LTDH had accused of carrying out human rights abuses during the regime of former president Hissene Habre.

Human rights groups were outspoken and often partisan in publicizing the abuses through reports, press releases, and the print media; however, they only occasionally were able to intervene successfully with authorities. They often sent statements to diplomatic missions and international NGOs. Most human rights groups were composed of opponents of the Government, which weakened their credibility with the Government and some international organizations.

NGOs gained some recognition under the Deby regime and played a role in political events. Human rights groups assisted the Government in mediation efforts between herders and farmers over land and water rights.

International human rights organizations were restricted. The Government has refused Amnesty International's request to investigate human rights abuses in the country; however, the Government permitted a Belgian judicial delegation and a representative of Human Rights Watch to visit the country and interview victims of and witnesses to human rights abuses committed by deposed dictator Hissene Habre. The delegations indicated that the Government cooperated fully during their mission; however, the delegations did not investigate current human rights concerns.

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

The Constitution provides for equal rights for all citizens, regardless of origin, race, religion, political opinion, or social status. In practice cultural traditions maintained women in a status subordinate to men, and the Government favored its ethnic supporters and allies.

Women.—Domestic violence against women was common, although no statistics were available. By tradition wives were subject to the authority of their husbands, and they only had limited legal recourse against abuse. Family or traditional authorities could act in such cases; however, police rarely intervened.

Rape, prostitution, and sexual harassment were all problems. Rape and prostitution were prohibited by law; however, sexual harassment was not.

FGM was widespread and deeply rooted in tradition. A U.N. study estimated that approximately 60 percent of all women in the country had undergone FGM; the practice was especially prevalent among ethnic groups in the east and south, where it was introduced from Sudan. All three types of FGM were practiced; the least common but most dangerous and severe form of FGM, infibulation, was confined largely to the region on the eastern border with Sudan. FGM usually was performed prior to puberty as a rite of passage.

Opposition to the elimination of FGM was strong; however, some progress has been made. On March 28, the Parliament passed a law on reproductive health, which included a section banning violence against women, including FGM. In previous years, both the Government and the NGO community conducted active and sustained public education campaigns against this practice. In April a parliamentary delegation met with local opinion leaders in the eastern town of Am-Timan to discuss FGM and its public health implications. In May the first regional symposium on FGM was held, bringing together around 40 members of civil society associations, traditional leaders, religious authorities and others from the 5 south-eastern and south-central administrative departments. A prominent NGO continued its anti-FGM education campaign during the year. The Ministry of Social Action and the Family was responsible for coordinating activities to combat FGM. The law makes FGM theoretically a prosecutable offense as a form of assault, and charges can be brought against the parents of FGM victims, medical practitioners, or others involved in the action; however, no such suits were brought by year's end.

Discrimination against women remained widespread. In practice women did not have equal opportunities for education and training, making it difficult for them to compete for the few formal sector jobs. Property and inheritance laws based on the French code do not discriminate against women, but most inheritance cases were not adjudicated in the court system. Rather, they were resolved by local leaders, with traditional practice favoring men. A 1999 study found that 21 percent of housewives could not work outside the home because their husbands forbade them to do so. The exploitation of women was pervasive especially in rural areas, where women did most of the agricultural labor and were discouraged from formal schooling. Illiteracy was estimated at 66 percent for women as compared with 41 percent for men. Under the law, polygyny was sanctioned; however, spouses may opt for monogamy. If a monogamous relationship was violated, the wife has the right to request that the marriage be dissolved; however, she must repay the bride price and other expenses related to the marriage.

Children.—The Government took some actions to improve children's rights and welfare, but it had few resources for these purposes. Although the Government continued to increase modestly its assistance to the education sector, the Government did not have enough money to provide adequate funding to public education and medical care. Government education policy for children and youth was focused on increasing classroom facilities and infrastructure.

The Government did not enforce compulsory education. The Constitution provides for compulsory education, but it does not specify until which age. The Constitution also provides for free education; however, parents complained that they must pay tuition to public schools. Educational opportunities for girls were limited, mainly because of tradition. Approximately as many girls as boys were enrolled in primary school, but the percentage of girls enrolled in secondary school was extremely low, primarily because of early marriage.

The law considers any citizen under the age of 18 years as a minor. Sexual relations, even with consent, before the age of 13 years were considered to be rape and the prescribed sentence was for hard labor in perpetuity; the age of consent was 14. Child abuse was a problem.

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

Although the law prohibits sexual relations with a girl under the age of 14, even if married, this law rarely was enforced, and families arrange marriages for girls as young as the age of 12 or 13; the minimum age for engagements was 11 to 12. There were some forced marriages, for the financial gain of a dowry (*see* Section 6.c.). Many young wives then were forced to work long hours of physical labor for their husbands in fields or homes (*see* Section 6.d.).

Several human rights organization reported on the problem of the "mahadjir" children. These children, who attended certain Islamic schools, were forced by their teachers to beg for food and money. There were no real estimates as to the number of mahadjir children; however, UNICEF was conducting a study on children's status that was expected to include figures on mahadjir children.

Although the practice was prohibited by law, UNICEF estimated that there were approximately 600 child soldiers in the country. In addition, UNICEF estimated that there were approximately 10,000 street children. There were credible reports that the military conscripted teenage Zaghawa to fight in the Tibesti region of the country during the year.

In July 40 members of a network of associations and NGOs working for children, met to adopt a plan of action for the protection of children's rights. They decided to publish a bimonthly bulletin called *The Voice of the Children*, create a cultural theater group for education and training on the rights of children, and establish an information center on the rights of children.

During the year, the NGO *Medecins du Monde* (Doctors of the World) and the city of N'Djamena sponsored 84 training sessions on health and hygiene for street children.

Persons with Disabilities.—There was no official discrimination against persons with disabilities; however, the Government operated only a few therapy, education, or employment programs for persons with disabilities, and no laws mandate access to buildings for persons with disabilities. Several local NGOs provided skills training to the deaf and blind.

In 2000 the number of citizens with disabilities was estimated at approximately 500,000; most were disabled as a result of polio, blindness, and old age. The majority of them were illiterate and unemployed, and many were beggars.

An ophthalmologist at the National General Hospital estimated that 10 percent of all citizens had some visual dysfunction—approximately 150,000 were blind, and approximately 600,000 were visually impaired. There were only three ophthalmologists in the country.

National/Racial/Ethnic Minorities.—There were approximately 200 ethnic groups, many of which were concentrated regionally and speak 128 distinct primary languages. Most ethnic groups were affiliated with one of two regional and cultural traditions: Arab and Saharan/Sahelian zone Muslims in the north, center, and east; and Sudanian zone Christian or animist groups in the south. However, recent migrations in response to urbanization and desertification made a north-south breakdown too simplistic.

Societal discrimination continued to be practiced routinely by members of virtually all ethnic groups and was evident in patterns of buying and employment, in patterns of de facto self-segregation in urban neighborhoods, and in the paucity of interethnic marriages, especially across the north-south divide. The law prohibits state discrimination on the basis of ethnicity; however, in practice ethnicity continued to influence government appointments and political alliances. Northerners, in particular members of President Deby's Bideyat and allied Zaghawa ethnic groups, continued to dominate the public sector and were overrepresented in key institutions of state power, including the military officer corps, elite military units, and the presidential staff. Political parties and groups generally continued to have readily identifiable regional or ethnic bases (see Section 3).

In the army's struggle against the Tibesti rebels, hundreds of soldiers were killed or injured by landmines and unexploded ordinance in 1998 and 1999; numerous deaths and injuries from landmines continued during the year. During the year, the Government exhibited a pattern of discrimination in selectively separating injured northerners, especially Zaghawa, from southerners for treatment, with the Zaghawa given preferential medical treatment, including evacuation abroad. Human rights groups in Faya Largeau charged that many untreated injured southerners were left to die as a result of the selective access to medical treatment based solely on ethnicity.

Section 6. Worker Rights

a. The Right of Association.—The Constitution recognizes freedom of association and union membership, as well as the right to strike, and the Government generally respected the right to organize in practice. All employees, except members of the armed forces, were free to join or form unions. However, few workers belonged to unions, since most workers were unpaid subsistence cultivators or herders. The main labor organization was the Chadian Syndicates' Union (UST). The Teacher's Union of Chad became independent in 1998. Neither union has ties to the Government. A number of minor federations and unions, including the Free Confederation of Chadian Workers, also operated, some with ties to government officials.

The Labor Code ended long-standing legal restrictions on trade union rights; however, there were reports that a 1962 ordinance requiring prior authorization from the Ministry of the Interior before an association can be formed still was in force. The ordinance also allowed for the immediate administrative dissolution of an asso-

ciation and permitted the authorities to oversee associations' funds. The Government allegedly applied this law to unions on several occasions despite assurances that only the Labor Code would govern the unions; there were no reports of such action during the year. The International Labor Organization (ILO) Committee of Experts has cited the Government for its denial of the right to establish an organization without prior approval. The Committee noted that Ordinance No 27 regulating associations subjects the establishment of associations to the Ministry of the Interior who had extensive power to oversee the management under penalty of dissolution.

The unions were supportive of the opposition and played a limited role in the legislative election campaign. In 2001 they had a much more active role in the presidential election campaign. The Government applied some pressure on the unions after the election, urging them to go back to focusing on labor issues rather than politics.

The Labor Code protects unions against antiunion discrimination, but there was no formal mechanism for resolving such complaints.

Labor unions have the right to affiliate internationally. The UST affiliates with the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The Constitution contains only general provisions for the rights of the Government to set minimum wage standards and to permit unions to bargain collectively. The Labor Code has specific provisions on collective bargaining and workers' rights. The Labor Code authorizes the Government to intervene in the bargaining process under certain circumstances.

The Constitution recognizes the right to strike, and the Government generally respected this in practice. The law permitted imprisonment with forced labor for participation in strikes; however, there was no such punishment during the year. During the year, there were legal and illegal strikes in various sectors, particularly postal services, petroleum, and education.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution and the Labor Code prohibit forced or bonded labor, including by children; however, there were reports of forced labor practices in the formal economy and isolated instances of forced labor by both children and adults in the rural sector by local authorities as well as in military installations in the north. In 2000 a local newspaper reported that workers in the National Sugar Company of Chad, the sugar parastatal, were forced to work but were not paid. Some young girls were forced into marriages by their families; these girls then were forced to work in their husbands' fields or homes (see Section 5). There were reports that Zaghawas were conscripted forcibly into the armed forces throughout the year. In December 2000, security forces in N'Djamena reportedly rounded up army deserters and other individuals described as bandits, sent them to the northern military front, and forced them to fight alongside government troops. Ordinances of the law permitted forced labor imprisonment for participation in strikes, which the ILO has requested the Government to repeal; however, the ordinances were not repealed by year's end.

Abusive and exploitative child labor existed and affected an estimated 20 percent of children between the ages of 6 and 18 years of age.

In September the quasi-official National Commission on Human Rights wrote a letter of protest to the Prime Minister concerning reports of children being sold and exploited in Koumra and other cities in the Mandoul region. The Commission asked local and national authorities to put an end to this problem and called for the creation of a special team to investigate and fix responsibilities. No action was taken by year's end.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code stipulates that the minimum age for employment in the formal sector was 14 years; however, the Government did not enforce the law in practice. The labor law provides that anyone under the age of 18 is a child and prohibits children from undertaking "any work which, by its nature or the circumstances in which it was carried out, was likely to harm the health, safety or morals of children." According to a 2000 UNICEF study, 65.5 percent of minors worked, including those performing domestic chores for more than 4 hours per day, those working within the family (herding, microcommerce, etc.), and those who worked for someone outside the family but who were underage. One out of 5 children between 6 and 18 years of age worked in the urban informal sector. Throughout the country, children worked in agriculture and herding during the year. Children were also employed in the commercial sector, particularly in the capital, as street vendors, manual laborers, and helpers in small shops. Young girls worked as domestic servants, again mainly in N'Djamena.

In an investigative piece on child labor, a local semi-weekly newspaper gave several examples of urban child labor. Included among them was the case of an 8-year-old boy, who hauled bricks from a firing oven to a vending site more than half a mile away, earning \$.01 (10 CFA francs) per brick, for a total of between \$0.75 to \$1.40 (500 to 750 CFA francs) per day. In another case, a 13-year-old boy transported sand for \$1.40 to \$1.50 (750 to 900 CFA francs) per day. The article noted that teenagers also employed still younger children to carry out work for them, like hauling sand and brick.

There were reports that in the southern part of the country, families contracted out their children to Arab nomadic herders to help care for their animals, and the children often were abused and returned with little financial compensation for their work. For example, the family of Mbaye Ngabaye, a preteen boy, sold him to a nomadic herder for \$15 (10,000 CFA francs) in 1998. The local official, who witnessed the transaction, received \$7.50 (5,000 CFA francs). The contract was for 3 years, and every 6 months, the boy would be allowed to bring one calf back to the village; in reality, he only received two calves in 3 years. The family then sold one of the calves to feed their 11 remaining children, while the second was sold to pay for the incision (FGM) of his sisters. After a documentary filmmaker intervened, the child was returned home. Some children worked as domestic servants in the households of relatives for little compensation.

The Government worked with UNICEF to increase public awareness of child labor. During the year, the Government cosponsored with UNICEF a number of workshops, seminars, and radio broadcasts to raise awareness of the abuses of child labor and to advocate elimination of the worst forms of child abuse. For example, the Ministry of Communications, in conjunction with UNICEF, held a competition for the best radio broadcast on the issue of child labor.

Forced child labor was a problem (*see* Section 6.c.).

e. Acceptable Conditions of Work.—The Labor Code requires the Government to set minimum wages. The minimum wage at year's end was \$35 (25,480 CFA francs) per month. Most wages, including the minimum wage, were insufficient to provide a decent standard of living for a worker and family. Nearly all private sector and state-owned firms paid at least the minimum wage, but the lowest public sector wages remained below the minimum wage. The low wages among customs, police, and military officials contributed to almost daily extortion of the civilian population along all major roads (*see* Section 2.d.).

The Government, which owned businesses that dominate many sectors of the formal economy, remained the largest employer. The Government reduced significantly the large salary arrears owed to civil servants and military personnel, although some arrears remained.

The law limits most agricultural work to 39 hours per week, with overtime paid for supplementary hours. Agricultural work was limited to 2,400 hours per year. All workers were entitled to an unbroken period of 48 hours of rest per week, although in practice these rights rarely were enforced.

The Labor Code mandates occupational health and safety standards and inspectors with the authority to enforce them; however, these standards rarely were respected in practice in the private sector and were nonexistent in the civil service. The UST has claimed before the ILO that the labor inspection service was not allocated the resources necessary to perform its duties. Workers can remove themselves from dangerous working conditions; however, in practice they cannot leave without jeopardizing their employment.

All workers—foreign, citizen, legal, or illegal—are protected under the Labor Code.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports of trafficking. Children were trafficked for forced labor. For example, a 9-year-old girl's family sold her to a former subprefect now living in N'Djamena. She had been forcibly working as a maid for 6 months in the man's home when she fled in June, initially finding refuge at the national radio station. When the radio aired an appeal for her parents to come and pick her up, her employers appeared, carrying a copy of a work contract signed by her parents, two witnesses, and the head of the gendarme brigade in her home department. Gendarmes who were present at the radio station contacted local human rights organizations, and refused to return the child to her employers. The employers were taken to the gendarmes' station, and then summoned to court by the national prosecutor on July 4; they did not show up.

Begging for food or money by "mahadjir" children forced to do so by their teachers was a problem (*see* Section 6.c.).

The Penal Code makes trafficking in persons a crime punishable by 5 to 20 years in prison; however, no governmental organization focused on the problem, and no economic or financial aid was available unless a victim sought damages in court. The Government sponsored educational campaigns through the media to advise parents to instruct children about the danger of trusting strangers.

COMOROS

The Union of Comoros is an emerging democracy that was ruled by President Azali Assoumani, who took power in a coup in April 1999, and subsequently was elected democratically in April presidential elections described by international observers as free and fair. The country consists of three islands (Grande Comore, Anjouan, and Moheli) and claims a fourth, Mayotte, which is governed by France. Legislative elections were scheduled for March 2003. The Constitution provides for an independent judiciary, and unlike in previous years, there were no reports of efforts to influence the judiciary by the executive or others during the year.

The Comorian Defense Force and the Gendarmerie were responsible for internal security and were under the President's direct control. Some members of the security forces committed human rights abuses.

The economy was dominated by agriculture; the country's population was approximately 590,000. Revenues from the main crops continued to fall while the population has been growing at a rate of 2.7 percent annually. In 2001 per capita income was approximately \$356. The country depended heavily on foreign assistance from the European Union, China, and Arab countries, including Bahrain, Kuwait, Qatar, Saudi Arabia, Libya, and the United Arab Emirates.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Prison conditions remained poor. Security forces and the separatist authorities on Anjouan used arbitrary arrest and detention. The Government limited freedom of religion, and security forces reportedly continued to threaten Christians. Societal discrimination against women and Christians continued to be serious problems. There were some instances of forced child labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life by the Government or its agents during the year. However, during a December 2001 unsuccessful coup attempt on Moheli, soldiers killed four invading mercenaries; two other mercenaries were lynched by a mob.

In addition to the police and the military, there were many groups on Anjouan that were armed, including paramilitary forces, militias, and civilians. There were no reported killings by these groups during the year.

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

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

In September police forcibly dispersed a student demonstration (*see* Section 2.b.).

Prison conditions remained poor. A lack of proper sanitation, overcrowding, inadequate medical facilities, and poor diet were common problems. The Government has not taken action to remedy these problems. Unlike in previous years, there were no reports of deaths as a result of disease in prisons during the year. Female prisoners were held separately from male prisoners. Juveniles were not imprisoned; they were returned to the custody of their parents. Pretrial detainees were not held separately from convicted prisoners.

The Government permitted prison visits by independent observers, and two such visits by the International Committee of the Red Cross (ICRC) and the Association Comorienne des Droits de l'Homme (ACDH) occurred during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, some people apprehended by the police were brought arbitrarily to military camps instead of jails and in some cases held without charge for over 24 hours, contrary to the law.

After the August 2000 demonstrations against the Fomboni Declaration, separatist authorities on Anjouan arrested and beat numerous opposition supporters (*see* Section 1.c.). In September 2000, a tribunal in Anjouan's capital, Mutsamudu, freed

3 of the approximately 100 persons arrested. After President Bacar of Anjouan Island was elected in April, the remaining 97 supporters were released.

Two of President Azali's opponents who reportedly led a coup attempt in 2000 were released from detention in May (*see* Section 3).

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

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in the past, the executive and other elites exercised influence over court cases. The Head of State appoints magistrates by decree.

The High Council, made up of four members appointed by the President, three members elected by the Federal Assembly, and a member of each island council, also served as the High Court of the Republic and ruled on cases of Constitutional law. Trials were open to the public except for limited exceptions defined by law. The legal system incorporates Islamic law as well as French legal codes. There were very few lawyers in the country, making it difficult to obtain legal representation. The military government did not provide legal counsel to the accused. Most disputes were presented to village elders for possible resolution before being taken to court.

There were no reports of political prisoners.

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

Bans on alcohol and immodest dress were enforced sporadically, usually during religious months, such as Ramadan.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

There were two independent newspapers that published regularly. These newspapers existed side-by-side with the semiofficial weekly *Al-Watwan*. Some of the independent newspapers criticized the Government freely.

There were two national radio stations: The Government-run radio station, Radio Comoros; and the opposition radio station, Radio Tropic. In addition there were at least 10 regional and local stations, some of which were openly critical of the Government. Residents also received broadcasts from Mayotte Radio, as well as from French television, without government interference. In January a national television station was completed. There were several private local television stations, and satellite antennas were popular. Amateur radio licenses were issued without restriction.

Foreign newspapers and books were available. Unrestricted Internet service was available.

The Government did not restrict academic freedom. There was no university, but secondary students and teachers continued to speak freely and criticize the Government openly.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedom of assembly, and the Government generally respected this right in practice. However, in September police forcibly dispersed students who were demonstrating for greater autonomy for Grande Comore. At least eight of the demonstrators were injured.

The Constitution does not provide specifically for the freedom of association; however, the Government generally respected this right in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the authorities infringed on this right.

Islam is the official religion. An overwhelming majority of the population was Sunni Muslim, and the Government discouraged the practice of religions other than Islam. The August 2000 Fomboni Declaration included an agreement to make Islam the national religion. Authorities restricted the right of Christians to practice their faith, and police regularly threatened and sometimes detained practicing Christians.

There were two Roman Catholic churches and one Protestant church; however, the Government restricted the use of these Christian churches to noncitizens. The Government permitted Christian missionaries to work in local hospitals and schools but did not permit them to proselytize.

There were no reports of Christians being detained on Anjouan during the year. Some community authorities on Anjouan banned Christians from attending any community events and banned Christian burials in a local cemetery.

There was widespread societal discrimination against Christians. Christians faced insults and threats of violence from members of their communities. Christians have been harassed by mobs in front of mosques and summoned for questioning by religious authorities. In some instances, families forced Christian members out of their

homes or threatened them with a loss of financial support. Some Christians had their Bibles taken by family members. Local government officials, religious authorities, and family members attempted to force Christians to attend services at mosques against their will.

Several times during the year, religious leaders on Anjouan and Grande Comore threatened Christians during radio broadcasts and sermons in mosques. Attempts have been made to isolate Christians from village life.

Islamic fundamentalism grew in popularity as more students returned to the country after studying Islamic subjects in foreign countries.

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

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

During the year, there continued to be reports that persons fled Grande Comore and Anjouan for Mayotte; many of these persons reportedly drowned when they attempted to reach Mayotte on rafts or by swimming.

The Constitution does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government has not formulated a policy regarding refugees, asylees, or first asylum; however, the Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations assisting refugees. During the 1990's, refugees from central Africa fled to the country. Some have received asylum in other countries; approximately 10 of these refugees remained in the country, and they were awaiting placement by the UNHCR in other countries at year's end.

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

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

The Constitution provides specifically for the right of citizens to change their government in regularly scheduled elections, and in practice they were allowed to do so in the April presidential elections, which were characterized as free and fair by international observers. Under the terms of the Constitution, a president will be elected from a different island every 4 years, based on a rotating schedule. In this year's elections, the primaries were held only on Grande Comore, as the first president under the Constitution must be a Grande Comorian. Three candidates advanced from the primary to the general election in which President Azali was elected with approximately 75 percent of the vote.

The country has been prone to coups and political insurrection since its independence in 1975. In April 1999, army commander Colonel Azali staged a bloodless coup and overthrew President Tadjidine Ben Said Massounde. In May 1999, Azali decreed a constitution that gave him both executive and legislative powers. In December 1999, in response to international criticism, Azali appointed a civilian prime minister, Bianrifi Tarmidi; however, Azali remained the Head of State and army Commander in Chief.

Also in August 2000, Azali and separatist leader Abeid signed the Fomboni Declaration. The declaration called for the creation of a new Comorian entity, in which the islands would share a common policy on religion, nationality, currency, foreign relations, and defense. The opposition parties initially refused to participate, but in December 2000, they met with the Azali government and the African Union (AU) began mediating negotiations.

In response to pressure to restore civilian rule, the Government organized several committees to draft a new constitution, including the August 2000 National Congress and November 2000 Tripartite Commission. The opposition parties initially refused to participate in the Tripartite Commission, but in February 2001, representatives of the Government, the Anjouan separatists, the political opposition, and civil society organizations signed a "Framework Accord for Reconciliation in Comoros," brokered by the AU.

The Accord called for the creation of a new Tripartite Commission for National Reconciliation to develop a "New Comorian Entity" with a new Constitution. In August 2001, representatives from each island debated a draft Constitution. In December 2001, the draft Constitution, which called for the reincorporation of Anjouan, Grande Comoros, and Moheli into a new federation that would grant the islands greater autonomy, was approved overwhelmingly in a referendum described by international observers as free and fair. Under the terms of the Constitution, elections initially were set for March; however, Colonel Azali delayed declaring his can-

didacy and the elections were postponed until April. Each of the three islands that constituted the Union has a separate elected President. An ongoing debate between the President of the Union and the individual island presidents over the division of powers between the competing presidencies was unresolved at year's end.

The Constitution provides that the Legislative Assembly will be composed of 33 members. Of these, citizens will elect directly 18, and the Government will appoint 15 (5 per island). Legislative Assembly elections were scheduled for March 2003.

The Anjouan secession crisis subsided after the August 2000 signing of the "Fomboni Declaration of National Unity" by Azali and separatist leader Lieutenant Colonel Said Abeid. The Fomboni Declaration provides for a loose confederation between the islands, giving each island the ability to maintain an army and conduct its own foreign relations. In August 2001, separatist soldiers, reportedly dissatisfied with pay and promotions, started protests that led to the overthrow of Abeid in Anjouan. A three-man military commission replaced him as leader of Anjouan; Abeid fled to Mayotte. The new military commission pledged to support the reconciliation process begun by the February Accord. In November 2001, Abeid made an unsuccessful attempt to regain control of Anjouan by attacking forces loyal to the new military commission, but he quickly was defeated. The coup attempt did not threaten the Fomboni Agreement.

In December 2001 on Moheli, the army defeated a coup attempt by 13 French mercenaries after several hours of fighting. Colonel Hassan Harouna, a former defense official in the Government of former President Abdoukarim, was arrested in December 2001 and accused of organizing the coup to derail the December 2001 referendum. He was released in May.

In March 2000, dissident political and army elements attempted a coup against Azali. This coup was suppressed, and the leaders of the coup were detained. The two leaders were freed in May (*see* Section 1.d.).

There were no bans in effect on political parties, which continued to criticize the Government openly and without penalty. There were 21 political parties in the country; 5 parties represented the Government, and 16 parties represented the opposition.

Village chiefs and Muslim religious leaders tended to dominate local politics. Traditional social, religious, and economic institutions also affected the country's political life in important ways.

There was one woman in the Cabinet. Two women hold senior government positions: One was the President of the Tribunal of First Instance, and the other was legal counsel to President Azali.

An overwhelming majority of the population was Sunni Muslim, and all citizens, including the small number of Christians in the country, identified themselves as Muslims for safety reasons (*see* Section 2.c.). There were no Christians in the Government.

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

A number of domestic and international nongovernmental organizations (NGOs) generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. However, the Comoros Human Rights Association, established in 1990, was not active during the year due to a lack of funds. In July the newly formed Haki Association for Human Rights ran a series of human rights seminars open to all persons.

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

The Constitution prohibits discrimination based on these factors; however, there was discrimination against women.

Women.—Domestic violence against women occurred, but medical authorities, the police, and women's groups believed that it was rare. In theory a woman could seek protection through the courts in the case of violence, but the problem was addressed most often within the extended family or at the village level.

Prostitution is illegal, and most citizens did not consider it to be a problem.

Men have the dominant role in society. A matriarchal tradition afforded women some rights, especially in terms of landholding. Societal discrimination against women was most apparent in rural areas where women had farming and childrearing duties, with fewer opportunities for education and wage employment. An improvement in the status of women was most evident in the major towns, where growing numbers of women were in the labor force and generally earned wages comparable to those of men engaged in similar work; however, few women held positions of responsibility in business. While legal discrimination existed in

some areas, in general inheritance and property rights do not discriminate against women. For example, the house that the father of the bride traditionally provides to the couple at the time of their marriage remained her property in the event of divorce.

Children.—The Government has not taken any specific action to protect or promote children's welfare. Legal provisions that address the rights and welfare of children were not enforced because of a lack of inspectors.

Education was compulsory until the age of 10; however, attendance was not enforced. An estimated 60 percent of children attended primary school, while only 34 percent attended secondary school; 55 percent of boys attended school, and 45 percent of girls attended school.

Child abuse was rare.

Child prostitution and child pornography are illegal. Unmarried children under the age of 13 were considered minors, and they were protected legally from sexual exploitation, prostitution, and pornography.

Persons with Disabilities.—There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services; however, there were no laws that mandate access to buildings for persons with disabilities.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to unionize, and the Government has not prevented industries from unionizing. Farming on small land holdings, subsistence fishing, and petty commerce make up the daily activity of most of the population. The wage labor force was small, and numbered less than 7,000 including government employees and less than 2,000 excluding them. Teachers, civil servants, and dock workers were unionized. Unions were independent of the Government.

The Labor Code, which was enforced rarely, does not include a system for resolving labor disputes, and it does not prohibit antiunion discrimination by employers.

There were no restrictions on unions joining federations or affiliating with international bodies; however, none were known to do so.

b. The Right to Organize and Bargain Collectively.—The law protects workers from employer interference in their right to organize and administer their unions. Unions have the right to bargain collectively. Employers set wages in the small private sector, and the Government, especially the Ministries of Finance and Labor, set them in the larger public sector.

The Constitution provides for the right to strike, and the Government generally respected this right in practice. In previous years, government workers, teachers, and hospital workers held strikes primarily because they were not paid for weeks at a time. During the year, there were no reports of strikes on Anjouan or Moheli; however, teachers held strikes on Grande Comore, which resulted in the closure of schools for 1 week. In 2000, despite regulations that forbid the removal of judges, Colonel Azali transferred to other duties nine judges who had initiated a strike that called for judicial reform and regular payment of salaries. There were no laws protecting strikers from retribution, but there were no known instances of retribution.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor by adults; however, the Government does not prohibit forced and bonded labor by children, and there were some instances in which it occurred. Some families placed their children in the homes of others where they worked long hours in exchange for food or shelter. A 2000 UNICEF study found that approximately 15 percent of children worked at jobs for which they were not paid.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code defines the minimum age for employment as 15 years of age. The Ministry of Labor had few resources to enforce this provision; however, child labor generally was not a problem due to the general lack of wage employment opportunities. Children generally worked for their families in the subsistence farming and fishing sectors.

The Government has not ratified International Labor Organization Convention 182 on the worst forms of child labor; however, the Government adhered to its provisions in practice.

Forced or bonded labor by children occurred (*see* Section 6.c.).

e. Acceptable Conditions of Work.—There was no minimum wage. In previous years, the Government paid workers late or failed to pay them at all; however, during the year, government workers were paid more regularly.

The Labor Code specifies a workweek of 37-and-a-half hours with 1 day off per week plus 1 month of paid vacation per year.

There were no safety or health standards for the very small manufacturing sector.

The law protects legal foreign workers; however, there were no such provisions in the law to protect illegal foreign workers.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

DEMOCRATIC REPUBLIC OF THE CONGO

The Democratic Republic of the Congo remained divided into territory controlled by the Government and territories controlled by several rebel factions, foreign troops, ethnic militias, and other armed groups. President Joseph Kabila, who came to power in January 2001 after the assassination of his father Laurent Desire Kabila, ruled by decree in the territory under government control. The Government continued to operate without a constitution. The State formally was highly centralized, although in practice the country's dilapidated transportation and communications infrastructure impaired central government control. The Government made progress in conforming to the May 2001 law liberalizing political activity; however, security services continued illegally to detain citizens, particularly members of political groups considered by the Government to be a threat. The judiciary continued to be subject to executive influence and corruption.

The Government, which was supported until October by Zimbabwean (ZDF) and Angolan (FAA) troops, controlled less than half of the country. On December 17, members of the Government, key rebel factions, political opposition, and civil society signed an all-inclusive agreement to form a transitional government leading to elections. At the end of the year, the parties were working under the auspices of U.N. Special Envoy Moustapha Niasse to resolve key questions about implementing this agreement.

On July 30, the Government and the Government of Rwanda signed the Pretoria Accord, which called for withdrawal of Rwandan troops in exchange for the demobilization of the Hutu rebels in the country. On September 17, Rwandan troops began their withdrawal, which was formally completed on October 5. On September 6, the Government and the Government of Uganda signed the Luanda Accord, which called for the withdrawal of Ugandan troops and the establishment of joint security patrols along the country's border with Uganda. Zimbabwe, Burundi, and Angola withdrew their remaining troops from the country by year's end; Uganda had withdrawn all but 1,000 to 1,500 soldiers in the Bunia area.

The Government's security forces consisted of a national police force under the Ministry of Interior, the National Intelligence Agency (ANR), the Rapid Intervention Forces (PIR), the Special Group for Presidential Security (GSSP), and the Congolese Armed Forces (FAC), which included an Office for the Military Detection of Anti-Patriotic Activities (DEMIAP). The immigration service, Direction Generale de Migration (DGM), also functioned as a security force. The National Security Council (CNS) was replaced by the Committee for State Security (CSE), which as of June acted as a coordinating body for national security rather than a security force. The People's Self Defense Forces (FAP) and the People's Power Committees (CPP), created by former President Laurent Kabila, continued to decline in significance. The police force handled basic criminal cases. The ANR had responsibility for internal and external security, including border security matters. The FAC retained some residual police functions. Military police had jurisdiction over armed forces personnel, but also had domestic security responsibilities, including the patrolling of urban areas. Security forces were poorly trained, poorly paid, and often undisciplined. While civilian authorities generally maintained effective control of the security forces, there were frequent instances in which elements of the security forces acted independently of government authority. The security forces committed numerous, serious human rights abuses.

In government-held territory, the economy was dominated by subsistence agriculture, a large informal sector, and widespread barter; most sectors of the economy remained in decline. Production and incomes remained low; however, gross domestic product (GDP) grew by 2.5 percent during the year, ending a decade-long decline. Physical infrastructure was in serious disrepair, financial institutions remained weak, and public education and health deteriorated. Restrictions during most of the year on commercial travel on the Congo River negatively affected the economy; however, in April commercial traffic resumed on the Congo River between territory held

by the Government and territory held by the Ugandan-backed Movement for the Liberation of the Congo (MLC). External economic assistance remained limited. Government revenues from diamond exports, its leading source of foreign exchange, increased slightly. Public sector employees, including most soldiers, received very low salaries and sometimes were not paid for months, which caused widespread hardship and contributed to tensions within the armed forces and corruption in the civil administration.

The Government's human rights record remained poor; although there were improvements in some areas, serious problems remained. Citizens did not have the right to change their government peacefully. The security forces were responsible for unlawful killings, torture, beatings, rape, extortion, and other abuses. In general security forces committed these abuses with impunity. Prison conditions in hundreds of small or regional detention facilities (both legal and illegal) remained harsh and life threatening; however, conditions in some of the larger, centralized prisons improved. Security forces continued to arbitrarily arrest and detain citizens. Prolonged pretrial detention remained a problem. The special military tribunal (COM) tried some civilians for political offenses, although most cases were related to the Kabila assassination or to alleged coup plotting against the Joseph Kabila government. The judiciary continued to be underfunded, inefficient, and corrupt. It largely was ineffective as a deterrent to human rights abuses or as a corrective force. Security forces violated citizens' rights to privacy. Unlike in previous years, there were no reports of the forcible conscription of adults and children in government-controlled territory, and the Government continued to collaborate with the U.N. Children's Fund (UNICEF) to demobilize child soldiers in the military. There were few reports that government forces used excessive force and committed violations of international law in the war; however, the Government continued to supply and coordinate operations with Mai Mai and Hutu militias, who committed numerous, serious abuses.

Harassment of journalists, human rights activists, and opposition politicians continued in government-held territory. Security forces continued to arbitrarily arrest and detain journalists and human rights activists; however, a large number of private newspapers operated freely and published criticism of the Government without interference. The Government continued to restrict freedom of assembly and association for some groups and used excessive force to disperse demonstrations. The Government restricted the activities of some opposition political parties. The Government continued to partially restrict freedom of movement and continued to require exit visas; however, unlike in the last year, the Government did not prevent political opposition figures from traveling. The war continued to cause large numbers of internally displaced persons (IDPs); however, most IDP movements were in areas not under the control of the Government. The Government harassed and imprisoned some members of nongovernmental organizations (NGOs); however, there were fewer cases than in previous years and most groups were allowed to operate freely. Violence against women was a problem and rarely was punished. Female genital mutilation (FGM) persisted among isolated populations in the north. Child prostitution was a problem. Discrimination against indigenous Pygmies and societal violence and discrimination against members of the Tutsi ethnic minority continued; however, the Government continued to protect Tutsis in government-controlled territory who were at risk. The Government restricted worker rights. Child labor remained a problem. Unlike previous years, there were no reports of mob violence in government-controlled territory. Trafficking was a problem.

There were numerous reports that Mai-Mai groups and Hutu militias in the eastern part of the country committed serious abuses, including killings, rapes, torture, and kidnaping of civilians.

Rebel factions backed by the Governments of Rwanda and Uganda, foreign troops, ethnic militias, and other armed groups continued to control more than half of the country during the year. Significant numbers of Rwandan (RDF) and Ugandan (UPDF) troops remained in the country for most of the year. Between September 17 and October 5, RDF troops withdrew completely from the country; however, U.N. Peace Observation Mission in Congo (MONUC) reported that in November some RDF troops returned briefly to Idjwi Island, and there were continued, unconfirmed reports that RDF military advisors remained integrated with RCD/G and Union of Congolese Patriots (UPC) forces. Between 1,000 and 1,500 UPDF troops remained in the northeast part of the country by year's end. The largest rebel groups were the Rwandan-backed Congolese Rally for Democracy based in Goma (RCD/G), the MLC, and the Ugandan-backed Congolese Rally for Democracy based in Bunia (RCD/ML). The RCD/G remained dominated by members of the Tutsi ethnic minority; Adolphe Onusumba, a Kasaian, remained RCD/G president. The MLC remained dominated by former Mobutu supporters from the Equateur Province; Jean-Pierre

Bemba remained MLC president. The RCD/ML commanded fewer troops than either the RCD/G or the MLC; Mbusa Nyamwisi remained RCD/ML president. Two smaller rebel factions emerged this year: The RCD/National (RCD/N), led by Roger Lumbala and backed by Uganda and the MLC; and the RCD/Originale (RCD/O), led by Felix Mumbere and backed by Uganda. In the Ituri region of the northeast, two tribally-based armed groups emerged during the year: The Lendu-dominated Patriotic Army of the Congo (APC), supported by the RCD/ML; and the Hema-dominated UPC, led by Tomas Lubanga and supported by the Governments of Uganda and Rwanda. In the areas under the control of rebel factions, foreign troops, and armed groups, there continued to be no effective rule of law or functional civil administration. The rebel factions and foreign troops severely restricted political freedom and did not tolerate political opposition or civil society activity critical of their rule. The judiciary, though largely nonfunctional, continued to be controlled and manipulated by the ruling authorities and subject to corruption.

In areas under the control of rebel factions and foreign troops, the security services were dominated by the military of each group. Although the RCD/G, MLC, and RCD/ML maintained police forces in name, there was little distinction between the jurisdiction of the police and the military, and in practice the police were subordinate to military command. Security services and soldiers of the rebel factions were poorly trained and generally unpaid, and security services and soldiers routinely extorted money, goods, and services from the local population. In areas controlled by Hutu militias, Mai Mai, ethnically-based militias, or other armed groups, there were no organized security services; those with weapons controlled the population and extorted money, goods, and services. While the civilian authorities in the Governments of Rwanda and Uganda generally maintained effective control over their respective troops, civilian authorities of the rebel factions did not maintain effective control over their troops and security services. Rebel soldiers and security services sometimes obeyed orders from their civilian authorities, sometimes received orders directly from foreign troops or governments, and sometimes acted independently. Foreign troops, rebel troops and their security services, and members of other armed groups committed numerous, serious human rights abuses.

In areas outside of government control, the economy was dominated by subsistence agriculture, a large informal sector, widespread barter, and non-regulated mineral exploitation. Areas controlled by foreign troops and rebel factions continued to be integrated financially and economically with the economies of Rwanda and Uganda. RCD/G soldiers frequently obstructed trade and impeded commercial travel on the Congo River. The largely nonfunctional and insolvent public sector did not provide even basic services, although the rebel factions continued to levy taxes on the local population. Public sector employees and soldiers were generally unpaid, which caused widespread hardship and contributed to extortion of the population by the armed forces. Although most Rwandan and Ugandan troops had left the country by October, the economy had not been integrated with government-controlled areas by year's end.

The human rights record in areas not under government control remained extremely poor, and rebel authorities continued to commit numerous, serious abuses, particularly in the eastern part of the country and in the Ituri area. Rebel forces, foreign troops, Mai-Mai forces, Hutu militias, and other armed groups committed numerous, serious abuses with impunity against civilians, including deliberate, large-scale killings, cannibalism, burning of entire villages, disappearances, torture, rape, dismemberment, mutilation, extortion, robbery, arbitrary arrests and detention, harassment of human rights workers and journalists, and forcible recruitment of child soldiers. Rebel security forces and foreign troops continued to use excessive force, and Rwandan forces bombed civilian populations. Rebel groups and foreign troops severely restricted freedom of speech, assembly, and association in areas under their control, and respect for religious freedom remained poor. There were attacks against local and international NGOs in rebel-held areas, and some NGO personnel were killed. Forcible conscription of adults and children continued in rebel-controlled territories. Violence against women and rape were severe problems and occurred with impunity. Discrimination against women and indigenous Pygmies were problems. Combatants abducted women and children and forced them to perform labor, military services, and sexual services. Ethnically-based mob violence resulted in thousands of deaths. Trafficking, including child 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.—In areas under government control, security forces committed numerous unlawful killings with impunity and in some cases beat or tortured detainees to death. The Government also materially supported Mai Mai and Hutu groups, some of whom were believed to be responsible for killing civilians.

On March 15, the COM began trying Eddy Kapend, FAC General Yav Nawej, and approximately 130 other persons in connection with the January 2001 assassination of former President Laurent Kabila, the executions of 11 Lebanese and other persons following the assassination, and the 2000 coup plot led by Anselme Masasu (*see* Section 1.e.). The Commission of Inquiry, established by the Government in February 2001 to identify and prosecute those involved in the assassination, did not release its results by year's end. The defendants remained in custody at year's end. There reportedly was no action taken against members of the security forces responsible for numerous other killings in 2001.

There were reports that persons died from torture. For example, on May 15, DEMIAP agents arrested Dominique Weleme Konzo and his brother, Doudou Gbe Gbolo, on charges of counterfeiting foreign currency. The two detainees were taken to military Camp Kokolo, where Weleme was tortured to induce him to pay the wife of an employee of the Congolese Control Office. On June 24, Weleme died from his injuries at the Camp Kokolo hospital; on June 26, his brother was released. No known action was taken against those responsible for the abuse.

On July 24, policemen interrogated and tortured Desire Shungu Lyadunga at his home in connection with a diamond transaction. The police reportedly took this action on behalf of a foreign businessman, whose office was located in police headquarters and who used his police contacts to have Lyadunga arrested. Following Lyadunga's release, neighbors took him to the Bondeko Clinic, where he died a few hours later.

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

In October Amnesty International reported that government-hired security guards and Zimbabwean soldiers who guarded parastatal mining concessions in Katanga province shot and killed numerous individuals who entered the mining concession illegally. While some of the intruders were armed, others were not and should have been arrested rather than shot. After the release of the report, the Government permitted the U.N. High Commission for Human Rights office in Kinshasa to conduct human rights training seminars in Katanga for members of the police and ANR.

Unlike in the previous year, there were no reports of summary executions.

Unlike in the previous year, government military tribunals did not sentence to death any civilians or soldiers.

There reportedly was no action taken against the members of the security forces responsible for numerous other killings in 2000.

On February 14, the International Court of Justice in Belgium granted immunity from prosecution to former Foreign Minister Yerodia Abdoulaye, who was accused of inciting the population to kill ethnic Tutsis. Ruling in support of the Government, the Court noted that Yerodia was an acting minister in 1998 and thus had immunity from such warrants.

Harsh prison conditions and abuse, particularly in small, local detention facilities (both legal and illegal), resulted in an undetermined number of deaths in prisons (*see* Section 1.c.).

Unlike in the previous year, there were no reports of civilian deaths from landmines in government-controlled territory.

There were several reports that unidentified armed men in police or military uniforms robbed, looted, and killed civilians during the year. Those responsible, who were believed to be deserters from the military or the police, generally acted independently; no action was taken against any of the perpetrators by year's end. For example, on March 10, armed men in military uniform shot and killed Tonny Peti-Pani after they attempted to steal his and his wife's identity card. On June 8, a group of armed men in uniform shot M. Mudimuna when he resisted their attempts to steal his cellular phone; on June 24, Mudimuna died from his injuries. On June 12, armed men in FAC uniforms reportedly entered the compound of university professor Fraterne Lokota, questioned him briefly on an unknown subject, and shot him six times; the professor died of his injuries that night.

Mai Mai forces and Hutu militias continued to kill many civilians, sometimes after torturing them, in areas of government-controlled territory where they operated. Some Mai Mai and Hutu groups continued to receive material support from

the Government during most of the year. Due to the number and decentralization of these groups, it was difficult to determine whether the specific groups who received support from the Government were responsible for human rights abuses. However, the Government took no known action to ensure that groups it assisted respected human rights or to criticize or punish those who did not.

In areas not under government control, rebel forces, foreign troops, Mai-Mai forces, Hutu militias, and other armed groups committed numerous abuses, including civilian massacres, acts of cannibalism, looting and burning of houses, attacks and aerial bombings of civilian areas, forcible recruitment of child soldiers, and rape (*see* Section 1.g.).

RCD/G and RDF forces, which remained deeply unpopular throughout the eastern part of the country, also killed numerous community leaders, including traditional chiefs, professors, clergy, NGO leaders, and journalists reportedly to intimidate the population and control local dissent; the RCD/G and RDF also killed, beat, tortured, and arbitrarily arrested numerous persons (*see* Section 1.c.).

For example, on February 21, RCD/G soldiers arrested and severely tortured 60-year-old Mahindule Mirimo Weteshe at the improvised jail of Ndosho in Goma. He was accused of collaborating with the Mai Mai; a local NGO believed he originally may have been mistaken for Mai Mai Commander Akilimali. On April 16, he was released and died from torture wounds the same night.

On May 24, RCD/G and RDF soldiers killed Pierre Ruyange, president of the Hutu Community of North Kivu and influential member of the United Front for Non-Armed Opposition (FRUONAR), and his bodyguards in an ambush at an RCD/RDF road barricade between Goma and Sake. International observers believed Ruyange may have been killed to warn Hutus in North Kivu and to discourage Hutu militias from cooperating with MONUC disarmament efforts.

Elements of RCD/G and RDF militaries killed numerous civilians while robbing, looting, or raping them. For example, on January 27, an RDF soldier in Kindu attempted to rape a woman, whose brother summoned an RCD/G policeman for help. The RDF soldier shot the brother and the policeman, who died of his wounds.

Following an October 25 coup attempt in the Central African Republic (CAR), MLC soldiers sent to the CAR to assist the Government committed extrajudicial killings of civilians, raped women and girls, and looted hundreds of homes and businesses (*see* Section 1.c.).

In the Ituri district of Orientale Province, which was controlled by UPDF troops, RCD/ML rebel forces, and ethnically-based militias, fighting between members of the Lendu and Hema ethnic groups (and other smaller tribes allied with either the Lendu or the Hema) resulted in thousands of civilian deaths and the displacement of more than 500,000 persons. UPDF and rebel factions have armed both groups and manipulated ethnic tensions resulting from long-standing land disputes and colonial favoritism to the Hema. There were no reports of any action taken against the responsible parties.

On August 6, the Hema UPC militia took control of Bunia, which previously had been inhabited by a mixture of Hema, Lendu, and other tribes, and attempted to "ethnically cleanse" the city of its Lendu residents. The UPC separated the city into Hema and Lendu neighborhoods, killed numerous Lendu, broadcast ethnically-charged reports from Radio Cadnip, and chased many Lendu and Ngiti, a Lendu-affiliated group, into the surrounding bush. In reprisal members of Lendu-allied tribes killed 75 Hema women and children.

In early September, numerous civilians were killed during a UPC raid on several villages outside the Ngiti town of Nyakunde. Several days later, the Ngiti tribe, led by Colonel Kandro, carried out a retaliatory massacre in Nyakunde that resulted in the killing of approximately 1,000 civilians. The perpetrators killed Hema, Gegere, and Biri civilians, including patients in hospital beds and women in labor. Kandro's forces also rounded up and stripped approximately 120 men, women, and children, locked them in a large house, and denied them food and water. As the detainees began to die, the captors burned the bodies or threw them into an open latrine.

On October 7, a donor group discovered the mutilated bodies of 1,200 civilians, including babies, in a hospital in Bunia; the killings were believed to be a result of the Hema-Lendu conflict.

In November unknown assailants killed Joseph Eneko, a leading moderate in Ituri, and eight of his bodyguards on the road between Mahagi and Bunia. No investigation or action had been taken by local authorities by year's end.

On December 6, Burundian rebels reportedly cut the throats of approximately 30 civilians in Uvira in response to an RCD/G attack on their forces the previous day.

In August the Ugandan government released the results of its investigation into the April 2001 killings in Ituri district of six employees of the International Committee of the Red Cross (ICRC) (*see* Section 4).

There were no developments in the 2001 and 2000 ethnic massacres and killings. Unlike in the previous year, there were no reports that mobs lynched hundreds of suspected sorcerers, and there were no developments in 2001 and 2000 cases of persons involved in such killings.

b. Disappearance.—Unlike in the previous year, there were no reported cases of disappearance in government-controlled territory; however, security forces regularly held alleged suspects in detention for varying periods of time before acknowledging that they were in custody or allowing the detainees to have contact with family or friends.

Mai Mai forces and Hutu militias kidnaped many civilians, many of whom disappeared, in areas in which they operated.

In areas not under government control, there were numerous cases of disappearances and kidnappings. For example, on April 4, RCD/G soldiers in Uvira apprehended Pastors Rusingizwa Bitebetebe and Mugaju Ruterera of the Free Methodist Church of Mushimbake in South Kivu and accused them of being sympathetic to Commander Masunzu, who led a Banyamulenge-backed revolt in January against the RDF in the High Plateau (*see* Section 1.g.). The pastors reportedly were imprisoned and have not been heard from since, despite the efforts of local human rights NGOs to locate them.

There were numerous credible reports that RDF forces seized and transferred to Rwanda numerous Banyamulenge prisoners following the revolt of Banyamulenge Commander Masunzu. Several hundred RCD/G soldiers suspected of sympathizing with the revolt were disarmed and sent to Rwanda in mid-May for forced retraining. There have been no further reports about these soldiers; many presume they were killed or remained in secret detention in Rwandan military camps or prisons.

On April 23 and 24, the RDF arrested nine senior Banyamulenge commanders in the RCD/G who refused to fight against Masunzu and his followers. The RDF flew these commanders from Minembwe, South Kivu, to the Kamembe Military Camp in the Cyangugu prefecture of Rwanda. On May 1, a relative of one of the commanders saw the group at the Kamembe camp and reported that the commanders had been tortured severely and beaten; on May 2, the relative was told that the commanders “were no more,” and they have not been seen since. On May 3, the RDF took 14 other Banyamulenge soldiers to the Kamembe camp; none of the soldiers has been heard from since.

There continued to be reports that RDF troops, RCD/G troops, Mai Mai, and Hutu militias abducted women and children from the villages they raided to perform labor, military services, and sexual services (*see* Section 1.f.). Many of the victims disappeared and have not been heard from since.

There were no developments in any of the numerous cases of disappearance in 2001 and 2000, nor has any action been taken against the responsible rebel perpetrators.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—In territory under government control, the law forbids torture; however, security forces and prison officials used torture and often beat detainees in the process of arresting or interrogating them. The Government has not responded to charges of inmate abuse and repeated beatings by its security forces and prison officials. Some members of the police, military, and security forces also raped, robbed, and extorted money from civilians. The Government prosecuted and disciplined some of the abusers; however, others acted with impunity.

In some cases, members of the security services tortured or abused civilians to settle personal scores for themselves or other members of the Government (*see* Section 1.a.). For example, on May 3, ANR agents under orders from Security Minister Mwenze Kongolo arrested, severely beat, and burned with cigarettes five employees of the National Transportation Office (ONATRA). The employees were accused of attacking the life of Minister of Security Mwenze Kongolo because the speedboat in which they were taking him across the river to the Republic of the Congo ran out of gas.

On May 18, FAC soldiers manning a barricade at the Marble Palace stopped the vehicle of Zico Kikufu on the pretext that he passed a taxi illegally. The soldiers demanded that he give them money and beat him when he refused; the soldiers also stole his cellular phone.

Security forces harassed, beat, and possibly tortured some journalists (*see* Section 2.a.).

Soldiers and police continued to harass street children in Kinshasa (*see* Section 5). There were credible reports that members of the police and military raped homeless girls.

On March 24, unidentified FAC soldiers raped and robbed university student M. Mbemba.

Police and security forces used excessive force to disperse demonstrations (*see* Section 2.b.).

There was no known action taken against the members of the security forces responsible for the other numerous cases of torture or abuse in 2001 and 2000.

There were reports that Mai Mai forces and Hutu militias tortured, raped, and otherwise physically abused persons in areas in which they operated (*see* Section 1.d.).

The Government operated several hundred legal places of detention in the territory under its control. In major cities, the Government typically operated a large central prison facility and numerous, small, local detention facilities in police stations, court buildings, military bases, and neighborhoods of larger cities. Small local prisons were generally intended for short-term pretrial detentions; however, in practice they were used for lengthy detentions without due process.

The conditions in most of the large, central prisons were harsh; however, unlike in the previous year, they no longer were life threatening. The penal system continued to suffer from severe shortages of funds and trained personnel; however, the Government made efforts to improve the management and conditions of prison facilities, particularly at Kinshasa's main central prison, the Makala National Penitentiary and Reeducation Center (CPMK). From August 12 to 13, the Government conducted a workshop to train administrators at Makala prison and Rusuru prison in Bas-Congo. During the year, the ICRC worked with the Government to rehabilitate some showers and toilets in Makala prison, and other NGOs provided prisoners with mattresses and straw mats. Although health care and medical attention remained inadequate, a prison doctor was available and there were fewer reported cases of widespread infectious diseases. The Government continued to provide inadequate food, and prisoners remained dependent on the personal resources of family or friends; however, families were allowed to bring food and other necessities to prisoners during regular visiting hours 3 days a week. Guards demanded bribes and stole food from prisoners; however, there were fewer reports of such incidents than in the previous year. Prisoners continued to bribe guards to receive better treatment or to get out of work details. Makala remained overcrowded; however, unlike in the previous year, there were no reports that prisoners were forced into small cells with room only to stand. There were reports that guards permitted some prisoners to leave the prison temporarily to buy food and toiletries for themselves and other prisoners.

Conditions in the small, local prisons remained harsh and life threatening. There usually were no toilets, mattresses, or medical care; light, air, and water often were insufficient. Authorities often beat or tortured detainees. Such prisons generally operated without a budget and with minimal government regulation or oversight. Local prison authorities or influential individuals frequently barred visitors or severely mistreated particular detainees. Petty corruption was common, and prison guards frequently required bribes from family members or NGOs to visit or provide a detainee with food and other necessities.

Local NGOs reported that 146 persons died at Makala central prison during the year, 24 of whom died after being transferred to the prison from the custody of the Provincial Inspection of Kinshasa (IPK) and the PIR, where they were beaten severely; most of the remaining detainees died from malnourishment and illness.

Women and juveniles generally were detained separately from men. Pretrial detainees were not separated from convicted prisoners. The Government continued to detain soldiers in civilian prisons.

The security services, especially ANR and DEMIAP, continued to operate numerous illegal detention facilities, despite the March 2001 presidential decree to close all such facilities; however, the GLM detention center, where many of the assassination suspects were tortured and abused, remained closed. Prison conditions remained harsh and life threatening. Prisoners systematically were abused, beaten, and tortured. Facilities lacked adequate food and water, toilets, mattresses, and medical care, and authorities routinely denied access to family members, friends, and lawyers.

Unlike in the previous year, the ICRC and many NGOs were permitted access to all official detention facilities. However, the Government did not allow the ICRC or other NGOs to visit the illegal detention facilities maintained by the security services, where many detainees were held, questioned, and frequently subjected to abuse.

The ICRC, as well as local NGOs, were allowed to visit prisoner of war (POWs) held in official detention centers. The ICRC and other international observers regularly visited a facility in Kinshasa where the Government provided shelter to Tutsis for their own protection (*see* Section 5).

In areas not under government control, rebel groups and foreign troops tortured, raped, and otherwise physically abused numerous persons during the year with impunity. RCD/G and RDF forces were responsible for numerous cases of beatings and torture that resulted in death (*see* Sections 1.a. and 1.g.). Rebel and foreign groups beat, tortured, and abused political figures, journalists, and community leaders while arresting or detaining them. Numerous cases of torture and abuse were unreported because these groups, particularly the RCD/G and RDF, denied access to NGOs.

At the military jail at Ndosho, outside Goma, RDF and RCD/G forces reportedly imprisoned individuals during the year in two small metal freight containers that had no openings for air or light. During the week of January 10 to 17, 35 civilians were detained in one of the containers and numerous military personnel were held in the other; several detainees died from injuries inflicted during torture. Following a March grenade attack in Goma by unknown assailants, RCD/G authorities in May and June arrested numerous individuals for political reasons, charged them with the attack, and held them in the containers, where they were beaten and tortured. After the RDF withdrawal in October, the arrestees, who included Zelote Farini Luendo Shandwe, Elias Nguru, Janvier Mugerangabo, Alphonse Munamire, Mathe Sikuli Vasaka, and Simon Salumu were transferred to the DGS detention facility, where they were remained under detention at year's end without charge and with limited access to family members and human rights NGOs.

During the RCD/G response to the May 14 to 15 mutiny attempt in Kisangani (*see* Section 1.g.), RCD/G soldiers reportedly held RCD/G police and alleged Mai Mai at the airport in overcrowded shipping containers; an undetermined number of detainees reportedly died of suffocation, dehydration, or exhaustion after RCD/G troops sealed them inside without ventilation, food, or water.

Rebel and foreign groups, particularly the RCD/G and RDF, kidnaped, raped, and tortured numerous women (*see* Section 1.g.).

RCD/G and RDF military and police violently dispersed demonstrations (*see* Section 2.b.).

Rebel forces and foreign troops, particularly the RCD/G and RDF, were responsible for systematic, non-lethal conflict abuses, including aerial bombardment of civilian populated areas (*see* Section 1.g.).

No known action was taken against responsible members of the RCD/G or RDF in any of the 2001 or 2000 cases of torture, beatings, or rape.

Following an October 25 coup attempt in the CAR, CAR President Ange Felix Patasse asked MLC president Bemba for support against the rebels. Bemba sent approximately 1,500 MLC troops to the CAR, where they committed a number of extrajudicial killings of civilians, raped many women and girls, and looted hundreds of houses and businesses. The MLC troops remained in the CAR at year's end.

Prison conditions in areas outside of government control were extremely harsh and life threatening. Most detention facilities were not designed for the purpose, and detainees often were kept in overcrowded rooms with little or no light or ventilation. Detainees typically slept on cement or dirt floors without bedding and had no access to sanitation, potable water, toilets, or adequate medical care. Tuberculosis, red diarrhea, and other infectious diseases were widespread. Little or no food was provided to detainees, and guards demanded bribes to allow family members or friends to bring food to prisoners. Prisoners frequently were subjected to torture, beatings, and other abuse with no medical attention. There were numerous credible reports that rebel forces and foreign troops beat or tortured prisoners and then released them to their families just in time for them to die (*see* Section 1.a.).

There continued to be reports that RCD/G and RDF forces frequently used the private residences of Rwandan or rebel military commanders for incarcerations. Reports from former detainees indicated a pattern of beatings, undernourishment, and deliberate killings in these houses.

Human rights NGOs, family members, and lawyers were systematically denied access to detention facilities by RCD/G and RDF authorities.

d. Arbitrary Arrest, Detention, or Exile.—In government-controlled territory, despite legal provisions governing arrest and detention procedures, the security forces were responsible for numerous cases of arbitrary arrest and detention. Under the law, serious offenses (those punishable by more than 6 months imprisonment) do not require a warrant for a suspect's arrest. Only a law enforcement officer with "judicial police officer" status was empowered to authorize arrest. This status also was vested in senior officers of the security services. The law requires that detainees

be brought within 48 hours before a magistrate, who may authorize provisional detention for varying periods. In practice these provisions were violated systematically. Security forces continued to arbitrarily arrest and detain citizens, including several NGO leaders and journalists (*see* Section 2.a.). Charges rarely were filed in a timely manner, and the legal basis for such detentions often was obscure. When the authorities did press charges, the claims filed often were contrived or overly vague.

Unlike in the previous year, there were no reports of jails run by the Office of the President.

Detention without charge continued to be a problem, and security forces used the pretext of state security to arbitrarily arrest individuals linked to groups considered a threat by the Government. Groups particularly targeted included the opposition political party Union for Democracy and Social Progress (UDPS), which in April formed an alliance with the RCD/G and briefly discussed forming an armed wing; associates of Katebe Katoto, who reportedly attempted to buy the support of government troops and police in Katanga and in April formed an alliance with the RCD/G; individuals allegedly connected to the assassination of former President Laurent Kabila; and some ex-Zairian Armed Forces (FAZ) soldiers and civilians associated with the MLC. Individuals arrested and detained in the name of state security frequently were held without legal charge, presentation of evidence, access to a lawyer, or due process. Security services frequently exhibited an attitude of guilty until proven innocent and showed extreme reluctance to release individuals they had detained illegally, even after protests from NGOs and the international community. In several of the cases in which individuals were arrested or detained for allegedly threatening state security, evidence suggested the arrest was made to settle a personal score for a government official or member of the security services.

On January 11, national police arrested Justin Nindaga and detained him at the jail of Kinshasa's Provincial Inspection. Nindaga was the older brother of Commandant Anselme Masasu Nindaga, who was executed in 2000 after being convicted of coup plotting by an ad hoc military tribunal in Katanga. No charges were filed against Nindaga, who remained in detention at year's end.

On February 23, NGO lawyer Willy Wenga was arrested by COM security forces and interrogated, but not formally charged, in connection with several telephone calls to and from Major Bora, a prime suspect in the Kabila assassination, who fled the country in 2001. Wenga remained in detention at year's end; no trial date had been scheduled.

On April 19, human rights activist N'Sii Luanda was rearrested by COM order as part of an investigation into the activities of Michel Bisimwa, who lived with Luanda and had been charged with having ties to the RCD/G. Luanda was detained for several days at the COM detention facility, then transferred to Makala prison. Despite a doctor's attestation, Luanda was denied appropriate medical attention between June 12 and September 20; on September 24, he was transferred to a clinic for an emergency appendectomy. Luanda remained in detention at the clinic at year's end; no trial date had been scheduled.

On May 12, ANR officers in Katanga arrested UDPS Economic Advisor Jean-Baptiste Mulumba for instigating a briefly discussed UDPS armed wing, planning an attack on Lubumbashi and Mbuji-Mayi, and spying for the RCD and Rwanda. DEMIAP officers also reportedly closed and occupied Mulumba's office, confiscated his wife's car, and detained and sued his secretary. On July 27, Mulumba was released for insufficient evidence; however, on August 14, DEMIAP agents rearrested Mulumba, who remained in detention at year's end.

Police violently dispersed demonstrations and arrested demonstrators (*see* Section 2.b.).

Pretrial detention was prolonged systematically. Human Rights NGOs reported that less than 20 percent of the inmates at Makala prison had been charged or sentenced. On March 12, the Government filed charges against approximately 130 persons, primarily military and police, detained in 2001 in connection with the Kabila assassination and the 2000 coup plot led by Anselme Masasu (*see* Section 1.e.).

President Joseph Kabila issued several decrees during the year to commute sentences and release some military and civilian prisoners, many of whom likely served time without a fair trial or due process. However, NGOs reported that these pardons only were implemented partially and that only 72 of the 220 qualifying prisoners at Makala actually were released.

On January 21, UDPS members Modeste Sadiki Lutombo, J.B. Bomanza, J.S. Mwampata, Roger Kakonge, and Augustin Kadima Tshikala, who were arrested in December 2001, were released.

There were no developments in the cases of arbitrary arrest and detention in 2001 and 2000.

Unlike in the previous year, the Government did not hold any POWs.

The law prohibits forced exile; however, on September 26, the Government declared *persona non grata* 20 leaders of the Democratic Forces for the Liberation of Rwanda (FDLR) and expelled them to the Republic of the Congo, which refused to admit 8 of the 20 and returned them to Kinshasa. On October 30, security forces returned the eight to Rwanda. In October the Government detained in Kinshasa an additional 19 officials from the FDLR and the Army for the Liberation of Rwanda (ALIR); the 19 remained in custody at year's end (*see* Section 2.d.).

In areas not under government control, rebel forces and foreign troops were responsible for a systematic pattern of arbitrary arrests and detentions. RCD/G and RDF forces frequently shuffled prisoners among different cities under their control or transported them to Rwanda, which prevented family members or NGOs from monitoring them. RCD/G and RDF forces frequently detained prisoners under extremely harsh conditions in the private residences of Rwandan or rebel military commanders (*see* Section 1.c.).

RCD/G forces arrested and detained numerous citizens in connection with the May 14 to 15 massacres in Kisangani (*see* Section 1.g.); many of those detained remained imprisoned without charge at year's end.

During the year, RCD/G and RDF soldiers arrested Banyamulenge military and civilians whom they suspected of supporting Banyamulenge Commander Masunzu (*see* Section 1.g.). Seven Banyamulenge, who in January were arrested in Bujumbura, were transferred to Goma and remained in detention at year's end. In July RCD/G Security Chief Bizima Karaha traveled to Uvira to persuade the Banyamulenge community to withdraw its support for Commander Masunzu. Between July 7 and 26, 26 Banyamulenge community leaders and civilians who refused to abandon Commander Masunzu were arrested. Some of those arrested were released within a few days, some remained unaccounted for, and five were transferred to Goma, where they were held at the DGS detention center without medical care or access to families or lawyers. Of the five transferred to Goma, four were released in December; the fifth, Rugeza Ntavumburwa, reportedly was tortured and remained in custody at year's end. On August 24, an additional four Banyamulenge were arrested and subsequently transferred to the DGM, where they remained in detention at year's end.

On September 13, RCD/G soldiers led by Commander Pipo arrested four staff members of the Goma Volcanic Observatory (GVO), an organization that monitors volcanic activity in Mount Nyiragongo, which erupted in Goma in January. Those imprisoned, including volcanologists Kavotha Kalendi Sadaka and Mavonga Tuluka, technical assistant Matthieu Yalire Mapendano, and driver Innocent Zirilane, were accused of distributing anti-RCD/Rwanda leaflets in Goma and were beaten severely; two were transferred to the hospital due to complications resulting from the beating. When it was discovered that the volcanologists had been falsely accused and set up by W. Mifundu, the brother of Commander Pipo and a former GVO employee, RCD/G authorities arrested Commander Pipo on September 26 in Bukavu and brought him to Goma. However, during the week of September 30, Commander Pipo was released, and RCD/G soldiers reportedly beat and fired the commander who had brought Pipo back from Bukavu. After strong international pressure, the RCD/G on October 9 transferred control of the case to Justice Minister Nyarugabo, who released the four GVO employees several days later. The RCD/G had taken no known further action to investigate or punish Commander Pipo or his brother Mifundu by year's end.

On May 30, the RCD/G declared *persona non grata* MONUC's chief human rights officer in Kisangani for "not respecting RCD/G authority." On June 1, the RCD/G took the same action against a senior MONUC political officer and a U.N. security official working in Goma; the two individuals were accused of helping plot a grenade attack and aiding pro-Kinshasa militias. All three officials subsequently left the country. RCD/G president Onusumba also charged Special Representative of the U.N. Secretary General Amos Ngongi with bias and banned him from RCD/G-held territory; however, in September Ngongi was permitted to resume his visits to the area. On December 26, RCD/G security agents arrested Nande community president Pierre Georges Fataki Luhindi, who had written a letter to the governor of North Kivu protesting the creation of primarily Hutu armed local defense forces, who were attacking the Nande community. Luhindi, who has held at the DSG detention facility, was released on December 31.

No reported action was taken against the RCD/G forces responsible for the October 2001 detention and severe beating of Jules Nteba Mbakumba, president of adult education NGO Association Elimu.

There were no reported developments in any of the 2000 cases of arbitrary arrest and detention by RCD forces.

On August 29, outside Bunia, UPC members took hostage government Minister of Human Rights Ntumba Luaba, his assistant, and a local journalist accompanying them. The UPC demanded the release of nine UPC members detained in Kinshasa in exchange for the release of the Minister and his companions. On September 1, the Government flew the 9 UPC members to Bunia; the UPC subsequently released the Minister and his companions.

e. Denial of Fair Public Trial.—In government-controlled territory, the law provides for an independent judiciary; however, in practice the judiciary frequently was influenced by the executive branch. The judiciary continued to be ineffective and corrupt; however, on April 20, President Kabila issued an executive order replacing several hundred judges. Although the Government did not cite officially corruption in the reasons for the shuffle, several judges known to be corrupt were removed. In July a system of commercial courts, established to reduce judicial corruption, became operational. On October 12, the Government established the Permanent Commission for Reform of Congolese Law (CPRDC), a technical body under the Justice Ministry mandated to review and propose reform of the law and judicial system. The civil judiciary, including lower courts, appellate courts, the Supreme Court, and the Court of State Security, continued to be largely dysfunctional.

Civil and criminal codes were based on Belgian and customary law. The legal code provides for the right to a speedy public trial, the presumption of innocence, and legal counsel at all stages of proceedings; however, the Government often did not respect these rights in practice. Defendants had the right to appeal in all cases except those involving national security, armed robbery, and smuggling, all of which are adjudicated in theory by the Court of State Security, except those cases adjudicated by the special military tribunals, whose jurisdiction is ill defined. The law provides for court-appointed counsel at state expense in capital cases in all proceedings before the Supreme Court, and in other cases when requested by the court. In practice the Government often did not respect fully these provisions. Corruption remained pervasive, particularly among magistrates, who were paid very poorly and only intermittently. The system remained hobbled by major shortages of personnel, supplies, and infrastructure.

Military courts, which were headed by a military judge and followed the military code inherited from Belgium, tried military and civilian defendants as directed by the Government. Military courts tried most high-profile cases with charges related to state security during the year; the Government claimed that its frequent use of military courts rather than civilian courts was a result of the ongoing war. The courts were required to file charges within 48 hours of the arrest; however, long delays often occurred. The military courts, which were located in all military installations and in most urban areas, had no appeal process. The Government permitted, and in some cases provided, legal counsel; however, lawyers sometimes were not granted free or unmonitored access to defendants. Sentencing guidelines also were inherited from Belgian military law; however, in practice military courts had broad discretion to go outside of those sentencing guidelines. In many cases, trials were open to the public at the discretion of the military judge. In previous years, death sentences or forced labor were typical punishments; however, no death sentences were issued during the year.

On September 26, the Government lifted the moratorium on the death penalty. The official reason given was that criminal activity had risen since the pronouncement of the moratorium; however, it was believed widely that the moratorium was lifted in anticipation of the sentencing of the suspects in the assassination of former President Laurent Kabila.

On March 12, the Government filed charges against Eddy Kapend, FAC General Yav Nawej, and approximately 130 other persons in connection with the January 2001 assassination of Laurent Kabila, the executions of 11 Lebanese and other persons following the assassination, and the 2000 coup plot led by Anselme Masasu. The trial of these suspects opened officially on March 15, but proceedings were postponed until April 3 to provide sufficient time for defense lawyers to prepare their cases, since they had not been granted access to defendants until March 12. According to international observers, the trial, which was conducted by a military tribunal, followed the correct procedures prescribed by the country's military and civil code; however, there were some irregularities, and prosecutors and judges remained subject to executive influence. The beginning and the end of the trial were public and open to the press; however, the trial was closed to the public between April 22 and September 19 for reasons of state security, a decision strongly criticized by NGOs as hampering transparency.

There were no further developments in the September 2001 case in which civilians and ex-FAZ soldiers were convicted of coup plotting by a military tribunal in Likasi. None of the death sentences had been carried out by year's end.

Unlike in the previous year, the Government held no political prisoners. Suspects in the Kabila assassination remained in detention at year's end (*see* Section 1.d.).

In the areas not under government control, the system of justice essentially remained nonfunctional. Judges and other public servants were not paid their salaries, and corruption was rampant. RCD/G officials and others with influence reportedly used the judicial system to arrest individuals on false charges and to extract money and property from these individuals. There also were reports of indiscriminate military justice in which persons suspected of disloyalty were executed without a trial. Persons incarcerated by rebel forces for political reasons generally were detained without being tried formally.

Officially the RCD/G established measures to investigate and punish rebel soldiers guilty of committing atrocities against civilian populations. However, the initiative largely remained ignored and ineffective, and there were no reports that the RCD/G credibly tried, convicted, or punished any of its troops for committing atrocities.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—In government-controlled territory, the law prohibits such actions; however, members of the security forces routinely ignored these provisions in practice. Members of security forces and deserters from the army and police continued to harass and rob citizens. Security forces routinely ignored legal requirements for search warrants and entered and searched homes or vehicles at will. In general those responsible for these acts remained unidentified and unpunished.

There were some reported cases in which security forces raided private businesses and arrested employees accused of collaborating with rebel forces or attacking state security (*see* Section 1.d.); however, there were fewer reported cases than in the previous years.

Police often looted the homes of the persons they arrested and sometimes installed themselves in the homes of detainees; occupants frequently were beaten and abused.

No action was taken against soldiers who in November 2001 forced their way into a foreign couple's home and raped their daughter.

Unlike in the previous year, there were no reports that government security forces maintained surveillance of the headquarters of opposition parties and the movements of leading opposition political figures. There were no reports of government raids on opposition party leaders' residences.

ANR security agents monitored mail passing through private express delivery companies as well as through the very limited state mail service. The Government widely was believed to monitor some telephone communications.

Unlike in the previous year, there were no reports that government forces forcibly conscripted adults and children.

There were credible reports that, when unable to locate a specific individual, authorities sometimes arrested or beat the closest family member.

Mai Mai forces and Hutu militias routinely seized private property and looted homes to supply themselves in areas in which they operated. Mai Mai forces recruited children from the areas in which they operated.

In areas not under government control, rebel forces, foreign troops, and other armed groups routinely subjected civilians to arbitrary interference with privacy, family, home, and correspondence (*see* Sections 1.g. and 4).

From May 14 to 15, in reprisal for the RCD/G mutiny in Kisangani, RCD/G soldiers conducted house-to-house searches, arrested suspected dissidents, and beat those who resisted. Five priests or pastors were arrested and taken to undisclosed locations while their homes and parishes were ransacked. The RCD/G seized cell phones, livestock, and household goods.

RCD/G rebels continued to recruit children from the areas in which they operated despite claims that they had stopped the practice (*see* Section 5).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Until late in the year, war continued with external intervention on both sides. The war broke out in 1998 between the Government and rebel forces backed by the Governments of Rwanda and Uganda. Following initial gains by the rebels, the Governments of Zimbabwe and Angola sent troops to support the Government, bringing the war to a stalemate. The Lusaka Accords, signed in July 1999, provided for a cease-fire and disengagement of troops, the deployment of a U.N. peace observation mission, the withdrawal of foreign troops, and an internal political dialog leading to the formation of a transitional government. By July 2001, all parties generally complied with the disengagement plan outlined in the Lusaka Accords and withdrew to new defensive positions. In late 2001 and throughout the year, U.N. International Facilitator Ketumile Masire organized the Inter-Congolese Dialogue (ICD), which included representatives of the Government, Congolese armed groups,

political opposition, and civil society. The ICD began in October 2001 in Addis Ababa, Ethiopia, and was convened in several sessions during the year, culminating in a December 17 agreement to form a transitional government. During the year, most foreign troops withdrew from the country, although the Governments of Rwanda and Uganda continued to support armed Congolese groups operating in the country.

Unlike in previous years, there were few reports that the Government used excessive force or violated humanitarian law in the ongoing war in territory controlled by the Government. In general the cease-fire was respected along the disengagement line between government and rebel or foreign-held territory, and the fighting shifted to areas behind rebel lines in the eastern part of the country. However, on November 10, government troops used excessive force during fighting against Mai Mai militias in the town of Ankoro, Katanga Province, which resulted in the deaths of 104 civilians and the displacement of 75,000 local residents; both sides burned and pillaged homes and shops in the area.

Government security forces ceased to recruit child soldiers and continued to cooperate with the U.N. to demobilize child soldiers (*see* Section 5).

There were reports that Mai Mai forces and Hutu militias fighting on the side of the Government frequently killed and tortured noncombatants (*see* Section 1.a.).

In areas not under government control, rebel forces, foreign troops, Mai-Mai forces, Hutu militias, and other armed groups committed numerous abuses, including civilian massacres, the looting and burning of houses, attacks and aerial bombings of civilian areas, the forcible recruitment of child soldiers, and the rape of women. At times, verification of these reports was difficult, due to geographical remoteness, hazardous security conditions, and impediments imposed by authorities (*see* Section 4); however, the presence of MONUC allowed international observers to gather more information than in previous years.

There have been no known credible attempts by any of the combatants in the conflict to investigate incidents in which their troops allegedly committed killings, rapes, pillaging, and other abuses in areas under their control. RCD/G authorities manipulated investigations into the May 14 to 15 reprisal killings of civilians in Kisangani and the March 24 grenade attack on a church in Goma, which killed 3 persons and injured 11; the RCD/G then used these investigations to expel U.N. personnel and to accuse and arrest leaders of human rights NGOs.

RCD/G and RDF forces committed numerous mass killings in areas under their control, usually in reprisal for alleged Mai Mai attacks or mutinies against RCD/G and Rwandan forces. In determining responsibility for abuses, it often remained difficult to distinguish between RCD/G and RDF forces, since RCD/G and RDF troops frequently operated together, RDF commanders trained RCD/G troops, RDF soldiers sometimes operated in RCD/G uniforms, and RCD/G forces received instructions directly from RDF commanders.

There were numerous credible reports that RCD/G and RDF troops burned and destroyed entire villages, frequently killing, torturing, or raping some of the inhabitants, especially in rural areas of North and South Kivu and northern Maniema Province. For example, on January 5, RCD/G troops under Commander Masore attacked and set fire to the villages of Kaboke II, Esunda, and Yonwe in South Kivu in reprisal for the ambushing and killing by Mai Mai forces of an RCD/G commander and his guards in the area; 30 persons were killed, including 18 persons who were burned beyond recognition. RCD/G soldiers, who also attacked and injured two women with machetes, reportedly pushed in the brick walls of the burned houses to hide the evidence.

During February and April, fighting in South Kivu between RCD/G and RDF soldiers and Mai Mai or Hutu militias resulted in repeated raids of more than 40 villages. At least 29 civilians were killed, 118 were raped, and 56 were kidnaped; 75 houses and churches were burned or destroyed, and hundreds of livestock were stolen. Frequently the same village was raided repeatedly, first by one side and then by the other, with each side accusing the villagers of collaborating with their enemies.

Between January and July, RDF forces occupied the High Plateau region to suppress a popular revolt led by former RCD/G Commander Patrick Masunzu, and used excessive, indiscriminate violence against civilians, particularly the ethnic Tutsi Banyamulenge. RDF soldiers burned, destroyed, and pillaged numerous small non-Banyamulenge villages during their 4-day march to the High Plateau. Once on the High Plateau, the RDF forcibly displaced approximately 30,000 Banyamulenge civilians, set fire to more than 90 Banyamulenge villages, and killed, abducted, and raped an undetermined number of Banyamulenge civilians. At various periods, particularly from June 18 until mid July, the RDF repeatedly used helicopters to bomb the High Plateau region, including areas populated by civilians. The RDF repeatedly

denied access to all international humanitarian organizations, which severely impeded efforts to determine the number of civilians killed, injured, raped, tortured, and displaced.

From May 14 to 15, RCD/G troops used excessive, indiscriminate lethal force against civilians in Kisangani in reprisal for an aborted mutiny attempt by RCD/G dissidents. In the original mutiny attempt, members of the population killed seven persons they accused of being Rwandan. RCD/G loyalist troops under the command of Gabriel Amisi (known as Tango Fort), Bernard Biamungu, and Laurent Nkunda put down the mutiny and then killed more than 150 civilians and numerous RCD/G members suspected of being mutineers or sympathizers. On May 14, RCD/G loyalists rounded up and summarily executed dozens of RCD/G police and military, who were hacked to death with machetes, decapitated, tortured, dismembered, or shot to death. RCD/G forces threw many of the corpses into the Tshopo River and buried other victims in mass graves. An unconfirmed number of civilians were abducted or disappeared, including young women taken to the airport and raped by RCD/G troops.

Under intense international pressure, the RCD/G appointed a military-led Commission of Inquiry to look into events at Kisangani. The Commission's report identified a total of 41 fatalities, including 7 persons killed by the population during the mutiny, 11 mutineers who allegedly drowned in the Tshopo River trying to escape, and 21 civilians allegedly killed in cross-fire between mutineers and loyalist forces. From June 16 to 22, Asma Jahangir, the U.N. Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, conducted an investigation into the May 14 to 15 events in Kisangani. The report, which was endorsed and released by the U.N. High Commissioner for Human Rights, concluded that RCD/G authorities were responsible for at least 163 killings, including the massacre of at least 103 civilians, the summary execution of at least 60 members of the military and police, and the deaths of an addition 20 persons, whose corpses were found floating in the river. The report rejected the findings of the RCD/G Commission of Inquiry, accused the RCD/G of protecting the perpetrators and concealing the facts, and criticized RCD/G efforts to portray the events as ethnically motivated and to blame local civil society and NGO leaders for the violence. In August Human Rights Watch (HRW) released its report, which placed responsibility for events on several RCD/G commanders and called for them to be prosecuted for war crimes.

On August 25, Mai Mai forces in Kindu reportedly ambushed and killed 40 RCD/G soldiers. In response, RCD/G troops carried out reprisal attacks on the civilian population from August 26 to 28. At Nyonga Island, RCD/G soldiers assembled the entire village, separated out the men and boys over age 14, marched them into the bush, and summarily executed 56 persons. There were unconfirmed reports that at Kitingui Island, RCD/G troops burned alive up to 80 people who already had surrendered. RCD/G troops repeatedly denied access to international aid organizations.

From October 24 to 29, in Mabasa and Mangina in the Ituri region, RCD/N and MLC troops systematically killed, abducted, raped, tortured, and looted the civilian population, some of whom were forced to commit cannibalistic acts. According to the U.N., 117 persons were killed, 65 adults and children were raped, and 82 persons remained missing at year's end. In some cases, victims were killed in front of their families, who were forced to eat their body parts. Thousands of persons fled, including numerous Pygmies, who the rebels reportedly targeted for cannibalism.

RCD/G rebels and RDF troops continued to target churches and religious leaders in the areas under their control and committed numerous abuses, including arbitrary killings, beatings, and the violent dispersal of religious services (*see* Sections 1.b. and 2.c.).

Rebel and foreign groups, particularly the RCD/G and RDF, raped women with impunity; a June HRW report charged that both groups used rape as a tool of war.

For example, from January to March, RCD/G, RDF, and Burundian soldiers frequently raped young girls in rural schools throughout the territory of Fizi in South Kivu. Local human rights organizations documented 248 cases of rape, 69 unwanted pregnancies, and 418 girls who dropped out of school after they received threats of sexual violence. Most of the girls, who faced societal rejection as rape victims and because of likely exposure to HIV/AIDS, received no medical care or trauma counseling.

RCD/G and RDF, Mai Mai, and Interahamwe forces kidnaped numerous women and girls during raids on rural villages and forced them to provide labor or sexual services. Many of the victims were forced to stay with the troops from several days to several months and subjected to gang rape or acts of sexual torture. Once released, many of the victims were ostracized by family members or their local communities, faced unwanted pregnancies, or had contracted the HIV/AIDS virus from the soldiers who abused them.

In October numerous persons were killed during fighting between RCD/G troops and Mai Mai over the control of Uvira. After October 13, when Mai Mai took control of the city, approximately 5,000 RCD/G troops marched south to retake Uvira and fought with Mai Mai along the way in Luvungi and Sange; more than 120 persons were killed. On October 19, the RCD/G regained control of Uvira and subsequently arrested more than 100 persons; local groups reported that six bodies also were found in the city after the RCD/G returned.

Landmines reportedly laid by Burundian soldiers throughout the territory of Fizi in South Kivu killed six civilians and seriously injured ten during the year. The victims included villagers from Ake, Mboko, Nundu, Kabondozi, Kabumbe, Swima, and Etundu; the ages of the victims ranged from 10 to 51 years old. It was impossible to know whether the mines were laid this year or in previous years.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; however, the Government restricted this right in practice. Incidents of harassment, intimidation, and detention of journalists continued to occur, but violations of press freedom were less common than in previous years. During the year, security forces arrested or detained illegally 9 journalists compared with 25 journalists in 2001; few of them were tried. One journalist, who was arrested on December 31, remained in detention at year's end. Other journalists reportedly were harassed, and in some cases, beaten or tortured by members of the security services; however, unlike in the previous year, there were no reports that government authorities harassed or expelled foreign journalists.

During the year, the Ministries of Human Rights and of Communication and Press maintained good relations with the private media and in some cases interceded with security services on behalf of journalists subjected to abuse. In an August 9 letter to all public prosecutors, including the COM, Minister of Justice Ngele Audi asked government officials to instruct their personnel to halt arrests of journalists and other members of the media. The Ministry of Justice held a seminar from August 24 to 26 with the goal of improving relations between the security services, the military, and journalists.

According to the Government, 97 newspapers completed the mandatory licensing process and were authorized to publish in the country. Approximately 40 publications appeared regularly in Kinshasa; 9 were dailies and the others were published once or twice a week. There also was an active private press in Lubumbashi, and some private newspapers were published in other provincial cities. Many private news publications relied on external financing, often from political parties and individual politicians. News publications tended to emphasize editorial commentary and analysis rather than factual descriptions of events; many were highly critical of the Government. The Government published *Bulletin Quotidien*, an official daily that covered official and general news. For the duration of the ICD in Sun City, the Government also published the *Congo Libere*, which was distributed in South Africa and the country. The Minister of Communications also published *Le Journal de Vendredi*, a private weekly.

A 1996 Press Law regulates the newspaper industry. Publishers were required to deposit copies of their publications with the Ministry of Communication and Press after publication. Criminal libel laws exist and were used to successfully prosecute journalists at least once during the year; however, it widely was believed that the Minister of Security and Public Order manipulated the court to secure the convictions and sentences in that case. In two other cases, libel charges against journalists were dropped, reportedly after the journalists had been intimidated by their detention.

Authorities generally charged journalists who were arrested by security services with “endangering the State” or “insulting the military” through the publication or broadcast of political news or news of the war. Charges often were brought under the press law, which NGOs have charged needs revision.

On July 11, *Alerte Plus* published an article charging that Minister of Security and Public Order Mwenze Kongolo had been poisoned. On July 19, police arrested Raymond Kabala, the publications director of *Alerte Plus* on charges of libel; on July 22, Delly Bonsange, the newspaper's editor, was arrested on the same charge. Both journalists were beaten and tortured, and the article was retracted the following day. On September 6, the Kinshasa-Ndjili Peace Court found Kabala and Bonsange guilty of “harmful accusations” and “falsification of a public document.” Kabala and Bosange were sentenced to 12 and 6 months in prison, respectively, and received heavy fines; however, the sentences and fines were reduced on appeal. Bosange was released in December; Kabala remained in Makala prison at year's end.

On July 25, opposition politician Joseph Olenghankoy lodged a libel complaint against Pot-Pourri editor Achille Ekele N'Golyma and Gogin Kigwakiou, a journalist for Vision, after both publications accused Olenghankoy of receiving bribes. On July 31, N'Golyma was arrested; however, Kigwakiou evaded arrest. On August 15, N'Golyma was released after Olenghankoy withdrew charges.

On August 2, the newspaper *L'Intermediaire* published an article on the ongoing illegal detention of human rights activists N'Sii Luanda and Willy Wenga; the article referred to the COM as a "dictator's consolidation instrument" (see Section 1.d.). On August 7, national police acting on behalf of COM General Prosecutor General Charles Alamba, detained Eugene Ngimbi, the editor of *L'Intermediaire*, for 2 days on defamation charges; however, the prosecutor did not pursue the charges.

Police in Kinshasa briefly detained newspaper vendors and seized newspapers during the year.

Due to limited literacy and the high costs of newspapers and television, radio remained the most important medium of public information. The number of private radio stations in Kinshasa increased to 18 radio stations compared with 10 in 2001, of which 2 were state-owned and 16 were private or religious. There were 16 television stations compared with 7 in 2001, of which 2 were state-owned and 14 were private or religious. Opposition parties were unable to gain access to state-owned radio, and private radio was markedly less critical of the Government than private newspapers. The Government threatened to shut down radio stations that had not paid their licensing fees, however, some stations did not pay the fee, and the Government took no action against them. During the year, MONUC established a nationwide radio station called Radio Okapi, which broadcast national and local news and provided information on MONUC's mandate and activities, as well as its demobilization and disarmament program.

On April 3, army soldiers arrested and detained journalist Jose Feruzi Samwegele, who intervened with soldiers on behalf of Mayulu Mayung, who had attempted to enter the national radio station RTNC without a valid ID; Mayung also was found to be carrying an opposition UDPS position paper from Sun City. On April 10, Samwegele was released; on April 12, Mayung was released.

At year's end, there were 10 domestic Internet service providers. Because of technical difficulties and high cost, the Internet was not used widely; however, no restrictions were imposed on Internet use.

Academic freedom continued to be restricted, and professors (who were public servants) exercised self-censorship or modified their lectures to suit the views of their patrons in the Government; however, there were no reports of students or professors being overtly censored.

On February 21, the eight students arrested in connection with the December 2001 violent student strikes in Kinshasa were released and expelled from the University of Kinshasa. In October the students published a petition demanding that they be allowed to resume their studies; authorities had made no decision about the petition by year's end.

In areas not under government control, rebel groups continued to severely restrict freedom of speech and of the press; however, some independent media organizations, primarily the Catholic Church-sponsored news agency MISNA and MONUC-operated Radio Okapi, were allowed to operate. Most local radio stations were controlled by rebel authorities and foreign troops. Radio Maendeleo, the only independent Congolese-run radio station in Bukavu, operated most of the year; however, on October 14, RCD/G soldiers occupied the station and blocked its news broadcasting; the action reportedly was taken to prevent coverage of the Mai-Mai forces advancing to Bukavu. The station remained closed at year's end.

In June Banyamulenge civil society representative Enock Sebinezza fled the country in fear for his life after returning to Bukavu from the ICD in Sun City. Sebinezza, who had criticized the RDF military campaign against civilians on the High Plateau and feared reprisal from the RCD/G or RDF, reportedly remained abroad in self-imposed exile at year's end.

Rebel forces continued to harass and arrest journalists. For example, on March 9, in Bunagana (on the DRC-Uganda border), RCD/G forces arrested Raphael Paluku Kyana, director of Radio Rurale de Kanyabayonga, as he was leaving the country to attend a communications seminar being held in Nairobi. He was released on March 14; however, at year's end, RCD/G authorities still were demanding payment from Paluku Kyana to return his personal identification and travel documents, which the RCD/G had confiscated.

On August 28, Rigobert Yuma Nduani and Shabani Sadala, two journalists from Radio Okapi, took refuge at the MONUC mission in Kindu after receiving threats from the RCD.

On September 13, in Gbadolite, MLC troops arrested journalist Franklin Moliba-Sese in connection with a Radio Okapi report on the living conditions of MLC child soldiers; Moliba-Sese was released after 6 days.

During the year, in Kisangani, RCD/G authorities severely criticized journalists and peace activists on the radio and at rallies, calling them traitors and allies of hostile foreigners (see Section 2.c.). After Radio Amani, which was owned by the Catholic Church, broadcast programs that criticized the RCD, the Department of Security and Intelligence abducted and severely beat the clergyman who headed the Catholic Justice and Peace Commission.

b. Freedom of Peaceful Assembly and Association.—In areas under government control, there was no legal protection for freedom of assembly, and the Government continued to restrict this right. The Government considered the right to assemble to be subordinate to the maintenance of “public order,” and continued to require all organizers to inform the city government before holding a public event. According to the law, organizers automatically had permission to hold an event unless the city government denied permission in writing within 5 days of receiving the original notification. Some NGOs reported that in practice the city administration sometimes denied permission for the event after the 5-day period by backdating the correspondence. Government security services generally dispersed unregistered protests, marches, or meetings.

During the year, opposition parties held private meetings without government harassment; however, the Government prevented some public political activities such as marches and press conferences.

Security forces forcibly dispersed political party press conferences and rallies on several occasions, usually on the grounds that the party had not registered with the Ministry of the Interior after promulgation of the May 2001 law on political activity or had not notified city authorities of the event. The Government required political parties to apply for permits to hold press conferences; such permits frequently were denied.

On April 14, police dispersed PALU party activists when they tried to hold a rally in the Kimbanseke neighborhood of Kinshasa; 11 party members were detained for several hours.

On September 26, DEMIAP units forcibly dispersed a march organized by members of the UDPS “parlementaires debout,” a movement that conducts street-side debates on current events and political figures, ostensibly because they had not notified the city government of the march as required by law. According to the UDPS, 51 of their members were detained for several hours, and 12 were beaten seriously.

Police also forcibly dispersed labor demonstrations. For example, on June 3, police in Kipushi forcibly dispersed a march organized by workers at Gecamines, a copper and cobalt mining parastatal, and SNCC, a railroad parastatal.

There were fewer government-sponsored demonstrations than in the previous year, and unlike in the previous year, there were no government-sanctioned violent demonstrations against foreign embassies or U.N. offices.

On October 8, in Kisangani, university students erected a barrier on the airport road, stopped a MONUC vehicle from leaving the airport, forced the passengers out, and burned the vehicle. After the students had stopped a second MONUC vehicle, a third MONUC vehicle arrived, and the MONUC soldiers inside fired into the air to disperse the crowd. RCD/G soldiers who had just arrived at the scene also fired into the air. One MONUC soldier and one student were injured.

The law provides no explicit protection for freedom of association, and the Government restricted this right; however, there were fewer instances of such restrictions than in previous years. The May 2001 law on political activity allows anyone to form a political party by registering with the Minister of Interior. NGOs and religious groups also were permitted to form freely, provided that they registered with the Minister of Justice and filed copies of internal regulations and descriptions of their organizational structure. According to the Government, more than 100 political parties have registered under the May 2001 law. Some longstanding parties, notably the UDPS, have refused to register under this law on the grounds that they already registered under the Mobutu government and that the Kabila government was illegitimate. The Government responded to this refusal by treating the UDPS as an illegal organization and arresting or dispersing UDPS members who attempted to hold public functions.

Political parties and civil society groups were highly active during the year in preparation for and participation in the ICD. The Government generally did not harass political parties, with the exception of the UDPS.

In areas not under government control, rebel forces and foreign troops continued to restrict severely freedom of assembly and association. Groups critical of the authorities, especially in RCD/G or RDF controlled territory, were subject to severe re-

pression (*see* Sections 1.a., 1.b., and 1.g.). The only political party allowed to operate openly in RCD/G and RDF territory was the UDPS, which in April joined the Alliance to Save the Dialogue (ASD) with Rwanda and the RCD/G. There were numerous reports that RCD/G and RDF soldiers subsequently forced citizens in Goma, Kisangani, and Uvira to assemble and cheer for UDPS president Etienne Tshisekedi when he toured through the eastern part of the country in June.

Rebels forcibly dispersed religious services (*see* Section 2.c.).

No action was taken against RCD/G troops who fired on demonstrators in Bukavu in September 2001.

c. Freedom of Religion.—Although there is no constitution currently in effect, the Government generally respected freedom of religion in practice, provided that worshippers did not disturb public order or contradict commonly held morals; however, government forces committed some abuses.

The establishment and operation of religious institutions was provided for and regulated through a statutory order on the Regulation of Non-profit Associations and Public Utility Institutions. Requirements for the establishment of a religious organization were simple and generally were not subject to abuse. The law grants civil servants the power to establish and dissolve religious groups. There were no reports of the Government suspending or dissolving a religious group; however, during the year, the Government outlawed Bunda Dia Kongo, an ethnically-based spiritual and political movement that called for the violent overthrow of the Government and the establishment of an “ethnically pure” kingdom for the Bakongo tribe. Officially recognized religions were free to establish places of worship and to train clergy. In practice religious groups that are not recognized also worshipped freely.

While the Government generally did not interfere with foreign missionaries, they were not exempt from general restrictions by security forces, such as restrictions on freedom of movement imposed on all persons by security force members who erect and man roadblocks, at which they often solicit bribes.

Some abuses against churches or clergy occurred in government-controlled areas as a result of a lack of discipline of individual government soldiers. These abuses, usually the harassing of priests at checkpoints or the theft of church property, were not linked to any religious or politically motivated policy.

On July 20, Bunda dia Kongo followers reportedly clashed with police in Louzi and Moanda; 10 of the demonstrators in Luozi and 4 in Moanda were killed, and numerous others were injured by gunshot. One policeman reportedly also was killed.

In areas not under government control, respect for religious freedom continued to be poor. RCD/G and RDF soldiers continued to commit significant abuses in these areas and deliberately targeted churches and religious leaders in the towns and villages under their control. These actions were believed to be part of an attempt to intimidate the population and in retaliation for the growing role of churches as one of the few remaining forums for community discussion and peaceful political activism. Abuses took the form of arbitrary killings, arrests, and disappearances of pastors, priests, and laymen; public threats against the lives of religious leaders; pillaging and destruction of church property; and the use of armed soldiers to disperse forcibly religious services (*see* Section 1.b.).

On April 12, in Bukavu, Rwandan and RCD/G soldiers surrounded the congregations of several Catholic churches and forcibly dispersed, beat, and kicked parishioners. Although the Catholic Church had applied for and received permission from the Mayor of Bukavu and the Vice Governor of South Kivu Province to hold a Mass at which Catholics from all parishes in South Kivu Province were to assemble and pray for peace, Rwandan and RCD/G soldiers announced on the radio that the Mass was forbidden. During the broadcast, RCD/G Commander Chuma Balumisa issued threats against the Catholic Church; specific priests, including Monseigneur Maroyi; and anyone who participated in the Mass. The Catholic Church cancelled the Mass and told parishioners to pray instead at their local parishes. On the morning of April 12, Rwandan forces armed with guns and RCD/G soldiers and police armed with batons surrounded the main religious centers in each parish and lined the main roads in Bukavu. In the Cahu Parish, soldiers entered the church, beat parishioners and priests, and destroyed the statue outside the Church. In Nyamwera Parish, Rwandan soldiers used tear gas to disperse a group of young students. In Mater Dei of Muhungu Parish, soldiers chased parishioners from their church, beat them, and fired shots in the air. Soldiers at the same parish violently kicked a group of children between the ages of 8 and 12 who were marching toward the church chanting, “We ask for peace.” Numerous persons were injured, including two priests, a 14-year-old girl, and a 17-year-old boy. No action was taken against those responsible by year’s end.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—In areas under government control, the law allows for freedom of movement; however, the Government increased its restrictions of this right after the war began in 1998. Resolutions adopted as part of the ICD process in 2001 affirmed the right to free movement of persons and goods in the country, and the Government generally honored this stated commitment during the year; however, some travel restrictions continued, such as the need to obtain a routine written document from the Ministry of Interior for travel within government-controlled territory. Movement between government and nongovernment zones continued to be hazardous and sometimes impossible, except by U.N. flights and U.N.-accompanied river convoys. Commercial flights between government-controlled territory and RCD/ML territory resumed during the year; however, the flights were interrupted by new conflict in August.

In Kinshasa the practice of police and soldiers erecting roadblocks for night-time security checks and to protect government installations continued. In general military police manning the roadblocks were better organized and more professional than in previous years, and there were fewer instances in which taxibus drivers and passengers were harassed or forced to pay bribes. However, underpaid traffic police continued to routinely harass citizens and demand bribes in the course of pulling vehicles over for traffic violations.

The significant risk of rape, sometimes perpetrated by uniformed men, restricted freedom of movement at night for women in some neighborhoods. Groups of citizens implemented neighborhood watch programs, but women in some parts of Kinshasa and Lubumbashi did not leave their homes at night due to fear of attack.

On April 29, the Government signed an agreement with the MLC and the RCD/G permitting the resumption of commercial traffic on the Congo River. Since this agreement, commercial barges under MONUC escort successfully have traveled between government and MLC territory; however, RCD/G authorities have not permitted travel to RCD/G territory.

The Government required exit visas for all foreign travel. No data on the refusal rate for exit visa applications was available. Noncitizens reportedly were required to obtain exit permits before leaving the country. The Government allowed opposition members and journalists to leave the country; ICD participants were able to travel freely to meetings in South Africa. Unlike in the previous year, there were no reports that the Government refused to issue passports to opposition leaders.

The law provides for the granting of asylum and refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government continued to provide first asylum. Refugees were accepted into the country from the CAR and Angola during the year. According to the U.S. Committee for Refugees, approximately 305,000 refugees from neighboring countries, including 180,000 from Angola, 70,000 from Sudan, 20,000 from the CAR, 20,000 from Burundi, 10,000 from Uganda, and 2,000 from Rwanda lived in the country.

The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other international agencies during the year; the Government generally allowed humanitarian workers free access to affected populations in areas under its control (see Section 4).

On September 26, the Government informed the Third Party Verification Mechanism (TPVM) that it was declaring persona non grata and expelling 20 FDLR leaders from the country; all but one, who was expelled to Kenya, were expelled to the Republic of the Congo, which refused to accept 8 of the 20 and returned them to Kinshasa. On October 30, the Government forcibly returned the eight to Rwanda (see Section 1.d.). On October 24 and 25, the Government detained an additional 19 FDLR/ALIR officials in Kinshasa; all remained in custody at year's end.

According to the U.N., approximately 355,000 Congolese refugees lived in neighboring countries during the year, including approximately 80,000 in the Republic of the Congo and 120,000 in Tanzania. In September the Government agreed to allow the voluntary repatriation of 4,000 former soldiers from the Republic of the Congo. Approximately 10,000 Congolese Tutsis who had been living in refugee camps in Rwanda were repatriated to the DRC during the year.

In areas not under government control, freedom of movement was restricted severely during the year, partially as a result of fighting between the rebels forces, Rwandan and Ugandan troops, Mai Mai, and Hutu militias. Rebel soldiers and foreign troops frequently prevented travel and harassed travelers. Several cities were cut off from the surrounding countryside by soldiers and armed groups, which controlled all road and river access into and out of the cities. For example, Kisangani was controlled by RCD/G soldiers, who restricted entry and exit into the city by land and by river. Soldiers established roadblocks and routinely harassed and extorted

civilians who attempted to enter or exit these cities to buy or sell food or to visit family members. Kindu, which was controlled by RDF and RCD/G soldiers, was surrounded by Mai-Mai, who cut off travel into and out of the city by land and river. Such travel restrictions contributed to widespread hunger and economic hardship.

Rebel forces frequently imposed travel restrictions on NGOs, although in some cases they permitted NGOs and civil society groups to travel to conferences in foreign countries or government-controlled territory (see Section 4).

On March 9, in Goma, RCD-G security services arrested and detained Raphael Paluku Kyana, director of a religious community radio station in Kanyabayonga, as he was attempting to travel to Nairobi to attend a training workshop for media professionals organized by the Inter-African Council of Churches. On March 14, Paluku Kyana was released.

The U.S. Committee for Refugees estimated that there were approximately 2 million IDPs in the country, most of whom were located in the eastern part of the country and the Ituri area. Many of the IDPs received no assistance because of ongoing fighting and the denial of access to NGOs. Many IDPs were forced to relocate numerous times to escape fighting (see Section 1.g.).

In March fighting between the Mai Mai and the RCD/G and RDF around Kitutu, South Kivu, resulted in the displacement from the surrounding villages of thousands of persons in Kamituga and in Kitutu.

There were numerous reports that the RDF forcibly displaced Banyamulenge in the High Plateau region of South Kivu and then bombed areas in which IDPs were gathered (see Section 1.g.). NGOs also estimated that the RDF forcibly displaced approximately 4,100 households (including 14,600 children) in non-Banyamulenge Congolese villages during the conflict between the RDF and the Banyamulenge; many of these IDPs were living in the outskirts of Uvira at year's end. In October 20,000 persons, many of them ethnic Banyamulenge from Uvira, entered Kalemie as IDPs.

In November the RCD/ML captured Bafwasende and Niania in Orientale Province, which resulted in 33,000 IDPs in North Kivu Province.

Throughout the year, in the Ituri district of Orientale Province, an area dominated by Ugandan and Ugandan-supported forces, fighting continued between members of the Lendu and Hema ethnic groups and their respective allied tribes, which reportedly resulted in 500,000 IDPs (see Section 1.a.). In August, when the Hema-dominated UPC militia took control of the city of Bunia, there were numerous reports that they attempted to ethnically cleanse Bunia and chase out all residents from the Lendu tribe. Several thousand Lendu fled Bunia and were IDPs in surrounding villages at year's end.

On several occasions, the RCD/G, RDF, and the UPC militia denied access to humanitarian organizations or obstructed their ability to deliver humanitarian relief supplies. For example, during the RDF military campaign against the Banyamulenge revolt in the High Plateau (see Section 1.g.), RDF authorities repeatedly denied access to humanitarian organizations and to MONUC, claiming that the area was not secure; however, RDF authorities subsequently granted access to a planeload of journalists flown in at the Rwandan government's expense.

On July 18, RCD/G authorities closed and padlocked the office of AirServe, the humanitarian plane service used by international NGOs to deliver relief supplies throughout the eastern part of the country. RCD/G authorities demanded \$23,500 in taxes and other expenses, despite having signed a convention in 1999 with AirServe and other NGOs that exonerated such groups from most taxes. During the same week, RCD/G authorities attempted to collect large sums of money from other international NGOs, including Alisei, MSF Holland, Save the Children, and Concern; authorities also threatened Concern with closure. On July 20, after strong international pressure, RCD/G authorities allowed AirServe to resume delivery of humanitarian goods.

Since the beginning of October, after the Mai-Mai assumed control of RCD/G territory in Shabunda, RCD/G authorities denied permission for humanitarian NGOs to fly from Goma to Shabunda, where NGOs had longstanding health and nutritional programs supplied by AirServe flights. Despite the exhaustion of milk and food supplies at an NGO nutrition center and severe malnutrition among 3,400 IDPs, RCD/G authorities justified the flight denial as concern for security and claimed that NGO flights to Mai-Mai areas would give legitimacy to such groups. When the NGOs promised to take responsibility for their own security, RCD/G authorities granted approval for the flights; however, few flights at only irregular intervals had been approved by year's end.

On October 17, the Hema UPC militia refused landing rights to a UNICEF-chartered cargo flight carrying humanitarian supplies as the plane was circling over Bunia. UPC authorities, who previously had granted permission for the flight, sub-

sequently claimed the refusal was an unfortunate bureaucratic error; however, credible reports indicated that the UPC may have taken the action to force the humanitarian community to charter planes from a private airline connected with the UPC.

The UNHCR continued to work with NGOs and the RCD/G to voluntarily repatriate Rwandan Hutus to Rwanda.

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

Citizens do not have the right to change their government peacefully. Citizens have not been able to change their government through free elections since independence in 1960. The Government continued to operate without a constitution. President Joseph Kabila, who came to power in January 2001 after the assassination of his father Laurent Desire Kabila, ruled by decree in the territory under government control. At year's end, the Government was holding talks with rebel groups, opposition politicians, and civil society to establish a transitional government, which would be responsible for drafting a constitution and organizing elections (*see* Section 1.g.).

In 2000 the Government created the Constituent and Legislative Assembly to draft a new constitution, prepare a national budget, and approve decrees and motions handed down by the President. During the year, the Assembly continued to meet and to approve decrees and motions handed down by the President, but it did not have a significant role in governing the country.

In May 2001, the Government revised the law on political activity to allow legally registered parties to operate freely, which significantly improved political freedom in practice. However, the Government continued to arrest political activists and to block some activities, including marches and press conferences, particularly of parties who had not registered under the terms of the 2001 law (*see* Section 2.b.).

On March 31, supporters of President Kabila established the Peoples Party for Reconstruction and Democracy (PPRD) to legitimize politically President Kabila's regime. In November the President reshuffled his cabinet; the new 34-member cabinet included 17 PPRD members. President Kabila also eliminated three ministerial positions formerly occupied by ministers he suspended for their involvement in resource exploitation.

The State continued to be highly centralized in many ways. The Government in Kinshasa generally appointed governors, but once in the provinces they had considerable autonomy, due in part to poor communications and transportation infrastructure. Territorial administrators also were appointed by the Government. Provincial government resources, both financial and logistical, almost exclusively came from the Government. Unlike in previous years, when a disproportionate number of government positions were held by persons from Katanga Province, President Kabila's government generally was geographically and ethnically diverse.

There are no official restrictions on the participation of women or minorities in politics. Three of 23 cabinet ministers and 1 of 12 vice ministers were women, and women held 18 of the 300 seats in Parliament, including the Speaker's chair. Pygmies were not represented in the political process. There were no Muslims, who constituted only 2.5 percent of the population, represented in senior positions in the Government or in political parties.

In areas not under government control, citizens did not have the right to change their government peacefully. In RCD/G-controlled territory, rebel authorities, often in consultation with the Government of Rwanda, appointed local officials. Rebel groups tended to be dominated by members of one ethnic group, often a minority group in the areas under their control. Rebel forces and foreign troops continued to severely limit political freedom (*see* Section 2.b.). The only political party allowed to operate openly in RCD/G-held territory was the UDPS, which signed a political alliance with Rwanda and the RCD/G.

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

In areas under government control, numerous domestic and international human rights NGOs continued to investigate and publish their findings on human rights cases. The Government Human Rights Ministry attempted to stop abuses against NGO workers; however, the security services continued to harass some domestic NGO workers. For example, the security services rearrested N'Sii Luanda, president of the human rights organization Committee for Human Rights (CODHO) (*see* Section 1.d.). In October outside of a military court in Kinshasa unidentified individuals in military uniform beat and abducted Sebastien Kayembe Nkokesha, chairman of the Congolese Human Rights Observatory; Nkokesha was released the same day.

The main domestic human rights organizations operating in the country included Comite Droits de l'Homme Maintenant, a national network of human rights organizations; la Voix des Sans Voix (VSV), an active Kinshasa-based organization; Groupe Jeremie and Groupe Amos, two Christian-inspired groups that focused on human rights and democracy problems; CODHO, a human rights monitoring group; Toges Noires, an association of lawyers and judges involved with human rights; and Association Africaine de Defense des Droits de l'Homme (ASADHO).

International human rights and democracy NGOs operating in Kinshasa included the ICRC, International Human Rights Law Group, the International Foundation for Elections Systems, Search for Common Ground, Avocats Sans Frontiers-Belgium, and the National Democratic Institute. Representatives of other international human rights and democracy NGOs, such as Human Rights Watch Africa and the National Endowment for Democracy, visited the country during the year.

In May the Government invited the International Criminal Tribunal for Rwanda (ICTR) to open an office in Kinshasa. While the ICTR has not established an office, ICTR investigators operated freely in government-held areas of the country, seeking a number of genocide indictees thought to be living in the country. On September 29, the Government arrested genocide suspect Tharcisse Renzaho and delivered him to the ICTR.

In areas not under government control, there were fewer domestic and international human rights NGOs than in government-controlled territory; those that did operate generally were subjected to more harassment and abuse. Domestic human rights organizations operating in areas outside government control included SEDL, a human rights NGO monitoring violations in South Kivu; PAIF, a woman-led NGO monitoring violence against women in the Kivus; RODHECIC, a human rights NGO network active in South Kivu; ARC, a human rights NGO focusing on abuses against religious groups and women; and Groupe Lotus, Amis de Nelson Mandela, and Justice and Liberation, three human rights NGOs monitoring abuses in Kisangani.

Rebel groups, foreign troops, and militias frequently harassed, arrested, and tortured domestic NGO workers in an attempt to obstruct their reporting (*see* Section 1.g.). Rebel forces frequently imposed travel restrictions on human rights NGOs and journalists (*see* Section 2.d.).

For example, on May 26, RCD-G soldiers accompanied by the head of the RCD-G security service forcibly entered the home of Delphine Itongwa, Executive Secretary of the NGO Group for Study and Action of Development. The soldiers interrogated Itongwa and confiscated her work documents, laptop computer, and airplane ticket to Bukavu; Itongwa was warned not to leave the city.

International NGOs active in areas not under government control included the ICRC and the International Human Rights Law Group. Representatives of Human Rights Watch Africa visited RCD/G-controlled territory during the year.

After the May massacres in Kisangani, the RCD/G permitted Asma Jahangir, the U.N. Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions, to visit and conduct investigations in Kisangani from June 16 to 22 (*see* Section 1.g.). However, Jahangir reported that the RCD/G attempted to hinder her investigation and intimidated potential witnesses.

In August the Ugandan government released the results of its investigation into the April 2001 killings of six employees of the ICRC in Ituri district. Although the report placed responsibility on uncontrolled elements of the Lendu ethnic group, credible reports indicated that members of the Hema UPC militia killed the ICRC workers and tried to make the Lendu appear responsible. It was unclear whether the UPDF knew of or assisted in the killings. ICRC field operations in the Ituri district remained suspended at year's end.

On November 22, the UPC president declared the Congolese head of the regional U.N. Office for the Coordination of Humanitarian Assistance (OCHA) in Bunia persona non grata and ordered him to leave Ituri within 48 hours for "arrogance" and "verbal disrespect of UPC security personnel." On November 25, the OCHA official left Bunia.

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

In areas under government control, previous constitutions prohibited discrimination based on ethnicity, sex, or religious affiliation; unlike in previous years, the Government tried to enforce these prohibitions and no longer condoned discrimination against members of the Tutsi ethnic group. Societal discrimination remained an obstacle to the advancement of certain groups, particularly women, Muslims, and the indigenous Pygmy (Batwa) people.

Women.—Domestic violence against women, including rape, was common, but there were no known government or NGO statistics on the extent of this violence.

The police rarely intervened in domestic disputes. Rape was a crime, but the press rarely reported incidents of violence against women or children. Press reports of rape generally appeared only if it occurred in conjunction with another crime or if NGOs had reported on the subject. Girls who had been raped often found it difficult to get married; married women who were raped often were rejected by their husbands. It was commonplace for family members to instruct a rape victim to keep quiet about the incident, even to health care professionals, to save the reputation of the victim.

FGM was not widespread, but it was practiced on young girls among isolated groups in the north. On August 20, the Government, which severely criticized the practice, issued a Presidential Decree creating the National Committee to fight Harmful Traditional Practices/Female Genital Mutilation. The Committee, which held a conference in May under the auspices of the Health Ministry, developed a network of community leaders, women representatives, and health professionals dedicated to the prevention and treatment of FGM.

Prostitution, which is not a crime except for children under the age of 14, was a problem, and there was an increase in prostitution due to poor economic conditions. Women sometimes were forced into prostitution by their families out of economic necessity. There was no information available as to the extent of prostitution in the country.

Women were relegated to a secondary role in society. They constituted the majority of primary agricultural laborers and small-scale traders and almost exclusively were responsible for child rearing. In the nontraditional sector, women commonly received less pay for comparable work. Only rarely did they occupy positions of authority or high responsibility. Women also tended to receive less education than men. Women were required by law to obtain their spouse's permission before engaging in routine legal transactions, such as selling or renting real estate, opening a bank account, accepting employment, or applying for a passport. The law permits a widow to inherit her husband's property, to control her own property, and to receive a property settlement in the event of divorce; however, in practice women often were denied these rights, which in some cases was consistent with traditional law. Widows commonly were stripped of all possessions—as well as their dependent children—by the deceased husband's family. Human rights groups and church organizations were working to combat this custom, but there generally was no government intervention or legal recourse available. In addition, women often did not realize that they could improve their legal claims by obtaining official documents that declared them to be married legally to a man. Women also were denied custody of their children in divorce cases, but they retained the right to visit them. Polygyny was practiced, although it was illegal. Father-child relationships resulting from polygynous unions were recognized legally, but only the first wife was recognized legally as a spouse.

There were a number of active and effective women's groups in both the Government-controlled and rebel-controlled areas of the country.

Children.—Government spending on children's programs almost was nonexistent. Primary school education was not compulsory, free, or universal. In public schools, parents formally were required to pay a small fee, but parents often informally were expected to pay teachers' salaries. Extremely poor economic circumstances often hampered parents' ability to afford these added expenses and many children were not able to attend school. Most schools functioned only in areas where parents had formed cooperatives. There were reports of economic circumstances forcing children to hunt or fish for their family's livelihood instead of attending school (*see* Section 6.d.). In both the Government-controlled and rebel-controlled areas, poverty brought on by the war led to greatly diminished educational opportunities for girls. Parents under severe economic hardship no longer could afford to educate both their sons and their daughters, resulting in the withdrawal of many girls from school. In addition, in areas under control of RCD/G and RDF soldiers, there were numerous reports that girls dropped out of school due to threats of rape and sexual violence by soldiers targeting the schools (*see* Section 1.g.).

The number of orphans and street children increased during the year. Street children in Kinshasa were subjected to harassment by soldiers and police, including the rape of homeless girls. At several points during the year, government forces rounded up children living on the street and transferred them to group facilities outside the city. In some of these cases, the children were not placed in adequate facilities. However, the Government allowed international NGOs to monitor the facilities and worked with these NGOs to transfer children to adequate facilities. The public generally supported the police, since the Kinshasa population was distrustful of street children, who often committed theft and other crimes.

FGM was not widespread but still was performed on girls among isolated groups (see Section 5, Women).

The Juvenile Code included a statute prohibiting prostitution by children under the age of 14; however, child prostitution was a serious problem (see Section 6.f.).

Unlike in the previous year, the Government stopped recruiting child soldiers and continued to cooperate with UNICEF in demobilizing child soldiers. However, rebel forces, particularly the RCD/G, continued to recruit child soldiers, sometimes forcibly (see Section 6.c.). There were some reports that RCD/G forces arrested boys and young men for being Mai Mai sympathizers and then forced them to train and serve with RCD/G or RDF military. Credible reports indicated that rebel forces forcibly conscripted boys as young as age 10, and that RCD/G forces established recruitment quotas for its field commanders and senior party leadership. The RCD/G claimed it was attempting to demobilize its child soldiers, and RCD/G president Onusumba signed an agreement with UNICEF to this effect, but there were numerous credible reports that the RCD/G continued to recruit and conscript child soldiers and to send them to military training camps. In addition, there were numerous reports that the Hema militia UPC recruited a large number of children to fight in the ethnically-based conflict in the Ituri region. No reliable data was available on the number of children recruited willingly versus forcibly.

Persons with Disabilities.—The law does not mandate accessibility to buildings or government services for persons with disabilities. There were some special schools, many staffed with missionaries, that used private funds and limited public support to provide education and vocational training to students who were blind or had physical disabilities.

Persons with disabilities were subjected to discrimination in employment, education, and the provision of other government services. Persons with disabilities were exempt from some civil laws, such as paying some taxes or in some cases paying customs duties.

Indigenous Persons.—There was a population of fewer than 10,000 Pygmies (Batwa), who were believed to have been the country's original inhabitants; societal discrimination against them continued. Although they were citizens, most Pygmies continued to live in remote areas and took no part in the political process.

NGOs reported that some tribes in the interior of the country captured and used Pygmies as slaves or occasionally killed a Pygmy as part of the burial ceremony of a tribal chief.

National/Racial/Ethnic Minorities.—There were 200 separate ethnic groups, which generally were concentrated regionally and spoke distinct primary languages. There was no majority ethnic group; some of the largest ethnic groups were the Luba, Kongo, and Anamongo. Four indigenous languages, Kiswahili, Lingala, Kikongo, and Tshiluba, had official status. French was the language of government, commerce, and education. Societal discrimination on the basis of ethnicity was practiced widely by members of virtually all ethnic groups and was evident in private hiring and buying patterns and in patterns of de facto ethnic segregation in some cities; however, intermarriage across major ethnic and regional divides was common in large cities. Unlike in the previous year, there was no evidence that violent conflict between the Tutsi and Hutu ethnic groups continued inside the country; at one point the Tutsi Banyamulenge people collaborated with Hutu militias in the country to fight the Rwandan army, which was both Hutu and Tutsi.

Since the start of the war in 1998, ethnic Tutsis have been subjected to serious abuses, both in the capital and elsewhere, by government security forces and by some citizens for perceived or potential disloyalty to the regime; however, these abuses decreased significantly during the year. Human rights groups have complained that discrimination against persons perceived to be of Tutsi ethnicity and their supporters was a problem.

President Kabila's cabinet and office staff were geographically and ethnically diverse. However, a significant amount of political influence remained in the hands of individuals (both inside and outside the Government) from the Luba Katangan ethnic group of Kabila's father, former President Laurent Kabila. Katangans in the FAC substantially were more likely both to be promoted and to be paid than persons from other regions. Since the beginning of the war, Tutsis have been absent from the Government. The leadership and armed forces of the rebel MLC continued to be dominated by members of the Equateur province. The RCD/G leadership continued to be dominated by Tutsis.

Birth on national territory did not necessarily confer citizenship. The Government did not recognize the citizenship claims of longtime residents whose ancestors immigrated to the country, including the Banyamulenge Tutsis from Rwanda. However, in ICD negotiations in Sun City, the Government and most other parties agreed to

grant citizenship to the Banyamulenge. This has not yet been implemented and was on hold until the completion of transitional government talks.

During the year in the Ituri district in Orientale province, fighting between members of the Lendu and Hema ethnic groups (and other smaller tribes allied with either the Lendu or the Hema) resulted in thousands of civilian deaths and the displacement of more than 500,000 persons. UPDF and rebel factions have armed both groups and manipulated ethnic tensions—resulting from long-standing land disputes and colonial favoritism to the Hema—to exploit the region's resources. There have been reports that the Rwandan government supplied and trained Hema militias led by Thomas Lubanga, while the progovernment RCD-ML supported Lendu combatants.

Section 6. Worker Rights

a. The Right of Association.—In areas under government control, the law permitted all workers, except magistrates and military personnel, to form without prior authorization and to join trade unions. The National Union of Congolese Workers (UNTC) remained the largest labor federation. The country's other large confederations were the Democratic Confederation of Labor (CDT) and the Congo Trade Union Confederation (CSC). There also were almost 100 other independent unions, which were registered with the Labor Ministry. Some of the independent unions were affiliated with political parties or associated with a single industry or geographic area; however, they also had ties to larger unions, such as the UNTC, which had more diverse membership. Since the vast majority of the country's economy was in the informal sector, only a small percentage of the country's workers were organized.

The collapse of the formal economy, which was exacerbated by the civil war, resulted in a decline in the influence of trade unions, a tendency of employers to ignore existing labor regulations, and a decrease in wages as jobs increasingly became scarce. The Labor Code prohibited discrimination against unions, although this regulation was not enforced effectively by the Ministry of Labor. The law also required employers to reinstate workers fired for union activities. In the public sector, the Government set wages by decree; public sector unions acted only in an informal advisory capacity.

On October 7, the Government passed a new labor code; however the code has not yet been published.

Police forcibly dispersed labor marches during the year (*see* Section 2.b.).

Unlike in the previous year, there were no reports that security forces arrested or detained labor leaders and activists.

Unions could affiliate with international bodies. The UNTC participated in the Organization of African Trade Union Unity, and the Central Union of Congo was affiliated with the World Confederation of Labor. Both the UNTC and the CDT also were affiliated with the International Confederation of Free Trade Unions.

In areas not under government control, there were no reports of functioning labor unions.

b. The Right to Organize and Bargain Collectively.—In areas under government control, the law provides for the right to bargain collectively. The professional unions and the Congolese Business Federation signed a cooperative agreement in 1997; however, while collective bargaining still existed in theory, continuing inflation encouraged a return to the use of pay rates individually arranged between employers and employees.

The law recognizes the right to strike; however, legal strikes rarely occurred because the law requires unions to have prior consent and to adhere to lengthy mandatory arbitration and appeal procedures. Labor unions were not able to defend effectively the rights of workers in the deteriorating economic environment. The law prohibits employers or the Government from retaliating against strikers, but this prohibition was not enforced.

On January 15, doctors held a 48-hour warning strike to protest a bill that would allow health professionals other than doctors to manage a health care center. The Government took no action against the strikers.

In February workers at Starcell, a telecommunications company, went on strike and demanded contract negotiations. ANR detained an expatriate employer and released him only after he agreed to accept union demands.

In January and in June, workers of the Congolese Office of Post and Telecommunications continued a strike to protest 22 months of salary arrears; the Government took no action against the strikers.

During much of the year, some ONATRA workers were on strike to protest salary arrears; the Government took no action against strikers.

There were no export processing zones.

In areas not under government control, there were no regulations in effect that governed employment or union memberships. Rebel authorities held complete control over public and private sector workers. Rebel authorities generally did not pay public sector employees.

c. Prohibition of Forced or Bonded Labor.—In areas under government control, the law prohibits forced or bonded labor; however, there were reports that Mai Mai groups and Hutu militias abducted men, women, and children and forced them to work in rural areas (*see* Section 1.b.).

The law does not prohibit specifically forced and bonded labor by children; however, the general law prohibiting forced or bonded labor applies (*see* Section 6.f.). Many children were forced by their parents to leave school and beg in the streets or work to earn money for their families. Unlike in the previous year, there were no reports that the Government forcibly conscripted children or adults.

There were NGO reports that some tribes used Pygmies as slaves (*see* Section 5).

In areas not under government control, there were numerous reports that rebel groups, foreign troops, Mai Mai, and Hutu militias used forced and bonded labor. RCD/G and RDF soldiers routinely forced civilians to carry heavy loads for them for long distances or to transport them without pay on their bicycles, which typically were used as taxis in many eastern cities. Armed combatants on all sides, particularly Hutu militias and Mai Mai groups, abducted women and children and forced them to provide household labor or sexual services, for periods ranging from several days to several months. Rwandan and RCD/G soldiers continued to conscript forcibly adults and children, often forcing those they had arbitrarily arrested to train and serve with RCD/G forces (*see* Section 5).

There continued to be numerous reports that the Rwandan army forced Rwandan prisoners and Congolese civilians, including children, to mine coltan in the Provinces of South Kivu and Maniema, especially in the areas of Kalemie and Kalima.

On January 17, NGOs reported that Mfaume Ebombo, a civil servant, and Burundian soldiers seized control of palm groves belonging to the villagers in Ake I and II, Iyuwa, and Swima, South Kivu and forced the villagers into slave-like labor, regardless of age or state of health. Burundian soldiers reportedly patrolled the groves with whips. On January 27, a Burundian soldier reportedly slashed M'mabi Birire with a machete because he told the soldier he could not climb a palm tree; soldiers also whipped Mshenji Ishibilebwa for the same reason.

d. Status of Child Labor Practices and Minimum Age for Employment.—In areas under government control, the legal minimum age for full-time employment without parental consent is 18 years. Employers legally may hire minors between the ages of 14 and 18 with the consent of a parent or guardian, but those under age 16 may work a maximum of 4 hours per day. The employment of children of all ages was common in the informal sector and in subsistence agriculture, which were the dominant portions of the economy. Such employment often was the only way a child or family could obtain money for food. Larger enterprises generally did not exploit child labor. Neither the Ministry of Labor, which was responsible for enforcement, nor the labor unions effectively enforced child labor laws.

There continued to be reports that forced child labor occurred (*see* Section 6.c.).

In areas not under government control, there were numerous credible reports that rebel groups, foreign troops, Mai Mai, and Hutu militias used forced child labor (*see* Section 6.c.).

e. Acceptable Conditions of Work.—In areas under government control, most citizens were engaged in subsistence agriculture or commerce outside the formal wage sector. The average wage did not provide a decent standard of living for a worker and family. Most workers relied on extended family and informal economic activity to survive. The low salaries of police, soldiers, and other public officials (and the non-payment of salaries) encouraged many of these officials to extract bribes. The maximum legal workweek (excluding voluntary overtime) was 48 hours. One 24-hour rest period was required every 7 days.

Civil servant salaries remained very low, ranging between \$4 (1,600 Congolese francs) and \$20 (8,000 Congolese francs) per month, and salary arrears continued to be a problem. However, depending on their position, civil servants frequently supplemented their incomes through various practices of corruption. The Congolese Credit for Development fund (CCD), which was announced in July 2001, has not yet been implemented.

On July 3, the Government passed a new minimum wage law, which provided public and private sector workers with a minimum daily wage of \$.86 (335 Congolese francs); however, on October 14, the Government announced that due to fiscal constraints, public salaries would not be raised to comply with the minimum wage.

Some public ministry workers subsequently went on an extended strike (*see* Section 6.b.).

The Labor Code specifies health and safety standards. The Ministry of Labor officially was charged with enforcing these standards, but it did not do so effectively. No provisions in the Labor Code permitted workers to remove themselves from dangerous work situations without jeopardy to their continued employment.

The law provides for the protection of legally documented foreign workers.

In areas not under government control, rebel authorities did not address employment issues or health and safety standards. There were few jobs available in the formal sector. Employees of RCD/G-controlled parastatals remained unpaid. Most citizens in rebel-controlled territory were engaged in subsistence agriculture or commerce outside the formal wage sector. The average wage did not provide a decent standard of living for a worker and family. Due to extended pillaging, extortion by armed groups, and instability forcing families to flee their homes and crops, poverty and economic hardship generally were more severe in areas held by rebels and foreign troops than in areas under government control. Most citizens relied on informal economic activity, humanitarian aid, and scavenging in the forests. Salary arrears for police, soldiers, and other public officials encouraged extortion and theft from the population.

f. Trafficking in Persons.—In areas under government control, there were no specific laws that prohibited trafficking in persons, and trafficking occurred; however, there were laws prohibiting the corruption or debauchery of minors under the age of 21. The Government also was a party to the Convention on Repression of Trafficking of Human Beings and Exploitation of Third Party Prostitution; the Additional Convention Relating to Child Rights; and the Optional Protocol on the Sale of Children. Unlike in previous years, there were no reports that women were trafficked for sexual purposes to Europe; however, child prostitution was common in Kinshasa and in other parts of the country. There were reports during the year that girls were forced into prostitution to earn money for their families.

The Government had few programs in place to prevent this practice. The Government coordinates with other countries on trafficking issues and has attended some regional meetings on trafficking in persons; however, government efforts to combat trafficking were limited by a lack of resources and information, and because much of the country's trafficking problem occurred in areas controlled by rebel groups and foreign armies. The Government has not investigated vigorously or prosecuted trafficking cases. The Government has no resources for training; however, it permits training of officials by the Government of France and by NGOs. The Government does not coordinate with other countries on trafficking issues and has no funding for protection services. Victims are not prosecuted.

In areas not under government control, there continued to be reports that the RCD/G, RDF, Mai Mai, Hutu militias, MLC, and other armed groups kidnaped men, women, and children and forced them to provide menial labor or sexual services for members of the armed group. Many of the victims were held for periods of several days to several months. Specific information was difficult to obtain because NGO access was hindered and because victims were reluctant to discuss their experiences because of possible reprisal from the perpetrators and the social stigma attached (*see* Section 5).

The Government repeatedly has criticized severely the abduction of women and children by armed groups in areas of the country not under government control. On May 28, the Government filed a case against Rwanda in the World Court, accusing Rwandan soldiers of killing, raping, and kidnaping civilians in the country.

REPUBLIC OF CONGO¹

The Republic of the Congo is ruled by a government in which most of the power was vested directly in the President. Denis Sassou-Nguesso was elected President by a large majority of voters in March, and in May and June legislative elections were held for the Senate and the House of Delegates in most jurisdictions. Both the presidential and legislative elections were determined to be generally free and fair and “not to contradict the will of the people” by independent monitors; however, there were some flaws and irregularities in the administration of the elections, which caused lingering credibility issues for some persons in the international com-

¹The United States Embassy evacuated its facilities in the country during the 1997 civil war and subsequently operated out of the American Embassy in the Democratic Republic of the Congo; however, in late 2001, operations resumed, and at least one American diplomat usually was present in the country during the year.

munity and certain nongovernmental organizations (NGOs). The Government took office in August, and the legislature began work in October. Because of security problems, elections in some jurisdictions in the Pool region had not yet been held. Antigovernment Nsiloulou Ninja militiamen operated principally in the northern and central Pool regions and the conflict heated up in parts of the Pool. The judiciary was corrupt, overburdened, underfinanced, and subject to political influence.

The security forces included the police, the Gendarmerie, and the armed forces; however, the functional distinction between these forces was not always clear. In theory the police should be the first to respond to security incidents, with gendarmes and army units intervening later if necessary; however, in practice overlapping operations were common. The Government did not have full control over some individual members or units of the security forces. The Angolan armed forces that were in the country under a bilateral agreement to provide security had departed by year's end. During the year, some Angolan units had moved into the Pool to help secure the railroad following the March attacks by an antigovernment militia and provided security on other occasions. Some members of the security forces committed serious human rights abuses.

The economy suffered serious losses from destruction and looting in much of the south during the 1997 civil war and the 1998–99 conflict, particularly in Brazzaville, where an estimated one-third of the country's approximately 3 million population normally resided. Oil and timber exports remained the country's main sources of foreign exchange. Although per capita gross domestic product was estimated in 2001 at approximately \$700, this figure included substantial oil export revenues, which were not distributed widely throughout the population. Approximately 70 percent of the population lived in poverty. Lack of transparency and inefficient government impeded rehabilitation and development.

The Government's human rights record remained poor, and it continued to commit serious abuses. Security forces were responsible for extrajudicial killings, as well as summary executions, rapes, beatings, physical abuse of detainees and citizens, arbitrary arrest and detention, looting, solicitation of bribes and theft. There were credible reports that the Government deployed undisciplined forces during the year in the Pool region. Prison conditions were poor. The judiciary was unable to ensure fair and expeditious trials. The Government and its political allies continued to monopolize domestic broadcast media; however, private newspapers circulated freely and often were critical of the authorities. There were some limits on freedom of movement. Domestic violence and societal discrimination against women were serious problems. Discrimination on the basis of ethnicity remained widespread, including against minority indigenous Pygmies. Child labor was a problem. There were unconfirmed reports of the recruitment of child soldiers. There were reports of trafficking in persons. Citizens sometimes resorted to vigilante justice and killed suspected criminals.

Rebel militias committed serious human rights abuses.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were reports during the year of extrajudicial killings by security forces, particularly in the Pool region where the armed forces were fighting a rebel militia. Unlike in the previous year, there were no reports that police killed persons who fled arrest.

There was one report in that security forces summarily executed several soldiers responsible for killing an entire family. During the year, the Government deployed undisciplined troops on two occasions in Brazzaville and such forces were deployed in the Pool throughout the year (*see* Section 1.c).

No action was taken against members of the security forces responsible for the following killings in 2001: The September killing of a suspected thief and the killing of a person believed to have threatened the security of a government minister.

There were no developments in the July 2001 conviction of five police officers, who had been dismissed for their involvement in the November 2000 overcrowding and suffocation of 12 persons in jail. At year's end, they still were awaiting a decision on their sentencing by a civilian court in Pointe Noire.

No action reportedly was taken against members of the security forces responsible for the following killings or other deaths in custody in 2000: The death in custody of Gabriel Louya; the August killings of two family members of a policeman; and the September killing of a civilian during a dispute between security forces.

From March to year's end, many civilians were killed when rebel militia forces raided villages. In addition, rebel militia members kidnaped and allegedly killed a

French priest (see Section 1.b.). Some 9,000 persons who had fled the fighting were in refugee camps outside Brazzaville at year's end.

There continued to be occasional deaths due to mob violence, as civilians took vigilante action against presumed criminals, or as individuals settled private disputes; however, police at times intervened to stop such action. For example, in November in a northern village a Rwandan refugee burned to death a Congolese woman as a result of a dispute. The Rwandan turned himself in to police to avoid mob action. Some villagers attacked and looted a Rwandan neighborhood. No action was taken against most of the persons who participated in mob violence. Some of the villagers were arrested; however, they subsequently were released.

b. Disappearance.—In March, following an attack by Nsiloulou Ninja's militia on the railroad, the army began a campaign in the Pool region to suppress the militia. In July there were reports that at least 20 young men suspected of supporting the antigovernment Nsiloulou militia were arrested and taken away (see Section 5). Their whereabouts were unknown at year's end.

In August 2001, the Government appointed a special commission of the National Transitional Council (CNT) to investigate allegations that 353 young men who took refuge in the Democratic Republic of the Congo (DRC) in 1999 were separated from their families by security forces upon returning to Brazzaville in May 1999, and subsequently disappeared. The commission's report, which was to include other disappearances due to civil hostilities since 1993, was given to the Ministry of Justice in August shortly before the CNT was dissolved and the newly elected parliament was installed. The report was not made public by year's end. In December 2001, families of the disappeared filed suit in the International Court of Justice (ICJ) in Brussels accusing members of the Government, including President Sassou, of crimes against humanity. During the year, a French court began an investigation into the case. General Norbert Dabira, Inspector General and Logistics Chief of the Army, appeared before the court and denied involvement. In October the French court questioned Gerard Bitsindou, a former minister. The Government objected to his continued involvement in the court proceeding on the grounds that the court lacked jurisdiction. In December the Government filed suit in the ICJ to prevent French courts from exercising jurisdiction over members of President Sassou's government. The ICJ ruled that the court would not have jurisdiction until it received France's consent.

The rebel Nsiloulou militia kidnaped a French priest and an army officer. The priest was later found dead and most observers believed followers of Frederic Bitsangou, also known as Pastor Ntoumi, killed him. On December 4, a group of armed men identified by the Government as Nsiloulou militia members kidnaped two employees of the International Committee of the Red Cross (ICRC). They were released unharmed by year's end.

c. Torture and other Cruel and Inhuman Treatment or Punishment.—The Constitution prohibits acts of torture and cruel, inhuman, or degrading treatment; however, in practice security forces sometimes used beatings to coerce confessions or to punish detainees. There were reports that female detainees were raped. Some members of the security forces beat citizens and looted their homes (see Section 1.f.), and frequently extorted money and cellphones from travelers at checkpoints (see Section 2.d.). No action was taken against responsible personnel by year's end.

There were reports that undisciplined government forces committed abuses such as summary executions, rape, looting, and other violent acts, primarily in the Pool region but also in Brazzaville. In the Pool region, the Government forces reportedly included Angolan soldiers and mercenaries of Rwandan origin who severely mistreated the local population.

During negotiations in April for the surrender of Ninja militia members in Brazzaville, shots were fired in some southern neighborhoods of Brazzaville, which caused the residents of the area to panic and flee. Some army and police forces, who were in the area to ensure security during the surrender negotiations, robbed, beat, and in some cases raped the fleeing citizens. Subsequently, drunken soldiers threatened to kill an international humanitarian worker who refused to surrender her cellphone. After 2 days, during which homes and stores were looted, the soldiers were replaced with more disciplined troops; however, no action was taken against the responsible soldiers by year's end.

In June the Nsiloulou Ninja militia supporters of Pasteur Ntoumi, attacked the Brazzaville airport. Government forces fought the attackers, which caused residents of nearby neighborhoods to flee. Government soldiers again robbed and abused the fleeing citizens. Authorities responded forcefully by identifying and dismissing certain police officers and soldiers and returning stolen goods to the owners.

There were no developments in the August 2001 case in which dissatisfied soldiers threw a grenade at the home of the Defense Minister.

Members of the police received training in human rights from local NGOs in 2001, and on several occasions, high-ranking police officials gave speeches exhorting police officers and officials to respect civilians and their rights. During the year, the U.N. and the ICRC provided additional human rights training.

Prison conditions remained poor due to overcrowded facilities and scarcity of resources to provide food or health care to the inmates. Prisons functioned in Brazzaville and Pointe Noire and to a lesser degree in the smaller, more remote towns of Owando, Ouesso, and Djambala. The Ministry of Justice continued to repair some prisons during the year; however, lack of funds hindered efforts to improve physical facilities and to provide food and medicine.

Detainees held at police stations often were subjected to beatings, overcrowding, extortion, and other cruel, inhuman, or degrading treatment. A group of 17 persons who spent 16 months in prison in Impfondo between 1998–1999 filed a complaint in Pointe Noire in 2000 against the Government alleging cruel and inhuman treatment, including torture, during their incarceration. In August 2001, dissatisfied with the pace of justice, they filed a complaint in a Belgian national court. This court eventually determined it lacked jurisdiction, and the case was dismissed during the year.

Women were incarcerated with men, and juveniles were held with adults. Pretrial detainees were detained with convicted prisoners.

Access to prisons and detention centers by domestic and international human rights groups continued to be granted. Local human rights groups, including the Congolese Observatory for Human Rights (OCDH), the Association for the Human Rights of the Incarcerated (ADHUC), the National Counsel for the Promotion and Protection of the rights of Detained Persons (CNPDH), and a Catholic Church organization visited prisons during the year. The ICRC continued regular visits to prisons and detention centers throughout the country.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, security forces frequently committed such acts. For example, the husband of a journalist was arrested without a warrant and taken from his home following a complaint by a prominent clergyman that the journalist's employer had published a report that the clergyman was involved in the abuse of female refugees. The journalist followed the arresting officers and arranged for her husband's release by appealing to the officers' superiors.

The Code of Penal Procedure, which remained in force, requires that a person be apprehended openly and that a lawyer be present during initial questioning. The Code further stipulates that warrants be issued before arrests are made and that detainees be brought before a judge within 3 days and either charged or released within 4 months. In practice the Government often violated these legal provisions. Detainees usually were informed of the charges levied against them, and lawyers and family members usually were given access to them. There is a system of bail called a "caution"; however, more than 70 percent of the population has an income below poverty level and usually cannot afford to pay bail.

During the year, government forces arrested young "southern" men following militia attacks (see Sections 1.b. and 5).

The Constitution prohibits forced exile; however, in the past, the Government has blocked the return of some citizens. For example, some officials of the previous government, including former President Lissouba and former Prime Minister Kolelas, remained outside the country. Kolelas' attempts to return failed on at least two occasions in 2001 when the Government intervened and airlines refused to transport him. Many other officials of the former government, including cabinet members, have returned to the country and resumed political activity. A few were elected to the new Parliament. During the year, none of the more senior exile leaders attempted to return.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the judiciary continued to be corrupt, overburdened, underfinanced, and subject to both political influence and bribery. Lack of resources continued to be a severe problem; almost nothing remained of judicial records, case decisions, and law books following the looting during the civil wars of the late 1990s. The Ministry of Justice continued slowly to rehabilitate courthouses during the year.

The judicial system consists of local courts, courts of appeal, the Supreme Court, and traditional courts. In addition, two new judicial bodies were added under the new Constitution: The Constitutional Court (to supervise elections and judge the constitutionality of laws) and the High Court of Justice (whose function is to try a

President accused of treason). In rural areas, traditional courts continued to handle many local disputes, especially property and probate cases, and domestic conflicts that could not be resolved within the family.

In general defendants are tried in a public court of law presided over by a state-appointed magistrate. The defense has access to prosecution evidence and testimony and the right to counter it. In formal courts, defendants are presumed innocent and have the right of appeal; however, the legal caseload far exceeded the capacity of the judiciary to ensure fair and timely trials. Some cases never reached the court system.

The Government established military tribunals to try soldiers for abuses committed during periods of conflict. During the year, the tribunals were active; however, the sessions were not public.

In December 2001, in addition to previous convictions, former President Lissouba was convicted in absentia of high treason and sentenced to 30 years hard labor plus a fine of approximately \$37 million (25 billion FCFA) (*see* Section 3.).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, in practice security forces at times illegally entered, searched, and looted private homes. During the year, military, gendarmerie, and police forces occasionally beat civilians and looted their homes sometimes in revenge for complaints filed by the civilians against them. During the period following the shootings in April and the June Ninja attack on the Brazzaville airport (*see* Section 1.c.), such incidents briefly became common. More responsible officers attempted to restrain their troops but with varying degrees of success. In the areas of the Pool where government security forces and affiliated forces were fighting the Nsiloulou Ninjas, reports of such behavior by the army were common.

Citizens generally believed that the Government monitored private mail and telephone communications; however, there were no reports that security forces arrested persons due to the content of their private communications.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, although it also criminalizes certain types of speech such as incitement to ethnic hatred, violence, or civil war, and the Government generally respected these rights; however, it continued to monopolize broadcast media. In 2001 the Press Law was modified. While maintaining monetary penalties for defamation and incitement to violence, the law no longer requires prison terms for violators, including cameramen, editors, and other working members of the press. The law also applies to include the Internet and business public relations operations.

There was no state-owned newspaper. There were 15 to 20 private newspapers that appeared weekly in Brazzaville. Some of these newspapers take editorial positions critical of the Government and print articles disparaging authorities. Newspapers continued to publish on occasion open letters written by opponents of the Government who were in prison or lived abroad. The print media did not circulate widely beyond Brazzaville and Pointe Noire; however, it reached approximately two-thirds of the population.

Most citizens obtained their news from the broadcast media, primarily radio, which effectively remained a government monopoly. Government-owned Radio Congo and Radio Brazzaville broadcast approximately 18 hours a day; government-owned Television Congo broadcast for fewer hours. A local FM station rebroadcast Radio France International and Voice of America (VOA), and British Broadcasting Corporation (BBC) retransmissions were available. Radio and television broadcasts from neighboring DRC were received in Brazzaville. The private independent station, Radio Liberte continued to broadcast. Local rebroadcasts of the Gabon-based Africa Number One also continued during the year. A Christian missionary group in Pointe Noire received permission to broadcast during daylight hours; it voluntarily provided its broadcast material to the Government prior to broadcast. The news coverage and the editorial positions of the state-owned media reflected government priorities and views.

Government broadcast media focused its attention on the activities of government officials and their supporters; there was no meaningful airing of alternative political views.

Internet service was available through two private companies in Brazzaville, and two companies based in Kinshasa, DRC. The Government-controlled provider ceased operations in the late fall. Several Internet cafes also provided access, and private persons with sufficient money could access the Internet directly via satellite and service providers in Brazzaville, Pointe Noire, or the DRC.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedoms of assembly and association, and the Government generally respected these rights in practice. Political parties and civic associations held numerous meetings during the year. Public demonstrations were less common, and there were no known public protests. Groups that wished to hold public assemblies were required to inform the Ministry of Interior, which could withhold authorization for meetings that threatened public order; however, there were no reports that the Government withheld permission during the year.

The law permits associations, political parties, and other groups to form freely, provided that they respect principles of sovereignty, territorial integrity, national unity, and democracy. All groups, political, social, or economic, were generally required to register with the Ministry of Interior, which in August was divided into the Ministry of Security and Police and the Ministry of Territorial Administration. No political parties were banned or suspended. The parties of some prominent leaders of the former government continued to operate.

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

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, in practice the Government imposed some limitations. Military and police checkpoints, which at times interfered with the movement of civilians, continued to operate during the year, and soldiers frequently extorted money and cellphones from private persons and commercial traders to permit passage through these checkpoints. Following the March and June Nsiloulou militia attacks on the railroad and Brazzaville's airport (see Section 1.c.), the Government restricted travel in the Pool region. The inhabitants were requested to depart to avoid being injured by government forces in pursuit of the Nsiloulou militia and their supporters. Movements by international organizations and NGOs were restricted due to the security situation. Permission to enter the area of conflict could be obtained only from the Ministry of Security and Police.

Unlike in the previous year, there were no reports that the Government intervened to prevent the return of anyone to the country; however, no senior member of the opposition tried to return during the year.

There were no reports of the prevention of the return of displaced persons; however, train service was disrupted following attacks on it by the Nsiloulou Ninja militia during the year.

During the civil conflicts, tens of thousands of citizens fled into neighboring countries, particularly Gabon and the DRC. Approximately 45,000 persons fled to the Bas-Congo province of the DRC; however, all but approximately 5,000 had been repatriated to the country by year's end. Approximately 15,000 citizens fled to Gabon and, according to U.N. figures, 9,000 persons remained there at year's end. In 2001 the U.N. High Commissioner for Refugees (UNHCR) signed a tripartite accord with the Government and the Government of Gabon for the return of these persons. According to the UNHCR, fewer than 700 such persons had returned to the country by year's end.

The Constitution provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government granted first asylum to refugees from other countries. The country continued to host a small number of Burundians and approximately 7,000 Rwandans, largely members of the Hutu ethnic group, who fled camps in the eastern part of the DRC in 1996 and arrived in the country mainly in 1997. The Government, in collaboration with the UNHCR, integrated approximately 2,000 of these refugees in the north-central regions of the country; however, some remained loosely grouped in an encampment north of Brazzaville, and others have integrated informally into society. Humanitarian NGOs reported that there were 20,800 Angolan refugees in Pointe Noire at the end of 2000. Of these, approximately 3,000 continued to receive some UNHCR assistance in camps during the year; the remaining approximately 16,000 were integrated into the local communities or repatriated.

More than 100,000 refugees and several hundred combatants, including DRC troops, have fled to the northern Cuvette and Likouala regions of the country due to fighting in the DRC's Equateur Province since 1999; some were repatriated to Kinshasa. Lack of roads and airstrips, and insecurity along the Congo and Ubangui rivers, complicated humanitarian access to these refugees. Beginning in September 2001, a series of joint river patrols by government and DRC authorities improved the security situation and permitted relatively safe river travel as far north as

Impfondo. Humanitarian organizations were able to provide materials to the refugees as far north as Betou (*see* Section 4). With the beginning of the intra-Congolese dialog, some refugees from this area were able to cross the river to their former homes; however, few felt safe enough or wished to return permanently. In April authorities arrested and repatriated forcibly to the DRC 19 DRC refugees. Some of these individuals had refugee status applications pending with the UNHCR; however, none had been granted formal refugee status by the UNHCR because of their possible involvement in human rights abuses as former members of the DRC's security and intelligence services. Their families and colleagues, who had received provisional refugee status, remained in the country, and during the year, they were moved within the country for security reasons. In October some refugees from the Central African Republic (CAR) fled to the country following an coup attempt in Bangui; however, most had returned to the CAR by year's end.

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

With a Constitution and the holding of elections during the year, citizens generally had the right to change their government peacefully. Presidential and legislative elections held over a period of nearly 6 months in two rounds per election were determined "not to contradict the will of the people" by independent observers, despite obvious flaws like insufficient numbers of ballots at certain polling stations and confusion over their locations. In addition, key documents, such as the Constitution, and the elections were viewed by some foreigners as designed to protect the status quo. International observers for the presidential elections in March included the Organization of French-Speaking Countries, the European Union, and the African Union. Local observers included NGOs. There were fewer international observers for the legislative elections. Most foreign observers based in the country concluded that elections were reasonably free and fair and did not thwart the will of the people, although they were flawed and remained incomplete at year's end due to an ongoing armed insurgency in the Pool region. Administrative improvements also were noted in each round.

The Sassou-Nguesso government came to power by force of arms in 1997 with the help of the armed forces of Angola. During the 1998 national reconciliation forum, the Government announced its intention to enact a new constitution and hold elections within 3 years. The draft Constitution was approved by the CNT in November 2001, and approved by a referendum on January 20.

The Constitution gives the President extraordinary power. He presides over the Council of Ministers and proposes legislation. The President also directly appoints three members of the nine-person Constitutional court, appoints from a list four more members, and names its president from among its members. Although the Parliament votes the budget, most of the day-to-day responsibility for government operations was in the hands of the executive branch, and the President can decree a budget that has been rejected twice by the Parliament.

The state remained highly centralized. Since the 1997 civil war, key regional and local leaders have been appointed by the central government. Subnational government entities lacked an independent revenue base and did not represent a significant check on central authority.

Major political parties included the ruling Congolese Workers' Party (CNP), the Panafrican Union for Social Democracy, the Congolese Movement for Democracy and Integrated Development, the Union for Democracy and the Republic, the Rally for Democracy and Social Progress. There were as many as 200 other parties; however, most generally were ineffective. Some party leaders remained in exile while other party officials willing to cooperate with the Government or to oppose it non-violently returned to or remained in the country. Opposition parties were able to campaign openly during the year, hold rallies and press conferences, and place their supporters inside polling places to monitor elections. The opposition was ineffectual and divided. Some parties asked their supporters to boycott the elections and withdrew their candidates. During the election campaign, certain candidates were accused of intimidation, incitement to violence, and cheating; such candidates were disqualified from participation in the election. Nevertheless, opposition parties were publicly encouraged to field candidates, to furnish observers, and to participate in pre-election activities. Television broadcasts provided airtime to opposition politicians; however, government candidates were provided more airtime. Newspapers freely expressed the entire range of opposition opinion. There were a few reports of intimidation of candidates and voters; however, the opposition allegedly was responsible for about 40 percent of the incidents. There was no cohesive opposition, and

many of the political parties were more personality-centered than they were representative of a constituency.

In 1998 the CNT passed a law on genocide, war crimes, and crimes against humanity that permits the exclusion from public office of those found guilty of such crimes. This law could be used to exclude opponents from the political process, and the threat of charges under this law may have dissuaded exiled political figures from returning to the country. In 1999 a court convicted in absentia former President Lissouba of plotting to kill President Sassou-Nguesso, and in 2000 a court convicted in absentia former Prime Minister Kolelas of torture and other crimes during the 1997 civil war. In December 2001, Lissouba was again convicted, this time for high treason, and sentenced to 30 years' hard labor (*see* Section 1.e.). Nevertheless, many senior officials of the former government, including a number of former cabinet ministers, returned to the country and resumed political activities without incident.

There were no legal restrictions on political participation by women or minority populations. There were 9 women in the 60-seat Senate and 12 women in the 137-seat House of Delegates. There were 5 female ministers in the 33-member Cabinet. There was one female candidate in the presidential election.

Pygmies continued to be excluded effectively from social programs and the political process, in part due to their isolation in remote forested areas of the country. The Cabinet included members of many ethnic groups from all areas of the country. Many key posts were held by northerners, including members of the President's Mbochi ethnic group; however, no ethnic or regional group was overly represented. Members of ethnic groups, who did not support the Government during the war, have been permitted to return to their former government jobs.

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

A number of domestic human rights groups generally operated with minimal government restriction, investigating and publishing their findings on human rights cases; however, some human rights leaders maintained that at times they were subjected to subtle forms of intimidation, including phone calls of a harassing nature. Nevertheless, they continued to publish reports that were highly critical of the Government with no apparent reprisal. Government officials generally were uncooperative and unresponsive to human rights groups.

In late December, the Council of Ministers approved a draft law for the formation of a national human rights commission and forwarded it to the Parliament for consideration.

The ICRC maintained an office in Brazzaville. During the year, the security situation in large parts of the Pool region deteriorated. Following the Nsiloulou Ninja attacks in March and April, humanitarian and international organizations were required to coordinate in advance with government authorities their movements in the Pool region. On occasion, access was denied on security grounds. On December 4, two staff members of the ICRC, a delegate and a local staff person, were kidnaped in the Pool region; they later were released unharmed (*see* Section 1.b.). The Government and the DRC continued joint border patrols on the Congo and Ubangui rivers, further improving the general security situation and discouraging bandits and undisciplined military units from randomly targeting civilians and refugees (*see* Section 2.d.). Humanitarian organizations were able to provide materials to the refugees as far north as Betou.

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

The Constitution specifically prohibits official discrimination; however, societal discrimination persisted in practice, particularly against women and Pygmies. Ethnic and regional differences continued; however, there was no organized societal violence during the year.

Women.—Domestic violence against women, including rape and beatings, was widespread but reported rarely. Domestic violence was handled within the extended family and only the more extreme incidents were brought to the police. There were no specific provisions under the law for spousal battery, apart from general statutes prohibiting assault. Rape is illegal, and widespread rape during the 1998–1999 civil conflict raised public awareness of violence against women. NGOs, such as the International Rescue Committee, the ICRC, and Medecins Sans Frontieres, continued to draw attention to the issue and provided counseling and assistance to victims.

Female genital mutilation (FGM) was not practiced indigenously, but may have occurred in some of the small immigrant communities from countries where it was more common.

The Constitution provides for the equality of all citizens, prohibits discrimination based on gender, and stipulates that women have the right to equal pay for equal work; however, in practice women were underrepresented in the formal sector. Most worked in the informal sector and thus had little or no access to employment benefits. Women in rural areas especially were disadvantaged in terms of education and wage employment and were confined largely to family farming, petty commerce, and childrearing responsibilities.

Marriage and family laws overtly discriminate against women. For example, adultery is illegal for women but not for men. Polygyny is legal; polyandry is not. While the Legal Code provides that 30 percent of the husband's estate goes to the wife, in practice the wife often lost all rights of inheritance upon the death of her spouse, especially in the context of traditional or common law marriages. The symbolic nature of the dowry set in the Family Code often was not respected, and men were forced to pay excessive bride prices to the woman's family. As a result, the right to divorce was circumscribed for some women because they lacked the financial means to reimburse the bride price to the husband and his family. This problem was more prevalent in rural areas than in urban centers.

A number of NGOs worked on women's problems; however, their effectiveness varied widely. The new Cabinet included a ministry of Social Solidarity, Humanitarian Affairs, Disabled War Veterans, and Family Affairs, which was headed by a woman. A second ministry, the Ministry of Agriculture, Livestock, Fisheries, and Women's Affairs, also was headed by a woman. This ministry included a Secretary of State delegate to the ministry whose portfolio was for women's affairs and the involvement of women in development.

Children.—The Constitution provides children equal protection under the law. Education was compulsory and free until the age of 16 years. Girls and boys attended primary school in equal numbers; however, school attendance by girls declined precipitously at the high school and university levels. In 1997 the literacy rate was 77 percent for the total adult population but only 70 percent for women. Current literacy rates were unknown but were believed to have fallen due to the widespread destruction of schools and displacement of persons by the political instability and physical insecurity during much of the 1990s.

Teenage girls were often pressured to exchange sex for better grades. This practice resulted in both the spread of HIV/AIDS and unwanted, unplanned pregnancies, which were considered social problems.

FGM may be performed on girls in some immigrant communities (*see* Section 5, Women).

There were indigent street children in Brazzaville, and their numbers have grown as a result of civil conflict since 1997. In addition, children from the DRC easily crossed the river by stowing away on the ferry, which crossed several times per day, to seek improved living conditions. UNICEF estimated that at least 20 percent of street children in Brazzaville were from the DRC; however, NGO estimates were as high as 50 percent or more. Children from the DRC also were found in Pointe Noire. The children were not known to suffer from targeted abuse by government authorities or vigilante groups; however, they were vulnerable to sexual exploitation and often fell prey to criminal elements including drug smugglers. Many of the street children beg or sell cheap or stolen goods to support themselves. Some may have turned to prostitution or petty theft.

There were unconfirmed, anecdotal reports that children were recruited as soldiers for service in the Pool region after the April violence in Brazzaville.

Persons with Disabilities.—The Constitution prohibits discrimination based on physical condition; however, in practice this prohibition generally was not enforced, because the Ministry responsible for implementation of this provision lacked the necessary funds. There was no overt discrimination against persons with disabilities in employment and education. There were no laws mandating access for persons with disabilities.

Indigenous Persons.—The Constitution prohibits discrimination based on ethnicity; however, the indigenous Pygmy ethnic group, who numbered in the tens of thousands and lived primarily in the northern forest regions, did not enjoy equal treatment in the predominantly Bantu society. Pygmies were marginalized severely in the areas of employment, health, and education, in part due to their isolation in remote forested areas of the country and different cultural norms. Pygmies usually were considered socially inferior and had little political voice. Many of them had never heard of the concept of voting and had minimal ability to influence government decisions affecting their interests. Human rights groups were preparing a small, foreign government-funded program of education on their rights for the Pygmies.

There was no credible information on whether the traditional practice of Pygmies working as indentured servants for Bantus continued during the year. Many Pygmies, possibly including children, have been exploited as cheap labor and discriminated against in employment, education, and the health sector by Bantus; however, there was little information regarding the extent of the problems during the year.

National/Racial/Ethnic Minorities.—The Constitution prohibits discrimination based on ethnicity; however, the Government did not enforce this prohibition effectively, and in practice ethnic discrimination persisted. Former civilian employees of the Government were encouraged to return to their former jobs even though they are from ethnic groups that opposed the Government during the civil war and the disturbances that followed. There were reports that security forces arrested young “southern” men following the April shootings in Brazzaville and an attack on the airport in June. The “Ninja” militia members were believed to be from southern ethnic groups, and the young men were accused of being supporters of the attacking militia (see Section 1.b.).

Four major ethnic groups made up approximately 95 percent of the country’s population; these groups spoke distinct primary languages and were concentrated regionally outside of urban areas. The largest ethnic group was the Kongo, who constituted the main ethnic/linguistic group in the southern part of the country and approximately half the country’s population. Within the Kongo group were various subgroups, including the Lari and the Vili. Other major ethnic groups included the Teke of the central region, with approximately 13 percent of the population, and the Mbochi of the northern region, with approximately 12 percent of the population. Societal ethnic discrimination was prevalent among virtually all ethnic groups, and was evident in private sector hiring, buying patterns, and de facto segregation of many urban neighborhoods. The relationship between ethnic, regional, and political cleavages was inexact, and supporters of the Government included persons from a broad range of ethnic and regional backgrounds.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides workers with the right to form unions, and the Government respected this right in practice. Any worker, except members of the “Forces Publiques,” which included police, gendarmerie, and Armed Forces, was free to join a union of his choice. There are two recognized trade unions in the country, the Confederation des Syndicates de Travailleurs du Congo, and the Congo Confederation des Syndicats Libres Autonomes du Congo. The Labor Code affirms the right to associate freely and prohibits restrictions on the formation of trade unions. Most workers in the formal wage sector were union members, and unions made efforts to organize informal sectors such as agriculture and retail trade.

Employers were prohibited from discriminating against employees who join a union. There were no reported firings for union activities; however, salaries were withheld from teachers who attempted to strike.

Unions were free to affiliate with international trade unions, and they maintained cooperative accords with foreign trade union organizations, such as the International Labor Organization (ILO) and the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The Labor Code allows for collective bargaining, and this right was respected and practiced freely. However, collective bargaining was not widespread due to the social and economic disruption and extreme hardship that occurred during much of the 1990s. The Government set industry-specific minimum wage scales; however, unions usually were able to negotiate higher wages for their members.

The Constitution also affirms workers’ right to strike, subject to conditions established by law. Unions were free to strike after filing a letter of intent with the Ministry of Labor, thereby starting a process of non-binding arbitration under the auspices of a regional labor inspector from the Ministry. The letter of intent must include the strike date, at which time the strike legally may begin, even if arbitration is not complete. Employers have the right to fire workers if they do not give advance notice of a strike. No formal strikes occurred during the year; however, some informal work stoppages occurred over wages and ended when an increase was forthcoming.

In 2001 the Government sought organized labor’s agreement to a “social truce” during the period of post-conflict reconstruction, which was opposed by some labor organizations. The Government accepted certain conditions, such as regularization of salaries and rehiring of certain workers in several sectors; these conditions con-

tinued to be observed. Banks and pension funds were stolen before the civil war. Civil service retirees did receive payments, but they were minimal.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, such practices occurred. There was no credible information on whether Pygmies were forced to work as indentured servants for Bantus. Bantus have exploited many Pygmies, possibly including children; however, little information was available regarding the extent of the problem during the year.

d. Status of Child Labor Practices and Minimum Age for Employment.—Under the Constitution, children under age 16 are not permitted to work; however, in practice this law generally was not enforced, particularly in rural areas and in the informal sector in cities. Children worked with their families on farms or in small businesses in the informal sector without government monitoring or supervision. The Ministry of Labor, which is responsible for enforcing child labor laws, concentrated its efforts only on the formal wage sector. In September 2001, the Government and UNICEF jointly conducted a survey of the extent of child labor and its effects on society; however, the results were not available by year's end. Following the April shootings in Brazzaville, there were unconfirmed reports of street children being recruited for military service in the Pool region. The Government denied that recruitment of child soldiers was authorized and was opposed to child soldiers; however, unofficial sources indicated that the children were not forced, but rather enticed by offers of money and new clothing. According to the draft ILO study on child soldiers, most child soldiers involved in the civil conflicts in 1997 and 1998 were actually volunteers with a variety of motivations, including the participation of family members, the desire for revenge, and the desire to enter the army.

There were unconfirmed reports of forced child labor (*see* Section 6.c.).

e. Acceptable Conditions of Work.—The Fundamental Law provides that each citizen has the right to remuneration according to his work and merit. The Labor Code stipulates that overtime must be paid for all work in excess of 40 hours per week and that regular days of leisure must be granted by employers. The minimum wage was approximately \$75 (50,000 CFA francs) per month. It was not sufficient to provide a worker and family with a decent standard of living. High urban prices and dependent extended families obliged many workers, including teachers and health workers, to seek secondary employment beyond their principal employment.

Although health and safety regulations require twice yearly visits by inspectors from the Ministry of Labor, in practice such visits occurred less regularly. While unions generally were vigilant in calling attention to dangerous working conditions, the observance of safety standards often was lax. Workers have no specific right to remove themselves from dangerous working conditions without risking loss of employment. Legal foreign workers were protected by the same law that protected citizen workers; illegal workers were not protected by the law and faced deportation.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and there were reports that persons were trafficked to, from, or within the country.

An ILO study conducted in 2000 in Yaounde, Douala, and Bamenda, Cameroon, indicated that regional traffickers transported children between the Republic of the Congo, and Nigeria, Benin, Niger, Chad, Togo, and the Central African Republic, through Cameroon.

There were reports of isolated cases of child prostitution, particularly among the growing numbers of street children; however, the prevalence of the problem remained unclear.

The Government stated that it did not believe trafficking was a problem. There were no special programs to address trafficking issues.

COTE D'IVOIRE

In October 2000, Laurent Gbagbo became the country's third elected president, ending an almost 10-month period of military rule. The election, which excluded two of the major parties, was marred by significant violence and irregularities. The Supreme Court declared Gbagbo the victor with 53 percent of the vote. He remained in power despite a January 2001 coup attempt. In July 2000, citizens overwhelmingly approved a Constitutional referendum implemented in August 2000. The December 2000 elections for the National Assembly also were marred by violence, irregularities, a Republican Rally (RDR) boycott, and a very low participation rate. In implementing resolutions from the December 2001 Forum of National Reconcili-

ation, in August President Gbagbo formed a government of National Unity. While all major political parties were represented in the new government, the leadership of the RDR, the party of rival presidential candidate and former Prime Minister Alassane Ouattara, called for the resignation of its Ministers, citing the harassment and detention of its members and others by security forces. The judiciary lacked transparency and was subject to executive branch and other outside influence.

On September 19, rebellious exiled military members resident in Burkina Faso and co-conspirators in Abidjan attacked the homes of key government ministers as well as government and military/security facilities in Abidjan, Bouake, and Korhogo. In Abidjan government military and security forces stopped the coup attempt within hours, but the attacks, which targeted the elimination of key security leaders, resulted in the deaths of Minister of Interior Boga Dougou and several high-ranking military officers. There was widespread suspicion, fostered by the Government and others, that the RDR party of Alassane Ouattara and/or former-junta leader, General Robert Guei, were instrumental in the attempted coup. General Guei also was killed under unclear circumstances, although it is widely believed that police forces killed him. The failed coup attempt and ongoing rebellion quickly escalated into the country's worst crisis since independence in 1960. Rebel forces retained control in Bouake and Korhogo, and within 2 weeks moved to take the remainder of the northern half of the country. The number of civilian deaths throughout the country remained unknown, but reliable estimates were 1,150 or more. In early October, the Economic Community of West African States (ECOWAS) brokered a ceasefire, with French troops monitoring compliance. ECOWAS peace negotiations were stalled at year's end. ECOWAS continued to prepare for a peace monitoring mission. There were no ECOWAS troops in place by year's end.

Security forces under the Ministries of Defense and Interior included the army, navy, air force, Republican Guard, Presidential security force, and the Gendarmerie, a branch of the armed forces with responsibility for general law enforcement. The police forces were under the jurisdiction of the Ministry of Interior. These forces include paramilitary rapid intervention units such as the Anti-Riot Brigade (BAE) and the Republican Security Company, and the plain-clothes police investigating unit, Directorate for Territorial Security (DST). A central security staff collected and distributed information about crime and coordinated the activities of the security forces. In February 2001, the Government dissolved the Presidential Investigation Cell (CCER), a special police service that had operated out of the Presidency under the regime of General Guei. Members of the military participated in seminars on human rights. The Government did not always maintain effective control of the security forces. There were numerous credible reports of instances in which security forces acted independently of government authority. There were major divisions within the military based on ethnic, religious, and political loyalties. Security and rebel forces committed numerous human rights abuses.

The country, which had a population of 16 million, was generally poor but had a historically thriving modern sector. The largely market-based economy was heavily dependent on the commercial agricultural sector of smallholder cash crop production, especially cocoa and coffee, which with tropical fruits, wood, and petroleum products made up the bulk of exports. After assuming power, the Gbagbo government began repaying international arrears and adhering to a balanced budget, steps that led to the resumption of foreign aid; however, widespread corruption and the lack of an accountable executive and judicial branch deterred investors. The September 19 rebellion impeded commerce and severely affected the economy as the division of the country created uncertainty and rendered commerce difficult.

Although the Government improved in a number of areas before September 19, serious problems continued and some worsened. Since the September 19 rebellion, both the Government and the rebel forces have committed serious human rights abuses. Members of the security forces committed more than 200 extrajudicial killings during the year, and there were several cases of evident disappearances. Local and international human rights groups and the international and some local press reported the existence of death squads close to top government officials that targeted opposition figures; top government officials denied their existence. Several mass graves were discovered following the September 19 rebellion. Security forces frequently resorted to lethal force to combat widespread violent crime and sometimes beat detainees and prisoners. The Government generally failed to bring perpetrators of most abuses to justice. Prison conditions improved but remained harsh and sometimes life threatening. The Government continued arbitrary arrests and detention; numerous persons, including opposition members, journalists, and military officers, were detained for long periods without trial. The judiciary did not ensure due process. Police harassment and abuse of noncitizen African immigrants increased after September 19. Privacy rights were restricted severely after September

19. The Government restricted freedom of speech, assembly, movement, and press, and after September 19 used state-owned media to create an atmosphere of patriotism and nationalism. The Government generally respected freedom of association although some restrictions remained in practice. The Government also generally respected freedom of religion, although Muslims and practitioners of indigenous religions were subject to discrimination. The Government allowed investigations into the human rights situation by Amnesty International (AI), Human Rights Watch (HRW), and reporters from the U.N. Commission for Human Rights (UNCHR). Discrimination and violence against women, abuse of children, and female genital mutilation (FGM) remained serious problems. There were incidents of violent ethnic confrontation; societal discrimination based on ethnicity remained a problem. Child labor as well as some forced child labor and trafficking in children and women also persisted. Cote d'Ivoire was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as an observer.

The Gbagbo government organized a well-attended 10-week Forum of National Reconciliation, which ended in December 2001; the Forum resulted in 14 resolutions to be considered by the President and the legislature. These resolutions covered a broad spectrum of issues, including four primary ones: Resolution 1 that the revised Constitution and presidential elections of 2000 be upheld; Resolution 4 that Alassane Quattara's citizenship should be recognized by judicial action; Resolution 9 that all coup d'etats should be condemned; and Resolution 10 that the Government should issue general amnesty for all those responsible for the violence related to the coup d'etat. Former President Bedie, former Prime Minister Quattara, and former junta leader Guei, who had left Abidjan in self-imposed exile in 2000, all returned to the country to participate in the Forum. On December 18, 2001, President Gbagbo closed the Forum and promised to continue the reconciliation process through ongoing negotiations with the other three recognized political leaders. The Government slowly began to work on implementing the resolutions of the Forum during the year. In August President Gbagbo expanded his cabinet to include ministerial portfolios for all major parties, including the RDR. Members of the military participated in seminars on human rights. The local press remained lively. President Gbagbo spoke with Muslim leaders about their concerns. The Government cooperated with international investigations into child labor on cocoa farms.

The rebels' human rights record also was extremely poor. The rebels in Bouake and elsewhere in the north killed numerous persons, including civilians and executed approximately 100 gendarmes, who were buried in a mass grave. Mass graves of gendarmes and civilians killed by rebels were discovered near the western town of Man. The rebels arbitrarily arrested and detained persons and conducted arbitrary ad hoc justice. In Bouake they took over the national television station and aired mostly their leaders' speeches and deliberations. The rebels severely limited freedom of movement within and from the territory they held and forcibly conscripted persons into their ranks. In late November, rebel groups took key cities in the northwestern region of the country in evident coordination with the rebel group that held the north. There were credible reports of the rebels abusing the local population, including slitting the throats or disemboweling local inhabitants, gang raping women, chopping off limbs, and throwing persons into wells to drown. There were no confirmed figures of the actual number of civilians killed, detained, or harassed in the north or in the west.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Security forces reportedly committed more than 200 extrajudicial killings, some of which were believed to have been politically and ethnically motivated. There were credible but unconfirmed reports that government-linked death squads committed and condoned extrajudicial killings. Security forces frequently resorted to lethal force to combat widespread crime. The September 19 rebellion resulted in the killings of approximately 300 persons, most of whom were government uniformed forces or uniformed forces that sided with the rebels. There also were numerous civilian casualties.

There were numerous political killings by both security forces and rebels during the failed coup attempt of September 19 and subsequent rebellion. The rebels targeted and killed several leading government military officers and the civilian Interior Minister Emile Boga Douadou; they also attempted to kill Moise Lida Kouassi, the civilian Defense Minister. The rebels also killed Colonel Yode, Director of the Army Engineers in Abidjan; Dally Oble, Commander in Korhogo; and Dago Loula, Commander in Bouake.

Under unclear circumstances, former military junta leader General Robert Guei, his wife Rose, a son, his aide-de-camp Captain Fabien Coulibaly, several army guards, and others reportedly were shot to death at Guei's Abidjan residence. AI concluded that the deaths of Guei and his family were extrajudicial killings.

On September 20, members of the security forces reportedly kidnaped, shot, and killed Commander Aboubacar Dosso, aide-de-camp to RDR leader Alassane Ouattara, when he returned to the site of Ouattara's house, which had been burned and looted the previous day. Dosso reportedly was killed because he refused to sign a declaration implicating Ouattara in the rebellion.

On October 11, gendarmes arrested Adama Cisse, the head of the RDR party in the eastern town of M'Bahiakro, who died the following day from injuries he received while in custody. The gendarmes reportedly were searching for Ibrahima Fanny, the RDR mayor of Bouake, and for weapons.

On October 18, members of the security forces reportedly shot and killed Seydou Coulibaly and Zanzeni Coulibaly, both related to RDR Secretary General Amadou Gon Coulibaly, at the Abidjan funeral of another Coulibaly family member.

On November 2, the body of Emile Tehe, president of the independent Popular Movement Party (MPI), was found in Abidjan; the MPI was allied with the RDR.

On November 8, the body of medical doctor Benoit Dakoury-Tabley was found after he had been kidnaped the previous day; Dakoury-Tabley was the brother of Louis Dakoury-Tabley, one of the political leaders of the rebel Patriotic Movement of Cote d'Ivoire (MPCI). Louis Dakoury-Tabley was a ranking official in the ruling Ivoirian Popular Front (FPI) party.

In a televised speech on November 8, Human Rights Minister Victorine Wodie vowed that the Government would investigate the death of Dakoury-Tabley and others. Wodie called for an international study on human rights violations throughout the country since September 19 and was pursuing the case at year's end.

Following the September 19 rebellion, the military and security forces conducted reprisal killings against presumed rebel sympathizers. In October security forces killed more than 100 noncombatants in Daloa in evident reprisal against northerners living in the town, according to numerous credible reports; they also killed persons suspected of assisting the rebels. Uniformed forces took from their homes individuals of northern descent or foreign Africans (generally called Dioulas); their bodies were found in the streets the following day. A Muslim cleric, Gaoussou Sylla, was arrested at home with five other persons, including the Malian honorary consul, Malian merchants, and the Burkinabe owner of a transport company. The bodies of Sylla and the other five subsequently were found along a road out of town; the businesses of the victims were damaged and looted.

On October 28, uniformed forces also killed a number of Guineans in Daloa. Hundreds of Daloa residents took shelter in a mosque while government forces ransacked and burned their homes. The Governments of Mali, Burkina Faso, and Guinea lodged formal protests with the Government over the deaths in Daloa and the harassment and abuse of northerners in Abidjan and other cities.

After the Daloa killings, the military command and the state-owned media warned of men "wearing fatigues" who were extorting, mistreating, and killing persons. The Government criticized such actions as flagrant violations of human rights and denied that government forces were responsible. On October 25, the Government announced an investigation into the killings to discover who was impersonating the country's security forces. AI and the international press reported that security forces were responsible for the killings in Daloa. Multiple eyewitnesses saw the men who carried out the killings arrive in military vehicles, notably of the BAE. AI noted that military authorities stopped the killings after 3 days when pressed by Muslim leaders who underscored the responsibility of government authorities to ensure that security forces protected civilians and prevented harassment, especially of foreigners.

Following the coup attempt, there were numerous reports of militias or death squads with "hit lists" of rebel sympathizers operating within the military or composed of private citizens. On November 25, the Ivoirian Human Rights Movement (MIDH) reported that death squads operating under cover of the curfew had arrested, kidnaped, and killed approximately 50 political party members and citizens. The same day, the Ivoirian Human Rights League (LIDHO) issued a statement that "death squads of unknown persons are sowing terror."

In response to criticism from national and international NGOs, the Government's military spokesman stated that the Government had opened judicial inquiries into the killings.

In Abidjan police and security forces in search of rebel sympathizers, infiltrators, and arms caches used lethal force in neighborhood sweeps against citizens with northern origins and African immigrants. For example, on October 7, gendarmes de-

manded money and identity cards from three Burkinabe citizens and then shot them; two died instantly, and the other died the following day. Also in October, gendarmes killed 10 Liberians applying for work reportedly because they were Anglophone and therefore suspect.

In an October 28 report, AI referred to the October 2000 Yopougon massacre and appealed to the Government and rebels to refrain from attacking persons because of their ethnic origins or presumed political sympathies. In 2001 the Government brought eight gendarmes to trial for the Yopougon massacre, but they were acquitted. Most citizens and international observers did not see this as a just outcome. There were no reported apprehensions of suspects in other cases.

In the months following the coup attempt, mass graves were discovered in the areas controlled by both the Government and the rebels. International human rights groups and the press blamed government forces for the killings and mass graves at Daloa and at the nearby village of Monoko-Zohi. It was unclear who was responsible for the mass grave at Vavoua, given that both government and rebel forces had access to the area. After the outbreak of fighting in the west in late November, numerous credible sources reported the existence of three mass graves of gendarmes and civilians killed by rebels near the western town of Man. Local and international human rights groups and some political parties called for international investigations of these sites. In October authorities in Abidjan buried 72 unidentified bodies that government media stated were unclaimed bodies from the September 19 coup attempt.

In the months prior to September 19, there were credible reports of more than 30 cases in which security forces used excessive force that resulted in death; such cases often occurred when security forces apprehended suspects or tried to extort taxi drivers and merchants. For example, on March 12, police in Abidjan shot and killed Lemorifing Bamba, a taxi driver, for refusing to stop at a checkpoint and refusing to pay bribes; the Government ordered an investigation and compensated Bamba's family. In March police arrested for alleged theft Adama Sylla, who subsequently died from injuries sustained in police custody. On June 7, in the Deux Plateaux neighborhood, police killed seven men suspected of rape, theft, and money laundering.

Several foreigners were victims of police killings in ambiguous cases. In January police killed a Burkinabe, Belam Issiaka, suspected of leading a criminal gang. He reportedly was shot while attempting to flee. On May 4, a 22-year-old Nigerian, Frank Oyeminke, died after the police shot him eight times during a neighborhood search; the case was being investigated at year's end.

In the period prior to the July departmental elections, clashes between RDR supporters and FPI supporter resulted in deaths (*see* Sections 2.c. and 5).

The following cases from 2001 remained outstanding at year's end: The April shooting by a police sergeant of a student traveling in a car; and the December killing of Togolese electrician Dokli Kodjo by two gendarmes.

In 2001 unknown persons attacked and killed the sister of journalist and publisher Tape Koulou and a friend of the family. Police arrested Julien Ileboudo in connection with the investigation. On January 22, police beat and killed Ileboudo, whose body was found at the entrance to the morgue with broken legs, head injuries, and burned genitals.

At the National Reconciliation Forum in 2001, Gbagbo pledged to reopen the investigation into the Yopougon massacre. In August 2001, Justice Minister Siene Oulai appointed a preparatory committee to reinvestigate the events of late 2000, particularly the Yopougon mass grave. The committee included three investigating magistrates along with five gendarmes and five police investigators. By year's end, the Government had taken no further action.

More than 150 complaints against government leaders were filed by the Belgian NGO Genocide Prevention on behalf of victims of the October 2000 Yopougon mass grave and December 2000 violence. In June Brussels Court of Criminal Appeals dismissed the complaints because the persons charged were not on Belgian territory at the time of the alleged crime.

There were no further developments in cases from 2000, including election-related violence.

After the September 19 coup attempt, rebels arrested approximately 100 gendarmes in Bouake and held them for several weeks. On October 8, when government forces entered Bouake, many persons mistakenly thought they had reconquered the town and some inhabitants came out to celebrate. Rebel troops fired into the crowd, killing and injuring an unknown number of persons. According to AI, the rebels reportedly then executed the 100 arrested gendarmes, who were buried in a mass grave. There also were reliable reports that rebels executed a number of the

sons of gendarmes and killed numerous citizens of northern origin who challenged them.

When government troops briefly re-took Bouake on October 8, ethnic Baoules who were usually members of the Democratic Party of Cote d'Ivoire (PDCI) party reportedly captured three northern rebel sympathizers and burned them to death by setting fire to tires placed around their necks. When the rebels were back in control, northern sympathizers with the rebels reportedly killed six loyalists Baoules in the same manner.

In Korhogo and Daloa, rebels also killed a number of gendarmes and civilians thought to be loyal to the Government. AI reported that many of the victims in rebel-held territory were criticized by their neighbors as military officers or government sympathizers. With the emergence of rebel groups in the west in late November, there were numerous credible reports by escaping citizens and international witnesses that rebels slit the throats or disemboweled local inhabitants, gang raped women, chopped off limbs, and threw persons into wells to drown.

Unknown assailants killed persons during the year. For example, on November 6, Philippe Mohamed Rady, a prominent member of the Lebanese business community, died of injuries inflicted by unknown assailants who attacked him for unknown reasons. On November 18, unknown assailants attacked and killed Tchegbe Zoumana Ouattara, a 61-year-old trucking company owner, at his Abidjan home.

There were numerous incidents of ethnic violence that resulted in deaths (*see* Section 5).

b. Disappearance.—There were several reports of disappearances. For example, according to press reports, the police detained three gendarme commandos who were suspected of coup-plotting between June and August in Abidjan; however, their whereabouts were unknown at year's end.

Following the September 19 rebellion, MIDH reported that many of the UDPCI and RDR members arrested by security forces had been released; however, the whereabouts of 39 persons remained unknown at year's end.

On November 6, "men in fatigues" arrested prominent businessman Herve Pamah Coulibaly at his home; his whereabouts remained unknown at year's end.

On November 14, in Yamoussoukro, security forces arrested Vakefa Malick Soumahoro, the financial director of a trucking company, who was on his way to be interviewed by Minister Wodie, according to his family. He subsequently disappeared. Soumahoro's wife and family met with the Prime Minister and Minister Wodie, who appealed for information about Soumahoro in the local press; however, Soumahoro remained missing at year's end.

The Victims Committee of Cote d'Ivoire (CVCI) alleged that several of its members disappeared after police dispersed their demonstration in July 2001.

During 2001 at least 30 persons disappeared in ethnic conflicts, particularly in the west and center of the country, and remained missing at year's end.

There were no developments in the disappearances of numerous persons following the 2000 presidential elections or in the disappearance of 10 Malians arrested in late 2000 election-related demonstrations.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, in practice security forces sometimes beat detainees and prisoners to punish them or to extract confessions. Police officers frequently forced detainees to perform degrading tasks while under threat of physical harm; press photographs sometimes showed prisoners with swollen or bruised faces and bodies. There were numerous reports of police and gendarmes entering homes and businesses to extort money (*see* Sections 1.d., 1.f., and 2.d.). Police detained persons overnight in police stations where they often beat detainees and forced them to pay bribes. Police also harassed persons of northern origin or with northern names. Poor training and supervision of security forces, the public's fear of pressing charges, and the impunity of those responsible for committing abuses contributed to the problem.

In February the CCER was dissolved by presidential decree. In previous years, there were credible reports that the CCER, a special police service that had its headquarters at the Presidency in central Abidjan, had become a center of judicial investigation, beatings, and torture (*see* Section 4).

On June 12, approximately 20 gendarmes beat and robbed merchants near the mosques in the Adjame section of Abidjan. In protest against gendarme and police treatment, merchants and transporters went on a 48-hour strike.

Members of the security forces continued to beat and harass journalists regularly; however, there were fewer reports of beatings than in the previous year (*see* Section 2.a.).

During the year, police beat persons who criticized or angered the Government. For example, on March 11, 12 unknown persons severely beat Pasteur Faustin Leka, the president of the Ivoirian Party For Democracy (PID). Leka, who was hospitalized for 1 month, had written articles critical of President Gbagbo and the governing FPI party. He stated that his attackers accused him of being a traitor to his Christian and Bete background. It was unclear whether uniformed forces or party militants beat Leka.

On April 18, six gendarmes reportedly arrested and beat Alexis Gouanou, the Secretary General of the Youth of the Grand West for having released medical information about Commander Bekpan, one of the gendarmes tried and acquitted for the Yopougon mass grave.

On July 2, near a police precinct in Abidjan, unknown assailants beat Francois Kouadio of the Presidency's Office of the Inspector General, despite his having a government protective detail. Kouadio had completed a report on cocoa marketing that accused some government officials, as well as private operators and organizations, of corruption.

After the September 19 rebellion, security forces on heightened alert for potential rebel infiltrators or active sympathizers erected numerous roadblocks and searched Abidjan neighborhoods, frequently during nightly curfew. There were numerous reports that police and gendarmes continued to harass, beat, extort, and commit other abuses with impunity.

Also after September 19, there were credible reports of special militias comprised of uniformed forces operating outside the normal chain of command of the Ministries of Defense (gendarmes) and Interior (police) and involving members or units of the President's security force. There also were reports of civilian militia that reportedly operated with political and judicial impunity and were responsible for extortion, robberies, and killings (*see* Section 1.a.).

During the rebellion, individuals associated with opposition parties or rebellion leaders or believed to be sympathizers were subjected to increased harassment and abuse. Several hundred RDR members were arrested without legal procedures having been followed, and a number reportedly were killed by security forces under unclear circumstances (*see* Sections 1.a. and 1.d.).

After September 19, police harassment and abuse of noncitizen Africans increased significantly as the Government blamed many of the surrounding countries for complicity in the crisis. Noncitizen Africans, mostly from neighboring countries, complained after September 19 that they were subject to police harassment, repeated document checks, increased security force extortion and racketeering, and violence.

Police and security forces continued to use excessive force to disperse demonstrations, some of which were violent (*see* Section 2.b.).

There were credible reports of disciplinary or legal actions against some police officers for mistreating suspects and arrestees during the year; however, critics deemed such actions uneven and inadequate. On May 15, Minister of Interior Boga Doudou fired 50 police officers and gendarmes, suspended 27 others for racketeering and extortion, and had 8 police officers and 4 gendarmes arrested on racketeering and extortion charges. Minister Boga Doudou stated that the suspensions and arrests would be an example to other officers; however, independent newspapers noted that the majority of those fired were of northern origin and suggested that the Minister of Interior was using the occasion to reduce their numbers in the police ranks.

In August Minister of Interior Boga Doudou issued a statement threatening sanctions against members of the security forces who confiscated or destroyed noncitizens' identification papers; however, no action was taken by year's end (*see* Sections 1.a., 1.d., 1.f., and 5).

On July 26, police arrested Sergeant Baba Nene for the July killing of taxi driver Kalilou Keita (*see* Section 1.a.). On September 11, police arrested Blea Tia in the shooting of taxi driver Seydou Kone; an investigation was ongoing at year's end.

There were no reports of action taken against members of the security forces in any of the following incidents in 2001: The April shooting of a taxi driver in Daloa; the April beating of Dago Fabrice in Yopougon; the May beating of a man in Daloa; the May beating of eight persons, including a secondary school teacher and two girls; and the June forcible dispersal of a strike at Blohorn Unilever.

There were no reported disciplinary actions against members of the security forces responsible for abuses committed during 2000.

During the year, there were fewer reports that Liberian refugees in the western part of the country faced harassment and threats from supporters of Liberian President Charles Taylor.

There were numerous incidents of ethnic violence during the year, some of which resulted in injuries (*see* Section 5).

After September 19, in the northern half of the country, rebel military police operated with impunity in administering justice without legally constituted executive or judicial oversight. There also were credible reports of rebel soldiers or local recruits harassing and abusing with impunity local citizens, often on the basis of ethnic background and presumed political leanings.

Conditions were poor and in some cases life threatening in the country's 33 prisons, largely because of inadequate budgets and overcrowding. In November the main Abidjan Arrest and Correction Center (MACA) prison in Abidjan housed 5,200 detainees; it was built for 1,500. There were credible reports that prisoners frequently brutalized other prisoners for sleeping space and rations; however, there were no reports of guards brutalizing prisoners. The daily food allowance per prisoner in the MACA was \$0.12 (80 CFA francs) the cost of one serving of corn meal mush. In other prisons, the daily allowance was \$0.18. Families frequently supplemented the food ration and at some prisons inmates grew vegetables to feed themselves. The Red Cross helped feed prisoners with no family. Doctors Without Borders (MSF) supplemented the prison system's inadequate medical facilities. Several small national and international charities also helped some prisoners. There were press reports of a flourishing drug trade and prostitution in the MACA.

During the year, some prisoners reportedly died from the crowding, disease, and malnutrition in the MACA. During the month of September, according to a newspaper report from the western city of Man, 38 of the 541 inmates in the city's prison died. In 2001 poor treatment and poor conditions reportedly resulted in the deaths of 160 prisoners.

On October 18, more than 500 prisoners in Man made an attempted unsuccessful escape. A week later, in the central cities of Bouaflé and Divo, 16 prisoners were killed during prison breaks.

In early January, President Gbagbo announced a decree amnestying more than 7,000 convicted prisoners, but not including inmates who had committed serious crimes.

Men and women were held separately in prisons. Male minors were held separately from adult men, but the physical barriers at the main MACA prison were inadequate to enforce complete separation. Prison conditions for women and children remained particularly difficult. Female prisoners were segregated in a separate building under female guard. There were no reports during the year that guards raped female prisoners; however, there were continued reports that female prisoners engaged in sexual relations with wardens to get food and privileges. There were no health facilities for women. Pregnant prisoners went to hospitals to give birth and then returned to prison with their babies. Some women prisoners were pregnant before being jailed. The penitentiary accepted no responsibility for the care or feeding of the infants; the women received help from local NGOs such as L'Amour en Action and the International Catholic Office for Children (BICE). During the year, BICE removed 500 children from the prison and placed them with family members or foster families and provided female inmates with food, medical care, clothing, and other necessities.

Juvenile offenders were held separately from adults. At the end of 2001, 170 juveniles aged 13 to 17, including 11 girls, were in detention. According to a local press report, in 2000 approximately 2,500 children spent time in the country's 33 prisons. During the year, BICE taught juvenile prisoners trades, such as sewing, carpentry, gardening, house painting, and drawing.

Pretrial detainees were held with convicted prisoners.

The Government permitted access to prisons by local and international NGOs that provided prisoners with food and medical care, as well as spiritual and moral support. BICE, as well as international NGOs such as the ICRC, Prisoners Without Borders, MSF, World Doctors, and local NGOs such as Action Justice, French Speaking Countries Outreach (FSCO), and International Prisons' Friendship had access to the prisons in the country. However, none of these NGOs monitored human rights conditions. LIDHO and MIDH monitored human rights but had to await written permission from the warden.

After taking control of the northern half of the country in the September 19 rebellion, rebels released the 300 detainees in the Korhogo penitentiary and the 2,200 prisoners in the Bouake prison and penal camp, gave many of them arms, and forced them into military service. Rebel leaders stated that they had no way to feed and maintain the prisoners, many of whom had no family in the area.

In October the ICRC visited prisoners detained by rebels in Bouake. There were credible reports that the rebels killed many of the prisoners. The rebels reportedly considered the dozens of men they were holding to be loyalist infiltrators who took part in the failed attempt to retake the city in early October.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, in practice arbitrary arrest and detention remained a common occurrence. Under the Code of Penal Procedure, a public prosecutor may order the detention of a suspect for 48 hours without bringing charges, and in special cases, the law permits an additional 48-hour period. Police often held persons for more than the 48-hour legal limit without bringing charges. According to members of the jurists' union, this practice was common, and magistrates often were unable to verify that detainees who were not charged in fact were released. A magistrate could order preventive detention for up to 4 months but also had to provide the Minister of Justice with a written justification on a monthly basis for continued detention. Despite the frequency of arbitrary arrest, there was no accurate total of persons held (*see* Section 1.e.).

Although the law prohibits it, police restricted access to some prisoners. There were reports of police denying detainees access to a lawyer or to their families. Police treatment of lawyers improved during the year.

Defendants do not have the right to a judicial determination of the legality of their detention. A judge may release pretrial detainees on provisional liberty if the judge believed that the suspect was not likely to flee. Many inmates continued to suffer long detention periods in the MACA and other prisons while awaiting trial. A magistrate reported in November that more than 1,770 of the 5,370 detainees (31 percent) in the MACA prison were awaiting trial (*see* Section 1.c.). Despite the legal limit of 10 months of pretrial detention in civil cases and 22 months in criminal cases, some detainees were held in detention for many years awaiting trial. In January there was a credible newspaper report that six detainees at the Bouake penal work camp had been held for 12 years without trial and there were others who had been in the camp for 10 years awaiting trial.

There were many instances throughout the year of the gendarmes or other security forces making arbitrary arrests, and such arrests increased after September 19. Domestic and international human rights groups—AI, HRW, and the UNCHR—criticized the arbitrary arrests and detentions. National and international human rights groups were unable to give precise figures on detainees as government authorities would not allow them to visit military installations where prisoners were held. At year's end, MIDH reported 115 detainees at the MACA and 43 at the DST, but was unable to gather further information. Journalists were arrested, detained, or questioned for short periods of time without being charged (*see* Section 2.a.).

On July 3, police and gendarmes ransacked a Williamsville neighborhood in search of weapons and arrested approximately 100 residents. They were released a few days later. The RDR and some independent newspapers alleged that the authorities' action was an attempt to intimidate voters in the RDR-leaning district prior to the July 7 departmental elections.

During the municipal electoral campaign in March 2001, the police arrested an RDR student leader Diarrassouba and newspaper editor Bakayako. The then president of FESCI, a student organization close to the FPI, accused Diarrassouba of attempted murder. In April 2001, he and several other RDR leaders were released without charge. A short time later, Diarrassouba and fellow student leader Kamagate were arrested and imprisoned after protesting the outcome of an FESCI election. At the end of the year, they reportedly still were in detention in the MACA.

During the year, security forces arbitrarily arrested merchants and transporters. For example, on April 29, gendarmes raided a market in Abidjan and arrested and held 15 persons without charges. The gendarmes released nine of the arrestees within 1 week, but six others remained detained in an unknown location without family visits or legal counsel. All but one of the 15 arrestees were citizens from the northern region.

The DST was charged with collecting and analyzing information relating to national security. The DST had the authority to hold persons for up to 4 days without charges, but human rights groups stated there were numerous cases of detentions exceeding the statutory limit. Lawyers at MIDH and the president of the human rights NGO Justice Action accused the DST of expanding its role to include preliminary judicial investigations and police custody. Justice Action alleged that the DST, which was part of the Ministry of Interior, was trying to assume functions carried out by court authorities and the Ministry of Justice. Some DST arrestees claimed that they were denied contact with family members or a lawyer.

On June 28, the DST arrested police General Mouhandou Alain, Inspector of Police Services, and held him for 42 days, accusing him of working with the military in Burkina Faso to destabilize the country. He was released on August 9 without being charged.

During the months prior to the events of September, security forces arrested a number of persons from the north of the country, persons of northern origin, and

RDR party members and officials. For example, on June 8, a police team in Korhogo arrested Soro Tchorna Abou and Yeo Alassane and accused them of plotting against President Gbagbo. The DST reportedly denied the two men legal counsel and after 3 weeks reported one of the men missing. On June 21, the DST arrested and held incommunicado for 2 months businesswoman Assita Sylla. On August 10, the military Rapid Intervention Unit (BIR) arrested at home Ibrahim Keita, the President of Cora de Comstar, a cellular telephone company, and took him to the DST. Keita had access to his physician and after 3 days, his lawyer. The Government accused Keita of financing destabilization efforts. On August 13, the Government arrested Kone Miriam, a businesswoman and local RDR leader, and a friend of Keita's son, Ali Omais. On September 12, authorities released Assista Sylla, Ibrahim Keita, Kone Miriam, and Ali Omais for lack of evidence.

In the weeks before the September 19 rebellion, the DST arrested 27 military personnel and held them incommunicado as security risks. Many of the soldiers detained were northerners and at least nine of the soldiers were close to former junta leader General Guei. In early July, the DST arrested several gendarmes on grounds of plotting a coup d'etat. At year's end, they still were in detention.

After the September 19 rebellion, local and international human rights organizations reported government security forces made many arbitrary arrests, frequently without warrants and frequently holding persons beyond the statutory limits without bringing charges. There were credible reports that the police and gendarmes detained persons in various military camps in Abidjan. Few of these detainees entered the civil justice system. There also were credible reports of forced confessions.

After the September 19 rebellion, the Government established telephone hotlines and encouraged citizens to report persons believed to be "assailants." HRW and AI criticized the Government's abuse of this law enforcement tool. They reported that authorities made numerous arrests based on hotline denunciations of persons for unproven sympathies with the rebels or "suspicious" activity and thus generated a general climate of fear and abuse. In the northern half of the country, AI and others reported that rebels similarly arrested and mistreated persons based on a neighbor's denunciation or suspicion that an individual's sympathies were with the Government.

HRW and AI also reported that since September 19 there were 82 persons who had been arrested and put in prison that ICRC was able to track in the judicial records. AI investigators reported in mid-October that, despite obtaining the agreement of the Justice Minister, they were denied access to some detainees.

Some of the persons arrested included mayors and party leaders, such as: Ali Keita, RDR deputy party spokesman, and Ali Dosso, an official of the Central Bank of the West African States CFA Franc zone (BCEAO)—Dosso was released and Ali Keita remained in the MACA prison at year's end; Tiemoko Yade Coulibaly, the RDR Mayor of Sinematiali and the Chairman of Societe General Banque de Cote d'Ivoire (SGBCI)—he was released within a short time; Ouattara Yaya, RDR political commissioner in the northern city of Ferkessedougou—he was placed under house arrest; Aly Coulibaly, RDR party spokesman and former journalist—he was released the next day; Camara Yerefe, a popular actor and television comedian nicknamed "H"—he was released after a short time; Clement Nabo, the RDR mayor of the port city of San Pedro—he was released the following day; the RDR deputy mayor of Vavoua—he remained in detention at year's end; Kamagate Lama, agronomist and RDR Municipal Counselor of Teningboue—his arrest status was unknown; several RDR party members in Dimbokro—they remained in detention at year's end; Mohamed Dembele, the 22-year-old son of Adama Dembele and the president of the Alassane Ouattara support group—he was released after a few days; and two of San Pedro's assistant mayors, both RDR members—they remained incarcerated at year's end.

The Government arrested many members of the RDR and UDPCI parties whom it suspected of sympathizing with or of playing a role in the rebellion. Both accused the Government of conducting a "witch hunt" against opposition parties. By late October, the RDR stated that authorities had arrested more than 300 of its members, although a leader of the RDR youth wing stated a few days later that more than 500 members had been arrested. Party officials stated that party leaders typically were released after a day or two, but less well-known party members usually were held 1 to 2 weeks. Party officials stated that 55 members were released on November 18 from the DST and various gendarme installations. After the release, at year's end the RDR reported that 115 northerners, many of whom were RDR members, were held at Abidjan's MACA prison, 43 at the DST and gendarme establishments, and 20 elsewhere in the country.

In October the Secretary General of the youth wing of the UDPCI, founded by General Guei, alleged that government forces arrested and beat more than 30 party

members and killed 1 person. In early November, party and press sources reported that in the western town of Man six party members were arrested, and a few days later three more leaders, including a deputy mayor, were arrested in Biankouima. They reportedly were transferred to the Gendarme Research Brigade in Abidjan and still were in detention without charge at year's end.

In June the Defense Minister granted permission to General Abdoulaye Coulibaly, the third ranking member of the 2000 military junta, to leave the country and he departed for France and Canada in early September.

On September 19, rebels in Bouake seized Sports Minister Francois Amichia and held him hostage for more than 1 week before he escaped. Rebels also prevented the president of the LIDHO from leaving Bouake for 1 week. He had traveled to Bouake to deliver university lectures when the September 19 rebellion occurred.

AI's October 18 report severely criticized rebel arrests of numerous persons, particularly in Bouake, and the lack of any news of those detainees.

On November 5, President Gbagbo issued a communique accusing the rebels of responsibility for widespread arrests, illegal detentions, and disappearances, but mentioned no specific cases and stated only that the accusations were based on credible information (*see* Section 1.a.). The communique called for an international observer mission to investigate abuses committed by the rebels in the north. In mid-December the UNCHR conducted a 1-week mission in government-held and rebel-held territories that corroborated reports of illegal arrests and detentions in both parts of the country.

The Constitution specifically prohibits forced exile, and no persons were exiled forcibly during the year.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the judiciary was subject to executive branch, military, and other outside influences. Although the judiciary was independent in ordinary criminal cases, it followed the lead of the executive in national security or politically sensitive cases. Judges served at the discretion of the executive, and there were credible reports that they submitted to political pressure and financial influence. The judiciary was slow and inefficient.

The formal judicial system is headed by a Supreme Court and includes the Court of Appeals and lower courts. The Constitutional chamber, whose main responsibility is to determine the constitutionality of laws and the eligibility of presidential candidates, is part of the Supreme Court. At year's end, Kone Tia remained president of the Supreme Court. The Constitution grants the President of the Republic the power to replace the head of the court after a new parliament is convened.

Military courts did not try civilians. Although there were no appellate courts within the military court system, persons convicted by a military tribunal may petition the Supreme Court to set aside the tribunal's verdict and order a retrial.

In rural areas, traditional institutions often administered justice at the village level, handling domestic disputes and minor land questions in accordance with customary law. Dispute resolution was by extended debate, with no known instance of resort to physical punishment. The formal court system increasingly was superseding these traditional mechanisms. The Constitution specifically provides for a Grand Mediator to bridge traditional and modern methods of dispute resolution. The President appoints the Grand Mediator, who since his nomination by the Bedie government, has been Mathieu Ekra.

The law provides for the right to public trial, although key evidence sometimes was given secretly. The Government did not always respect the presumption of innocence and the right of defendants to be present at their trials. Those convicted had the right of appeal, although higher courts rarely overturned verdicts. Defendants accused of felonies or capital crimes had the right to legal counsel. The judicial system provided for court-appointed attorneys; however, no free legal assistance was available, except infrequently when members of the bar provided pro bono advice to defendants for limited periods.

On March 5, more than 200 of the country's 700 magistrates marched in Abidjan to demand improved living conditions and higher salaries. On March 6, for the first time in the country's history, the judges went on strike. The judges ended their strike in return for the Government's promises that their grievances would be examined. Their salary and other demands had not been met by year's end.

On May 13, the trial began of 27 suspects in the attempted coup d'etat of January 2001. The 72 persons initially arrested were incarcerated for more than 1 year without a trial. They included 42 military personnel and 30 civilians, among whom were 3 Burkinabe, 2 Malians, and a Nigerien. The investigating magistrate released all but 27 before the trial. In a 4-part trial lasting several weeks, the court acquitted 19 of the 27. Of those found guilty, 2 were given 2-year prison sentences and 6 were given 20-year sentences for "undermining the security of the state and participating

in an armed band.” According to press reports, several witnesses in the trial contradicted themselves and withdrew their statements implicating Hamed Bassam Traore, who received a 20-year sentence.

On July 30, an Abidjan court began the trial of Jean Jacques Bechio, Alassane Ouattara’s political and diplomatic advisor and former Minister of Civil Service and Ambassador to the U.N. The security forces arrested him in the aftermath of the January 2001 failed coup for crimes against the security of the state. The court later reduced the charge, eventually trying Bechio for illegal possession of military weapons and for reputedly having suspicious telephone conversations with an anonymous person in a private telephone booth. In a trial that widely was considered fair, the court handed down a 12-month suspended sentence, fined him \$750 (500,000 CFA francs), and stripped him of his civil rights for 5 years.

In July 2001, eight gendarmes were tried in a short and procedurally flawed military trial for the Yopougon mass grave of 57 bodies discovered in late October 2000. With the trial held on a gendarme compound and with no protection offered to witnesses, a number of prosecution witnesses reportedly feared reprisals and failed to appear at the trial (*see* Section 1.a.). The judge acquitted all eight gendarmes, citing insufficient evidence. Several NGOs publicly demanded a new trial. The military prosecutor, who had requested life sentences for the accused, did not file an appeal. At the December 2001 Forum for National Reconciliation, President Gbagbo announced a reinvestigation of the Yopougon mass grave affair and in April the Government designated six magistrates to conduct the new inquiry but reportedly they had not met by year’s end.

There were no reports of political prisoners; however, HRW and AI believed that political leaders who were detained and not yet released at year’s end primarily because of their opposition political views rather than hard evidence of involvement in the coup, should be considered political prisoners.

There was little available information on the judicial system used by the rebels in northern region; however, on November 8, a French press article described rebel military police bringing suspected thieves and racketeers to a “judge” dressed in fatigues who in a quasi-judicial process pronounced sentence, including imprisonment in the local jail. The rebels reported that they have imprisoned several dozen persons as common criminals in Bouake.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Code of Penal Procedure specifies that a law officer or investigative magistrate may conduct searches of persons, vehicles, homes, or any other nonpublic place, with authorization of the appropriate judicial or administrative authority, if there is reason to believe that there is evidence on the premises concerning a crime. The official must have the prosecutor’s agreement to retain any evidence seized in the search and is required to have witnesses to the search, which may take place at any time of day or night. The events of September 19 triggered a widespread suspension of privacy rights.

In practice police sometimes used a general search warrant without a name or address. Police frequently entered the homes of noncitizen Africans (or apprehended them at large), took them to local police stations, and extorted small amounts of money for alleged minor offenses. Police and gendarmes entered the homes of opposition members throughout the country, often without a warrant (*see* Sections 1.c. and 1.d.). Police also searched the homes and offices of journalists (*see* Section 2.a.).

For example, soon after the failed coup of September 19, security forces ransacked the offices of the Daloa mayor and other municipal officials; the mayor and other officials were members of the RDR party.

On September 19, the home of RDR leader Alassane Ouattara was looted and burned to the ground by unidentified persons while it ostensibly was under government protection. Ouattara and his wife had taken refuge at the residence of the German Ambassador next door, but within a few hours were moved at the request of the Government to the residence of the French Ambassador. On September 26, gendarmes conducted a warrantless search of the residence of Samassi Baba, Ouattara’s driver.

Security forces reportedly monitored private telephone conversations, but the extent of the practice was unknown. The Government admitted that it listened to fixed line and cellular telephone calls. Government authorities monitored letters and parcels at the post office for potential criminal activity and they were believed to monitor private correspondence, although no evidence of this was produced. After September 19, in the northern towns of Bouake and Katiola, rebels also monitored parcels for potential threats to their position.

Members of the Government reportedly continued to use students as informants. Government security forces in Abidjan began the destruction of shantytowns near military installations inhabited by both noncitizen Africans and citizens. These

dwelling areas reportedly harbored rebels and weapon caches. The destruction of these houses resulted in the displacement of tens of thousands of persons. An estimated 30 percent of Abidjan's population lived in unauthorized, illegally constructed shantytowns.

On October 4, the Government announced that it would destroy all shantytowns in the city within a month. On October 8, after an international outcry, President Gbagbo ordered the security forces to stop the destruction of the shantytowns, with the exception of those near military bases, and appealed for a halt to the attacks on foreigners. Nevertheless, security forces continued to raze shantytowns, often using physical violence against the inhabitants and robbing them.

On October 3 and 4, Minister for Human Rights Wodie visited a number of sites cleared by security forces and announced that the inhabitants of those sites would be resettled in centers operated by the Ministry of Social Security and Health. The social centers established generally were converted houses that represented inadequate and, at best, temporary dormitory accommodations for displaced families.

On October 16 and 17, the U.N. High Commissioner for Refugees (UNHCR) reported that security forces without warning destroyed several hundred more homes in shantytowns, displacing approximately 2,000 persons. Many of the displaced sought refuge at UNHCR-sponsored centers. On October 18, after the curfew, security forces arrived at the Koumassi shelter and interrogated its 200 refugees outside of the structure. Other similar incidents occurred at other refugee centers (*see* Section 2.d.).

Unlike in the previous year, there were no incidents reported of security forces seizing the property of opposition leaders and prominent persons at the airport.

There were corroborated reports that the rebels forcibly conscripted locals to join their ranks (*see* Section 1.c.). Those who refused reportedly disappeared. Many of the conscripts were youth or children, although there also were reports that many volunteered to join the rebels.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression; however, the Government restricted this right in practice. Private newspapers frequently criticized government policy. Before the rebellion of September 19, the arrest, prosecution, and imprisonment of journalists decreased significantly from the previous year. Nevertheless, members of the security forces continued to harass and sometimes beat journalists. Outspoken members of the press continued to receive death threats and suffer physical intimidation from groups aligned with the ruling FPI party. Until September journalists did not practice self-censorship and frequently criticized government policy; however, the September 19 rebellion triggered significant self-censorship and a deterioration of press freedom. Journalists did not wish to appear “unpatriotic.”

The only remaining government-owned daily newspaper, *Fraternite Matin*, which had the greatest circulation of any daily, rarely criticized government policy. The Government's planned privatization of *Fraternite Matin* was on hold at year's end. The Minister of Communication repeated on several occasions that government newspapers were incompatible with democratic societies. There were a number of private newspapers: Approximately 20 dailies; 30 weeklies; 5 semimonthlies; and 10 monthlies. Newspapers often ceased publication and were supplanted by others due to strong competition, a limited audience, and financial constraints. A few newspapers were politicized, sometimes resorting to fabricated stories to defame political opponents. The law requires the “right of response” in the same newspaper, thus newspapers often printed articles in opposition to an earlier article.

The National Press Commission (CNP) was established officially in November 2001; its function was to enforce regulations relating to the creation, ownership, and freedom of the press. Unlike in the previous year, the CNP did not suspend any newspapers during the year.

The Government exercised considerable influence over the official media's program content and news coverage, using them to promote government policies and criticize the opposition. Much of the news programming during the year was devoted to the activities of the President and government officials.

The law authorizes the Government to initiate criminal libel prosecutions against officials. Although some newspapers voiced their disapproval of presidential or government actions frequently and vocally, the Government did not tolerate insults or attacks on the country's highest officials, foreign chiefs of state or government, or their diplomatic representatives. In addition, the State may criminalize a civil libel suit at its discretion or at the request of the plaintiff. Criminal libel was punishable by from 3 months to 2 years in prison.

In August a court ordered a 3-month suspension of *Le National*, a right-wing nationalistic paper, after a civil administrator filed defamation charges. Despite the order, *Le National*, which previously was regarded as close to the governing PDCI, but later was considered close to the governing FPI, continued to publish.

On October 29, the trial of three journalists from *Le Jour* was slated to begin, but was deferred and had not taken place at year's end. The President of the National Assembly, Mamadou Koulibaly, sued the journalists for defamation for writing a detailed July 2000 article accusing him of corruption in his former capacity as Minister of Finance.

Security forces continued to beat and harass journalists. For example, in late January, police beat *Le Jour* journalist Abou Traore in the garden of Interior Minister Boga Doudou's house. Traore was writing a story about the negotiations between Boga Doudou and police officers on strike. The CNP and the Observatory of Press Liberty and Ethnics (OLPED), the journalists' association, wrote letters to the Government criticizing the beating.

In February Bledson Mathieu, the editor of the weekly satirical cartoon newspaper *Gbich*, received several death threats from unknown persons.

On September 9, 10 uniformed policemen raided the offices of the Mayama Press Group, which published *Le Patriote*, *Tassouman*, and *Abidjan-Magazine*. All three publications were independent, but were considered close to the RDR and its leader, Alassane Ouattara. Tassouman published a story that Minister of Interior Boga Doudou was using a vehicle previously stolen by carjackers. In spite of the newspaper's promise to correct the information and report that the stolen vehicle belonged to the Minister of National Solidarity, police tear gassed the offices and beat at least four journalists. On September 11, a ministerial delegation visited the office, expressed its regret over the raid, and insisted that the Government and Minister Boga Doudou had not supported or instigated the actions.

Following the rebellion of September 19, the Government gradually reduced press freedoms in the name of patriotism and national unity. In late September, Minister of Communications Sery Bailly declared that "the safest thing for journalists was to report the news in a proper manner" and that the crisis should motivate journalists to prove their patriotism and to defend the country. A few weeks later, the CNP reminded journalists that while newspapers could continue their independent editorial policies, "in view of the prevailing war situation" the journals must "display a sense of patriotism." Outspoken members of the press who questioned government policy reported physical intimidation and receiving death threats from groups aligned with the FPI party and the Government. Foreign journalists complained to the Government of similar threats.

On September 19, the pro-RDR *Le Patriote* suspended publication because of threats received from youth groups reportedly allied with the ruling party. In late September, FPI and government activists severely beat *Le Patriote* journalist Keita Mamadi while he was attending a FPI-government meeting in Yopougon. On October 10, *Le Patriote* resumed daily publication, but on October 16, approximately 40 youths carrying weapons ransacked its offices. *Le Patriote* began publishing again in a few days. Reporters Without Borders (RSF) lodged a formal protest with the Government over the attack, and the OLPED also criticized the attack.

On October 16, *Nouveau Reveil* suspended publication in response to persistent death threats since September 19 allegedly made by persons close to the FPI and the Government. *Le Nouveau Reveil* often carried articles critical of the FPI and the Government. On October 19, the CNP released a statement that "noted with regret" the vandalism against *Le Patriote* and the threats against *Le Nouveau Reveil*, which was close to the PDCI. The CNP called on relevant authorities to take all necessary measures to provide for the security of all parties.

On September 25, 10 gendarmes searched without a warrant the residence of Louis Andre Dacoury-Tabley, the owner of *Le Front* opposition daily newspaper, which frequently criticized the FPI and the Government. Dacoury-Tabley was outside of the country, but a few weeks later emerged as the rebel spokesman.

There were several reports during the year, but particularly after September 19, of international journalists being subjected to government harassment and intimidation. Since the uprising began, several foreign journalists and cameramen were threatened or physically attacked and their cameras seized. Because of continued insecurity, some international reporters and the citizens who worked for foreign press agencies chose to leave the country temporarily.

On October 29, the Government's daily, *Fraternite Matin*, carried a report from the peace negotiations between the Government and rebels, featuring questions and answers from both sides' negotiators, and marking the first time the state media carried direct statements from the rebel spokesman. The state-controlled television

and radio carried the same story later with the interviews with negotiators for both sides.

On November 13, in an interview in *Fraternite Matin*, Minister of Communications Sery Bailly stated that any journalist conducting an interview with the rebel MPCJ could face prosecution. He explained that the Government had teams that met daily to guide national radio and television programming and the Government's daily newspaper to ensure that they promoted a positive image of the Government and "had the orientation that the Government judged necessary and useful."

No action was taken against members of the security forces who beat and harassed journalists in 2001 and 2000.

Because of low literacy rates, radio was the most important medium of mass communications. Newspapers and television were relatively expensive. The Government-owned broadcast media company, RTI, owned two major radio stations; only the primary government radio station broadcast nationwide. Neither station offered criticism of the Government; both government-owned stations frequently criticized opposition parties and persons critical of the Government. Four major private international radio stations operated: Radio France Internationale (RFI), the British Broadcasting Company (BBC), Africa Number One, and Radio Nostalgie; however, all were off the air at year's end. These stations broadcast on FM in Abidjan only, except for RFI, which broadcast via relay antennas to the north and center of the country. The RFI and BBC stations retransmitted internationally produced programming. The Africa Number One station, which was 51 percent locally owned, broadcast 6 hours of locally produced programming every day; retransmitted programming from Africa Number One's headquarters in Libreville, Gabon, filled the remaining air time. Radio Nostalgie was 51 percent owned by Radio Nostalgie France, but it was considered a local radio station. The RFI, BBC, and Africa Number One stations all broadcast news and political commentary about the country.

There were approximately 50 community radio stations authorized under government regulations. They had limited broadcast range and were allowed no foreign language programming, no advertising, and only public announcements limited to the local area. Some of the stations did not broadcast for the lack of resources.

In May 2001 the Government announced that five new private TV stations and eight new private radio stations would begin broadcasting. The first of these, Private TVCI International, began broadcasting in mid-October.

The Government owned and operated two television stations (RTI 1 and RTI 2) that broadcast domestically produced programs. Only one broadcast nationwide. Neither station criticized the Government, but they frequently criticized the opposition or persons who opposed the Government's actions. There were two satellite television broadcasters: One French (Canal Horizon/TV5), and one South African (DS TV). They did not broadcast domestically produced programs. The Government did not accept any applications to establish privately owned domestic television stations.

The private radio stations, except for Radio Nostalgie, had complete control over their editorial content. The Government monitored Radio Nostalgie closely because the major shareholders of the company were close to RDR president Alassane Ouattara. National broadcast regulations forbade the transmission of any political commentary, and Radio Nostalgie's operations were suspended temporarily several times in 2001 for allegedly violating that regulation. Radio Nostalgie was ransacked on several occasions before and after September 19. On October 17, approximately 20 men wearing military uniforms ransacked the offices of Radio Nostalgie. Eyewitnesses reportedly saw them arrive in vehicles bearing government markings. The office of Radio Nostalgie's chief executive officer, Hamed Bakayoko, was ransacked on September 9. Bakayoko was a northerner and was considered to be close to Alassane Ouattara and the RDR. With the events of September 19, Radio Nostalgie switched to an all-music format, broadcasting no news. RSF lodged a formal protest with the Government over the attack and the OLPED also criticized the attack.

After the uprising began September 19, managers of the state-controlled television and radio stations denied several dozen staff members access to work. According to the pro-RDR newspapers, the employees were dismissed because they were not partisans of the governing FPI party. Although full programming continued, the RTI Director claimed that workers were denied access because the stations needed only essential staff as a result of the post-September 19 turmoil and programming modifications.

On September 22, the Government suspended the local FM broadcasts of RFI, BBC, and Africa Number One, because they allegedly broadcast untrue, distorted, or biased reports on the conflict and supported the rebels. All three stations had aired statements or interviews with rebel soldiers as well as wide-ranging reports on events throughout the country. Government-controlled broadcasts continued uninterrupted.

On October 10, three armed policemen detained BBC correspondent Kate Davenport. The policemen initially attempted to confiscate the reporter's equipment; however, when she refused to hand it over, the police forced themselves into her car and demanded that she drive them to a police station. The police released Davenport after a few hours.

On October 17, DST officials arrested Gael Mocaer, a French freelance radio producer, at his hotel room, and held him at the Government's intelligence headquarters in Abidjan, reportedly because he might have filmed government buildings without permission. Officials reportedly removed his personal belongings from the hotel, held him without charges, and denied him visitors. On October 23, Mocaer was released without explanation or charges being brought.

On October 21, the rebels in the central city of Bouake began broadcasting for several hours per day using the RTI TV station to air speeches and meetings of the MPCl, the rebels' political arm. In response to pro-rebel broadcasts, the Government accused the RTI technicians in Bouake of complicity in an illegal rebellion.

The Government did not restrict access to or distribution of other electronic media. There were 12 domestic Internet service providers, of which 4 were major providers. All 12 service providers were privately owned and relatively expensive. The licensing requirements imposed by the Government telecommunications regulatory body, ATCl, reportedly were not unduly restrictive.

There is no law specifically concerning academic freedom; however, in practice the Government tolerated a considerable amount of academic freedom but inhibited political expression through its proprietary control of most educational facilities, even at the post-secondary level. A presidential decree required authorization for all meetings on campuses.

Many prominent scholars active in opposition politics retained their positions at state educational facilities; however, some teachers and professors suggested that they have been transferred, or fear that they may be transferred, to less desirable positions because of their political activities. According to student union statements, security forces continued to use students as informants to monitor political activities at the University of Abidjan.

Members of the university and secondary students' association, FESCI, attacked and intimidated teachers, and there were violent conflicts between FESCI rival groups that resulted in a number of injuries and a reported death during the year.

There were student protests during the year (*see* Section 2.b.).

b. Freedom of Peaceful Assembly and Association.—The Constitution allows for freedom of assembly; however, the Government sometimes restricted this right in practice. Groups that wished to hold demonstrations or rallies were required by law to submit a written notice of their intent to the Ministry of Security or the Ministry of Interior 3 days before the proposed event. No law expressly authorizes the Government to ban public meetings or events for which advance notice has been given in the required manner. In practice the Government prohibited specific events deemed prejudicial to the public order; even if authorization was granted, it later could be revoked.

There were a number of antigovernment marches prior to September 19; most were labor-related demands for pay increases and other benefits (*see* Section 6.b.). There were fewer instances than in the previous year of police forcibly dispersing demonstrations when they deemed that public order was threatened; generally they allowed the demonstrations to proceed. There were no reports of the police or other security forces restricting meetings of NGOs, labor organizations, religious groups, or professional associations.

On February 25, hundreds of female vendors from a market in the Yopougon section of Abidjan marched to the President's office to protest the use of police force to intimidate vendors. The police allegedly beat several vendors because they had refused to pay the market taxes. The Prime Minister's Cabinet Director met with the protesters.

In April police tear gassed shopkeepers in Yopougon who were protesting the bulldozing of several small shops, which reportedly did not conform to building standards.

Following the September 19 rebellion, there were several progovernment demonstrations. On October 2, more than 10,000 persons marched peacefully in Abidjan to support President Gbagbo and the Government forces against the rebels.

An October 22 demonstration at the French military base near the Abidjan airport resulted in injuries to dozens of marchers when French troops repelled them with tear gas and water cannons after they attempted to breach the front gate of the base.

No action was taken against security forces who forcibly dispersed demonstrations in 2001.

The Constitution provides for freedom of association and the Government generally respected this right in practice. The Government allowed the formation of political parties, trade unions, professional associations, and student and religious groups, all of which were numerous.

The Constitution states that all parties and nongovernment organizations must respect the laws of the Republic, including the requirement that all such organizations register with the Ministry of Interior before commencing activities. In order to obtain registration, political parties had to provide information on their founding members and produce internal statutes and political platforms or goals consistent with the Constitution. There were no reports that the Government denied registration to any group, but processing rarely was expeditious. There were more than 100 legally recognized political parties, 7 of which were represented in the National Assembly (*see* Section 3).

The Constitution prohibits the formation of political parties along ethnic or religious lines; however, in practice ethnicity and religion were key factors in some parties' membership (*see* Sections 2.c. and 5).

c. Freedom of Religion.—The Constitution provides for freedom of religion and the Government generally respected that right; however, after September 19, the Government targeted persons perceived to be perpetrators or supporters of the rebellion, who often were Muslim.

There was no state religion; however, for historical as well as ethnic reasons, the Government informally favored Christianity, in particular the Roman Catholic Church. Catholic Church leaders had a stronger voice in government affairs than their Islamic counterparts, which led to feelings of disenfranchisement among some Muslims. In August President Gbagbo restructured and expanded his cabinet to include 6 Muslims among 37 ministers, one of whom became the Minister of State for Foreign Affairs and was one of the President's closest advisers.

The law requires religious groups desiring to operate in the country to register. In practice the Government's regulation of religious groups generally has not been unduly restrictive. No religious group complained during the year of arbitrary registration procedures or recognition. Although non-traditional religious groups, like all public secular associations, were required to register with the Government, no penalties were imposed on groups that failed to register.

Members of the country's largely Christianized or Islamic urban elites, which effectively controlled the State, generally were disinclined to accord to traditional indigenous religions the social status accorded to Christianity and Islam.

Some Muslims believed that their religious or ethnic affiliation made them targets of discrimination by the Government with regard to both employment and the renewal of national identity cards (*see* Section 5). Due to the tense political situation in the country and the ethnic divisions that frequently were a strong factor in political party membership, Muslims (or persons with northern names assumed to be Muslim) sometimes reportedly were scrutinized more closely when applying for identity documents. As these northern Muslims shared names, style of dress, and customs with several of the country's predominantly Muslim neighboring countries, they sometimes were accused wrongly of attempting to obtain nationality cards illegally in order to vote or otherwise take advantage of citizenship. This created a hardship for a disproportionate number of Muslim citizens.

In late June, after months of improved relations, tensions rose between RDR supporters and FPI supporters in the period prior to the July departmental elections. In late June, security forces and RDR and FPI supporters clashed in and near Daloa. Party militants burned mosques and churches, as well as homes and villages, especially those of Muslims. Muslims accused the security forces of favoring the FPI. At least six persons were killed, although some estimates were much higher. Also in late June in Abidjan, members of a progovernment activist student union, FESCI, attacked and injured Muslim university students. Muslims accused FESCI of grouping Muslims, members of northern ethnic groups, and RDR loyalists into one identity.

The ongoing rebellion after September 19 generated new ethnic and religious strains. Security forces entered and searched mosques and homes of clerics and other Muslims without warrants, allegedly looking for arms or rebels and sympathizers (*see* Sections 1.a. and 1.d.). Security forces detained, questioned or beat some Muslims and questioned some Islamic leaders on suspicions that they were part of the unrest. Nationalist newspapers wrote of the "Islamic plot" to topple President Gbagbo, which led the Government to detain, arrest, and kill an estimated 200 Muslims.

On October 30, the CNI issued a statement asserting that since September 19 the Muslim community had fallen under unfair suspicion and was suffering arbitrary arrests, beatings, and killings by the security forces (*see* Sections 1.a., 1.c., and 1.d.).

The CNI statement claimed that state television and radio had created a climate of hatred.

Rebels in Bouake and elsewhere in the north executed more than 100 persons, most of whom were Christian, who were members of the Government's armed forces or persons thought to be loyal to the Government (*see* Section 1.a.).

Conflicts within religious groups surfaced occasionally. In February the Celestial Christian Church reunified after the head of the church in Nigeria reinstated Blin Jacob Edimou, the founding priest of the Ivoirian Celestial Church, to his position as head of the Church. In June all churches that were closed following the violence reopened after the restoration of unity within the Harrist organization.

Relations between the various religious communities generally were amicable; however, there was some societal discrimination against Muslims and followers of traditional indigenous religions (animists).

Some non-Muslims opposed construction of mosques, on the grounds that the Islamic duty to give alms daily could attract beggars and some non-Muslims disliked hearing the public calls to prayer emanating from mosques.

Followers of traditional indigenous religions sometimes were subject to societal discrimination. Many Christians and Muslims looked down on practitioners of traditional indigenous religions as pagans, practitioners of black magic or human sacrifice, and refused to associate with them. The practices of traditional indigenous religions often were shrouded in secrecy, and included exclusive initiation rites, oaths of silence, and taboos against writing down orally transmitted history. However, many practitioners of traditional indigenous religions seemingly were unaware of societal discrimination and did not complain.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution does not provide specifically for these rights, and the Government on occasion restricted them in practice. However, after September 19, freedom of movement was restricted further. The Government generally did not restrict internal travel. However, police, gendarmes, and water, forestry, and customs officials frequently erected and operated roadblocks on major roads, where they demanded that passing motorists or passengers produce identity and vehicle papers and regularly extorted small amounts of money or goods for contrived or minor infractions. In the period prior to the July departmental elections, FPI militants erected roadblocks to prevent members of other parties from campaigning or voting (*see* Section 3).

After September 19, security forces or local civilian "self defense committees" erected numerous roadblocks and harassed and extorted travelers, commercial traffic and truckers, foreigners, refugees, UNHCR workers, and others. Uniformed forces and civilian committees demanded payment at each roadblock, sometimes reportedly beating and detaining those who could not pay. In addition, the Government established a restrictive curfew from early evening until early morning that inhibited movement around the country.

Citizens normally traveled abroad, emigrated freely, and had the right of voluntary repatriation. However, after the September rebellion, opposition party members reported that they feared being arrested at the airport if they attempted to leave the country. Unlike in the previous year, there were no reported instances of restriction of opposition politicians from traveling outside of the country.

There were no known cases of revocation of citizenship. The citizenship issue continued to be debated extensively during the year. The public debate over Alassane Ouattara's citizenship, electoral eligibility, and reinstatement of his political and citizenship rights resulted in an Abidjan court granting him in June a certificate of nationality, valid for only 6 months, which was required to run for public office.

The Constitution does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The law includes refugees but does not specify a separate legal status for them. The Government provides first asylum, and, according to a UNHCR census in June, there were 72,000 registered refugees in the country, primarily from Liberia and Sierra Leone. From January to April, approximately 7,000 new Liberian refugees entered the country.

The Government cooperated with UNHCR and other humanitarian organizations in assisting refugees. The UNHCR announced plans during the year to close three field offices in the western part of the country; however, the Government protested the decision, and the UNHCR decided to retain two field offices. The September rebellion halted plans to build new refugee camps and the UNHCR removed its international staff from those field offices when the security situation deteriorated. As the Government and local press publicly blamed the rebellion on foreigners, UNHCR

received threats because of its role in protecting Liberian and Sierra Leonean refugees.

In the 2 months following the September rebellion, an estimated 30,000 Burkinabe, and more than 1,000 Nigerians, Malians, and Guineans left the country. Various West African governments complained during the year about harassment of their citizens in the country (*see* Section 1.a.). The U.N. and other international organizations documented abuses against foreigners in Abidjan that included arbitrary arrest, beating, and theft of money and valuables. A foreign NGO documented many cases of gangs of youths working in conjunction with security authorities to beat and extort money and valuables from noncitizen Africans.

Following September 19 and the rebel takeover of the northern half of the country, an estimated 3,000 citizens sought refuge across the border in Mali. The Government continued to repatriate those citizens, transporting them by air to Abidjan. The repatriation program was ongoing at year's end.

After September the Government's destruction of shantytowns in Abidjan displaced tens of thousands of persons (*see* Section 1.f.). An estimated 80 percent were noncitizen Africans, mostly from Muslim dominated neighboring countries to the north. Citizens and other co-nationals in Abidjan neighborhoods took in a large number of the internally displaced persons (IDPs) temporarily. Some left for their home countries, some with the aid of their governments. Of the 7,000 IDPs from shantytown destruction, 1,000 were UNHCR-registered refugees. UNHCR placed these displaced urban refugees in temporary facilities. On numerous occasions, security forces visited these UNHCR centers after the curfew, checking the residents' identity documents and interrogating them, reportedly accusing some of them of being rebels and threatening to kill them. Despite repeated UNHCR protests to the Government, the practice continued during the year.

The identity card law included provision for the issuance of identity cards to refugees. The Minister of Defense indicated that the Government would issue cards free of charge to refugees, but none were issued during the year. Security officials often did not honor identity documents issued to refugees by the UNHCR. There were frequent reports of security officials stopping refugees to ask for identity documents. When the refugee produced only a UNHCR document, the security officials often also demanded money. There also were credible reports that security forces destroyed refugees' identity documents, arbitrarily detained, and occasionally beat refugees.

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

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

The Constitution provides for the right of citizens to change their government peacefully through democratic means. The Constitution and Electoral Code provide for presidential elections every 5 years and legislative elections every 5 years by a single and secret ballot. The Constitution also continues the tradition of a strong presidency. Significant violence and irregularities marred presidential elections held in October 2000 and legislative elections held in December 2000.

The Constitution of the Second Republic was implemented formally in August 2000. The Constitutional and Electoral Consultative Commission (CCCE), created by the junta's National Committee of Public Salvation (DNSP), drafted the Constitution. Members of major political parties and civil society comprised the CCCE; however, the CNSP and General Guei made changes to the CCCE's text prior to submitting the draft Constitution to a referendum. The Constitution was adopted in a referendum held in July 2000 by 86 percent of those voting. A quasi-independent commission that included representatives from some government ministries, civil society, and political parties supervised the referendum.

The Constitution includes language that is considered more restrictive than the Electoral Code on questions of parentage and eligibility requirements for candidates. The presidential elections followed several postponements and a controversial Supreme Court decision in October 2000, disqualifying 14 of the 19 candidates, including all of the PDCI and RDR candidates. RDR leader Ouattara was excluded from running in the presidential and legislative elections following the Supreme Court's rulings that he had not demonstrated conclusively that he was of Ivoirian parentage. Furthermore, the Court maintained that Ouattara had considered himself a citizen of Upper Volta (Burkina Faso) earlier in his career. The Court disqualified Emile Constant Bombet, PDCI candidate and former Interior Minister, because of pending charges of abuse of office when he was Minister. The Court disqualified former President Bedie, who also was the president of the PDCI party, because he did not submit the required medical certificate.

As a result of the Supreme Court decision, most international election observers declined to monitor the election. There were only 75 observers nationwide, 29 of whom were European Union observers whose original mission was to assess the overall security situation. The nationwide participation rate was 33 percent, and some polling places, especially in the north, closed early because of the lack of voters. Preliminary results showed that Gbagbo was leading by a significant margin. However, on October 23, 2000, soldiers and gendarmes entered the National Elections Commission (CNE) to stop the count. They expelled journalists and disrupted television and radio broadcasting. On October 24, 2000, Daniel Cheick Bamba, an Interior Ministry and CNE official, announced on national radio and television that the CNE had been dissolved and declared General Guei the victor with 56 percent of the vote. Thousands of Gbagbo supporters began protesting almost immediately, demanding a full vote count. Mass demonstrations continued until October 26, 2000, and resulted in numerous deaths and injuries. On October 25, 2000, national radio and television reported that Guei had stepped down.

When Gbagbo was inaugurated on October 26, 2000, gendarmes loyal to him violently suppressed RDR street demonstrators demanding new presidential elections. In December 2000, gendarmes and police officers also violently dispersed members of the RDR who were demonstrating to protest against the invalidation of Ouattara's candidacy in the legislative elections (*see* Sections 1.c. and 2.b.).

The December 2000 National Assembly election was marred by violence, irregularities, and a very low participation rate. The FPI won 96 out of 225 seats in the National Assembly; the PDCI, the former ruling party, won 77 seats; independent candidates won 17 seats; and 4 other parties won 7 seats. Largely because of the RDR boycott of the elections to protest the invalidation of Ouattara's candidacy, the participation rate in the legislative election was only 33 percent. In addition, the election could not take place in 26 electoral districts in the north because RDR activists disrupted polling places, burned ballots, and threatened the security of election officials.

In January 2001, the Government conducted legislative by-elections in Agnibilekrou and in the northern regions where the elections had been boycotted and disrupted by the RDR. Following the legislative by-elections, 223 of the 225 seats of the National Assembly were filled: The FPI won 96 seats, the PDCI 94 seats, the PIT 4 seats, very small parties 2 seats, independent candidates 22 seats, and the RDR (in spite of its boycott of all of the legislative elections) 5 seats. The two seats from Kong, where Ouattara planned to run, remained unfilled as the RDR, the only party running in that electoral district, boycotted the elections.

Citizens' ability to elect sub-national governments was limited. The State remained highly centralized. Subnational government entities existed on several levels, and included 19 regions, 58 departments, 230 districts, and 196 communities. However, at the level of the region (regional prefect), the department (prefect), and the district (sub-prefect), the Government appointed office holders. Other departmental and community officials, including mayors, were elected, as were some traditional chieftains. Subnational governments relied on the central government for most of their revenues, but mayors had autonomy to hire and fire community administrative personnel.

On July 7, the country held its first province level departmental (provincial) elections. Voters selected 58 departmental councils to oversee local infrastructure development and maintenance as well as economic and social development plans and projects. Their functions were not yet completely defined in law. Voter turnout was 28 percent, compared with 40 percent in the 2001 municipal elections. The ongoing national identity card program was not completed by the election date, but the CEI and the Government nonetheless declared that only the new green national identity card, or an "attestation of identity" document issued by local authorities, was valid for voting. Independent observers calculated that almost one half of all eligible voters were excluded from the elections by the difficulties and controversy surrounding issuance of the green cards.

All parties complained that some of their members were unable to obtain identity cards in time for the voting, but the PDCI and RDR parties were the most affected. Independent observers and the independent local press reported cases of FPI party militants putting up roadblocks to prevent members of other parties from campaigning or voting and uniformed forces intimidating voters and opening ballot boxes to empty them of non-FPI votes.

In early August, President Gbagbo formed a national unity government that included all major political parties. He expanded the cabinet from 28 to 37 portfolios. In the national unity government the FPI and its political allies maintained more than two-thirds of the ministerial posts. On October 3, President Gbagbo created the new cabinet position of Minister of Interior for Security but simultaneously sub-

sumed defense and security under the Presidency. In late November, the RDR party leadership announced that it was withdrawing its four ministers from the Government, and their successors had not been named at year's end.

The youth wings of political parties were allowed to organize and were active. The youth wing of the governing FPI party was a major political force. With the direct financial support through the presidency and the protection of the police and military, the FPI youth wing operated with impunity to control the political debate in the street, to intimidate the local and national press, and to exclude the youth wings of the other parties from the political debate. After the September 19 rebellion, on several occasions in October and November the youth wing of the FPI (JFPI); closely allied with Panafrican Congress of Young Patriots (COJEP) led by Charles Ble Goude; and the Patriots for the Total Liberation of Cote d'Ivoire (UPLT-CI) organized several progovernment rallies that drew tens of thousands of marchers (*see* Section 2.b.). The youth wings of the PDCI and RDR kept a low profile, especially after September 19 but staged some activities during the year.

There were no legal impediments to women assuming political leadership roles. Women held 19 of 225 seats in the National Assembly, with 2 seats vacant in the district of Kong since the disturbances in 2000. The first vice president of the National Assembly was a woman. Women held 6 of the 37 ministerial positions in the cabinet. Four of 41 Supreme Court justices were women. Henriette Dagri Diabate served as Secretary General of the RDR, the party's second ranking position.

There were no legal impediments to the exercise of political rights by the more than 60 ethnic groups in the country. President Gbagbo improved ethnic and regional balance in the Government by including members from 13 different ethnic groups: 10 members of Gbagbo's cabinet were from his own Krou group (Bete, Dida, and Guere); 4 were from the Southern Mande group (Gban, Gouro, and Yacouba) in the western provinces; and 5 ministers were from the north (Malinke and Senoufo). The remaining 18 ministers were from the center, the east, and the south (Baoule, Agni, Attie, Aboure, and Abbey), the ethnic groups that traditionally have been the strongest politically. President Gbagbo's cabinet contained six Muslims.

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

A number of domestic human rights groups, including LIDHO, MIDH, Justice Action, and the CVCI generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. The Government occasionally met with some of these groups. There were no credible reports of the Government restricting or prosecuting these groups or their members. Unlike in the previous year, the Government did not investigate NGOs.

During the year, LIDHO, MIDH, and other human rights groups gathered evidence and testimony on events. They also frequently published letters and statements in various independent local daily newspapers, often criticizing state security forces. The Government increased restrictions on press freedoms as a result of the September 19 rebellion (*see* Section 2.a.). Subsequently, only certain independent daily newspapers would publish LIDHO, MIDH, and CVCI statements and letters. On October 10, two local newspapers carried a MIDH report on human rights violations by the rebels and the Government. The October 20 edition of an independent daily newspaper carried a CVCI statement severely criticizing abuses it stated were committed by the security forces.

International human rights groups, like AI and HRW, generally operated without government restrictions, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their inquiries and views. The Government generally cooperated with international inquiries into the post-September 19 human rights situation, authorizing in October inquiries by both AI and HRW. There were no reports of the Government suppressing such groups or denying them visas; however, on occasion the Government has restricted their access to certain sensitive areas. In October HRW was not allowed to approach shantytowns that were being razed. AI reported they were not allowed access to prisons in police or military camps and security forces briefly detained the AI investigators who wanted to interview persons whose homes had been razed in a shantytown.

Local newspapers printed the objections lodged by RSF concerning restrictions placed on the local and international press since the onset of the crisis September 19 (*see* Section 2.a.).

During the year, the Government regularly permitted access to the World Food Program (WFP), the Red Cross, and other international humanitarian organizations. Both organizations were resident. Eleven U.N. agencies, including the International

Labor Organization (ILO), and the World Health Organization (WHO) were resident and active throughout the year.

The Government permitted the publication and dissemination of a U.N. High Commissioner for Human Rights (UNHRC) communique issued in October that warned against the spread of propaganda that incited hatred and racial discrimination, and called upon the Government to strengthen its commitments to international agreements prohibiting such attitudes. On November 8, the U.N. High Commissioner for Human Rights called on the Government to pursue the perpetrators of kidnappings, arbitrary detentions, and summary executions.

When President Gbagbo created the national unity government in early August, he created a Ministry of Human Rights and appointed as Minister a highly regarded attorney and experienced magistrate. After the outbreak of the rebellion, on October 17, she met with the principal human rights organizations, including LIDHO and MIDH, to express the Government's continued concern for human rights, despite the ongoing strife. The Ministry installed a free telephone hotline to allow victims of harassment to inform the appropriate authorities and launched a program of short television messages on human rights. On October 22, in an interview with the Government daily newspaper, *Fraternite Matin*, the Human Rights Minister appealed to both government and rebel forces to respect the internationally agreed human rights standards during wartime.

In October the NGO Group for Research on Democracy and Economic and Social Development (GERDDES-CI) conducted a human rights awareness campaign in response to the events following the uprising. GERDDES formed 6-person teams with Christian and Muslim representatives and members of leading human rights and democracy groups. The teams met local ethnic, religious, and political leaders in key "front line" districts to hear their concerns and to counsel tolerance. On October 25, President Gbagbo received GERDDES-CI director Honore Guei and other leaders to lend his political support to the project.

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

The Constitution and the law prohibit discrimination based on race, ethnicity, national origin, sex, or religion; however, in practice women occupied a subordinate role in society. Ethnic discrimination and division were problems.

Women.—Representatives of the Ivoirian Association for the Defense of Women (AIDF) stated that spousal abuse (usually wife beating) occurred frequently and often led to divorce. A 1998 AIDF survey found that many women refused to discuss domestic violence; of women who completed the AIDF interviews, nearly 90 percent had been beaten or struck on at least one occasion. Female victims of domestic violence suffered severe social stigma. The courts and police viewed domestic violence as a family problem unless serious bodily harm was inflicted, or the victim lodged a complaint, in which case they could initiate criminal proceedings. However, a victim's own parents often urged withdrawal of a complaint because of the shame that attached to the entire family. The Government did not collect statistics on rape or other physical abuse of women. The Government had no clear policy regarding spousal abuse. The civil code prohibits, and provides criminal penalties for, forced or early marriage and sexual harassment, but contains nothing about spousal abuse.

Women's advocacy groups protested the indifference of authorities to female victims of violence and called attention to domestic violence and FGM. The groups also reported that women victims of rape or domestic violence often were ignored when they attempted to bring the violence to the attention of the police. AIDF and the Republican Sisters, another women's NGO, continued to seek justice on behalf of rape victims but had made no progress by year's end. AIDF ran a house for battered girls and wives, which reportedly received approximately 18 battered women per week. The AIDF also opposed forced marriage and defended the rights of female domestic workers.

FGM was a serious problem. The law specifically forbids FGM and imposes on those who perform it criminal penalties of imprisonment for up to 5 years and a fine of approximately \$540 to \$3,000 (360,000 to 2 million CFA francs); double penalties apply to medical practitioners. FGM was practiced primarily among the rural populations in the north and west and to a lesser extent in the center. The procedure usually was performed on young girls or at puberty as a rite of passage, with techniques and hygiene that did not meet modern medical standards. According to WHO and the AIDF, as many as 60 percent of women have undergone FGM. Many families from the cities went back to their villages to have their daughters circumcised. The practice was declining in popularity, but persisted in many places. In 2001 approximately 100 girls underwent FGM in the western department of Guiglo.

In July Mrs. Adom Coulibaly, Director of Regulations and Protection at the Ministry of Women's Affairs, led a mission of women NGO leaders and magistrates to several districts of Abidjan to talk about the risks associated with FGM, as well as the legal sanctions imposed on those who practiced it. News that some Yacouba women living in the Abobo section of Abidjan intended to circumcise their daughters prompted the teach-in. On September 24, the Inter Press Service published an article on an excision ceremony in the western town of Gbangbegouine. During the year, the Manh Boya theater group continued its sensitization campaign against FGM and illiteracy in several districts of Abidjan as well as in the north of the country. As a result of the active campaign against FGM undertaken by the Government and NGOs, during 2001 several practitioners were arrested for performing excisions. One woman still was serving a sentence at the MACA for having performed FGM at year's end.

Women from nearby countries sometimes were trafficked to Cote d'Ivoire, including for prostitution (*see* Section 6.f.).

Prostitution is not illegal as long as it occurred between consenting adults in private. Soliciting and pandering both were illegal and the Morals Squad sometimes enforced the law. Operating an establishment that was mainly for prostitution also was illegal. A local NGO estimated that 58 percent of the women prostitutes in Abidjan were not citizens (*see* Section 6.f.).

The Constitution and the law prohibit discrimination on the basis of sex; however, women occupied a subordinate role in society. Government policy encouraged full participation by women in social and economic life; however, there was considerable informal resistance among employers to hiring women, whom they considered less dependable because of their potential pregnancy. Some women also encountered difficulty in obtaining loans, as they could not meet the lending criteria established by banks such as a title to a house and production of a profitable cash crop, specifically coffee and cocoa. Women in the formal sector usually were paid at the same rate as men (*see* Section 6.e.). In rural areas, women and men divided the labor, with men clearing the land and attending to cash crops such as cocoa and coffee, while women grew vegetables and other staples and performed most household tasks.

Women's advocacy organizations continued to sponsor campaigns against forced marriage, marriage of minors, patterns of inheritance that excluded women, and other practices considered harmful to women and girls. Women's advocacy organizations also campaigned during the year against the legal texts and procedures that discriminated against women. In March during the Government-sponsored "Women's Fortnight," women from all regions of the country asked the Government to reform the social security code and to increase the family allowance paid for children. Women criticized the fact that because the tax code did not recognize women as heads of households, female workers frequently paid income tax at a higher rate than their male counterparts. Women also asked that prenatal allowances be exempt from tax, that women and men share parental authority, and that the pensions of deceased salaried women be paid to the widower. No action was taken by year's end.

Children.—The Ministries of Public Health and of Employment, Public Service, and Social Security sought to safeguard the welfare of children, and the Government also encouraged the formation of NGOs such as the Abidjan Legal Center for the Defense of Children.

The Government strongly encouraged children to attend school; however, primary education was not compulsory. Primary education was free but usually ended at age 13. Poverty caused many children to leave the formal school system when they were between the ages of 12 and 14. A student who fails the secondary school entrance exams does not qualify for free secondary education. The family must then pay for secondary education, which many cannot afford.

Students who passed entrance exams may elect to attend free public secondary schools. Secondary school entrance was restricted by the difficulty of the exam, which changed each year, and the Government's ability to provide sufficient spaces for all who wished to attend. Many children left school after only a few years. According to government statistics, 57 percent of school age children (ages 6 to 18) attended primary school in the 2000–2001 academic year. According to UNICEF statistics, 62 percent of girls of primary school age reportedly were enrolled in school in 2000, compared with 58 percent in 1996. The percentage of girls attending junior high and high schools was less than 20 percent and 10 percent, respectively. The upward trend in school attendance of girls was attributable to various initiatives over the past 10 years by the Government and international organizations, such as UNICEF and the African Development Bank. The WFP has worked with the Government to establish a countrywide system of school canteens that provided lunches

for \$.04 (25 CFA francs). The Gbagbo government abolished the requirement that pupils wear a uniform to primary schools, which is expected to increase female enrollment because school will be cheaper for families. The Government also distributed free books and school supplies in some targeted primary schools.

Parental preference for educating boys rather than girls persisted, particularly in rural areas. Before September 19, primary school enrollment for girls was increasing in the northern part of the country. The Minister of National Education stated that almost one-third of the primary and secondary school dropout rate of 66 percent was attributable to pregnancies, and that many of the sexual partners of female students were teachers, to whom girls sometimes granted sexual favors in return for good grades or money. The penalty for statutory rape or attempted rape of either a girl or a boy aged 15 years or younger was a 1- to 3-year prison sentence and a \$150 to \$1,500 (100,000 to 1 million CFA francs) fine.

The Ministry of Health operated a nationwide network of clinics for children, infants, and prenatal care (PMI) staffed with nurses and doctors who served the local residents, whether citizens or noncitizens, free or at low cost. The Health Ministry also conducted a nationwide vaccination program for measles, yellow fever, meningitis and other diseases and publicized "well baby" contests. Rotary Clubs sponsored a polio vaccination campaign throughout the country. There were no reported differences in the treatment of boys and girls.

There were large populations of street children in the cities. During the year, the Government newspaper, *Fraternite Matin*, reported 215,000 street children in the country, of whom 50,000 were in Abidjan. According to the AIDF, the BICE (International Catholic Children's Office), the Ministry of Family, Women, and Children's Affairs, and press reports, some children were employed as domestics and were subject to sexual abuse, harassment, and other mistreatment by their employers (see Section 6.d.). A forum of approximately 15 NGOs, including Children of Africa and the BICE, worked with approximately 8,000 street children in training centers, similar to halfway houses. The NGOs paid the children a small subsistence sum while teaching them vocational and budgeting skills. The Ministry of Family, Women, and Children's Affairs reported that many street children were reluctant to stay in training centers where they earned no money and were subject to strict discipline.

The Ministry of Family, Women, and Children made efforts to reduce the number of children working outside the confines of their own family to curb child abuse (see Section 6.d.).

In some parts of the country, FGM was performed commonly on girls (see Section 5, Women).

Children regularly were trafficked into the country from neighboring countries (see Section 6.f.).

The rebel forces that controlled the northern half of the country used child soldiers who they recruited and armed after September 19. U.N. organizations reported from Bouake and other northern sites that most of the young recruits or volunteers were 17 or 18 years of age; however, there were some who were 15 or younger.

Persons with Disabilities.—The law requires the Government to educate and train persons with physical, mental, visual, auditory, and cerebral motor disabilities, to hire them or help them find jobs, to design houses and public facilities for wheelchair access, and to adapt machines, tools, and work spaces for access and use by persons with disabilities. The Government was working to implement these requirements at year's end. Wheelchair accessible facilities for persons with disabilities were not common, and there were few training and job assistance programs for persons with disabilities.

Laws also exist that prohibit the abandonment of persons with mental or physical disabilities and enjoin acts of violence directed at them. Persons with mental disabilities often lived in the streets. Adults with disabilities were not specific targets of abuse, but they encountered serious difficulties in employment and education. The Government supported special schools, associations, and artisans' cooperatives for persons with disabilities, but many persons with physical disabilities begged on urban streets and in commercial zones.

In August following a strike by persons with disabilities demanding increases in their minimal benefits, the Government created a new Ministry for Social Affairs and the Handicapped.

Traditional practices, beliefs, and superstitions varied, but infanticide in cases of serious birth defects was less common than in the past.

National/Racial/Ethnic Minorities.—The country's population was ethnically diverse. Citizens born in the country derived from five major families of ethnic groups. The Akan family comprised more than 42 percent of the citizenry; the largest Akan

ethnic group, and the largest ethnic group in the country, was the Baoule. Approximately 18 percent of citizens belonged to the northern Mande family, of which the Malinke were the largest group. Approximately 11 percent of citizens belonged to the Krou family, of which the Bete were the largest group. The Voltaic family accounted for another 18 percent of the population, and the Senoufou were the largest Voltaic group. Approximately 10 percent belonged to the southern Mande family, of which the Yacouba were the largest group. Major ethnic groups generally had their own primary languages, and their nonurban populations tended to be concentrated regionally.

All ethnic groups sometimes practiced societal discrimination on the basis of ethnicity. Urban neighborhoods still had identifiable ethnic characteristics, and major political parties tended to have identifiable ethnic and regional bases, although interethnic marriage increasingly was common in urban areas.

At least 26 percent of the population was foreign, and of that group, 95 percent were other Africans. There were more than 5 million West African immigrants living in the country. Most of the Africans were from neighboring countries, with half of them from Burkina Faso. Birth in the country did not automatically confer citizenship.

Some ethnic groups included many noncitizens, while other ethnic groups included few noncitizens. There were societal and political tensions between these two sets of ethnic groups. This cleavage corresponded to some extent to regional differences; ethnic groups that included many noncitizens were found chiefly in the north and west. Members of northern ethnic groups that were found in neighboring countries as well as in the country often were required to document their citizenship, whereas members of formerly or presently politically powerful ethnic groups of the south and center reportedly were not required to do so. Police routinely abused and harassed noncitizen Africans residing in the country (*see* Section 1.d.). Official harassment reflected the frequently encountered conviction that foreigners were responsible for high crime rates, as well as a concern for identity card fraud. After the rebellion of September 19, harassment of northerners increased markedly.

The Constitution includes a presidential eligibility clause that limits presidential candidates to those who can prove that both parents were born citizens in the country and states that a candidate never may have benefited from the use of another nationality. Because of this restriction, RDR leader Alassane Ouattara was declared ineligible for both presidential and legislative elections in 2000 (*see* Section 3). In June a court granted him an Ivorian certificate of nationality of limited duration.

Over the past decades, many West Africans, especially from the neighboring countries to the north migrated to the country to work on cocoa or fruit plantations or have sought to earn their living in Abidjan and other cities. Outdated or inadequate land ownership laws gave rise to conflicts with an ethnic and antifoign aspect.

Ethnic tensions led to fighting and deaths, especially at the time of the July 7 departmental elections (*see* Section 1.a.). For example, on July 8 in Gagnoa, conflict between members of the Bete ethnic group (President Gbagbo's group) and Dioulas (a general term for persons of northern ethnic groups, whether citizens or noncitizens) left 3 dead and 43 injured. Later in July, Betes and Dioulas youth attacked each other in Daloa, which resulted in 1 dead, 14 injured, several women were raped, and several houses damaged. In early July, Ebrie (from the coastal lagoons) and Dioulas clans clashed in Songon-Agban near Abidjan, injuring 5 persons.

After September 19, President Gbagbo accused "a neighboring country" of being behind the rebellion. The Government razed shantytowns where many poor West African immigrants and citizens lived, rendering as many as 12,000 persons homeless (*see* Section 1.f.).

On October 6, government television declared that the key to victory over the rebels was to expel all Burkinabe immigrants. In a televised address on October 8, President Gbagbo asked citizens not to attack foreigners. In October government supporters in the western region of Duekoue forced more than 2,000 Burkinabe nationals to leave their cocoa and coffee farms, accused them of being rebel sympathizers, and reportedly killed 11 of them. In late October, the Governments of Burkina Faso and Mali issued statements criticizing the rebellion and urging the Government to stop attacks on their citizens and other foreigners.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Code grant all citizens, except members of the police and military services, the right to form or join unions. Registration of a new union required 3 months. Two of the three largest labor federations were the General Union of Workers of Cote d'Ivoire (UGTCI) and the Federation of Autonomous Trade Unions of Cote d'Ivoire (FESACI). The third largest federation, Dignite, and one other were not affiliated with the Government.

Unions legally are free to join federations other than the UGTCI. In the past, the Government pressured unions to join the UGTCI but no longer does so.

Only a small percentage of the workforce was organized, and most laborers worked in the informal sector that included small farms, small roadside and streetside shops, and urban workshops. However, large industrial farms and some trades were organized. There was an agricultural workers union.

Labor inspectors had the responsibility to enforce a law that prohibits antiunion discrimination. There have been no known prosecutions or convictions under this law, nor have there been reports of antiunion discrimination.

Unions were free to join international bodies, and the UGTCI was affiliated with the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The law protects persons working in the formal sector (approximately 1.5 million workers or 15 percent of the workforce) from employer interference in their right to organize and administer unions. The Constitution provides for collective bargaining, and the Labor Code grants all citizens, except members of the police and military services, the right to bargain collectively. Collective bargaining agreements were in effect in many major business enterprises and sectors of the civil service. In most cases in which wages were not established in direct negotiations between unions and employers, the Ministry of Employment and Civil Service established salaries by job categories (*see* Section 6.e.).

The Constitution and statutes provide for the right to strike and the Government generally protected that right in practice. However, the Labor Code requires a protracted series of negotiations and a 6-day notification period before a strike may take place, making legal strikes difficult to organize. Workers in the private and government sectors continued to strike over working conditions and terms of employment; however, the Government generally tolerated the strikes, which rarely resulted in violence.

In 2001 the Government asked labor organizations and other “social partners” to abide by a “social truce” to limit strikes or other actions that would slow economic activity while the Government reformed and strengthened institutions. The Labor Ministry arbitrated more than 120 labor conflicts during the year, in spite of the “social truce.” Employees could appeal decisions made by labor inspectors to labor courts.

There were several strikes during the year, including by judges (*see* Section 1.e.). In late January and early February, police in Abidjan went on strike to demand salary equivalency with the gendarmerie. On January 28, a meeting between policemen and the late Interior Minister Boga Doudou ended when a tear gas grenade exploded. It remained unclear who detonated the grenade. After the policemen met with Prime Minister Affi N’Guessan, the two sides resolved the pay dispute, and the policemen returned to work after receiving a compromise wage increase.

When municipal workers went on strike in March to demand the reinstatement of more than 200 dismissed city employees, the Mayor of the Abobo area of Abidjan ordered security forces to break up the protest. After the strike, some of the dismissed employees were rehired.

On June 24, security personnel forcibly broke up a hunger strike by seven of Air Afrique’s female workers who complained of not receiving pay for 10 months (like all workers for the defunct air carrier). Security forces arrested the strikers following their unsuccessful meeting with the Transport Minister. All the women were released the same or the next day.

There were no developments in the cases of security forces who forcibly dispersed strikes in 2001 and 2000.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, the ILO’s Committee of Experts in its annual report for 2000 questioned a decree that places certain categories of prisoners at the disposal of private enterprises for work assignments without their apparent consent. Legislation exists allowing inmates to work outside of prison walls; however, because of a lack of funds to hire wardens to supervise the inmates, the law often was not invoked.

The Government did not enforce the prohibition against forced child labor effectively (*see* Section 6.f.). Approximately 109,000 child laborers worked in hazardous conditions on cocoa farms in the country in what has been described as the worst forms of child labor (*see* Section 6.f.); some of these children were forced or indentured workers but 70 percent worked on family farms or with their parents.

d. Status of Child Labor Practices and Minimum Age for Employment.—In most instances, the legal minimum working age is 14; however, the Ministry of Employ-

ment and Civil Service enforced this provision effectively only in the civil service and in large multinational companies. Labor law limits the hours of young workers, defined as those under the age of 18. However, children often worked on family farms, and some children routinely acted as vendors, shoe shiners, errand boys, and car watchers and washers in the informal sector in cities. There were reliable reports of children laboring in “sweatshop” conditions in small workshops. Children also worked in family operated artisanal gold and diamond mines. Although the Government prohibits forced and bonded child labor, it did not enforce this prohibition effectively (see Section 6.f.).

e. Acceptable Conditions of Work.—The Government administratively determined monthly minimum wage rates, which last were adjusted in 1996. During the year President Gbagbo promised a comprehensive pay raise; however, only the police had received an increase by year’s end (see Section 6.a.). Minimum wages varied according to occupation, with the lowest set at approximately \$52 (36,000 CFA francs) per month for the industrial sector, which was not sufficient to provide a decent standard of living for a worker and family. A slightly higher minimum wage rate applied for construction workers. The Government enforced the minimum wage rates only for salaried workers employed by the Government or registered with the social security office. The majority of the labor force worked in agriculture or in the informal sector where the minimum wage did not apply. According to a Labor Ministry survey, workers in the agricultural and fishing sector received an average of \$1,100 (726,000 CFA francs) a year.

Labor federations such as Dignite attempted to fight for just treatment under the law for workers when companies failed to meet minimum salary requirements or discriminated between classes of workers, such as local and foreign workers.

For example, the sanitary services company ASH continued to pay wages as low as \$15.50 (12,000 CFA francs) a month to female employees who swept the streets of Abidjan. According to Dignite, labor inspectors continued to ignore this violation of the law. The shipbuilding company Carena continued to discriminate between European engineers who were paid on average \$11,400 (8 million CFA francs) a month and their African colleagues who received approximately \$114 (80,000 CFA francs) a month. Government labor and employment authorities did not take action in these cases.

Through the Ministry of Employment and the Civil Service, the Government enforced a comprehensive Labor Code that governs the terms and conditions of service for wage earners and salaried workers and provides for occupational safety and health standards. Employees in the formal sector generally were protected against unjust compensation, excessive hours, and arbitrary discharge from employment. The standard legal workweek was 40 hours. The Labor Code requires overtime payment on a graduated scale for additional hours and provides for at least one 24-hour rest period per week.

Working conditions did not improve during the year and, in many cases, continued to decline. Government labor inspectors could order employers to improve substandard conditions, and a labor court could levy fines if the employer failed to comply with the Labor Code. However, in the large informal sector of the economy, the Government enforced occupational health and safety regulations erratically, if at all. The practice of labor inspectors accepting bribes was a growing problem, and observers believed that it was widespread. Workers in the formal sector had the right under the Labor Code to remove themselves from dangerous work situations without jeopardy to continued employment by utilizing the Ministry of Labor’s inspection system to document dangerous working conditions. However, workers in the informal sector ordinarily could not absent themselves from such labor without risking the loss of their employment. Several million foreign workers, mostly from neighboring countries, typically worked in the informal labor sector, where labor laws did not apply.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and although the Government increased its antitrafficking efforts, trafficking in persons was a problem. The Government prosecuted traffickers under existing laws against the kidnaping of children. The country was a source and destination country for women and children.

Law enforcement efforts continued during the year. After the events of September 19, minimal law enforcement continued in government-held territory. The military fronts that divided the country prevented northern workers from reaching the cocoa, coffee, and other rich agricultural zones in the south where labor demand is high. Furthermore, the rebels closed the borders with Mali and Burkina Faso.

During the year, authorities intercepted several persons involved in trafficking. UNICEF had no estimate of the number of children intercepted or repatriated dur-

ing the year. For example, in February police arrested two Ghanaian nationals for smuggling 7 young girls between the ages of 6 and 19 into the country to work as household servants. Also in February, the police arrested a citizen while trying to transport three Malian children into the country. The children were returned to their parents. In April gendarmes intercepted and arrested 3 citizens in Daoukro while they attempted to transport 15 young girls between the ages of 12 and 14 to work in households in Abidjan. The girls were returned to their families in the area.

In May a citizen of Benin was arrested in Meagui, near the Soubre cocoa region, when authorities discovered 30 persons between the ages of 10 and 30 in his residence. The children said they had been promised jobs paying between \$300 and \$600 (200,000 and 400,000 CFA francs) per year. Some reported having worked in various jobs for as long as 4 years without receiving compensation. They eventually were repatriated to Benin by UNICEF.

There were no developments in the trafficking cases from 2001 and 2000.

The Government cooperated with neighboring countries, international organizations, and NGOs to combat trafficking in persons. During the year, the Minister of Employment and the Minister of Family, Women, and Children's Affairs continued working with Malian authorities to prevent crossborder child trafficking and to repatriate Malian children from the country. The Government continued to work with the Governments of Burkina Faso and Togo on an antichild trafficking and repatriation protocol, similar to the agreement with Mali, but no such agreements were signed by year's end. The talks have not been held since the September rebellion broke out. In July 2001, a national committee for the fight against child trafficking was created that included representatives from the Ministries of Foreign Affairs, Interior, Security and Decentralization, Justice, Labor, Agriculture, Communication, Social Affairs and National Solidarity, and Family, Women, and Children's Affairs. Representatives from several national and international organizations and NGOs, such as UNICEF, REFAMP-CI (network of women ministers and parliamentarians), and the BICE, also were part of the committee. In September the Government and NGOs held a forum in Bouake to highlight the problem of trafficking of young Nigerian girls (often as young as 12 to 15 years of age) to work as prostitutes in urban areas.

The extent of the problem was unknown. The country's cities and farms provided ample opportunities for traffickers, especially of children and women. The informal labor sectors were not regulated under existing labor laws, so domestics, most non-industrial farm laborers and those who worked in the country's wide network of street shops and restaurants remained outside most government protection.

The regular trafficking of children into the country from neighboring countries to work in the informal sector in exchange for finder's fees generally was accepted. Children were trafficked into the country from Mali, Burkina Faso, Ghana, Togo, Benin, and Mauritania for indentured or domestic servitude, farm labor, and sexual exploitation. There were reports that children, some as young as 6 years of age, were trafficked from Benin to work as agricultural laborers and maids.

Women principally were trafficked to the country from Nigeria, Ghana, Liberia, and Asian countries. A local NGO estimated that 58 percent of the women prostitutes in Abidjan were not Ivoirians and reported that a small number of Ivoirian women were trafficked to Europe and the Middle East for prostitution.

Women and children were trafficked from the country to African, European, and Middle Eastern countries.

The controversy over child labor in the cocoa sector in the country continued, and the U.S. Agency for International Development (USAID), the ILO, the Institute of Tropical Agriculture, and the Chocolate Manufacturers' Association financed studies to document the problem. The survey research, released to the Government in July, revealed that most children who were working in the cocoa sector worked on the family's farm (approximately 70 percent) or beside their parents. Others, most frequently the children of extended family members or persons well known to them, indicated their or their family's agreement to leave their respective countries to work on farms in the country to earn money or in search of a better life. The research showed that approximately 109,000 child laborers worked in hazardous conditions on cocoa farms in the country in what the study described as the worst forms of child labor. The studies estimated that 59 percent were from Burkina Faso, 24 percent were citizens, and the others were from Mali or other countries to the north.

In 2001 international media reports exposed the practice of importing and indenturing Malian boys for fieldwork on Ivoirian farms and plantations under abusive conditions. For example, children recruited by Malians in the border town of Sikasso were promised easy and lucrative jobs in the country, transported across the border, and then sold to others who dispersed them throughout the farms and plantations of the central and western regions. According to press reports, some of the trafficked

boys were under 12 years of age and were placed in indentured servitude for \$140 (100,000 CFA francs) where they worked 12-hour days under grueling conditions for \$135 to \$190 (95,000 to 125,000 CFA francs) per year and were locked at night in crowded sheds with their clothing confiscated.

DJIBOUTI

Djibouti is a republic with a strong presidency and a weak but evolving legislature. In April 1999, the country elected its second president since gaining independence from France in 1977. Ismael Omar Guelleh, the candidate of the ruling People's Rally for Progress (RPP), won the election with 74 percent of the vote against opposition candidate Moussa Ahmed Idriss whose Unified Djiboutian Opposition Party (ODU) received 26 percent of the vote. For the first time since multiparty elections began in 1992, no group boycotted the election. The ODU later challenged the results; however, international and locally based observers considered the election to be generally fair and cited only minor technical difficulties. Guelleh took the oath of office as President in May 1999, with the support of an alliance between the RPP and the Government-recognized section of the Afar-led Front for the Restoration of Unity and Democracy (FRUD). The 1997 legislative elections, in which the ruling party coalition won all 65 seats, took place without international observers amid opposition claims of massive fraud. Legislative elections have not been held since that time. The judiciary was not independent of the executive.

The 8,000-member National Police Force (FNP) was responsible for internal security and border control and was under the control of the Ministry of Interior. The Ministry of Defense controlled the army. The Gendarmerie Nationale, a police force responsible for the President's security, was an autonomous unit under the Ministry of Defense. The President retained an elite Republican Guard, which was an independent unit of the Gendarmerie Nationale. A small intelligence bureau reported directly to the President. Civilian authorities generally maintained effective control of the security forces, but there were instances in which the security forces acted independent of the Government's authority. Members of the security forces committed serious human rights abuses.

The country has little industry and few natural resources; its population was estimated at 650,000. Outside the capital city, the primary economic activity was nomadic subsistence. Citizens were free to pursue private business interests and to hold personal and real property. The part of the annual gross domestic product not generated by and for the foreign community, which included approximately 8,000 French citizens, was estimated at no more than \$250 (44,000 DF) per capita annually. Unusually low rainfall caused drought conditions that negatively affected some of the population. Much of the country's wealth was concentrated in the hands of a small elite.

The Government's human rights record remained poor, and serious problems remained. The RPP continued to control the political system and to suppress organized opposition. There was at least one report of the arbitrary or unlawful deprivation of life by the Government or its agents. There were credible reports that security forces beat, physically abused, and raped prisoners and detainees; however, unlike in previous years, there were no reports that security forces tortured detainees. Police beat protesters. The Government did not take steps to prosecute human rights abusers and official impunity was a problem. Prison conditions remained harsh. The Government continued to detain persons arbitrarily. Prolonged detention and incommunicado detention were problems. The judiciary was not independent of the executive and did not provide citizens' due process. The Government infringed on citizens' privacy rights. The Government restricted freedom of the press. The Government limited freedom of assembly, used force to disperse demonstrations and strikes, and restricted freedom of association. While the Government respected freedom of religion in general, it discouraged proselytizing. There were some limits on freedom of movement. The Government remained antagonistic to the formation of human rights groups. Violence and discrimination against women persisted, and, although the Government prohibited such practices, the practice of female genital mutilation (FGM) continued to be widespread. Discrimination on the basis of ethnicity, nationality, and clan background persisted. The Government restricted unions and harassed and intimidated their leaders. Child labor exists.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There was at least one report of the arbitrary or unlawful deprivation of life by the Government or its agents.

On April 18, members of the Presidential guard under the command of Captain Mohamed Djama fired on demobilized military pensioners protesting in front of the Presidential palace, killing one and injuring two others (*see* Section 2.b.).

Landmines laid by the Government and FRUD forces in the 1990's remained in some areas of the country, especially in areas controlled by the FRUD prior to the peace accord. There were no confirmed reports of deaths due to landmines during the year. The Government continued efforts at demining and reports indicated that the country will soon be declared "mine safe."

No action was taken against the members of the security forces responsible for the following killings in 2001: The February police shooting of Mohamed Assa Ali; the February police shooting of Asari Mohamed Moussa; the June military killing of one inhabitant of Hol-Hol refugee camp.

No action was taken, nor was any likely, against the members of the security forces responsible for the following killings in 2000: The December killings of 9 persons during an attempted overthrow of the Government; the October killing of a demonstrator; the June killing of Daher Guedi Fourreh, nephew of Moumin Bahdon Farah, the leader of the opposition party Groupe pour la Democratie et Republique (GDR).

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there continued to be credible reports that police and gendarmes beat, physically abused, and raped prisoners and detainees. Unlike in previous years, there were no reports that security forces tortured detainees.

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

There was no action taken, nor was any likely, against members of the security forces responsible for the following actions in 2000: The police raping, beating, and stealing from the approximately 5,000 undocumented foreigners arrested and detained in December; the December injuring of 10 persons during a clash between police and Gendarmerie; and the October police shooting and injuring of several demonstrators.

There were no confirmed reports of injuries due to landmines during the year (*see* Section 1.a.).

Prison conditions were harsh, and overcrowding was severe. Gabode prison, built for 350 persons, at times housed nearly twice that number. The Government sometimes shortened prison terms to reduce overcrowding. The Ministry of Justice noted that many of the prisoners were illegal Ethiopian immigrants who have committed crimes in the country, but that the majority of the more than 400 prisoners in Gabode prison at year's end were citizens. Prisoners reportedly must pay authorities to obtain food or to receive food brought by family members. Several prisoners were reported to be suffering from untreated illnesses or gunshot wounds received during arrest. Medical care was inadequate, and the prison infirmary lacked sufficient medication and medical staff. There were no educational or rehabilitation facilities within the prison. The lack of funding hampered the ability of Ministry of Justice officials to improve conditions or provide even minimal services.

Women and men were detained in separate cells. Reports persisted that prison guards raped female inmates. Children of female inmates under the age of 5 sometimes were allowed to stay with their mothers; authorities said that milk was provided for the children. In principle juveniles were housed separately from adult prisoners; however, in practice this was not always the case. Pretrial detainees usually were not held separately from convicted prisoners due to the lack of facilities.

On July 18, former police chief Yacin Yalah Galab died, 5 weeks after being sentenced to 15 years imprisonment for his role in the failed 2000 coup attempt, amidst rumors that the Government had denied him access to necessary medical treatment (*see* Section 1.e.).

An International Committee of the Red Cross (ICRC) delegate from Kenya made quarterly visits to the main prison. During the year, the ICRC visited the detained police officers who were accused of plotting to overthrow the Government in December 2000 (*see* Section 1.d.). The president of the Djiboutian Human Rights League (LDDH) was granted permission to visit prisoners in Gabode Prison during the year.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention; however, the Government did not respect these prohibitions. The law stipulates that the State may not detain a person beyond 48 hours without an examining magistrate's formal charge. Detainees may be held another 24 hours with the prior approval of the public prosecutor. All persons, including those accused of political or national security offenses, must be tried within 8 months of arraignment; however, the police occasionally disregarded these procedures. Unlike in previous years, there were no reports that police used lengthy periods of detention without charge. Incommunicado detention was used. The law provides for bail and expeditious trial; however, 13 persons in detention since December 2000 for a failed coup attempt were not tried until June 16 (*see* Sections 1.c., 1.e., and 2.b.).

On April 3 Police detained 11 demonstrating high school students for 7 days without charge (*see* Section 2.b.).

Conditions at Nagad detention center, where Ethiopians and Somalis were held prior to deportation, also were extremely harsh. Detainees at Nagad were held in unsanitary conditions and often were not fed for several days before their deportation (*see* Section 2.d.).

The law prohibits forced exile; however, some released citizen prisoners were pressured to go overseas, most often to France.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the judiciary was not independent of the executive. Constitutional provisions for a fair trial were not respected universally, even in non-political cases, because of interference from the executive branch. The Minister of Justice was responsible officially for human rights.

The judiciary, based on the French Napoleonic code, was composed of a lower court, appeals courts, and a Supreme Court. The Supreme Court can overrule decisions of the lower courts. Magistrates are appointed for life terms. The Constitutional Council rules on the constitutionality of laws, including those related to the protection of human rights and civil liberties; however, its rulings were not respected always.

The legal system is based on legislation and executive decrees, French codified law adopted at independence, Islamic law (Shari'a), and nomadic traditions. Urban crime was dealt with in the regular courts in accordance with French-inspired law and judicial practice. Civil actions may be brought in regular or traditional courts. Shari'a is restricted to civil and family matters. The Government promulgated a new law on judicial organization in 2000, which included the establishment of a National Committee for the Promotion and Protection of Human Rights and provided for the separation of the court system from the Ministry of Justice; however, the Government had not separated the court system from the Ministry of Justice by year's end.

Traditional law (Xeer) often was used in conflict resolution and victim compensation. For example, traditional law often stipulates that a blood price be paid to the victim's clan for crimes such as murder and rape.

The Constitution states that the accused is innocent until proven guilty and has the right to legal counsel and to be examined by a doctor if imprisoned. Although trials officially were public, in politically sensitive cases security measures effectively prevented public access. Legal counsel was supposed to be available to the indigent in criminal and civil matters; however, defendants often did not have legal representation. Court cases were heard in public before a presiding judge and two accompanying judges. The latter received assistance from two persons, lay assessors, who were not members of the bench, but who were considered to possess sufficient legal sophistication to comprehend court proceedings. The Government chose lay assessors from the public at large, but credible reports indicated that political and ethnic affiliations played a role in the selection.

In May the National Assembly approved a government-proposed political amnesty bill (*see* Section 3). In 2001 in honor of the holy month of Ramadan, 80 prisoners were granted amnesty.

On June 17, the court sentenced General Yacin Yalah Galab, former chief of police, to 15 years imprisonment for his role in the failed coup attempt of December 2000. Eleven co-defendants received sentences of between 3 and 12 years. One co-defendant, Abounasser Awaleh Cheick, was acquitted of all charges. General Yacin, who had suffered from failing health for sometime, died 5 weeks after his sentencing amidst rumors that the Government had refused him adequate medical treatment.

On June 26, the Government announced a presidential pardon, which stipulated that all persons serving sentences of 1 year or less would be freed, all persons serving sentences of 2 to 5 years would have their sentences reduced by 6 months for every 1 year served, all persons serving sentences of 5 to 10 years would have their sentences reduced by 4 months for every 1 year served, and all persons serving sen-

tences of 10 years or more would have their sentences reduced by 2 months for every 1 year served in honor of the 25th anniversary of independence.

In June 2001, human rights attorney Aref Mohamed Aref was readmitted to the bar but had not argued a case by year's end. He and his colleague, Djama Amareh Meidal, had been disbarred for alleged irregularities in their representation of a client in a 1994 commercial dispute. Meidal remained disbarred at year's end.

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. The law requires that the authorities obtain a warrant before conducting searches on private property; however, in practice the Government did not always obtain warrants before conducting such searches, and it reportedly monitored and sometimes disrupted the communications of some government opponents.

The Government prevented access in country to certain Internet websites during the year (*see* Section 2.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government restricted these rights in practice. The law prohibits the dissemination of false information and regulates the publication of newspapers. The Constitution prohibits slander.

The Government owned the principal newspaper, *La Nation*, which published bi-weekly. There were several opposition-run weekly and monthly publications that circulated freely and openly criticized the Government.

In 2000 the Government banned the importation and sale of the Somaliland newspapers *Jamhuuriya* and *The Republican*, and the ban remained in effect at year's end.

The Government also owned the radio and television stations. The official media generally were uncritical of government leaders and government policy. In 2000 the British Broadcasting Corporation (BBC) began broadcasting its World Service in the country in conjunction with Radio-Television Djibouti (RTD), the official government station. The BBC and RTD broadcast 24 hours a day in four languages on the radio. Radio France Internationale also broadcasts in the country. During the year, the Government signed a contract with the International Broadcasting Board to begin both short and medium wave Voice of America broadcasts into the country.

The country had one government-owned Internet service provider. The Government prevented access to several opposition and human rights websites based in Europe throughout the year.

The Government generally did not restrict academic freedom. In general teachers could speak and conduct research without restriction, provided that they did not violate sedition laws.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government limited this right in practice. The Ministry of Interior requires permits for peaceful assembly and monitors opposition activities. While permits generally were approved, the Government commonly used a show of police force and threatening tactics to intimidate and discourage potential demonstrators. Some opposition leaders effectively practiced self-censorship, and refrained from organizing popular demonstrations, rather than provoke a government crackdown.

On April 3, police forces used tear gas and clubs to disperse 60 students of the Balbara district of Djibouti City who were protesting their exclusion from graduate exams. Eleven students were confined without charge for 7 days before release (*see* Section 1.d.).

On April 18, members of the Presidential Guard under the command of Captain Mohamed Djama fired on unarmed, disabled, military pensioners demonstrating in front of the Presidential Palace, killing one person and wounding two others. The demobilized veterans were protesting the possible loss of disability pension benefits. Security forces claim that the protestors were hostile and attempted to rush the palace; witnesses report that the threat appeared minimal. Several demonstrators were arrested, charged, and detained for several days before the Government released them in conjunction with a new pension agreement.

On June 17, police used tear gas and clubs to disperse demonstrators discontented with the guilty verdict and prison sentences in the trial of Yacin Yaleh Galab and his twelve codefendants for an attempted coup (*see* Section 1.e.).

There was no action taken against members of the security forces responsible for the following actions in 2001: The January police use of tear gas and clubs to dis-

perse a group of striking union workers; the May police use of tear gas to disperse a gathering of workers celebrating May Day; the October police use of tear gas to disperse an unruly demonstration by 800 high school students.

The Constitution provides for freedom of association provided that certain legal requirements were met; however, the Government restricted this right in practice. The Constitution does not limit the number of political parties, and on September 4, the Government announced the annulment of a 1993 referendum, limiting the number of political parties to four.

Nonpolitical associations must register and be approved by the Ministry of Interior (MOI). The LDDH said that the Ministry had registered it. In February the MOI reportedly refused the registration request of the Baha'i community (*see* Section 2.c.).

c. Freedom of Religion.—The Constitution, while declaring Islam to be the state religion, provides for freedom of religion, and the Government generally respected this right in practice; however, proselytizing was discouraged. Although Islam is the state religion, the Government imposed no sanctions on those who choose to ignore Islamic teachings, or practice other faiths. More than 99 percent of the population was Sunni Muslim.

The Government required that religious groups be registered. In February the MOI refused the registration request of the Baha'i community, according to Baha'i leaders.

There was no legal prohibition against proselytizing; however, proselytizing was discouraged. Unlike in the previous years, there were no reports that members of the Baha'i Faith were detained and questioned by the police for possible proselytizing activities.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government at times limited these rights in practice. For example, a judge may order a passport seized for those under judicial surveillance or awaiting trial. There were no reports of government passport seizures during the year.

In August 2001, airport police prevented PRD president DAF from boarding a despite his having received permission from the court to depart. It was unclear why DAF was refused permission to leave; however, Mr. Farah subsequently was allowed to travel to Lebanon in October 2001 and to the United States during the year.

Landmines laid by the Government and FRUD forces in the 1990's remain in some areas of the country, especially in areas controlled by the FRUD prior to the peace accord. Landmines laid in Tadjoura and Obock districts restricted freedom of movement (*see* Section 1.a.).

Women were not permitted to travel without the permission of an adult male relative (*see* Section 5).

In April 2001, following a commercial dispute, the Government closed its border with Somaliland, including land, sea, and air routes, as well as all telecommunications; however, the border reopened in March.

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 offered first asylum; however, the Government committee responsible for determining refugees' status has not met since 1995. The Government officially did not recognize those refugees under the protection of the U.N. High Commission for Refugees (UNHCR); however, the refugees were permitted to remain in the country.

The country hosted up to 100,000 refugees and illegal immigrants from neighboring countries, equal to approximately one-fifth of the population. The UNHCR assisted more than 21,000 Somali and Ethiopian residents of the two remaining refugee camps. Approximately 2,500 Ethiopian and Somali urban refugees were registered with the UNHCR office in Djibouti City. During the year, the UNHCR repatriated more than 1,800 Somaliland refugees who had fled to the country during the Somaliland civil war.

In 2000 the UNHCR repatriated more than 1,700 Ethiopian refugees who had fled to the country in 1984–85 and ceased to register Ethiopians as refugees. In previous years, the Djiboutian National Office for the Assistance of Refugees and Displaced Persons reported that it deported up to a thousand Ethiopians each week. Although the number of deportations still was believed to be high, no figures were available during the year.

There were reports that members of the security forces sometimes compelled illegal immigrants to work for them under threat of deportation (*see* Sections 5 and 6.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 citizens with the right to change their government, and citizens exercised this right through a generally democratic process in presidential elections held in 1999.

The RPP candidate Ismael Omar Guelleh, the designated successor of former President Hassan Gouled Aptidon, won the 1999 election with 74 percent of the vote. For the first time since multiparty elections began in 1992, no group boycotted the vote. Although Moussa Ahmed Idriss and the ODU challenged the results, alleging election "irregularities" and asserting that "foreigners" voted in various districts of the capital, international and domestic observers considered the election to be generally fair and transparent, citing only minor irregularities. All 5 of the districts were visited by at least 1 of the 22 international observers on election day. Observers representing the Arab League, the International Organization of Francophone States (La Francophonie), and the OAU issued a joint communique that expressed satisfaction with the transparency of the election but cited minor technical problems. Representatives of both candidates were present in virtually all voting stations, and there was no ethnic strife among Afars, Yemenis, and Somalis. Large numbers of persons of all communities supported both candidates.

The RPP, which has been in power since independence in 1977, continued to rule the country. The RPP also continued to control carefully the political system to suppress any organized opposition. In 1997 the ruling party coalition that includes the FRUD party won all 65 seats in legislative elections, which took place without international observers and amid opposition claims of massive fraud. In 2000 the Government and the faction of the FRUD that had rejected the 1994 peace accord signed a new peace accord, ending FRUD opposition to the Government. On May 12, the two sides signed the final peace treaty, officially ending the more than decade-long civil war, and laying the groundwork for this faction to participate in the Government.

Two other legal political parties have existed since 1992, the National Democratic Party (NDP) and the Party for Democratic Renewal (PRD); neither held a parliamentary seat or a cabinet level post. Previous efforts by both the legal and unrecognized opposition parties to unify floundered due to disagreements among their leaders over whom should lead a unified opposition.

Government harassment of opposition leaders decreased during the year, and there were no reported incidents. In September 2001, the Government proposed an amnesty bill for five former RPP leaders, paving the way for their return to politics. In May the National Assembly approved the amnesty bill.

Women generally have been excluded from senior positions in government and in the political parties even though they legally were entitled to participate in the political process. No women served in the legislature. In 1999 the President announced the appointment of the first female minister to his cabinet. Hawa Ahmed Youssouf served as Minister of State for the Promotion of Women's, Family, and Social Affairs, and reports to the Prime Minister. Khadija Abeba, President of the Supreme Court, was the highest-ranking female official and, according to the Constitution, would become interim President should that position become vacant.

The President's subclan, the Issa Mamassans, wielded disproportionate power in affairs of state. Afars hold a number of senior Ministerial posts; however, they were not well represented at lower levels. Somali clans other than the Issa and citizens of Yemeni origin were limited unofficially to one ministerial post each. There also were informal limits on the number of seats for each group in the Parliament.

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

The Government did not support the formation of local human rights groups. The Union of Djiboutian Women (UNFD) and the Djiboutian Association for the Promotion of the Family (ADEPF) promote the rights of women and children. The Committee in Support of Political Prisoners (CSPP) was formed in February 1998. The Committee's goal was to publicize the plight of political prisoners and mobilize support for the improvement of prison conditions and for the release of political prisoners. The LDDH operated without government interference during the year.

The ICRC maintained a small office that was staffed with locally hired personnel. The ICRC regional representative, who was based in Nairobi, made quarterly visits.

In 2000 the Government permitted a visit by a delegation of the Organization of African Unity (OAU) Human Rights Committee for the first time. The delegation met with senior government officials and had free access to prisons and human rights groups.

There was a government ombudsman, whose specific responsibilities were not well known. In 2000 the Government promulgated a new law on judicial organization, which included the creation of a national human rights committee, and in August the Government-sponsored Human Rights Committee for the Promotion and Protection of Human Rights was established.

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

The Constitution prohibits discrimination on the basis of language, race, or sex; however, discrimination against women and ethnic minorities persists. In particular the Government's enforcement of laws to protect women and children was ineffective.

Women.—Domestic violence against women existed but few cases were reported. Violence against women normally was dealt with within the family or clan structure rather than in the courts. The police rarely intervened in domestic violence incidents, and the media reported only the most extreme examples, such as murder. The Government remained concerned about the problem of rape, and the law includes sentences of up to 20 years' imprisonment for rapists. The number of such cases prosecuted during the year was unknown.

It was believed that as many as 98 percent of females have undergone FGM. FGM traditionally was performed on girls between the ages of 7 and 10. In 1988 the Union of Djiboutian Women (UNFD) began an educational campaign against infibulation, the most extensive and dangerous form of FGM. The campaign has had only a limited impact on the prevalence of this custom, particularly in rural areas, where it was pervasive. After the 1995 U.N. Women's Conference in Cairo, Egypt, the UNFD declared that all forms of mutilation should be forbidden. The law states that "violence causing genital mutilation" is punishable by 5 years' imprisonment and a fine of more than \$5,650 (1 million DF); however, the Government has not yet convicted anyone under this statute. The efforts of the UNFD and other groups appeared to be having some effect, at least in the capital city. In 1997 some health workers reported a precipitous drop in the number of hospitalizations related to FGM in Djibouti City. Many believed that the incidence of infibulation has decreased, although no systematic data were available on the problem. U.N. and other experts believed that lesser forms of FGM still were practiced widely and that infibulation still was common in rural areas.

Women legally possessed full civil rights, but custom and traditional societal discrimination in education dictate that they play a secondary role in public life and have fewer employment opportunities than men. Few women worked in managerial and professional positions; women largely were confined to trade and secretarial fields. Customary law, which is based on Shari'a, discriminates against women in such areas as inheritance, divorce, and travel (see Sections 2.c. and 2.d.). Male children inherited larger percentages of an estate than do female children. The few women who were educated increasingly turn to the regular courts to defend their interests.

Children.—The Government devoted almost no public funds to the advancement of children's rights and welfare. A few charitable organizations worked with children. Primary education was compulsory; however, the Government did not monitor compliance. The Government provided free public education; however, there were extra expenses that could be prohibitive to poorer families, such as transportation, book fees, and chalk. Many schools were in poor condition and needed upgrading. Teacher salaries were paid only sporadically, and a large percentage of highly qualified teachers have left the profession. The number of classrooms for secondary students was inadequate, and only approximately 20 percent of children who started secondary school completed their education. Only 32 percent of girls were literate compared with 60 percent of boys, and more than 53 percent of the total population was illiterate. Only 62 percent of girls attend primary school compared with 73 percent of boys, and only 23 percent of girls attend secondary school compared with 33 percent of boys. In 1999 the Government reaffirmed its 1998 commitment to increase the number of female students in the educational system to 50 percent; however, there was no change in the number of female students or the literacy rate by year's end.

Child abuse existed; however, except for FGM, it was not believed to be common.

FGM was performed on as many as 98 percent of young girls (*see* Section 5, Women).

The Government has not addressed child abuse, which often was punished lightly; for example, when a child was raped or abused, the perpetrator usually was fined an amount sufficient to cover the child's medical care. The Government has not used applicable existing provisions of the law to deal with child abuse more severely.

Persons with Disabilities.—The Government did not mandate accessibility to buildings or government services for persons with disabilities. Although persons with disabilities have access to education and public health facilities, there was no specific law that addressed the needs of persons with disabilities, and there were no laws or regulations that prevent job discrimination against persons with disabilities. Persons with disabilities had difficulty finding employment in an economy where at least 60 percent of the able-bodied adult male population was underemployed or jobless.

On April 18, government security forces fired on a group of demobilized military veterans with disabilities protesting benefits payments in front of the Presidential palace, killing one and wounding two (*see* Sections 1.a. and 2.b.).

National/Racial/Ethnic Minorities.—The Government continued to discriminate against citizens on the basis of ethnicity in employment and job advancement. Somali Issas were the majority ethnic group and controlled the ruling party, the civil and security services, and the military forces. Discrimination based on ethnicity and clan affiliation limited the role of members of minority groups and clans, particularly the Afar minority ethnic group, in government and politics.

The Government conducted periodic roundups of undocumented foreigners, which usually targeted Ethiopians and noncitizen Somalis. There were credible reports that security forces frequently use these undocumented foreigners as forced labor on public works projects as well as for their own needs (*see* Sections 2.d. and 6.c.). There was no known action taken against members of the security forces responsible for raping, beating, or stealing from the approximately 5,000 undocumented foreigners (mostly Ethiopians) arrested and detained in December 2000 (*see* Sections 1.a., 1.d., and 2.d.). The Government blamed undocumented foreigners for the country's economy, unemployment rate, and rising crime.

Section 6. Worker Rights

a. The Right of Association.—Under the Constitution, workers were free to join unions and to strike provided that they comply with legally prescribed requirements; however, the Government restricted these rights. In 1999 the Government took control of the two largest labor federations, the General Union of Djiboutian Workers (UGTD) and the Union of Djiboutian Workers (UDT). Police broke into UDT offices and confiscated banners and the public address system that were to have been used in Labor Day ceremonies, and the Government dictated the election of its supporters to head the UDT and UGTD and took possession of union offices. The International Labor Organization (ILO) and the International Confederation of Free Trade Unions (ICFTU) criticized the Government's actions. In 1999 the ILO reported that the situation of the country's unions had "gravely deteriorated." In response to ILO and ICFTU criticisms, the Government agreed to hold new elections. On September 22, the UDT held an independent congress. Adan Abdou was elected Secretary General and Ahmed Djama was elected President. The Congress was attended and endorsed by the CISL (Conférence Internationale pour les Syndicalistes Libre); however, on October 22, with official encouragement the Government-sponsored UDT held a congress at which Said Mahamoud was elected president.

The ILO rejected the credentials of government officials claiming to represent the UDT and UGTD at several international conferences. The ILO refused admittance to its June conference to representatives of the Government-sponsored UDT. No other union representatives attended.

Prior to the Government takeover, approximately 70 percent of workers in the small formal economy were members of the UDT or UGTD; however, since the takeover, there have been almost no independent union activities. The Government repeatedly promised to improve the situation; however, certain members of the Government continued efforts to maintain some semblance of legitimacy for their government-sponsored unions. The Djiboutian Labor Congress (CIDJITRA), composed of Ministry of Labor officials, created by the Government to counter the UDT and UGTD, no longer existed. According to the ICFTU, "trade union freedoms now exist only on paper," and the Government "has created a collective of grassroots trade unions, whose affiliates do not include one single representative organization with elected officials."

In 2000 the ILO Conference Committee on the Application of Standards cited the country for its failure to address five specific issues of labor law reform outlined by the ILO.

The law prohibits antiunion discrimination, and employers found legally guilty of discrimination were required to reinstate workers fired for union activities; however, the Government did not enforce the law.

At its 2000 annual conference, the ILO urged the Government to enact the labor resolutions that it had signed in 1998. The ILO noted ongoing abuses by the Government in forbidding union meetings and preventing union officials from receiving their mail. The ILO Committee of Experts report released during the year indicated that little progress had been made and that the Government continued to deviate between national labor law and adherence to guarantees set forth in ILO conventions.

The law permits unions to maintain relations and exchanges with labor organizations abroad, and the Government does not restrict such contact. The nongovernment-controlled UDT was a member of the ICFTU.

b. The Right to Organize and Bargain Collectively.—Although labor has the legal right to organize and bargain collectively, collective bargaining rarely occurred. Relations between employers and workers were informal and paternalistic. Wage rates generally were established unilaterally by employers on the basis of Ministry of Labor guidelines. In disputes over wages or health and safety problems, the Ministry of Labor encouraged direct resolution by labor representatives and employers. The Government could and did select labor representatives. The ILO Committee of Experts again cited section 6 of the Djibouti labor code, which limits trade union representatives to citizens, consequently restricting the full exercise of the right of workers to elect representatives in full freedom. The election of representatives also was influenced by the relationship between clan elders and clans with unions and workforces. Workers or employers may request formal administrative hearings before the Ministry's inspection service; however, critics claimed that the service suffered from poor enforcement, due to its low priority and inadequate funding.

The law requires representatives of employees who plan to strike to contact the Ministry of Interior 48 hours in advance. The Government paid the salaries of teachers, security forces, and civil servants sporadically throughout the year; however, their salaries remained 3 to 9 months in arrears by year's end. During the year, there were occasional demonstrations by teachers and other civil servants protesting salary arrears. The demonstrations generally took place on Thursday mornings and peacefully dispersed after 1 or 2 hours. Kamil Hassan, a schoolteacher, who previously had been detained in 1997 as a leader of a teacher's strike, was officially reinstated in March but was still not teaching at year's end.

An export processing zone (EPZ) was established in 1994. Firms in the EPZ were exempt from the Government's social security and medical insurance programs. Employers within the EPZ have authority to pay less than minimum wage, offer less annual leave than the rest of the country, and in the EPZ the work week was longer (see Section 6.e.). Plans for the EPZ largely have failed; and it did little business and employed few persons.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports that members of the security forces sometimes compelled illegal immigrants to work for them under the threat of deportation.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits all labor by children under the age of 14, but the Government did not always enforce this prohibition effectively, and child labor, although not common, existed. A shortage of labor inspectors reduced the likelihood of investigation into reports of child labor. Children generally were not employed in hazardous work. Children may and did work in family-owned businesses, such as restaurants and small shops, at all hours of the day and night.

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

e. Acceptable Conditions of Work.—Only a small minority of the population was engaged in wage employment. The Government administratively sets minimum wage rates according to occupational categories, and the Ministry of Labor was charged with enforcement. The monthly wage rate for unskilled labor, set in 1976, was approximately \$125 (22,000 DF). Most employers paid more than the minimum wage. Some workers also received housing and transportation allowances. The national minimum wage did not provide a decent standard of living for a worker and family. The Government owed 3 to 9 months' worth of salary arrears to teachers, security forces, and civil servants at year's end (see Section 6.a.).

By law the workweek was 40 hours, often spread over 6 days. Some employers asked employees to work up to 12 hours per day and paid them an additional wage. Workers were provided daily and weekly rest periods and paid annual leave. The Ministry of Labor was responsible for enforcing occupational health and safety standards, wages, and work hours. Because enforcement was ineffective, workers sometimes faced hazardous working conditions, particularly at the port. Workers rarely protested, mainly due to fear that others willing to accept the risks would replace them. There were no laws or regulations permitting workers to refuse to carry out dangerous work assignments without jeopardizing their continued employment.

Only legal foreign workers were protected under the law; undocumented workers were detained and deported.

f. Trafficking in Persons.—There was no specific law prohibiting trafficking in persons; however, there were no reports of persons being trafficked to, from, or within the country.

EQUATORIAL GUINEA

Equatorial Guinea nominally is a multiparty constitutional republic; however, in practice President Teodoro Obiang Nguema and the small Mongomo subclan of the majority Fang tribe, which has ruled since the country's independence in 1968, dominated the Government. President Obiang, who has ruled since seizing power in a military coup d'état in 1979, was re-elected with 97.1 percent of the vote and 98 percent of registered voters participating in a December election marred by extensive fraud and intimidation. The President's Democratic Party of Equatorial Guinea (PDGE) controlled the judiciary and the legislature; the latter was chosen in elections in 1999 that were criticized widely by the international community as seriously flawed. The judiciary was not independent.

President Obiang exercised control over the police and security forces through the Minister of the Interior, who also served as President of the National Electoral Board. The Director General of National Security was the President's brother, Armengol Ondo Nguema. Civilian authorities generally maintained effective control of the security forces; however, there were some instances in which they acted independently of government authority. The security forces committed numerous serious human rights abuses.

Although the 2002 census estimated the population at 1,015,000, credible estimates put the number at closer to 500,000. The opposition claimed that the Government inflated the census in anticipation of the December presidential election. The majority of the population lives by subsistence agriculture, supplemented by hunting and fishing. Unemployment and underemployment were very high. Barter was a major aspect of the economy. The gross domestic product (GDP) grew by 23.8 percent during the year. Per capita income during 2001 grew to \$3,852. Much of the growth in income was due to an increase in crude oil, which averaged 280,000 barrels per day during the year. Investment and other use of oil revenues lacked transparency despite repeated calls from international financial institutions and citizens for greater financial openness. Poor fiscal management and a lack of transparency in public accounting of national finances have undermined the country's economic potential. There is little evidence that the country's oil wealth is being devoted to the public good. Most foreign economic assistance was suspended due to the lack of economic reform and the Government's poor human rights record; however, some countries resumed aid during the year.

The Government's human rights record remained poor; although there were some improvements noted in a few areas, numerous serious problems remained. Citizens' ability to change their government peacefully remained somewhat restricted. The security forces committed numerous abuses, including torture, beating, and other physical abuse of prisoners and suspects, which at times resulted in deaths. Members of the security forces generally committed abuses with impunity. Prison conditions remained harsh and life threatening. There were deaths in custody from torture and abuse, combined with a continuing lack of medical care. Prisoners often were tortured to coerce confessions. Security forces used arbitrary arrest, detention, and incommunicado detention. The judicial system repeatedly failed to ensure due process and remained subject to executive pressures. The Government restricted the right to privacy. The Government severely restricted freedom of speech and of the press; however, freedom of speech improved marginally during the year. The Government continued to restrict the rights of assembly and association and limit freedom of religion and movement. There were no effective domestic human rights non-

governmental organizations (NGOs). Violence and discrimination against women remained serious problems. Discrimination against ethnic minorities, particularly the Bubi ethnic group, and foreigners continued. The Government restricted labor rights. Child labor persisted and forced prison labor was used. There were reports of trafficking in persons.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were reports of unlawful killings during the year. During the year, opposition parties and the international press reported between three and five deaths subsequent to the June coup trial from torture by prison authorities (*see* Sections 1.c. and 1.e.). For example, on July 3, police officer Juan Odo Nguema died in Malabo's Black Beach prison, reportedly due to torture. Nguema had been sentenced to 6 years in prison for participating in the coup d'etat to oust President Obiang (*see* Section 1.e.). Government authorities attributed Nguema's death to bronchial pneumonia, a liver abscess, and anemia.

There were reports during the year that prison authorities tortured, beat, and otherwise abused prisoners; such abuse, combined with a lack of medical care, resulted in some prison deaths.

On February 15, the head of a military unit killed 35-year-old Dimas Bueriberi outside of Malabo during a power outage. The shooter said he mistook Bueriberi, an electrician, for a bandit.

On October 7, Presidential Guard Army Commander Narciso Edu Nsue killed Luis Obiang, a sergeant under his command, after both men had been drinking in a Malabo bar. Edu Nsue was detained on charges of homicide and awaits a military tribunal.

The Government did not prosecute any members of the security forces considered responsible for extrajudicial killings in previous years, nor is it likely to do so.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law mandates respect for the liberty and dignity of persons, but does not prohibit specifically torture, cruel, or inhuman punishment. Members of the security forces tortured, beat, and otherwise abused suspects, prisoners, and opposition politicians. After visiting prisons in 2001, U.N. Human Rights Commission (UNHCR) Special Representative Gustav Gallon described torture as a "normal means of investigation." The Government does not provide medical care to prisoners or detainees.

There were reports that prison authorities tortured, beat, and otherwise abused prisoners, and that such abuse, combined with a lack of medical care, resulted in the deaths of some prisoners (*see* Section 1.a.). There were credible reports of three such deaths in Black Beach prison during the year.

There were reports that officials tortured opposition political activists subsequent to the coup trial (*see* Section 1.e.). There were numerous reports that police authorities tied prisoners' arms and legs behind their backs and suspended them from a bar. During the trial, there was evidence that prisoners suffered dislocated wrists and elbows, and many walked with a limp.

Torture commonly was used to extract forced confessions, particularly from the group of 144 alleged coup plotters arrested in March. For example, Felipe Ondo Obiang, leader of the banned Republican Democratic Front (FDR), reportedly was tortured at Black Beach Prison in Malabo. His hands were beaten so severely that he reportedly lost use of his fingers. He was not allowed visitors, nor did prison guards accept food brought to Obiang from his family and friends. On June 9, Obiang received a 20-year prison sentence after a lengthy trial marked by many procedural abuses.

On July 14, presidential guard soldiers at Black Beach prison beat Bibiana, the wife of imprisoned Convergence for Social Democracy (CPDS) Secretary General Placido Mico, as she took food and clothing to her husband.

During the year, security forces harassed oil company employees. For example, gendarmes removed one employee from an oil company vehicle and beat him unconscious for refusing to pay a bribe. A patrol boat also fired on an oil company boat without causing any injuries.

Local authorities singled out foreigners from neighboring countries for harassment such as verbal intimidation and arbitrary arrest. Police routinely extorted money from citizens of Cameroon, Nigeria, Ghana, Togo, and Benin.

The conditions of jails and prisons in the country remained harsh and life threatening; inmates were not provided with food, medical care, working toilets, drinkable

water, clean and healthful living space, and minimum equipment, such as beds. There were credible reports that conditions at Black Beach prison improved during the year, including facility renovations. In November 2001, Special Representative Gustav Gallon paid an unauthorized visit to a Bata gendarmerie detention center. Gallon reported 17 persons, including 4 children, were being held in a cell that measured 4 by 1.5 meters and did not contain toilet facilities. Two of the prisoners had clear signs of torture. When questioned, the prison authorities did not deny charges of torture and could offer no explanation for the prisoners' detention.

Prison authorities and prisoners sexually assaulted female prisoners. Prisoners were used habitually as labor and as workers on construction projects for certain officials, without pay or other compensation. There were unconfirmed reports that judges used prisoners as domestic workers.

On July 29, various sources reported Black Beach Prison's inmate food supply was exhausted, and prison authorities no longer were distributing rice and peas to the prison population; however, observers indicated that inmates were being fed by year's end. Also in July, Black Beach authorities hospitalized inmate Candido Obiang Abia for stomach cramps and high fever. According to reports from other inmates, prison officials had not fed Obiang Abia in 4 days.

Male and female prisoners were not held in separate facilities, nor were adult and juvenile prisoners. Pretrial detainees and political prisoners were not held separately from convicted prisoners.

There were no local NGOs other than the Government-controlled National Commission on Human Rights of Equatorial Guinea (CNDH). In the past, the Government-controlled CNDH has reported that jail and prison conditions were harsh. Although the CNDH reported that prisoners were not mistreated, CNDH reports indicated there were food shortages and a lack of medical care. CNDH officials took partial credit for the Black Beach Prison facility renovations during the year. There were no international human rights NGOs resident in the country. The International Committee of the Red Cross (ICRC), which historically has made recommendations to the Government, monitored prison conditions. On October 8, the ICRC signed an accord with the Government institutionalizing its ability to visit detainees and prisoners on a regular basis. The agreement provided that the ICRC would have access to all detained persons, be able to converse freely with all detainees and prisoners, repeat its visits, and receive from the Government a list of all detainees and prisoners. During the ICRC's first November visit under the agreement, ICRC representatives were able to visit all prisoners and detention facilities.

d. Arbitrary Arrest, Detention, or Exile.—There were nominal legal procedural safeguards regarding detention, the requirement for search warrants, and other protection of citizens' rights; however, security forces systematically ignored these safeguards, and continued to arrest and detain persons arbitrarily and with impunity. Security forces often detained individuals "on orders from superiors" without any further formality.

Police routinely detained prisoners incommunicado. Foreigners from neighboring countries sometimes were targeted for arbitrary mistreatment and random arrest (see Section 1.c.).

During the year, authorities detained members of political opposition parties for short periods. Some political detentions lasted more than a few months. It was difficult to estimate the number of political detainees, although it was believed to be fewer than 100 persons. The Government used the psychological effects of arrest, along with the fear of beatings and harassment, to intimidate opposition party officials and members.

In March and April, the Government arrested 144 persons in connection with an alleged coup plot in October 2001, including FDR leaders Felipe Ondo Obiang and Guillermo Nguema Ela. The detainees were held incommunicado at Bata prison and tortured until they confessed (see Section 1.e.).

On April 18, authorities placed CPDS Secretary General Placido Mico under house arrest for his participation in the alleged 2001 coup d'etat plot. In May Mico was arrested, charged with coup conspiracy, tried, and sentenced to 8 years in prison.

On May 17, national security forces, led by President Obiang's brother, Antonio Mba Nguema, arrested and imprisoned 17 members of the Bubi ethnic group on charges of coup plotting. Mba Nguema said members of the security agency found plans for military camps in the detainees' possession. All 17 members were held in Black Beach Prison. The Bubis stated they were not engaged in political activity but rather celebrating the anniversary of their founder and observing the traditional ceremonies of the Bubi people. On May 31, the National Resistance of Equatorial Guinea Group (RENAGE) released a communique stating that during the round-up,

security forces cut off the ears of 2 of the 17 detainees, Venancio Epara and Gustavo Epeso. No further information was available at year's end.

In July every security officer at the Bata airport (between 15 and 20) was arrested after the opposition party Popular Union (UP) leader was allowed to board a flight departing for Gabon.

Security forces detained relatives of prisoners and criminal suspects in an attempt to force the prisoners or suspects to surrender (*see* Section 1.f.).

Unlike in the previous year, there were no reports that government security forces detained oil company employees.

There were no developments in the 2000 case of Nve Maana who was restricted indefinitely to the environs of Mongomo or of Macias Nguema and others arrested in 2000 who remained in detention pending trial on conspiracy charges.

It was unknown if Marcelo Seme Nze, Ruben Sima, and Romualdo Angue Nbons remained in detention at year's end.

Security forces responsible for arbitrary arrest and detention and other abuses were not held accountable for their actions. The U.N. Special Representative noted that some executive officials closely related to the security apparatus of the Government were treated as being above the law.

In April the Government enacted a law to protect women from imprisonment for not repaying the dowry following divorce (*see* Section 5). Women who had been detained for failure to repay a dowry were released from prison in an October amnesty.

The Government used forced internal exile, including against five men reportedly restricted to Mongomo (*see* Section 1.f.). The Government did not use forced external exile; however, some persons have fled the country for political reasons. During the year, President Obiang urged exiled opposition figures to return to the country and to legalize their parties. In 2001 Joaquin Elema, leader of the RENEGE-allied Forum for the Democratization of Equatorial Guinea (FODEGE) and General Coordinator of the Coordination of the Democratic Opposition (CODE), returned to the country; however, RENAGE's leaders reported that attempts to return to the country were unsuccessful.

e. Denial of Fair Public Trial.—The Constitution provides for judicial independence; however, the judiciary was not independent. Judges served at the pleasure of the President, and they were appointed, transferred, and dismissed for political reasons. Judicial corruption was widespread.

The court system is composed of lower provincial courts, two appeals courts, a military tribunal, and a Supreme Court. The President appoints members of the Supreme Court, who report to him and take their orders from him in practice. The President was the most powerful member of the judicial branch. Tribal elders adjudicated civil claims and minor criminal matters in traditional courts in the countryside. There were no objective criteria for the selection of judges below the Supreme Court; the law allows the Ministry of Justice to undertake periodic inspections and name judges. Some judges were absent regularly from their posts, resulting in delays in judicial proceedings. As a result of these absences, prisoners often remained in detention at police stations awaiting hearings for longer than the 72 hours prescribed by law; in addition, jails became even more overcrowded and unsanitary (*see* Section 1.d.).

The Constitution and laws provide for legal representation in trials and the right to appeal; however, in practice the authorities often did not respect these provisions. Civil cases rarely came to public trial. Cases involving national security were tried by the military tribunal. Cases that essentially were political in nature frequently were referred to military courts, even when the defendants were civilians and the charges were not related to the military. The Code of Military Justice permitted persons who disobeyed a military authority to be tried in a military tribunal whether or not they are military personnel. Military courts did not provide for due process or other procedural safeguards, and proceedings were not made public. The Parliament's Complaints Commission was the de facto third branch of "judicial authority," although it had no formal legal jurisdiction. According to local media, the Parliament's President acted as a court of last resort.

Beginning on May 22, a special tribunal convicted 68 prisoners and their relatives and sentenced them from 6 to 20 years in prison for a purported coup d'etat plot against President Obiang. Those sentenced included leaders of the three main opposition parties that remained independent from President Obiang's ruling party, including CPDS Secretary General Placido Mico, UP Secretary General Guillermo Nguema Ela, and the leader of the banned FDR, Felipe Ondo Obiang (*see* Section 1.d.). There were numerous irregularities associated with the trial, including evidence of torture and a lack of substantive proof (*see* Section 1.c.). The trial was held in a movie theater. The judge consistently overruled the defense attorney's attempt

to question the prisoners about torture. Prisoners who renounced confessions allegedly were tortured upon their return to prison. The court provided the defense with charges and defendants' statements the day before the trial began, and defense lawyers did not have access to their clients through most of the proceedings. Most of the defendants noted that their statements were not truthful and were made only to stop the torture. The prosecution alleged that Ondo Obiang led a meeting in Bata in October 2001 to plot the murder of President Obiang and the overthrow of his administration. It produced no other evidence aside from statements extracted under torture. Obiang and the other defendants said that the "coup meeting" actually was a meeting of FDR supporters exploring how to obtain additional names of co-founders from each region of the country in order to apply for the party's legalization. The court based Mico's conviction on testimony from Obiang's nephew, extracted under torture and later denied.

Since the trial, the presiding judge has been appointed to the Supreme Court. Six of those 68 convicted, including UP Secretary General Fabian Nsue Nguema, were released following an October presidential pardon. President Obiang has indicated that others convicted during the coup trials may receive full or partial pardons, or reduced sentences.

On October 12, President Obiang issued an amnesty for 40 ethnic Bubis convicted following a 1998 revolt in Luba. In addition, the President pardoned all women and persons over 70 years of age. All persons included in the amnesty were released by year's end; however, the amnesty applied only to some of the 68 prisoners convicted in June for the alleged October 2001 coup plot. The exact number of those released was not available at year's end.

The Government holds a number of political prisoners; however, the 20 persons previously imprisoned at Evinayong reportedly had been released under the October amnesty.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions; however, the Government did not respect these prohibitions in practice. There continued to be reports that security forces regularly searched homes and arrested occupants without warrants, and they generally did so with impunity.

There continued to be reports of government surveillance of members of the opposition parties and foreign diplomats. During the year, Reporters without Borders (RSF) noted that several associative and political journalists complained of increasing difficulties accessing the Internet. The journalists said that there also had been an increase in illegal monitoring of telephone calls and of e-mail, which was controlled by the only (state-affiliated) Internet access supplier (*see* Section 4).

Authorities displaced approximately 500 Cameroonians living in Malabo following a new government policy to prevent foreign nationals from benefiting from increasing petroleum wealth (*see* Section 5). At year's end, the evacuees had not been able to return to their residences and their exact status was unknown.

On January 11, UP Secretary General Nguema reported that authorities gave seven high ranking military officials, who had been forced to retire because of their affiliation with the UP, 4 days to leave Malabo for their respective villages. Nguema said the injunction was "without apparent reason" and contravened an accord signed by the Government disallowing extrajudicial confinement.

Membership in the PDGE generally was a prerequisite for hiring and promotion, both in the public and private sectors. Membership in a rival political organization was considered grounds for dismissal from any position, public or private. Opposition politicians who are not participating in the Government often claimed to have been dismissed from their jobs after joining alternate political groups.

Security forces detained relatives of prisoners and criminal suspects in an attempt to force the prisoners or suspects to surrender. For example, during the March arrests of 144 alleged coup plotters, family members of Felipe Ondo Obiang, including his pregnant niece, were detained incommunicado and tortured.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government severely restricted these rights in practice. Journalists practiced self-censorship. Freedom of speech has improved marginally in recent years, though many feel the improvements are superficial and ephemeral. A small number of foreign press representatives were allowed to cover the December presidential election.

The Government did not tolerate criticism of public institutions and public sector mismanagement and permitted no criticism of the President or the security forces. Expatriates dependent on the goodwill of the Government did not voice complaints about the frequent government abuses against them. These practices ranged from

the police demanding bribes for imaginary offenses to city, provincial, and federal officials extorting money for “licenses” for which there was no statutory basis. Complaints about official conduct in the country continued to be accompanied by requests not to be identified to avoid reprisals.

On April 29, authorities imprisoned Fabian Nsue, President of the UP, for insulting the head of state after Nsue made critical statements about a large pay raise announced, then rescinded by President Obiang. At the time of his arrest, Nsue, a lawyer, was preparing the defense of several persons accused of involvement in an alleged October 2001 coup. Nsue was released in an October amnesty.

There were five general-interest newspapers that published irregularly: *La Gaceta*, a Malabo-based monthly publication with informal connections to the Government; *El Correo Guineo Ecuatoriano*, a bimonthly newspaper published by the *Gaceta* group; *La Opinion*, an opposition newspaper published every 2 to 3 weeks; *El Tiempo*, an opposition newspaper; and *Ebano*, a publication of the Ministry of Information, Tourism, and Culture, which appeared approximately twice a month. Students at the National University have published a magazine, *AYO*, and the Guinean-Hispano Cultural Center also has published a monthly cultural review, *El Patio*. The PDGE published *La Voz del Pueblo*, and the opposition CPDS published *La Verdad*. Although no laws or regulations were published during the year, *La Gaceta* has a contract with the Government to publish laws and regulations adopted by the administration regularly.

All journalists must be registered with the Ministry of Information. According to the Ministry, in 2001 there were 18 independent reporters registered, and between 35 and 45 reporters employed by the official party or government. In previous years, guides from the Ministry were required to accompany visiting foreign reporters; however, during 2001 at least four foreign reporters with various publications traveled and reported independently in the country. The Government allowed approximately 5 foreign journalists to cover the December presidential election.

The law authorizes government censorship of all publications. The Ministry sometimes required publishers to submit copy for approval prior to publication during the year. In addition, all local publications exercised self-censorship and were subject to prior restraint. There was very limited availability of foreign publications.

On May 21, Vice Minister for Press Radio and Television Alfonso Nsue Mokuy signed into law a resolution requiring foreign media houses and press correspondents to obtain ministerial accreditation before entering the country. Prior to the decision, the Ministry of Information merely required media houses and correspondents to be registered with the Ministry. The ruling corresponded with the opening of June’s coup d’etat trial and was described as “temporary,” renewable on a case-by-case basis. The ruling remained in effect at year’s end.

Also in May, authorities prevented the Association of the Press of Equatorial Guinea (ASOPGE) from organizing exhibitions and conferences programmed for the May 3, International Freedom of the Press Day. Mokuy said that ASOPGE previously had been declared illegal and accused the association of working in a “parallel government” rather than legally with the Ministry. The status of ASOPGE was unknown at year’s end.

On June 1, presidential security forces questioned ASOPGE President Pedro Nolasco Ndong and threatened to ban him from coup d’etat trial proceedings unless he stopped having contacts with trial defendants and international observers (see Section 1.e.). On July 9, a member of the presidential guard warned him that President Obiang had ordered his arrest. Fearing for his life, Ndong left Malabo the following day for Spain and remained there at year’s end. Nolasco Ndong’s newspaper *La Nacion* had published a series of articles criticizing the prison conditions of Malabo’s Black Beach Prison where, the articles alleged, many opposition members were being held.

On June 2, coup d’etat trial police authorities banned AFP and BBC freelance correspondent Rodrigo Angue Nguema from entering the courtroom, even after Nguema showed his press card (see Section 1.e.).

Radio was the most important and influential medium of mass communication. During the year, the Government continued to dominate effectively domestic radio broadcasting. It owned and operated the station Radio Malabo. The President’s son, Teodorino Obiang Nguema, who also was Minister of Forestry, Environment, and Fisheries, owned the only private local radio station, Radio Asonga. The Government has not approved the one or two other applications for private radio stations that have been pending for several years.

Unlike in the previous year, no radio stations were shut down.

The only domestic television station was government-controlled, and broadcast only a few hours a day. Television Asonga, owned by President Obiang and run by his son in coordination with Radio Asonga, broadcast by cable only in Bata. Foreign

cable television was available, and offered the Cable News Network (CNN), French news, movies, sports events, and cartoons; however, relatively few citizens could afford cable. Satellite reception increasingly was available.

The Government generally withheld access to domestic broadcasting from opposition parties and rarely referred to the opposition in anything but negative terms when broadcasting the news.

International electronic media was available and includes Radio France International, which broadcast in Malabo, and Radio Exterior, the international short-wave service from Spain. Radio Exterior often broadcast news about the country and interviews with opposition politicians. It was virtually the only means for the opposition to disseminate its views and positions widely. Its editorials, like those of most of the Spanish media, frequently were highly critical of the Government. The Government regularly accused Radio Exterior, sometimes with justification, of misrepresenting the situation in the country.

Internet service was available, although access was expensive and computer ownership was not widespread. During the year, UP Secretary General Fabian Nsue was arrested and convicted of "slandering" the President in an Internet article.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of assembly; however, the Government restricted this right in practice. Government authorization must be obtained for private home meetings of more than 10 persons for discussions that the Government considers political in nature. Although the Government formally has abolished permit requirements for party meetings within party buildings, in practice opposition parties must inform the authorities in order to hold gatherings of any kind, regardless of location. Security forces generally monitored gatherings in public places, even small gatherings. The Government required notification for public events; however, it did not routinely deny permission for such events.

The Government continued to require that the Catholic NGO Autonomous Rural Development (DAR) in the diocese of Ebibeyin inform the locally appointed official delegate of each board meeting. The DAR complied with the requirement and received permission to meet, but the local delegate insisted on being present during the meetings. During the year, DAR avoided the Ebibeyin order by meeting in Bata.

The Constitution provides for the right of association; however, the Government restricted this right in practice. The law prohibits the formation of political parties along ethnic lines. The law prohibits coalitions between political parties; however, five opposition groups formed a coalition (see Section 3). Opposition party members complained of disruption of meetings.

There were 12 political parties that the Government called "opposition parties"; 11 have allied themselves with the ruling PDGE. The Government advertised these opposition parties as examples of the country's multiparty democracy.

The Progress Party (PP) remained illegal due to criminal sentences imposed in 1997 and again during the year on its leader, Severo Motto, for a coup attempt in 1996. Motto reportedly fled to Spain. The President invited the PP to organize a new political party under another name; however, the PP did not do so by year's end.

The Independent Democratic Socialist Party (PIDS) and the Democratic Republican Front (FDR) still were seeking recognition.

The Government reportedly applied pressure to persuade opposition members or officials to join the PDGE party; significant numbers of opposition members joining the PDGE during the year suggested such practices persisted. Reportedly the Government bribed members of the opposition.

c. Freedom of Religion.—The law provides for freedom of religion; however, in practice the Government limited this right in some respects.

The law includes a stated official preference for the Catholic Church and the Reform Church of Equatorial Guinea due to their traditional roots and historic influence in the social and cultural life of the populace. For example, a Roman Catholic Mass normally was part of any major ceremonial function such as the October 12 national day.

A religious organization must be registered formally with the Ministry of Justice and Religion before its religious activities are allowed. While religious groups must be approved and registered in order to function legally, there were no reports during the year that the Government had refused to register any group. The approval process usually takes several years, due primarily to general bureaucratic lag and not the result of a policy designed to impede the operation of any religious group.

The Government continued to restrict the freedom of expression of the clergy, particularly regarding any open criticism of the Government. According to Director of

DAR, Jose Maguga, Church representatives practiced self-censorship on these issues during the year. The Government required permission for any religious activity outside the church building, but in practice this requirement did not appear to hinder organized religious groups. The Government required that DAR inform the local delegate in Ebibeyin each time that it had a board meeting (*see* Section 2.b.).

Religious study was required in schools and was usually, but not exclusively, Catholic.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights; however, the Government limited them in practice. Local police routinely extorted bribes from occupants of vehicles traveling outside the capital. The police routinely stopped citizens at roadblocks, subjected them to searches, and extorted money from them. Police and soldiers continued to target citizens of Cameroon, Gabon, and Nigeria (*see* Section 1.c.). The Government justified these roadblocks as customs controls to compensate for its inability to control the country's borders effectively. These checkpoints effectively restricted the freedom of movement of members of the opposition. Prior to the presidential election, the Government re-opened a number of military roadblocks on the island of Bioko between Malabo and Luba and also in the vicinity of Bata on the mainland.

All citizens were required to obtain permission to travel abroad from the local Police Commissioner, and some members of opposition parties were denied this permission. Those who did travel abroad sometimes were interrogated upon their return (*see* Section 2.a.). On January 20, the Inter-Ministerial Human Rights Commission eliminated exit visa requirements for citizens traveling outside the country; however, the Government refused issuance of exit visas to some opposition figures early in the year.

During the year, President Obiang continued to urge exiled opposition figures to return to the country and to legalize their parties; however, there were no reports of returnees during the year.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In recent years, an average of one or two persons requested refugee status in the country. The Government provided first asylum and generally granted asylum requests; the Government cooperated with the U.N. High Commissioner for Refugees (UNHCR).

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; however, in practice there have been no free, fair, and transparent elections since independence in 1968. The President exercised strong powers as head of state, commander of the armed forces, and leader of the Government party, the PDGE. Impeachment of the head of state is forbidden in the constitution. Leadership positions within the Government in general were restricted to the President's Mongomo clan of the Fang ethnic group and its closest supporters. The Government completely dominated the elected Chamber of Deputies and the Minister of the Interior also acted as President of the National Electoral Board.

In 1997 the Government and 13 political parties promulgated a revised national pact that called for the creation of a multiparty electoral commission and an observance commission to monitor compliance with the agreement. The pact also stipulated an end to various political and electoral abuses and the extension of voting rights already nominally provided in the Constitution. However, the Government has not abided by most of the pact's provisions, and opposition activists reported that the Government made virtually no effort to implement the pact. The Government's refusal to issue exit visas to some opposition figures early in the year violated the pact's principle of freedom of travel and the Government's own elimination of the exit visa requirement. The continued arrests of CPDS and UP party leaders further undermined the Government's claims that it abided by the pact, as did its continued restrictions on freedom of movement and the continued lack of access to government media by the opposition (*see* Sections 2.a. and 2.d.).

The electoral law mandates the replacement of open voting by secret ballots in future elections but prohibits coalitions between political parties. Nevertheless, five opposition groups including the CPDS, Front for Democratic Opposition (PSD), PP, Progressive Democratic Alliance (ADP), and the UP formed the Front of Democratic

Opposition (FOD). The formation of this alliance with an unrecognized party widely was alleged to be the real reason behind CPDS Secretary General Placido Mico's detention (*see* Section 1.d.). Significant segments of the political opposition either remained banned or had yet to be recognized by the Government by year's end, including the FDR, the PP, the PIDS, and the Movement for Autodetermination of Bioko Island (MIAB) (*see* Section 2.b.).

The last legislative elections that should have been held in 1998 were postponed until March 1999. The three opposition parties initially called for a boycott of the polls to protest pre-election irregularities; however, all but one of the parties, the CPDS, ultimately participated in the voting. One CPDS candidate was elected; however, he refused to take his seat after the Government accused him of rigging the election. International observers considered the 1999 legislative election process to be seriously flawed and characterized by numerous irregularities and restrictions on the ability of the opposition to campaign. Roadblocks impeded the opposition's ability to travel, and opposition leaders were detained intermittently and sometimes mistreated, tortured, or assessed stiff fines. The UP and CPDS opposition parties won 5 of the 80 seats, refused to take their seats in the new legislature, and called for the results to be annulled and new elections held.

Prior to the December presidential elections, there were reports that arrests and harassment of opposition party members increased (*see* Section 1.d.).

President Obiang won the December 15 election, with 97.1 percent of the vote and 98 percent of registered voters participating. Opposition leaders charged earlier in the year that census results showing a twofold population increase were flawed and that numbers were inflated to perpetuate election fraud. Four of the leading opposition candidates published a statement that rejected the vote and called for new elections. There were widespread reports of irregularities on election day, including intimidation at the polls. For example, in some towns, commission members gathered voters and asked whether any intended to vote for the opposition. When none responded affirmatively, their votes were counted for the President. Voters were discouraged from voting in secret, ballots were opened, and ruling party representatives reportedly cast votes in their own right as well as on behalf of minor children and the deceased. There also were reports that security forces intimidated voters by their presence in polling booths. The European Union (E.U.) expressed concern regarding the democratic process, severely criticized the way the presidential election was carried out, and recommended that the Government invite the U.N. or the E.U. to send an electoral assistance mission.

There were no legal restrictions on the participation of women or minorities in politics. There were 5 women in the 80-member legislature and 3 women in the 41-member cabinet.

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

There were no effective domestic human rights NGOs. The law restricts NGOs and identifies specific areas in which they may operate; human rights was not one of these areas.

CNDH was established by Parliament in 1991 and had as its main responsibility monitoring respect for fundamental human rights throughout the country. It concentrated primarily on prison conditions. Unconfirmed sources have said that the Parliament, ("Peoples' House of Representatives"), appointed CNDH members.

No international human rights NGO was resident in the country; however, there were signs of improvement in the relations between some international organizations and the Government. During the year, the Government signed a convention providing the ICRC regular prison access (*see* Section 1.c.).

Catholic Relief Services (CRS) confined its programming to health-related issues, citing safety concerns for staff and partners. There have been allegations from CRS, Reporters Without Borders, and the Center for Rural Development that NGO representatives visiting Malabo have had their movements, calls, e-mails, and faxes monitored (*see* Section 1.f.).

In August a Spanish volunteer associated with the NGO Central Caritas spent 3 weeks in jail on charges of espionage after he was arrested in Malabo for viewing, from a public street, solar panels mounted on a military facility.

During the year, the Government denied requests from Micominsen, a Spanish order of nuns whose charitable work includes stocking hospitals and providing clean water sources, to enter the country.

In April the Commission on Human Rights terminated the mandate of UNCHR Special Representative Gustavo Gallon, despite protest from the international community and the former Special Representative himself. Gallon stated in his January report that the country should continue to be monitored, and according to the Com-

mission's resolution, advisory and technical support in the area of human rights will continue.

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

The Constitution prohibits all forms of discrimination; however, both governmental and societal discrimination against women and ethnic minorities continued.

Women.—Domestic and societal violence against women, particularly wife beating, was common. The public beating of wives was forbidden by government decree; however, violence in the home generally was tolerated. The Government does not prosecute perpetrators of domestic violence. Many prisons do not have separate areas for men and women, and women were subjected to sexual abuse both from the authorities and other prisoners while in detention.

The massive influx of single foreign men in the petroleum sector has contributed to an increase in prostitution. During periodic crackdowns, police arrested prostitutes but allowed their clients, generally expatriates, to go free.

Although the Constitution provides for equal rights, women largely were confined by custom to traditional roles, particularly in agriculture. Polygyny, which was widespread among the Fang, contributed to women's secondary status, as did limited educational opportunity.

There was no discrimination against women in formal inheritance and family law; however, in the Fang, Ndowe, and Bisio cultures, primogeniture was practiced. Because women become members of their husband's family upon marriage, they usually were not accorded inheritance rights. When the husband dies, a widow either remains with his family in a dependent, marginalized position or she returns the dowry and leaves with nothing.

There was discrimination against women in traditional practice. For an estimated 90 percent of women, including virtually all ethnic groups except the Bubi, tradition dictates that if a marriage is dissolved, the wife (or her father or brother) must return the dowry given her family by the bridegroom at the time of marriage. Tradition also dictates that if a girl's family accepts a dowry from a man, she must then marry him, regardless of her wishes. If the marriage does not take place, the family is required by tradition to return the dowry, which they sometimes cannot do. This could lead to imprisonment of the bride or a family member for the debt (*see* Section 1.d.). If a marriage dissolves, the husband also automatically receives custody of all children born after the marriage, while the mother maintains custody of all children born prior to the marriage.

According to the law, women have the right to buy and sell property and goods; however, in practice the male-dominated society permitted few women access to sufficient funds to engage in more than petty trading or to purchase real property beyond a garden plot or modest home.

Children.—No provisions for the welfare of children were legislated. The Government devoted little attention to children's rights or their welfare and had no set policy in this area. Education was compulsory through primary school, but the law was not enforced. In practice boys were expected either to complete an additional 7 years of secondary school or to finish a program of vocational study following primary education. Pregnancy and the requirement to assist in agricultural work made this level of education less likely for girls. Many rural families were unable to afford the school fee and book expenses for children over 10 years of age. The 1999 report by the U.N. Special Representative noted that only 12 percent of girls reach the secondary level of education compared with more than 24 percent of boys. Only 9 percent of girls finish fifth grade. Generally women have only one-fifth the educational level of men. New schools have opened; however, they were reported to be without basic materials such as books and desks. Teachers were political appointees and often received no training. Children suffered poor health and a high mortality rate.

Persons with Disabilities.—There was no constitutional or legal provision to protect persons with disabilities from discrimination in employment, education, or the provision of other state services. While there was no formal evidence of discrimination against persons with disabilities, anecdotal evidence suggested that basic care may be withheld when children have potentially disfiguring diseases such as polio. The law does not mandate access for persons with disabilities to buildings.

National/Racial/Ethnic Minorities.—Discrimination against ethnic or racial minorities was not legal, and the Government did not overtly limit their participation in politics; however, the monopolization of political power by the President's Mongomo clan of the Fang ethnic group persisted. In practice some members of ethnic minorities faced discrimination because they were not members of the Fang ethnic group, or belonged to a Fang subclan other than the President's.

Differences among clans of the Fang ethnic group, in particular resentment of the political dominance of the Mongomo clan, also were sources of significant political tensions and in past years, of occasional violence.

Beginning on July 24, police forced approximately 500 Cameroonians out of Malabo following implementation of a new policy concerning nationals of neighboring countries. A government spokesperson claimed the policy was designed to curb the illegal entry of Cameroonians attracted by increasing petroleum-led growth.

Several thousand citizens of Nigeria, Ghana, and Francophone Africa continued to reside in the country. Most were small traders and businesspersons. The police reportedly continued to harass and extort money from them as well as harassing asylum seekers on an individual basis.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to organize unions; however, the Small Farmers Syndicate (OSPA), was the country's only legally recognized labor union. According to the International Confederation of Free Trade Unions (ICFTU), the Government never has allowed the registration of unions; as a result, the Equatorial Guinea Trade Union has been forced to carry out its activities in secret. There were a few cooperatives with limited power. The law stipulates that a union must have at least 50 members who are from a specific workplace and located in the same geographic area to register; this effectively blocked union formation. The CPDS tried unsuccessfully to legalize its affiliated Syndicated Workers' Union (UST), and an independent union, Independent Syndicated Services (SIS), was denied registration despite having met the requirements of the law. In April the Government shut down a newly created bar association, an action that reportedly discouraged early efforts to organize a college of physicians.

The 1992 Law of Associations and Syndicates provides that a separate law be enacted to govern unions for civil servants; however, this law has not been enacted. During the year, the International Labor Organization (ILO) advised the Government on the formation of professional organizations.

During the year, the country's major private employer, the oil industry, which was dominated by foreign firms, continued to take steps to reduce government control of hiring in the industry. Companies employed methods ranging from public advertising of jobs and objective testing to screening of applicants by non-citizens only, in an attempt to eliminate the former political bias in the hiring process. According to regional representatives of the ILO, oil industry efforts largely have been ineffective, and the Government continued to influence employment in all sectors.

In May 2001, an ILO team met with the Government to discuss reform of the country's labor laws and ILO assistance for labor inspectors; however, no subsequent action has been taken.

There was no law prohibiting antiunion discrimination.

b. The Right to Organize and Bargain Collectively.—The law provides workers the right to organize and bargain collectively; however, there were many legal requirements before collective bargaining was permitted, which limited unions' ability to organize. There was no evidence of collective bargaining by any group; however, the Labor Ministry sometimes mediated labor disputes. The Government and employers set wages, with little or no participation by workers.

The law provides for the right to strike. The Labor Code contains provisions to uphold worker rights, but the Government generally did not enforce them, in part because of inadequate staffing in the Ministry of Labor. Apart from the Labor Ministry, workers had few other places to seek redress. Members of the National Assembly reportedly tried to mediate employer-worker disputes over wages or dismissals; however, they had no legal authority to do so.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law forbids forced or bonded labor, including by children, and slavery; however, detainees and convicted felons performed extensive labor outside prison, including for prison officials, without compensation (*see* Section 1.c.).

There were reports that forced child labor occurred (*see* Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age for the employment of children was 14 years, but the Ministry of Labor did not enforce this law, and child labor was common particularly on family farms and businesses. The Government also did not enforce the law that stipulates mandatory education through primary school. Underage youth performed both family farm work and street vending. While the Ministry of Labor was responsible for

the enforcement of labor legislation, the Government did not have a comprehensive policy on child labor.

e. Acceptable Conditions of Work.—Employers must pay the minimum wages set by the Government, and most companies pay more than the Government-established minimum wage. The minimum monthly wage ranges from \$100 (75,000 CFA francs) per month for unskilled workers to \$1,000 (750,000 CFA francs) per month for oil sector professionals. The mandated minimum wage in the oil sector was twice the minimum wage in commercial enterprises, and oil sector workers received a much higher scale than elsewhere in the national economy, often 10 times the minimum wage. The minimum wage for unskilled workers was not sufficient to provide a decent standard of living for a worker and family. The law prescribes a standard 35-hour workweek and a 48-hour rest period, which were observed in practice in the formal economy.

The Labor Ministry reportedly took no further action on the 2001 case where several employees of the Malabo city administration sought payment of overdue wages.

The Labor Code provides for comprehensive protection for workers from occupational hazards; however, the Government did not enforce this in practice. The Government has seven labor inspectors in Malabo and five based in Bata, which was an insufficient number to oversee local industry. The Government began training more inspectors in 2001.

Employees who protested unhealthy or dangerous working conditions risked losing their jobs.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and reports that the country increasingly was a minor destination and transit point for trafficked persons continued. The Government sent representatives to Libreville to attend a regional conference on trafficking in persons; however, no legislative or policy changes had resulted by year's end.

Children primarily were trafficked into the urban labor sector in Malabo and Bata, mostly from Benin and Nigeria. Benin girls between the ages of 12 and 16 worked 12-hour days selling cosmetics on the streets of Malabo. These girls often were unpaid and physically mistreated. Nigerian boys worked in market stalls in Bata, often without pay or personal freedom. UNICEF reported that country served as a transit point for children who were trafficked to Gabon. The country was both a destination and a transit point for trafficked women, mostly from Cameroon, Benin, and Nigeria. Women were trafficked into hubs of prostitution to serve the growing businessman population in Malabo.

ERITREA

Eritrea is a one-party state that became independent in 1993, following an internationally monitored referendum in which citizens voted overwhelmingly for independence from Ethiopia. The Eritrean People's Liberation Front (EPLF), which led the 30-year war for independence, has controlled the country since it defeated Ethiopian armed forces in 1991; its leader, Isaias Afwerki, served as the President. The EPLF became the People's Front for Democracy and Justice (PFDJ) and redefined itself as a political party in 1994; it is the sole political party in the country. Elections, which were first postponed 1997, were postponed again in December 2001. Government officials stated that the elections were delayed because of continuing tensions with Ethiopia and problems caused by dissidents and the press. The Government created an electoral commission that was charged with setting a new date for elections; however, the commission had not set the date for elections by year's end. The Constitution, ratified in 1997, provides for democratic freedom; however, its provisions were not implemented by year's end. The judiciary formally was independent; however, it was weak and subject to executive interference.

The police were responsible for maintaining internal security, although the Government could call on the armed forces, the reserves, and demobilized soldiers in response to both domestic and external security requirements. These forces were under the full control of, and responsive to, the Government. In 1998 fighting broke out between the armed forces and Ethiopian militia along the border, which led to a 2-year war with Ethiopia. The Government responded to the escalating military conflict by calling up reserves and increasing its armed forces to approximately 300,000 soldiers. In addition to the war with Ethiopia, the army was engaged in a low-intensity conflict with the Eritrean Islamic Jihad (EIJ), a small, Sudan-based insurgent group that has mounted attacks in the north and west since 1993. Some members of the security forces committed serious human rights abuses.

While trade, services, and manufacturing accounted for the greatest portion of gross domestic product, the rural economy was based largely on subsistence agriculture, and more than 70 percent of the population of 3.6 million was engaged in farming and herding. The economy recovered somewhat from the severe disruption inflicted in 2000 by the conflict with Ethiopia, which resulted in the dislocation of more than 1 million persons, an almost four-fold rise in inflation, an increased fiscal deficit, a drop in economic activity, increased pressure on the local currency as foreign exchange reserves fell, and a severe drop in agricultural production that increased the country's dependence on food donations, up to 50 percent of total food requirements. During the year, inflation fell to approximately 9 percent from 15 percent in 2001, and economic growth rose to 9 percent from 7 percent. The continued integration of as many as 75,000 Eritreans or Ethiopians of Eritrean origin deported from Ethiopia, 52,000 long-term Eritrean refugees from camps in Sudan, and an unknown number of internally displaced persons (IDPs), continued to burden the economy. In addition, much of the skilled labor force continued to serve in the national service. The majority of national service was military but some persons worked in civilian government jobs. International economic assistance accounted for a major portion of external revenues. Remittances from citizens who lived abroad also provided an important source of external revenues, estimated at approximately \$300 million per year. The country had an annual per capita income of less than \$200, and approximately one-third of the population depended on foreign emergency assistance. The ruling party, the PFDJ, continued to exert a strong economic influence through various investments and party-owned businesses.

The Government's poor human rights record worsened, and it continued to commit serious abuses. Citizens did not have the ability to change their government, which was controlled completely by the PFDJ. There were some reports, difficult to confirm, that the police occasionally resorted to torture and physical beatings of prisoners, particularly during interrogations, and police severely mistreated army deserters and draft evaders. The Government generally did not permit prison visits by local or international human rights groups. The Government allowed the International Committee of the Red Cross (ICRC) access to Ethiopian civilian detainees and POWs, although all POWs and almost all Ethiopian civilians were released from detention by year's end. Arbitrary arrests and detentions continued to be problems; an unknown number of persons were detained without charge, some incommunicado, because of political opinion, suspected association with the Ethiopian Mengistu regime, radical Islamic elements, or terrorist organizations. The judiciary was weak and subject to executive influence and lacked the resources to provide speedy trials. The use of a special court system limited due process. The Government infringed on the right to privacy. The Government severely restricted freedom of speech and press, including the rights of the religious media. There were limits on freedom of assembly. The Government restricted the freedom of religion. The Government restricted freedom of movement. Violence and societal discrimination against women continued to be problems, and female genital mutilation (FGM) remained widespread despite government efforts to discourage the practice. Jehovah's Witnesses and members of the Kunama ethnic group also faced some government and societal discrimination. The Government restricted workers' rights. There were unconfirmed reports of forced labor. Child labor occurred.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The Government continued to deploy military police throughout the country using roadblocks, street sweeps, and house-to-house searches to find deserters and draft evaders (*see* Section 1.d.). The Government continued to authorize the use of deadly force against anyone resisting or attempting to flee. There were reports of resistance, especially by parents of draft-age girls, which resulted in the deaths of both soldiers and civilians.

No action was taken in the 2001 cases in which two students died in detention of by heat-related causes as a result of a forced summer work program. There were reports that the living conditions during the program were made more severe purposely to punish students for protesting against the program; however, the university summer program did not take place during the year.

There were reports that at least one POW died of disease during the year (*see* Section 1.c.).

According to the Government Commission for Coordination with the U.N. Peacekeeping Mission, there were an estimated 3 million landmines and unexploded ordnance in the country, including between 500,000 and 1 million landmines from the 1962–91 war for independence. The EIJ or others laid some new mines. The U.N.

reported 48 deaths from landmine incidents between January and September, compared with 63 deaths in 2001, 142 in 2000, and more than 350 in 1999. It was not clear whose landmines were responsible for these casualties. It was probable that there were additional, unreported deaths in remote areas.

No reported action was taken, nor was any likely to be taken, against the camp guards who killed approximately 30 Ethiopian detainees at a camp in Wia in 2000.

In 2000 the Government deported thousands of Ethiopians to Ethiopia under difficult and dangerous conditions, which resulted in a number of deaths. A few deportees reportedly disappeared and were believed to have died. After the end of the war with Ethiopia in August 2000, forced, mass deportations stopped.

b. Disappearance.—There were unconfirmed reports of politically motivated disappearances.

During the year, it was reported that journalists who had been missing reportedly were in government custody (see Section 2.a.).

There were no developments in the August 2001 disappearance of four ethnic Kunama or the September 2001 case in which the Government arrested 11 senior PFDJ and National Assembly members, whose whereabouts remained unknown at year's end (see Section 2.a.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The transitional Penal Code prohibits torture; however, there were some unconfirmed reports that the police at least occasionally resorted to torture and physical beatings of prisoners, particularly during interrogations. During the year, the police severely mistreated and beat army deserters and draft evaders. The police subjected deserters and draft evaders to various military disciplinary actions that included prolonged sun exposure in temperatures of up to 113 degrees Fahrenheit or the tying of the hands and feet for extended periods of time (see Section 1.d.).

There were reports that women drafted to the national service were subjected to sexual harassment and abuse.

Unlike in the previous year, there were no reports that students were hospitalized as a result of participating in a mandatory summer work program, which was terminated during the year.

During the year, there were dozens of reported injuries from landmines and unexploded ordnance. It is probable that there were additional, unreported injuries that occurred in remote areas.

No action was taken, nor was any likely to be taken, against the guard at the Keren detention facility, who in 2000 shot and injured an Ethiopian detainee.

In 2000 the Government deported to Ethiopia thousands of Ethiopians under potentially difficult and dangerous conditions without the participation of the ICRC (see Section 2.d.). Some reportedly disappeared or died. The deportations stopped in August 2000 after the end of the war with Ethiopia. In 2000 there were some instances in which private Eritrean individuals threatened and beat Ethiopians. It was not known if any police action was taken in these cases. In some cases, police intervened too late to prevent the abuse or were unable to halt it. During the year, abuse of Ethiopians by individuals was not systematic, and there were fewer cases than in the previous year.

Prison conditions remained Spartan. The Government permitted three visits per week by family members. There were no confirmed reports that any prisoners died due to lack of adequate medical care. Women and men were held in separate facilities. There were no juvenile detention centers or correction facilities, and juvenile offenders often were incarcerated with adults. Pretrial detainees generally were not held separately from convicted prisoners; however, in some cases, detainees were held separately. For example, the "Group of 15" political detainees and others detained on national security grounds were thought to be held separately, although their whereabouts remained unknown. These political detainees were denied visitors during the year.

During the year, the Government returned 303 Ethiopian POW's to Ethiopia. On August 29, the Government handed over the last group of ICRC-documented POWs in the country. The condition of the POWs was generally good; however, at least one POW died of illness during the year.

The Government allowed the ICRC to visit and register Ethiopian civilian detainees in police stations and prisons; however, the ICRC was not permitted to visit the unknown number of Ethiopian soldiers who the Government claimed were deserters from the Ethiopian army. Neither the ICRC nor local groups were permitted to monitor prison conditions.

During the year, there were reports that some of the 14 Sudanese prisoners arrested in 1994 could have been released in previous years. No further action was likely to be taken in this 1994 case (see Section 1.d.). There also was a report that

additional, prolonged detentions of Sudanese nonpolitical prisoners continued during the year.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention were serious problems. The Penal Code stipulates that detainees may be held for a maximum of 30 days without being charged with a crime. In practice the authorities sometimes detained persons suspected of crimes for much longer periods. The Government held numerous pretrial detainees during the year. The Government continued to detain a small number of Ethiopians during the year; however, the majority were prisoners who were convicted of common crimes.

During the year, human rights observers documented at least six examples of arbitrary arrest, including of relatives of the previously detained “G-15” group and diplomats who were called back from their posts. At least four of these detainees, in addition to many detained in previous years, remained in prison without charges at year’s end. There also were unconfirmed reports of other arrests during the year.

During the year, the Government deployed military police throughout the country using roadblocks, street sweeps, and house-to-house searches to find deserters and draft evaders (*see* Section 1.a., 1.c., and 1.f.). The military police detained persons who had not completed their national service requirement, and those who had evaded previous drafts (*see* Section.f. and 6.c.). There was a general public perception that these round-ups were directed particularly at female draftees. This perception caused significant anxiety and individual complaint throughout society but no organized protests. In some instances, authorities arrested and detained for several hours or even days individuals, including pregnant women, children under age 18, and citizens of other countries, who were not subject to national service obligations or had proper documentation showing they had completed or were exempt from national service. The few deportees of Eritrean origin from Ethiopia who could not demonstrate their ties to the country were issued documents that identified them as Ethiopians, which permitted them to stay in the country (*see* Section 2.d.). Government and army officials reportedly considered these Ethiopian deportees to be citizens who were trying to avoid national service. As a result, they were subjected to harassment and detention while the authorities checked their status.

In 2000 authorities detained two journalists who reportedly were inducted into the military to fulfill their national service obligations and remained in the army at year’s end. Approximately four Jehovah’s Witnesses remained in detention without charge for failing to participate in national service; some had been detained for more than 5 years without charge (*see* Section 2.c.).

In July 2001, the Government arrested the president of the independent Asmara University Students’ Association; he remained in detention without charge until he escaped in August. Most observers believe he was arrested for leading student opposition against the Government’s requirement that university students participate in a summer work program (*see* Section 6.c.). The summer work program for university students was not held during the year in response to intense criticism when two students died during the 2001 program while working in harsh desert conditions (*see* Section 1.a.).

There were unconfirmed reports that the Government continued to hold numerous members of the Eritrean Liberation Front (ELF), an armed opposition group. Authorities sometimes arbitrarily arrested and detained former combatants or members of the PFDJ who violated an unwritten code of conduct (*see* Section 1.e.).

During the year, there were reports that some of the 14 Sudanese prisoners arrested in 1994 may have been released in previous years. No further action is likely to be taken in this case (*see* Section 1.c.).

The Government continued to arrest sporadically individuals with known or perceived ties to political dissidents. It was estimated that a total of 80 political dissidents were detained at year’s end.

There were no developments in the following 2001 cases: The September arrest of approximately 10 journalists and editors from independent newspapers who remained in detention without charge and without access to visitors (*see* Section 2.a.); the September arrest and incommunicado detention of 11 senior PFDJ and National Assembly members, including former Cabinet ministers and army generals, who were part of the Group of 15 and whose whereabouts remained unknown (*see* Section 2.a.); the September and October arrest of several elders who remained in detention without charge; and the October arrest of two local employees from a foreign embassy who remained in detention without charge and without access to visitors.

In addition to the arrests in September 2001, the Government arrested other individuals, many of them with known or perceived ties to political dissidents, and detained them without charge and without access to visitors at year’s end.

There were no developments in the 2000 arrest of a journalist for the newspaper Tsigenai who remained in detention without charge at year’s end or the 2000 case

in which several members of the Kunama ethnic group who were detained without charges on suspicion of collaborating with Ethiopian forces.

An unknown number of persons suspected of association with the Ethiopian Mengistu regime, radical Islamic elements, or suspected terrorist organizations remained in detention without charge, in some cases for years.

There was no information available, nor is any likely to become available, on the several members of the Kunama ethnic group who were detained without charges on suspicion of collaborating with Ethiopian forces in 2000.

An unknown but believed to be small number of Ethiopians, particularly men, were thought to be held in police stations, prisons, and jails in Asmara and possibly in other areas. The Government stated that Ethiopians detained in such places were in detention because they had committed a crime or legal infraction. International monitors had access to the majority of detainees in police stations and jails. In May 122 Ethiopian civilians who had been detained in Massawa were repatriated by the ICRC. The Government previously had denied holding them.

The Government generally did not use exile as a means of political control, and the law has no provisions concerning exile. The Government continued to repatriate Ethiopians to Ethiopia. By December 2001, the Government had repatriated more than 21,000 Ethiopians to Ethiopia. All of these persons were repatriated voluntarily and with ICRC participation (*see* Section 2.d.).

e. Denial of Fair Public Trial.—The judiciary was formally independent; however, it was weak and subject to executive interference. The continued use of an executive special court system allowed executive interference with the judicial process. In addition, the judiciary relied on the Ministry of Justice for logistical and budgetary support, which further limited its independence. In August 2001, the Minister of Justice fired the president of the High Court after he publicly complained of executive interference with the High Court.

The judicial system had three parts: Civilian, military, and special courts. The civilian court system consisted of village courts, subregional courts, regional courts, and the High Court, which also served as an appellate court. The developing judicial system suffered from a lack of trained personnel, inadequate funding, and poor infrastructure that, in practice, limited the Government's ability to grant accused persons a speedy trial. At independence the Government chose to retain the Ethiopian legal system but made some modifications to it. The Government developed new commercial, penal, and criminal codes, which remained ready for ratification by the National Assembly, although ratification had not occurred by year's end. A new civil code was drafted during 2001; however, it was not enacted by year's end.

Under the legal system, minor infractions were brought to village courts and subregional courts. More serious offenses were argued before regional courts, and cases involving murder, rape, and other serious felonies were heard by the High Court. All cases, except those argued before the High Court, were heard by a single judge; on the High Court, panels of three judges heard cases.

Defendants had access to legal counsel, usually at their own expense. Although there was no formal public defender's office, the Government had requested successfully that attorneys work without fee to represent defendants accused of serious crimes punishable by more than 10 years in prison, who could not afford legal counsel. Defendants could appeal verdicts to a High Court panel, which was composed of the High Court president and four other judges.

Since the population largely was rural, most citizens only had contact with the legal system through the traditional village courts. Village judges, who were appointed by a panel composed of heads of regional courts, the regional prosecutor, and the regional governor, heard civil cases. Magistrates versed in criminal law heard criminal cases. Local elders adjudicated many local issues—for example, property disputes and most petty crimes—according to customary law. Where both litigants were Muslims, civil cases were heard under Shari'a law. The traditional courts cannot impose sentences involving physical punishment. The Ministry of Justice also offered training in alternative dispute resolution to handle some civil and petty criminal cases.

The drafting of many civilians, including court administrators, defendants, judges, lawyers, and others involved in the legal system, into the national service had a significant negative impact on the judiciary. The High Court was reduced from 7 benches to 3 benches, and provincial, zone, and village court personnel were reduced by 40 percent. As a result of these personnel constraints, there were lengthy delays in the processing of cases, particularly at the High Court level.

The special court system ostensibly was created to reduce a growing backlog in the civilian court system. However, in practice the special courts, which banned defense counsel and the right of appeal, allowed the executive branch to mete out punishment without respect for due process and could subject the accused to double

jeopardy. Judges in the special courts were senior military officers, most of whom had little or no legal experience. They based their decisions on “conscience,” without reference to the law. There was no limitation on punishment. The special courts had jurisdiction over some criminal cases, such as capital offenses, felonies, misdemeanors, cases of tax evasion involving large sums, and cases of embezzlement by senior officials. The office of the Attorney General decided which cases were to be tried by a special court. The Attorney General also allowed the special courts to retry civilian court cases, including those decided by the High Court, thereby subjecting defendants to double jeopardy.

The special courts also handled crimes involving corruption, theft, and misuse of government authority allegedly committed by former members of the EPLF during the war for independence. Senior former fighters and members of the PFDJ often were held to a stringent unwritten code of conduct, and violations of this code were handled by the special courts outside the normal judicial process. Those accused of violating this circle of trust were arrested and held without formal charge or tried in the special courts.

There were no reports of political prisoners; however, there were numerous reports of persons detained for political reasons (*see* Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Government at times infringed on the right to privacy. Under the law, warrants are required for routine searches and seizures, except in cases where authorities believe individuals may attempt to escape or destroy evidence. Warrants also theoretically are required before the Government can monitor mail, telephones, or other means of private communication; however, in practice the Government often did not obtain warrants, and there were reports that the Government monitored telephone calls and e-mail. Government informers were believed to be present throughout the country. There were unconfirmed reports that members of the PFDJ placed Ethiopians under surveillance.

During the year, military police were deployed throughout the country to find deserters and draft evaders. Members of the force carried out frequent document checks using roadblocks, street sweeps, and house-to-house searches and routinely detained persons of military age who had not done their national service (*see* Sections 1.d. and 6.c.).

There were unconfirmed reports that the Government took land from members of the Kunama ethnic group without compensation and gave it to others on the grounds that the land was not being exploited efficiently (*see* Section 5). In addition the Government failed to compensate foreigners for property seized by the former Mengistu regime in Ethiopia or to return that property.

In 2000 the Government closed Ethiopian-owned businesses, forced Ethiopians to vacate government-owned housing, froze some bank accounts, and seized some assets belonging to Ethiopians.

During 2001 the situation had improved somewhat. Ethiopians generally were able to renew residence permits without difficulty during the year; however, they continued to be unable to obtain business licenses, driving licenses, or leases, and many continued to lose their jobs because of their nationality. In most cases, Ethiopian business owners who lost their inventories when their shops were closed did not receive compensation. These hardships encouraged many Ethiopians to leave the country during 2001. During the year, conditions remained difficult for Ethiopians living in the country, but most who wanted to leave had already done so. There were reports that Ethiopians who remained in the country were not allowed to live in the strategically important Debub province bordering Ethiopia.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Government restricted the freedom of speech and the press, particularly since September 2001 when it closed the private press and arrested most independent journalists, which effectively prevented all public and much private criticism of the Government. All private newspapers were banned, and the ban remained in effect at year’s end.

After September 2001, the Government controlled all nonreligious media, including three newspapers, one radio station, one television station, and one of only two newspaper printing presses in the country. There were no private radio or television stations, and after September 2001, there were no private, nonreligious newspapers. The Government had the authority to ban the import of any foreign publication, although it had not done so. Some Western periodicals were available regularly at several bookshops and from street vendors in Asmara. The press law forbids the local reprinting of articles from banned publications. The Government continued to restrict the right of the religious media to comment on politics or government policies.

The Government permitted five part-time reporters for foreign news outlets to operate in the country. Those who worked for Deutsche Welle and Voice of America were citizens, while the BBC, IRIN, and Reuters reporters were foreigners.

The arrests of journalists continued during the year. In January and February, four journalists were arrested and remained detained without charge at year's end. Three were working for the Arabic section of the official government media. The fourth, previously a reporter for an independent newspaper that was closed in 2001, was detained trying to leave the country. Observers reported that nearly all reporters and editors of the independent press had either fled the country or been detained.

In September 2001, the Government arrested and detained without charge 11 senior PFDJ and National Assembly members of the Group of 15 after they expressed dissenting political views (*see* Section 1.d.). Authorities then arrested and detained independent journalists without charge and closed the private press after the publication of the views of the Group of 15. The detained journalists included: Yosuf Mohamed Ali, editor-in-chief of Tsigenai; Said Abdulkader, editor-in-chief of Admas; Selayinghes Beyene and Dawit Habetemichael, reporters for Megaleh; Aaron Berhane, editor-in-chief of Setit; Medhane Haile, editor-in-chief of Keste Debona; Emanuel Asrat and Wedi Ade from Zemen; and an independent photographer, Seyum Fesehaye. Although the Government stated that the arrests were not related to opposition views, it offered no evidence against them and did not charge them formally. Subsequently, other persons were arrested arbitrarily and remained in custody without charge at year's end. The Government defended the arrests as necessary on grounds of national security but did not provide an additional explanation. In April nine of the reporters arrested in September 2001, declared a hunger strike. They subsequently were moved to undisclosed locations, and their whereabouts were unknown at year's end.

During the year, it was reported that four journalists who have been missing since 1999, 2000, and 2001 were in government custody. One of them was affiliated with the official Hadas Eritrea newspaper.

After the independent press was closed in September 2001, the Government formed a committee to revise the Press Law. The law does not allow private ownership of broadcast media or foreign influence or ownership of any media. The law requires that all newspapers obtain a license from the Ministry of Information before publication and that all reporters register with the Ministry. The law in theory allows individuals to publish newspapers and magazines. Prior to September 2001, eight independent newspapers published on a weekly or biweekly basis, with an estimated circulation of 45,000. In September 2001, the Government closed these publications, and religious publications were banned during the year. There were no independent print media operating in the country by year's end.

Access to the Internet was available in Asmara and Massawa, and there were four commercial Internet Service Providers in the country. There were no restrictions on the use of the Internet.

Although the Government claimed that there were no restrictions on academic freedom, the University of Asmara refused to give diplomas to its graduates unless they had completed their national service obligations (*see* Section 6.c.). The Government placed tight controls on students who wanted to study abroad. Many were unable to obtain exit visas or were prevented from leaving the airport despite having necessary approvals. In addition, new graduates occasionally were pressured to work for government entities (*see* Section 2.d.).

b. Freedom of Peaceful Assembly and Association.—The Government limited freedom of assembly. A permit from the Ministry of Local governments was required for a public meeting or demonstration. There were no reports of any political demonstrations that were not sponsored by the ruling party; no other permits were applied for during the year.

Several respected elders who were arrested in 2001 for meeting without a permit remained in detention without charge at year's end (*see* Section 1.d.).

The Government restricted the freedom of association. The Government did not allow the formation of any political parties. The draft laws on guidelines for new elections and the formation of political parties had not been submitted to the provisional National Assembly for amendment and ratification at year's end. The Government had expressed its opposition to the formation of any party based on ethnicity or religion.

c. Freedom of Religion.—The Government restricted the freedom of religion, except in the cases of the four major religions in the country: Orthodox Christianity, Islam, Catholicism, and the Evangelical Lutheran.

In May the Ministry of Information, which oversees religious affairs, called together the leaders of several smaller churches, referred to collectively as the "Pentes," and ordered them to close down. The Pentes included Born Again Christians, Pentecostals, Full Gospel, and other smaller Protestant groups. The Government required these churches to register and receive authorization to reopen. The churches were informed that partial registrations would not be accepted. By year's end, no churches had been authorized to reopen. The four major religions were not required to register.

Islam and the three major Christian denominations were practiced and tolerated widely throughout the country with persons free to worship at the church or mosque of their choice; however, the Government closed churches of other denominations and continued to harass, detain, and discriminate against the small community of Jehovah's Witnesses because of their refusal, on religious grounds, to vote in the independence referendum or to perform national service. Although persons from other religious groups, including Muslims, reportedly had been punished in past years for failure to participate in national service, only Jehovah's Witnesses were subject to dismissal from the civil service, had their trading licenses revoked, were evicted from government-owned housing, and were denied passports, identity cards, and exit visas. There were no reports that Jehovah's Witnesses who performed national service and participated in the national independence referendum were subject to discrimination. Jehovah's Witnesses often were denied identification cards, passports, exit visas, trading licenses, government housing, and government employment unless they hid their religion.

The Government also harassed and monitored some Orthodox churches whose religious services it did not approve.

There were some complaints in the Muslim community that the Government had discriminated against Islam in favor of Orthodox Christianity by granting Orthodox churches tax relief not offered to mosques.

The Government prohibited political activity by religious groups and faith-based nongovernmental organizations (NGOs), and the Government's Directorate of Religious Affairs in the Ministry of Local government monitored religious compliance with this proscription against political activity.

At year's end, approximately four Jehovah's Witnesses remained in detention without charge and without being tried for failing to participate in national service. These individuals had been detained for varying periods of time, some for more than 5 years without charge. The maximum penalty for refusing to perform national service is only 3 years' imprisonment. Ministry of Justice officials denied that any Jehovah's Witnesses were being held without charge; however, they acknowledged that some Jehovah's Witnesses, and a number of Muslims, were serving sentences for convictions on charges of evading national service.

The army resorted to various forms of extreme physical punishment to force objectors, including some Jehovah's Witnesses, to perform their military service (*see* Section 1.c.).

There were negative societal attitudes toward members of religious denominations other than the four major ones. Many citizens approved of the strict measures levied against those churches during the year. Jehovah's Witnesses faced some social discrimination because of their refusal to participate in the 1993 independence referendum and to perform national service. However, the level of societal discrimination against Jehovah's Witnesses has declined in recent years.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—While citizens could travel freely within the country and change their place of residence and work, authorities restricted freedom of movement and emigration. The Government required all citizens to carry national identification cards, which they must present on demand at security checkpoints. The Government restricted travel to some areas within the country for security reasons. Military police periodically set up roadblocks in Asmara and other cities to find draft evaders and military deserters (*see* Section 1.d.). Periodic crackdowns continued to occur during the year.

The Government continued to restrict travel along much of the border with Sudan. Some areas remained heavily mined, a legacy of the war for independence. Occasionally, the ELJ or others set new mines, leading to additional travel restrictions (*see* Sections 1.a. and 1.c.).

Citizens were required to obtain an exit visa to travel outside the country. Citizens of national service age (18 to 40), Jehovah's Witnesses (*see* Section 2.c.), officials of the former Ethiopian military regime, and others who had fallen out of favor with the Government routinely were denied exit visas. In addition, the Government

often refused to issue exit visas to adolescents, apparently on the grounds that they were approaching the age of eligibility for national service. In practice it was very difficult for anyone under the age of 40 to get an exit visa. There were many instances in which the newly married spouse a citizen living abroad was denied an exit visa to join the partner. Often the citizen in the country was denied an exit visa because the spouse could not prove payment of the 2-percent income tax, which was imposed on citizens who lived abroad or who had run afoul of the Government.

In general, citizens had the right to return; however, citizens had to show proof that they paid the 2-percent tax on their annual income to the Government while living abroad to be eligible for government services upon their return to the country. Applications to return from citizens living abroad who had run afoul of the law, contracted a serious contagious disease, or had been declared ineligible for political asylum by other governments, were considered on a case-by-case basis.

During the year, the Government annulled or denied exit visas for several citizens who had received scholarships to foreign universities or been nominated for participation in exchange programs. Government officials said their cases would be reexamined on an individual basis.

Unlike in previous years, there were no reports that Ethiopians still in the country were unable to obtain exit visas.

During the year, the Government repatriated approximately 1,500 Ethiopians to Ethiopia. They were repatriated voluntarily and with ICRC participation. An estimated 20,000 to 25,000 Ethiopians remained in the country at year's end. In 2001 more than 20,000 Ethiopians were repatriated under similar circumstances. At the end of November, the Ethiopian government released more than 1,200 Eritrean POWs, the last of the recorded Eritrean prisoners from the 1998–2000 conflict.

Approximately 1.1 million citizens were displaced internally as a result of the conflict with Ethiopia. Most of these IDPs returned home; however, approximately 67,000 IDPs remained in 11 camps in the Debub and Gash Barka zones at year's end. Camp facilities were basic, but conditions generally were adequate. There also was a large but unknown number of IDPs residing outside camps during the year.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government provided first asylum to Somali and Sudanese refugees during the year. There were 498 Sudanese refugees at the Elite camp in the western part of the country and 2,560 Somali refugees at the Emkala camp, near Massawa. There also were 5,000 to 7,000 Beja Sudanese refugees in the Gash Barka region. The Eritrean Relief and Refugee Commission (ERREC), a government agency, was the principal organization responsible for refugees and IDPs.

During the year, UNHCR reported that approximately 20,000 Eritrean refugees were repatriated from Sudan. Since July 2000, when repatriations began, the total was 74,000. At year's end, 19,000 of the more than 60,000 refugees remaining in Sudan had registered for repatriation.

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

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

Citizens have not been had the right to change their government in multiparty elections. Authority within the Government was held very narrowly among a small group of former fighters. The Government was dominated completely by the PFDJ, which came to power in the 1993 popular referendum in which more than 99 percent of voters chose to have an independent country managed by a transitional government run by the PFDJ rather than to remain part of Ethiopia. The PFDJ still had not fulfilled the ambitious program that it initially outlined for a transition to a democratically elected government by 1997. National elections, originally scheduled for 1997, never were held. The only authorized political party was the PFDJ, and there were no opposition parties active domestically (*see* Section 2.b.).

In 2001 two committees developed guidelines and rules for new elections and the formation of political parties; however, the draft electoral law and the draft law regulating the formation and activities of political parties had not been acted on by year's end. National Assembly elections scheduled for December 2001, did not take place. Government officials stated that the elections were delayed because of continuing tensions with Ethiopia and problems caused by dissidents and the private press. In February another electoral commission was established to set a new date for elections and review the previously drafted laws; however, elections still were not scheduled at year's end.

During the year, village-level elections were held in the rural parts of Dehub (South central) and Maakel (central) provinces.

In an effort to encourage broader participation by women in politics, the PFDJ named 3 women to the party's 19-member Executive Council and 11 women to the 75-member Central Council at the last party congress that was held in 1994. Women participated in the Constitutional Commission (occupying almost half of the positions on the 50-person committee). They also served in several senior government positions, including Minister of Justice and Minister of Labor. By law, one-third of regional National Assembly seats are reserved for women, and women also may compete for the nonreserved seats.

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

The Ministry of Foreign Affairs and Ministry of Local governments jointly were responsible for handling human rights inquiries. All NGOs had to register with the ERREC; there were 31 international and 16 domestic NGOs operating in the country, the majority of which were involved in emergency assistance. Only one domestic human rights organization, Citizens for Peace in Eritrea (CPE), was allowed to operate, and its work was limited to advocacy on behalf of war victims.

A government decree provides that religious organizations, including faith-based NGOs, cannot engage in development activities; however, it never was enforced in practice. In addition, the four main religious groups (Orthodox, Catholic, Muslim, and Evangelical Lutheran) coordinated the provision of relief services to deportees from Ethiopia in conjunction with the ERREC. A governmental decree requiring that all NGOs hire only those who had completed their national service never was enforced.

Most international human rights organizations were not permitted to operate within the country, with the exception of the ICRC, which continued its programs during the year and provided shelter and supplemental food to approximately 100,000 persons who were displaced by the conflict with Ethiopia (*see* Section 2.d.). The ICRC also visited prisons and detention centers where Ethiopians were held during the year (*see* Section 1.c.).

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

The transitional civil code prohibits discrimination against women and persons with disabilities, and the Government enforced these provisions.

Women.—The Government has not taken a firm public stance against domestic violence and generally has ignored the problem. Violence against women was pervasive. Spousal abuse is a crime; however, spousal abuse, especially wife beating, was common. Domestic violence seldom was discussed openly by women because of societal pressures. Such incidents more commonly were addressed, if at all, within families or by religious clergy. It was estimated that more than 65 percent of women in the Asmara area were the victims of domestic violence during the year. The Government response to domestic violence was hindered by a lack of training, inadequate funding, and societal attitudes.

Rape is a crime; however, no specific information was available on its prevalence in the country.

FGM was widespread, with estimates placing the number of women and girls who have been subjected to FGM as high as 95 percent. FGM was practiced by almost all ethnic and religious groups in the country. In the lowlands, infibulation—the most severe form of FGM—was practiced. There was no law prohibiting FGM. However, the Government worked to combat the practice of FGM. The Government and other organizations, including the National Union of Eritrean Women, sponsored education programs that discouraged the practice. The U.N. Population Fund, through the Ministry of Health, sponsored reproductive health projects that provided training and awareness programs that focused on the negative physical and psychological impacts of FGM.

Prostitution is illegal; however, as a result of war-related displacement and difficult economic conditions, prostitution was a serious problem. The problem was magnified by the presence of many international peacekeepers, NGOs, and other foreign men in the country since the end of the war with Ethiopia.

The Government consistently advocated improving the status of women, many of whom played a significant role as fighters in the struggle for independence. Since independence, women have enjoyed a legal right to equal educational opportunities, equal pay for equal work, and legal sanctions against domestic violence. Much of society remained traditional and patriarchal, and generally women did not enjoy a social status equal to men. The law provided a framework for improving the status of women, but laws were enforced unevenly, because of a lack of capacity in the

legal system and ingrained cultural attitudes. In practice males retained privileged access to education, employment, and control of economic resources, with more disparities in rural areas than in cities.

The law requires women between the ages of 18 and 40 to participate in national service (see Section 6.c.). During the year, there were increased efforts to detain women draft evaders and deserters (see section 1.d.). According to some reports, women drafted to the national service were subject to sexual harassment and abuse. In 2001 the Government transferred most women out of direct combat roles and re-assigned them to civilian government jobs or support roles for the military.

Children.—The Ministry of Labor and Human Welfare was responsible for government policies concerning the rights and welfare of children. The Children's Affairs Division under the Ministry of Labor and Human Welfare covered childcare, counseling, and probation. The law criminalizes child prostitution, pornography, and sexual exploitation.

Education through grade seven was compulsory and free. However, education above grade seven was neither free nor compulsory, and while the situation has improved, there was a shortage of schools and teachers at all levels. According to Ministry of Education figures, only 38 percent of children attended school. Approximately 75 percent of the population was illiterate. In rural areas, young girls usually left school early to work at home.

Child abuse was not thought to be common.

FGM was performed on up to 95 percent of all young girls (see Section 5, Women).

Persons with Disabilities.—The long war for independence and the conflict with Ethiopia left thousands of men and women with physical disabilities from injuries they received as guerrillas, soldiers, and civilian victims. The Government dedicated a large share of its resources to support and train these former fighters, who were regarded as heroes, and did not discriminate against them in training, education, or employment. There were no laws mandating access for persons with disabilities to public thoroughfares or public or private buildings; however, many newly constructed buildings provided access for persons with disabilities.

National/Racial/Ethnic Minorities.—There were reports of government and societal discrimination against the Kunama, one of nine ethnic groups, who reside primarily in the west. Because a Kunama opposition group operated out of Ethiopia and was supported by Ethiopian authorities, some Kunama in the country were suspected of supporting or having sympathies with the Ethiopian government. In 2001 there were unconfirmed reports that the Government took land from Kunamas without compensation and gave it to other ethnic groups on the grounds that the land had not been efficiently exploited. There also was an unconfirmed report that Eritrean refugees returning from Sudan were resettled on Kunama fields after evicting the native Kunama. There was some societal discrimination against Kunamas because they were seen as ethnically and culturally different from most Eritreans.

There was no information available, nor is any likely to become available, on the several members of the Kunama ethnic group who were detained without charges on suspicion of collaborating with Ethiopian forces in 2000.

Section 6. Worker Rights

a. The Right of Association.—Some government policies restricted free association or prevented the formation of unions, including within the civil service, the military, the police, and other essential services. The Ministry of Labor must grant special approval for groups of 20 or more persons seeking to form a union. There were no reports that the Government opposed the formation of any labor associations during the year.

Proclamation Eight provides workers with the legal right to form unions and to strike to protect their interests. The National Confederation of Eritrean Workers (NCEW), which was part of the EPLF during the war, maintained a close affiliation with the Government, and its leadership consisted of high-ranking PFDJ members. The NCEW represented more than 25,000 workers from 250 unions and received some assistance from the International Labor Organization (ILO) and foreign labor organizations. The largest union within the NCEW was the Textile, Leather, and Shoe Federation.

Unions may affiliate internationally. All five workers' federations within the NCEW maintained affiliations with international unions.

b. The Right to Organize and Bargain Collectively.—Under the new labor code, which was ratified in November 2001, a tripartite board composed of workers, employers, and Ministry of Labor officials is required to resolve differences. Under the labor law in force, disputes were taken to court. During 2001 the NCEW brought 54 cases to court, while an additional 17 NCEW cases remained pending. By August

2001, 20 of the 71 cases were settled through agreements between the parties, 11 had been settled through the Ministry of Labor, and 3 were adjudicated.

There were no strikes reported during the year.

There were no export processing zones. A free trade zone, encompassing the ports of Massawa and Assab, was being established at year's end.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were unconfirmed reports that it occurred during the year. All citizens between the ages of 18 and 40 were required to participate in a national service program, which included military training and civic action programs. In addition, some national service inductees were released back to their civilian jobs, while nominally kept in the military, because their skills were deemed critical to the functioning of the Government or the economy. These individuals were required to forfeit to the Government earnings in excess of the national service salary and were required to perform farm labor. High school students also were required to participate in a paid summer work program.

In 2001 the Government announced that university students were required to participate in a paid summer work program for 1 month or they would be ineligible to continue their studies. This requirement first was imposed on university students in 1999 but suspended in 2000 because of the war. The students objected to the work program, in part because many students needed to work during the summer to earn the money required for their academic and living costs, which are approximately \$200-\$300 (2,700–4,100 Nakfa) per year. The students objected that the Government's payment of approximately \$78 (1,050 Nakfa), out of which the students would have to pay their food, lodging, travel, and other expenses, was insufficient. Unlike in the previous year, there was no summer work program for university students during the year (*see* Section 1.c.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age for employment is 18 years, although apprentices may be hired at age 14. The law prohibits apprentices under 18 years of age from performing certain dangerous or unhealthy labor, such as working in mines or sewers. Labor inspectors in the Ministry of Labor and Human Welfare are responsible for the enforcement of laws pertaining to the employment of children; however, due to the small number of inspectors, inspections were infrequent. According to the Ministry of Education, only 38 percent of children attended school due, in part, to a shortage of schools and teachers. It was common for rural children who did not attend classes to work on family farms, fetching firewood and water, and herding livestock among other activities. In urban areas, some children worked as street vendors of cigarettes, newspapers, or chewing gum. Children also worked as child-minders, traders, and in small-scale manufacturing. Unlike in the previous year, there were no reports that the Government inadvertently employed children under the age of 18 as soldiers.

The Government has not ratified ILO Convention 182 on the Worst Forms of Child Labor.

e. Acceptable Conditions of Work.—There were two systems that regulate employment conditions—the civil service system and the labor law system. There was no legally mandated minimum wage in the private sector. In the civil service sector, wages varied from \$24 to \$288 (325 to 3,900 Nakfa) per month. Factory workers in government-owned enterprises earned the highest wages. The minimum wage in the civil service sector did not provide the average worker and family with a decent standard of living.

The standard workweek was 44 ½ hours, but many persons worked fewer hours. Under the Labor Law, workers are entitled to 1 day of rest per week, and most workers were allowed 1 to 1 ½ days off per week. The Government has instituted occupational health and safety standards, but inspection and enforcement varied widely among factories. Workers were permitted to remove themselves from dangerous work sites without retaliation.

Legal foreign and citizen workers are treated equally under the law.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were unconfirmed reports of trafficking for forced or bonded labor.

ETHIOPIA

Ethiopia continued its transition from a unitary to a federal system of government, under the leadership of Prime Minister Meles Zenawi. In 2000 the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) won general elections to the federal and regional parliaments. Most opposition political parties competed in the election; however, due to lack of funds and often weak political organization, opposition

parties contested only 20 percent of the seats to the federal parliament, where EPRDF and affiliated parties held 518 of 548 seats. EPRDF and affiliated parties also held all regional parliaments by large majorities, although opposition parties had held approximately 25 percent of seats in the Addis Ababa Regional Council until the Prime Minister dissolved the entire council in October. The ruling party continued to control all 13 executive committee seats in the regional council. The regional council remained dissolved at year's end; no dates had been set for new elections. Opposition parties held exactly 10 percent of the seats in the Southern Region at year's end. According to international and local observers, the 2000 national elections generally were free and fair in most areas; however, serious election irregularities occurred in the Southern Region, particularly in Hadiya zone. Federal regions, largely organized along ethnic lines, increasingly were autonomous and had a large degree of local control over fiscal and most political issues. However, the relationship between the central government and local officials and among various judiciaries lacked consistent coordination, and occasionally actions were taken at the local level that conflicted with stated federal policy. Highly centralized authority, poverty, civil conflict, and unfamiliarity with democratic concepts combined to complicate the implementation of federalism. The Government's ability to protect constitutional rights at the local level was limited and uneven. Political parties predominantly were ethnically based. Local administrative, police, and judicial systems remained weak throughout the country. The judiciary was weak and overburdened but continued to show signs of independence; progress was made in reducing the backlog of cases.

The security forces consisted of the military and the police, both of which were responsible for internal security. The Federal Police Commission and the Federal Prisons Administration were subordinate to the Ministry of Federal Affairs. The military consisted of both air and ground forces and reported to the Ministry of National Defense. Following the end of fighting between Ethiopia and Eritrea in 2000, some Ethiopian troops were demobilized, and others were redeployed from the border area in Tigray to other regions throughout the country, which increased the internal military presence in some parts of the Somali, Oromiya, and the Southern Regions. Military forces conducted an increased number of low-level operations against the Oromo Liberation Front (OLF), the Somalia-based Al'Itihad Al'Islami terrorist organization (AIAl), and elements of the Ogaden National Liberation Front (ONLF) both in the country and in southern Somalia and northern Kenya. Some members of the security forces committed human rights abuses.

The economy was based on smallholder agriculture, with more than 85 percent of the estimated population of 63 million living in rural areas under very basic conditions and engaged in subsistence farming. Agriculture accounted for approximately 45 percent of gross domestic product (GDP). Industry accounted for approximately 12 percent of economic activity; in urban centers, the majority of economic activity was in the informal sector. Severe drought, massive crop failures, and extensive livestock losses adversely affected 10 to 14 million persons during the year, and caused GDP growth to slow to 5 percent. Trade barriers favored party-owned businesses. Inflation decreased to -3 percent during the year. Military spending decreased during the year. The Government continued to implement an economic reform program designed to stabilize the country's financial position, promote private sector participation in the economy, and attract foreign investment; however, significant impediments to investment remained, and there were approximately 200 government-owned enterprises that had not been privatized by year's end.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Security forces committed a number of unlawful killings and at times beat and mistreated detainees. Prison conditions remained poor. The Government continued to arrest and detain persons arbitrarily, particularly those suspected of sympathizing with or being members of the OLF. The Government ceased the detention and deportation without due process of Eritreans and Ethiopians of Eritrean origin. The Government released and repatriated under the auspices of the International Committee of the Red Cross (ICRC) 1,188 Eritrean prisoners of war (POWs) and 774 civilians during the year. Thousands of suspects remained in detention without charge, and lengthy pretrial detention continued to be a problem. The judiciary remained weak and overburdened. The Government infringed on citizen's privacy rights, and the law regarding search warrants was ignored widely. The Government restricted freedom of the press and continued to detain or imprison members of the press. Journalists continued to practice self-censorship. The Government at times restricted freedom of assembly; security forces used excessive force to disperse demonstrations. The Government limited freedom of association, but the nongovernmental organization (NGO) registration process continued to improve. On occasion local authorities infringed on freedom of reli-

gion. The Government restricted freedom of movement. Numerous internally displaced persons (IDPs) from internal ethnic conflicts remained in the country. During the year, neither the Human Rights Commission (HRC) nor the Office of the Ombudsman was operational. Violence and societal discrimination against women and abuse of children remained problems. Female genital mutilation (FGM) was widespread. The Government supported efforts to eliminate FGM and other harmful traditional practices. The exploitation of children for economic and sexual purposes remained a problem. Societal discrimination against persons with disabilities and discrimination against religious and ethnic minorities continued. Forced labor, including forced child labor, and child labor, particularly in the informal sector, continued to be a problem. There were reports of trafficking in persons.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—The security forces committed many unlawful killings, including some alleged political killings during the year. The number of unlawful killings during the year was estimated to be between 1,000 and 1,500. There continued to be numerous unconfirmed reports of unlawful killings by government security forces from Oromiya and the Somali regions.

For example, on July 18, soldiers shot and killed a 13-year-old boy who was returning home from a wedding party with four friends. The Government did not investigate the killing by year's end.

On July 21, soldiers shot and killed a 25-year-old driver who was walking back to his residence. The Government did not investigate the killing by year's end.

On November 10, the military opened fire on a crowd that began throwing stones at them, killing one person and injuring eight others, at a security checkpoint near Hartishek, outside the town of Jijiga in Somali region.

In December government security forces killed two persons in Kuraz Woreda in the town of Amorate, South Omo region.

During the year, the Government took no disciplinary action against members of the security forces responsible for the following 2001 killings: The January killing of 5 persons during riots between Christians and Muslims in Harar; the April killing of at least 31 Addis Ababa University (AAU) students during a violent demonstration; and the April killing of an Oromo Mekelle University student who had protested the violence at the AAU demonstrations.

During the year, the Government took no disciplinary action against members of the security forces responsible for the following 2000 killings: The February torturing and killing of two farmers in Soro; the March killing of a student who was attempting to assist another person who was being arrested; the March killing of Getu Driba in Ambo; the April killing of a student during a student demonstration in Dembi Dollo; the May killing of seven SEDPC supporters; and the December killing of a student during a demonstration in Awassa.

During the year, the Government completed its investigation of the 2000 case in which security forces killed two women in Hadiya zone while they were voting; however, the Government did not report on its findings or take any disciplinary action.

There was no action taken, nor any likely, against the persons responsible for the following 2000 and 2001 preelection and postelection killings: The January 2001 case in which rapid deployment forces of the federal and regional police killed 2 supporters during a meeting organized by the Council of Alternative Forces for Peace and Democracy in Ethiopia (CAFPDE); the April 2001 case in which the army killed 4 Southern Ethiopian People's Democratic Coalition (SEPDC) members in Badoacho, Shone Woreda; the case in which government forces killed at least 11 supporters of the SEPDC in the period leading up to the December 2001 elections; the 2000 case in which an EPRDF member killed 3 persons, including an opposition party election observer; the 2000 killing of 5 election observers, 1 opposition candidate, and 3 other persons when their cars either were struck by rockets or landmines; and the 2000 beating to death of a man detained allegedly in retaliation for election activities.

Security forces killed numerous persons while forcibly dispersing demonstrations during the year (*see* Sections 1.d. and 2.b.).

There were some deaths in custody during the year due to illness and disease (*see* Section 1.c.).

No action was taken, nor was any likely, in the July 2001 death in custody of an opposition party member who had been detained following the AAU student demonstration.

Government soldiers continued to operate in Somalia during the year (*see* Section 1.b.). No further information about the 2000 case of government soldiers killing two persons in Somaliland was available at year's end.

During the year, one person was killed by a landmine left over from the war with Eritrea. The U.N. reported that 64 persons died and 163 were injured by landmines in the Temporary Security Zone between January 2001 and November. In March a civilian demining unit began to survey and remove landmines from border areas.

On October 17, 4 children were killed in Higlo, in Gode Zone, after playing with unexploded ordnance left over from the 1977 war with Somalia.

On November 20, a child was killed and another seriously injured while playing with unexploded ordnance in a field near the town of Dire Dawa.

The OLF and ONLF continued to use landmines during the year. Some U.N. vehicles were hit by mines near Jigiga, resulting in injuries to personnel. On August 5, a bomb exploded at the Edom Hotel in the town of Jijiga, killing one person and injuring six others. No group claimed responsibility for the attack, although authorities believed the ONLF was responsible.

On September 11, a bomb killed four persons at the Tigray Hotel in Addis Ababa. The Government blamed the OLF for the attack and claimed to have arrested the perpetrators. The OLF denied responsibility for the attack.

There was no further information by year's end in the 2000 case in which landmines allegedly were used to derail a freight train near Nazareth or the 2001 arrests of five OLF members who allegedly committed the act.

Clashes between the Government and armed groups resulted in civilian deaths during the year. For example, on October 30, elements of the Ethiopian Patriotic Front, an armed Amhara dissident group, clashed with government troops; on November 5, they ambushed an army convoy killing 8 soldiers. Members of the army reportedly rounded up farmers in the area in retaliation for the killings, accused them of assisting the rebels, and summarily executed two residents. On October 31, the military killed 25 persons and injured 37 in fighting with elements of the ONLF, near the town of Luga on the Somalia border.

Ethnic clashes resulted in numerous deaths during the year (*see* Sections 2.d. and 5).

On February 19, bandits shot and killed a South African tourist at a roadblock outside Gondor.

According to the Ethiopian Human Rights Council (EHRCO), on July 22, armed men wearing masks forcibly removed four persons from their car, shot and killed three of them, including the head of the Southern Region's education bureau, and seriously injured the fourth between Awassa and Liku town. The identities of the armed men remained unknown; however, suspects in the killings were held incommunicado in a military camp in Awassa at year's end (*see* Section 2.b.).

On April 4, the Federal High Court convicted 10 Somalis, members of AIAI, for their role in 1995 and 1996 bombings.

The Federal High Court in Addis Ababa continued to arraign and prosecute 5,198 persons formally charged with genocide and other war crimes, including extrajudicial killings, under the previous Marxist Dergue regime (*see* Section 1.e.).

b. Disappearance.—There were some reported cases of disappearances perpetrated by the Government during the year; however, none appeared to be politically motivated. In nearly all cases, security forces abducted persons without warrants and detained them in undisclosed locations for varying lengths of time ranging from weeks to months. For example, in response to the September 11 bombing at the Tigray Hotel in Addis Ababa (*see* Section 1.a.), on September 12, regional police officers took Mesfin Itana, an Oromo youth, from his place of work in the Merkato area because of suspected ties to the OLF. On September 13, police took several young Oromo businessmen from their places of work, and their whereabouts remained unknown at year's end. On September 18, the police took two brothers, Yilma Mosisa and Gdissa Mosisa, from their home, and their whereabouts also remained unknown at year's end.

On December 4, plainclothes policemen abducted well-known singer Raya Abamecha from his neighborhood in Addis Ababa. His whereabouts remained unknown at year's end.

During incursions into Somalia, government forces occasionally abducted persons. In one incident, government forces conducted an operation in southwest Somalia and captured a Somali colonel, who later was released.

There were reports in July that Anuak warriors abducted 32 Nuer IDPs from a bus taking them to Fugnido; the Government made little progress in its investigation of the disappearances, and the whereabouts of the 32 IDPs were unknown at year's end (*see* Section 2.d.).

The federal High Court in Addis Ababa continued to arraign and prosecute 5,198 persons charged with genocide and other war crimes under the previous regime, including the disappearance of 14,209 persons (*see* Section 1.e.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits the use of torture and mistreatment; however, there were several credible reports during the year that security officials often beat or mistreated detainees. There were reports that federal and local security forces harassed SEPDC supporters. Police also beat persons when intervening in clashes (*see* Section 2.c.).

In March there were reports from international refugee agencies that security forces detained and tortured three Sudanese refugees from the Fugnido camp in the Gambella Region (*see* Section 2.d.). There also were reports that the Government's refugee agency beat or otherwise physically abused Sudanese refugees in the Sherkole refugee camp during the year. By year's end, the Government refugee agency had failed to investigate credibly the allegations; however, the agency transferred to Addis Ababa one of its members accused of abusing refugees and placed him on "indefinite leave." The agency also agreed to a follow-up investigation comprised of agency representatives and the U.N. High Commissioner for Refugees (UNHCR) and NGO staff.

On August 4, local police in Addis Ababa forcibly drove away with batons approximately 800 runners participating in a 10 km road race organized by the Ethiopian Athletics Federation (EAF) because the Addis Ababa Athletics Federation complained that the EAF lacked a municipal permit in a jurisdictional dispute. Dozens were injured as a result of the police intervention.

On December 30, police dragged Oromo student activist Gelan Nedhi Chewaka from his dormitory at the University of Mekelle and beat him until he lost consciousness. Gelan was left for dead on the university campus where fellow students discovered him the following morning. His condition reportedly was grave at year's end.

No action was taken during the year against members of the security forces responsible for torturing, beating, or abusing persons in the following 2001 cases: The January injuring of approximately 20 persons when government soldiers attempted to restore order after a riot broke out between Muslims and Christians in Harar; the April beating and injuring of at least 253 persons during the demonstrations at AAU; the April reported beating of women and young children after the forcibly entry into their homes by officers during the AAU demonstrations; the April beating of students and opposition party members detained after the AAU demonstrations; and the April beating of a group of mothers who were attempting to visit their children detained at Sendafa.

No action was taken against members of the security forces responsible for torturing, beating, or abusing the persons in the following 2000 cases: The March injuring of students during a demonstration; the beating of a man who was detained allegedly in retaliation for election activities; and the December beating to death of a man in detention.

No action was taken against the security forces responsible for beating or abusing persons in the following 2001 preelection and postelection cases: The April beating of Ayele Amore, an SEPDC supporter, in Badoacho; the April injuring of four SEPDC members during clashes between the army and the SEPDC in Badoacho in the Shone Woreda; and the May beating of Selfamo Kintamo, an elderly supporter of the SEPDC and the uncle of a SEPDC parliamentarian, in Soro.

Unlike in the previous year, there were no reports that security forces raped or sexually abused persons during arrests, detentions, or other government operations.

No action was taken against the security forces responsible for the June 2001 rape of two girls who took food to family members detained in Hosana or the July 2001 rape of a woman from Soro who was in temporary detention for her husband's involvement with the SEPDC.

Security forces injured numerous persons during the year while forcibly dispersing several demonstrations (*see* Section 2.b.).

There were more reports of injuries, and at least one reported death, caused by landmines (*see* Section 1.a.).

During the year, ethnic clashes resulted in numerous injuries (*see* Section 5).

Prison conditions were poor, and overcrowding remained a serious problem. Prisoners often were allocated fewer than 21 ½ square feet of sleeping space in a room that could contain up to 200 persons. The daily meal budget was approximately 25 cents per prisoner per day. Prison food was inadequate, and many prisoners had family members deliver food every day or used their own funds to purchase food from local vendors. Prison conditions were unsanitary, and access to medical care was not reliable. There was no budget for prison facility maintenance. Prisoners

typically were permitted daily access to prison yards, which often included working farms, mechanical shops, and rudimentary libraries. Prison letters must be written in Amharic, which made outside contact difficult for non-Amharic speakers; however, this restriction generally was not enforced.

Visitors generally were permitted; however, in September 50 detainees claimed that they were denied visits from relatives and friends. The SNNPS ordered the Federal Police Commission to correct its treatment of detainees involved in the May internecine clashes in Awassa after the Court considered claims from the 50 detainees of routine late night beatings by prison police. The detainees also complained of deliberate delays into the investigation of their cases and the suspension of their salaries.

There were some deaths in prison during the year due to illness and disease; however, no statistics on the number of deaths in prison were available at year's end.

Female prisoners were housed separately from men; however, juveniles sometimes were incarcerated with adults (*see* Section 5). Pretrial detainees often were detained separately from convicted prisoners at local police stations or in the limited Central Investigation Division (CID) detention facility in Addis Ababa until they were charged. By year's end, there still were 75 detainees at CID. The law requires that prisoners be transferred to federal prisons upon conviction; however, this requirement sometimes was not enforced in practice.

Approximately 2,000 Eritrean soldiers were captured as a result of fighting in 2000. Under ICRC auspices, the Government released and repatriated the last groups of POWs and civilian internees from the Ethiopian-Eritrean conflict. A total of 1,188 Eritrean POWs and 774 civilians were repatriated during the year. All registered prisoners from the conflict were released by year's end.

The Government permitted independent monitoring of prisons and police stations by the ICRC and by diplomatic missions. The ICRC generally had access to federal and regional prisons, civilian detention facilities, and police stations throughout the country during the year. The ICRC was allowed to meet regularly with prisoners without third parties being present. In addition to visiting the CID detention facility which held numerous persons whose cases were under investigation at year's end, the ICRC was permitted to visit regularly all of the 29 police stations in Addis Ababa during the year. During the year, the ICRC received government permission to visit military detention facilities where suspected OLF fighters were detained. The Government generally gave the ICRC access to detention facilities that held Eritrean POWs, including the main camp at Dedesa. The ICRC also regularly visited civilian Eritrean nationals and Ethiopians of Eritrean origin detained on national security grounds. The ICRC also was permitted access to Zeway Prison, Showa Robit Prison, and other detention facilities; however, diplomats were not permitted access to these facilities.

Government authorities continued to permit diplomats to visit prominent detainees held by the SPO for alleged involvement in war crimes and terrorist activities, including former AAU President Alemayehu Tefera. In May Ethiopian Teachers Association (ETA) President Taye Woldesemayat was released (*see* Section 1.d.). Mamo Wolde, former Dergue housing official and governor of Sidamo, who also was a 1968 Olympic marathon winner, was released in December 2001 after serving a 6-year sentence for murder but died a few months after his release (*see* Section 1.d.).

d. Arbitrary Arrest, Detention, or Exile.—The Constitution and both criminal and civil codes prohibit arbitrary arrest and detention; however, the Government did not respect these rights in practice. Under the criminal procedure code, any person detained must be informed of the charges within 48 hours and, in most cases, be offered release on bail. Suspects of serious offenses could be detained for 14 days while police conducted an investigation, if a panel of judges ordered it, and for additional 14-day periods while the investigation continued. In practice and especially in the outlying regions, authorities regularly detained persons without a warrant, did not charge them within 48 hours, and, if persons were released on bail, never recalled them to court. The Government provided public defenders for detainees who were unable to afford private legal counsel, but only when their cases came before the court. While in detention, such detainees were not able to confer with legal counsel.

The Constitution provides that arrested persons have the right to be released on bail; however, bail was not available for some offenses, such as murder, treason, and corruption. In most cases, bail was set between \$120 (1,000 birr) and \$1,200 (10,000 birr).

There were reports that in small towns, persons were detained in police stations for long periods without access to a judge and that sometimes these persons' whereabouts were unknown for several months.

The Government continued its harassment of teachers during the year, particularly in Oromiya. According to the ETA, approximately 142 teachers were detained and accused of being OLF sympathizers, many of whom still were in prison at year's end. For example, in Wollega Zone, 28 teachers were arrested and held for varying lengths of time before being released on bail. In the town of Ambo, West Shewa Zone, 4 teachers were imprisoned, and in Sendafa, North Shewa Zone, 7 teachers were arrested and later released in cases related to the April student unrest in Oromiya schools (*see* Section 2.b.). The ETA also claimed that government authorities detained, threatened, and later released dozens of teachers from West Shewa Zone, Harari Region, Hadia, Dersahe Special Woreda, and Konso for their involvement in a February ETA conference in Awassa.

Thousands of criminal suspects remained in detention without charge; many of the detainees were accused of involvement in OLF violent activities or were arrested after the April 2001 student demonstrations. Some detainees were held for years without being charged. Such cases were remanded at least 10 to 15 times, for 2 weeks each time, and courts allowed police to conduct investigations that continued for months. In addition, judges were shifted among cases, judges failed to show up for hearings, or new judges were not reassigned upon the death or incapacity of assigned judges in time for hearing dates. Detention conditions remained poor.

Police detained journalists during the year (*see* Section 2.a.).

Police detained persons for holding illegal meetings and demonstrations during the year, and several persons detained in previous years for illegal meetings and demonstrations remained in detention at year's end (*see* Section 2.b.).

In March security forces detained and tortured three Sudanese refugees (*see* Section 1.c.).

In response to attacks by armed opposition groups operating out of Somalia and Kenya (*see* Section 1.a.), the military again conducted operations in and around border areas during the year. The Government denied the presence of its military in those countries. These operations resulted in the capture and detention of hundreds of opposition fighters and their suspected supporters on both sides of these borders. The vast majority of these incidents took place in the Oromiya and Somali regional states. Several thousand persons allegedly associated with armed opposition groups remained in detention at year's end. Most detainees were accused of participating in armed actions by the OLF or the ONLF. In typical cases, security forces arrested and held these persons incommunicado for several days or weeks before eventually releasing them. For example, on April 9, security forces arrested at least 60 members of the OLF for conspiring to commit terrorist acts in Oromia. Following the June bombing of the Dire Dawa train station, police detained many young Oromo males without warrants for questioning. Among those detained was Dinkinesh Deressa Kitila, an employee of Total/Elf oil company, who was arrested on June 7, and held at Karchale central prison on suspicion of being an OLF supporter. After the September bombing of the Tigray Hotel in Addis Ababa, the Government blamed the OLF and detained dozens of suspected OLF sympathizers without warrants (*see* Section 1.a.). The Government released some 600 OLF fighters during the year.

Parliamentary immunity protected members of the House from arrest or prosecution except in the act of committing a crime ("flagrante delicto"). The two representatives of the SEPDC in the Regional Council, who were arrested in 2001 on charges of inciting violence without having their parliamentary immunity formally revoked, were released on bail during the year. A third parliamentarian who was charged separately in connection with the killing of a police officer and whose immunity was revoked, remained in hiding at year's end.

In April the court remanded until February 2003 the May 2001 case of Berhanu Nega and Mesfin Woldemariam, two prominent academics and human rights activists, and charged them with inciting the AAU students to riot.

Moga Frissa, arrested in October 2001 on charges of subversion and alignment with a terrorist organization, remained free on bail with charges still pending at year's end. Aberra Aguma also remained free on bail.

On May 14, President Dr. Taye Woldesemayat was released from prison after 6 years in detention after the Supreme Court, under international pressure, overturned the lower court's 1999 conviction for treason. The charges for membership in an illegal organization were not overturned, and Taye was sentenced to 5 years imprisonment. Charges against four other co-defendants were dropped.

In the months immediately before the 2001 regional elections, authorities harassed and detained supporters of parties belonging to the SEPDC opposition coalition. Numerous SEPDC supporters who authorities in the Southern Region detained in retaliation for voting for the opposition in the 2000 national elections were released, and nine SEPDC candidates for office remained in detention at year's end.

The 104 persons still in detention at the end of 2001 were split between Hosana and Durame prisons. Since May when 15 detainees were released on bail, another 16 detainees in Hosana were ordered released upon payment of \$1,200 each (10,000 birr); however, all 16 remained in Hosana prison unable to post bail. In cases related to the elections, 38 SEPDC supporters were serving between 1-and 4-year sentences in Durame prison; another 16 SEPDC members arrested in part for illegal assembly in Durame remained in detention in Durame prison. The nine other SEPDC members who were detained for 3 years in connection with a murder in Siraro prison, Eastern Oromiya Zone, were released in December from Addis Ababa Central Prison because no evidence was found linking them to the crime (*see* Section 3).

During the year, approximately 50 elders, teachers, and civil servants charged with subversion following the 1999 student demonstrations were released.

The following detainees remained in custody at year's end: Alazar Dessie, an American citizen working as a consultant to the Commercial Bank of Ethiopia, who was arrested for abusing his power and has been awaiting trial for more than 1½ years while not ever having been charged formally; 24 businessmen and government officials, including Seye Abraha and Bitew Belay, who were arrested in 2001 under allegations of corruption but never were charged formally; the official driver of the Eritrean Embassy, who was arrested in August 2001 and whose whereabouts remained unknown; 600 criminal detainees in the Oromiya region who were not charged, pending ongoing investigations; and 37 Oromos arrested in 1997 for their alleged involvement in OLF terrorist acts.

Several detainees at the Gondar Prison complained to government officials that they were detained without charge, some for years, while the police investigated their cases. Muche Berihun, who was charged with murder although the person whom he allegedly murdered was killed after he was detained, had been held in solitary confinement for 3½ years. In June his hearing began, and the court adjourned it until February 2003. He remained in detention at year's end. Wondante Mesfin has been in detention in Nefas Mewcha Prison in South Gondar Zone since 1994 and never has appeared in court nor been charged formally.

In 1997 the SPO formally charged 128 defendants with politically motivated genocide dating back to the 1976 "Red Terror" (*see* Section 1.e.). During the year, the Government acquitted 69 defendants and released 392 prisoners for lack of evidence. In December 2001, former Olympian Mamo Wolde, an official under the Derg regime, was released after serving a 6-year sentence for the state-sponsored killing of several teenage boys (*see* Section 1.c.). The trial of former AAU president Alemeyehu Tefera, imprisoned since 1993, was pending at year's end. At year's end, witnesses still were being heard and evidence taken in the ongoing trials. Opposition groups alleged that some of the persons detained by the SPO were held for political reasons, and the Government denied that it held persons for political reasons.

The last group of approximately 200 civilian detainees of Eritrean origin who had been held at Dedesa internment camp were repatriated to Eritrea in November under ICRC auspices, and the Dedesa camp was closed. During the year, the Government transferred 219 Eritrean military deserters who also had been held at the Dedesa detention center to a refugee camp in northern Ethiopia (*see* Section 2.d.).

The ICRC participated in all repatriations to Eritrea, and under ICRC auspices, 1,188 POWs and 774 civilians were repatriated to Eritrea during the year (*see* Section 2.d.).

Exile was prohibited, and the Constitution provides that citizens shall not be deprived of their nationality against their wills. There were no reports of forced exile during the year. A number of persons remained abroad in self-imposed exile, including 43 journalists (*see* Section 2.a.). The Government stopped deporting forcibly Eritreans and Ethiopians of Eritrean origin after it signed the cessation of hostilities agreement with Eritrea in June 2000.

Approximately 317 Ethiopian students who arrived in Kenya in 2001 following the April riots at Addis Ababa University were granted refugee status and remained at the Kakuma refugee camp in northwest Kenya at year's end. There was no new information during the year about students who reportedly fled to Djibouti after the April riots at AAU.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary remained weak and overburdened. Although the federal and regional courts continued to show signs of judicial independence, in practice severe shortages of adequately trained personnel in many regions, as well as serious financial constraints, combined to deny many citizens the full protections provided in the Constitution.

Consistent with the Constitution, the Government continued to decentralize and restructure the judiciary along federal lines with the establishment of courts at the

district (woreda), zonal, and regional levels. The federal High Court and federal Supreme Court heard and adjudicated original and appeal cases involving federal law, transregional issues, and national security. The regional judiciary increasingly was autonomous, with district, zonal, high, and supreme courts mirroring the structure of the federal judiciary. There were two three-judge benches at the High Court level to handle criminal cases. The SPO delegated some of the war crimes trials to the supreme courts in the regions where the crimes allegedly were committed, which increased the efficiency of the process.

Regional offices of the federal Ministry of Justice monitored local judicial developments, and the regional courts had jurisdiction over both local and federal matters, but the federal judicial presence in the regions was limited nevertheless. Anecdotal evidence suggested that some local officials believed they were not accountable to a higher authority.

To remedy the severe lack of experienced staff in the judicial system, the Government continued to identify and train lower court judges and prosecutors, although officials acknowledged that the pay scale offered did not attract the required numbers of competent professionals. Senior government officials charged with judicial oversight estimated that the creation of a truly independent and skilled judicial apparatus would take decades. The Government welcomed foreign financial and technical assistance to accelerate this process. Pending the passage by regional legislatures of laws particular to their region, all judges will be guided by the federal procedural and substantive codes.

According to the Constitution, accused persons have the right to a public trial by an ordinary court of law within a reasonable time after having been charged. Accused persons have the right to be represented by legal counsel of their choice. However, in practice, lengthy pretrial detention was common, closed proceedings occurred, and at times, detainees were allowed little or no contact with their legal counsel (*see* Section 1.d.). Defendants did not enjoy a presumption of innocence in practice, although the Constitution provides for it in theory. The public defender's office provides legal counsel to indigent defendants, although its scope remained severely limited, especially with respect to trials of the SPO. The law does not allow the defense access to prosecutorial evidence before the trial.

The Constitution provides legal standing to some preexisting religious and customary courts and gives federal and regional legislatures the authority to recognize other courts. By law all parties to a dispute must agree before a customary or religious court may hear a case. Shari'a (Islamic) courts may hear religious and family cases involving Muslims. In addition, other traditional courts still functioned. Although not sanctioned by law, these courts resolved disputes for the majority of citizens who lived in rural areas and who generally had little access to formal judicial systems.

The outbreak of hostilities with Eritrea adversely impacted the military justice system. Most foreign assistance to train officers and noncommissioned officers was suspended at the same time that the rapid expansion of the military greatly increased the need for trained military lawyers and judges. This training need remained unmet by year's end.

The SPO was established in 1992 to create an historical record of the abuses committed during the Mengistu government and to bring to justice those criminally responsible for human rights violations. The SPO had the authority to arrest and interrogate anyone suspected of involvement in the Red Terror Campaign under Mengistu. The federal High Court considered the cases of 2,658 defendants accused of genocide, war crimes, and aggravated homicide. Trials began in 1994 and continued during the year; however, the process was subject to frequent and lengthy adjournments. Court appointed attorneys, sometimes with inadequate skills and experience, represented many of the defendants, following claims that they could not afford an adequate defense. The SPO reported that as of April 30, of the 6,426 defendants who were awaiting trial, 2,952 were tried in absentia, including former dictator Colonel Mengistu Haile Mariam, who remained in exile in Zimbabwe. A total of 1,569 cases had decisions handed down; of these 1,017 persons were convicted. During the year, the Government acquitted 69 defendants and released 392 prisoners for lack of evidence. In October the Federal High Court announced that all the cases of defendants indicted on charges of genocide and crime against humanity would be completed by September 2003. Cases were handled more quickly than in previous years; however, most cases still were in progress at year's end (*see* Section 1.d.). In 2001 the SPO opened a new case against persons accused of participating in the 1987 Hawzein Massacre; the majority of those named in the file have been charged already with other offenses. There was no further information on the status of this case by year's end.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law requires judicial search warrants to search private property; however, in practice warrants seldom were obtained outside of Addis Ababa.

There continued to be reports that police forcibly entered the homes of civilians. There also were reports that security forces took persons from their homes in the middle of the night without warrants.

Property and money belonging to the ETA that was seized following the arrest of Dr. Taye had not yet been returned to the ETA (*see* Section 1.d.). The next hearing regarding ETA property seized by the Government was set for March 2003.

At year's end, police had not returned confiscated documents taken during a May 2001 raid on EHRCO's offices in violation of a revised court order.

The Government arbitrarily monitored private communication such as Internet communications and cellular phone conversations. All electronic communications facilities were state-owned.

There were credible reports during the year of the forced displacement of families in rural areas. One displaced farmer said that in April, in the Abe Dongero Woreda in East Wellega Zone of Oromiya, the woreda administrator allegedly ordered the forced eviction of approximately 250 Amhara persons from their land to make the land available to a business investor. An Oromia Regional government official acknowledged that a problem existed in the woreda and that the Government was studying the issue.

In July there were credible reports from the EHRCO that the Government, in an attempt to "clean up" Addis Ababa, forcibly resettled approximately 200 homeless persons to an area nearly 30 miles outside of the city. In September city bulldozers demolished approximately 10,000 shacks.

There were more credible reports during the year from EHRCO and opposition parties that in certain rural areas, local officials used threats of land redistribution and withholding of food aid and fertilizer to garner support for the ruling coalition. There also were credible reports that teachers and other government workers have had their employment terminated if they were not of the dominant ethnic group in their region. According to the SEPDC, some SEPDC supporters were suspended or dismissed from their jobs in retaliation for voting for the opposition in the 2000 elections (*see* Section 3).

People from rural areas suffering from famine and drought who came to Addis Ababa sometimes were returned forcibly to their villages. In December approximately 300 famine victims from Western Hararghe Zone of Oromia Region were ordered by security forces to return to their villages. When they refused, security forces rounded them up and forcefully transported them in buses back to their villages.

The Family Law Code imposes a 6-month waiting period on anyone seeking to remarry following a divorce or the death of one's spouse (*see* Section 5). The Government maintained that this waiting period was necessary to determine whether a woman may still be carrying the child of her former spouse.

Security forces detained family members of persons sought for questioning by the Government.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and press; however, the Government used legal and other mechanisms to restrict these rights in practice. For example, the Government continued to prosecute journalists and editors for publishing articles that violated the law. Some journalists practiced self-censorship, calling their business a "guessing game." However, the private press remained active and often published articles that were extremely critical of the Government.

According to the Constitution, citizens generally were free to discuss publicly any topic they choose; however, on occasion the Government restricted this right in practice. During the year, several groups critical of the Government held press conferences and public meetings without retribution, and several opposition parties held press conferences that were covered by both the private and the Government press. The Government continued to oppose activities and operations of groups that were critical of it, such as the ETA (*see* Section 2.b.).

There were a total of 81 newspapers, 22 magazines, and 2 news agencies. Out of the total number of newspapers, there were approximately 34 private Amharic-language weekly newspapers, 7 English-language weeklies, and 1 English-language daily. Circulation figures ranged from 2,000 to 20,000 copies each. In addition to the private press, there were 3 ruling party coalition papers, in Amharic, Oromifa, and Tigrigna, which had a total circulation figure of approximately 70,000. There were 2 government dailies, the English-language Ethiopian Herald (circulation 40,000)

and the Amharic Addis Zemen (circulation 50,000), and a government Arabic-language weekly, Al-Alam (circulation 10,000).

The official media, including broadcast, wire service, and print media received government subsidies; however, they legally were autonomous and responsible for their own management and partial revenue generation. The Government's press and information department acted as an official spokesperson and managed contacts between the Government, the press, and the public. The office of the Government spokesperson and information sections of government ministries routinely refused to respond to queries from the private press and limited their cooperation with the press to the Government-run Ethiopian News Agency, the ruling party-run Walta news agency, and correspondents of international news organizations. Government reporters practiced self-censorship.

Generally the Government permitted private newspapers and news organizations to attend government briefings and press conferences, and some government officials provided information and granted interviews to private journalists. However, there were instances when members of the independent press were barred from attending press conferences given by government agencies, such as one given by the Ethiopian Tourism Commission in July where only the ruling-party Walta Information Agency and the Government-owned Ethiopian News Agency were allowed to cover the event. The Prime Minister's office continued to deny all access to the independent press for coverage of official events at the Prime Minister's office.

The Ministry of Information and Culture required that newspapers show a bank balance of \$1,200 (10,000 birr) at the time of their annual registration for a license to publish. This substantial sum of money effectively precluded some smaller publications from registering. Although the requirement was not enforced strictly, the Ministry of Information and Culture noted publicly that many papers were not in compliance and could be closed down on short notice. Permanent residency also was required to establish a newspaper. The Government did not require this of other businesses, and some independent journalists maintained that the residency requirement was used as a form of intimidation.

The majority of private papers as well as government papers were printed at government-owned presses. However, a few private papers started using smaller private printing presses, one of which was owned by the publisher of the Daily Monitor. All EPRDF publications were printed at the party-run Mega Publishing Enterprise. Police had the authority to shut down those printing presses without a court order. Amare Aregawi, editor of *The Reporter*, an independent newspaper, asserted that his paper's dependency on a government-owned printing press was used against him when he wanted to publish an article concerning the U.N. Boundary Commission's decision earlier in the year. He alleged that the Government printing press technicians were "conveniently absent" on every occasion that he sought to have the article published.

Despite the constant threat of legal action, the private press remained active and continued to publish articles critical of the Government and to report on human rights abuses. Many private newspapers continued to publish inaccurate information, unsubstantiated stories, and harsh antigovernment articles without any official penalty.

While much of the private press continued to lack professionalism in its reporting, some print media were developing into more responsible publications. Others were opposition newsletters that often purveyed unsubstantiated criticism of the Government. Several were tied to distinct ethnic groups, especially the Amharas and Oromos, and severely criticized the Government for being ethnocentric.

The Government used statutory provisions concerning publishing false information, inciting ethnic hatred, libel, and publishing articles offensive to public morality to justify the arrest and detention of journalists.

Police beat journalists during the year (*see* Section 2.c.).

During the year, six journalists were detained. On April 3, the First Criminal Bench of the Federal High Court arrested and sentenced Lubaba Seid, former editor-in-chief of *Tarik*, to 1 year of imprisonment, but granted her parole in late December. The court found Lubaba guilty of violating the Press Law by disseminating "fabricated news that could have a negative psychological effect on members of the Defense Army and disturb the minds of the persons." Lubaba was charged for reports in the August 1996 issue of *Tarik* newspaper entitled "An OPDO cadre who replaced Samora Yenus in Eastern Oromiya has defected," and "The President's personal security guards are said to have defected." *Tarik* had been shut down for several years, but published for a few months in 2000 before it was forced to shut down again.

On July 10, the Federal High Court arrested and sentenced Tewodros Kassa, former editor of *Ethop*, to 2 years in prison. He was charged with publishing "false

information that could incite people to political violence,” and for libel against a businessman. Tewodros previously had served a 1-year sentence.

In July Zegeye Haile, editor-in-chief of Genanaw, was arrested after his guarantor lifted his bail guarantee for previous press charges. Zegeye was in detention at the Addis Ababa Central Prison pending a new bail guarantor at year's end, and no other details were available on his pending cases or the bail amount. Genanaw has been closed for more than 2 years.

Three journalists were detained and released after paying bail during the year: Gizaw Taye Wordofa, editor of Lamrot, who was detained on charges of publishing articles offensive to public morality; Melese Shine, editor of Ethop newspaper and magazine, who was detained on March 20 in connection with a defamatory article on Prime Minister Meles Zenawi and a published interview with a “rebel” colonel under the previous regime; and Tsegaye Ayalew, editor-in-chief of Genanaw, who was detained in November 2001 on unknown charges, but released on September 15 after posting approximately \$125 bail.

A number of journalists were summoned to the Central Criminal Investigation Office during the year on various charges and released on bail: Tsega Mogus, editor-in-chief of Zarenew, who was charged with incitement to violence; Kidushabte Belachew, editor-in-chief of Mebrek, who was charged with violating the Press Law and the Penal Code; and Daniel Gezahegn, editor of Moged, who was accused of slandering Major-General Bacha Debella, a government official.

Two journalists were fined for press charges. On March 1, the Federal High Court fined Kifle Mulat, former editor-in-chief of Ethio-Time and current president of the Ethiopian Free Press Journalists Association (EFPJA), \$1,300 (12,000 birr) on charges of disseminating false information and violating the Press Law in a 1997 article in Ethio-Time of in which he compared the current regime to the preceding Derg regime. Kifle paid the fine the same day and was released.

On July 31, Tesfa Tegegn, publisher of Ethop, was charged with parodying the name and dignity of government leaders and the head of government. Two of the charges were dropped but Tesfa was fined \$400 (4,000 birr) for his satire of Prime Minister Meles Zenawi, and he was detained for 5 days at the Addis Ababa Central Prison until he paid the fine.

Some journalists arrested in 2001 were released on bail during the year. Tamrat Zuma, editor-in-chief of the defunct Amharic-language weekly Atkurot, was released after he obtained bail money from international press institutions and human rights groups through EFPJA. The case against Temrat still was pending at year's end, and Atkurot has been closed for more than 3 years. There was no further information regarding Zemedkur Mogus at year's end.

Robel Mitiku, editor-in-chief of Goh, also was released early in the year after posting bail of \$1,200 (10,000 birr). No information was available about the charges filed against him, and Goh has been closed for over two years.

Approximately 30 journalists had trials pending at year's end.

At year's end, about 43 journalists remained in self-imposed exile, including Dawit Kebede, editor-in-chief of the defunct Fiameta; Israel Seboka, the editor-in-chief of Seife Nebelbal newspaper; Samson Seyoum Kebede, the former editor of Goh; Yohannes Abebe, a journalist for Goh; Berhan Hailu, editor of Wegahata; and three journalists of Urjii, Tesfaye Deressa, Solomon Nemera, and Garoma Bekele, who left the country for Canada during the year.

The Government did not ban or shut down any newspaper or publication during the year. Newspapers critical of government leaders and their policies were available widely in the capital but scarce elsewhere, although circulation in the regional capitals increased during the year.

On July 25, in discussions with a delegation of the Committee to Protect Journalists (CPJ), Minister of Information Bereket Simon said that a new draft press law had been prepared “with the aim to encourage constructive and responsible journalism.” A number of private newspapers reported that the new law would be even more restrictive, and that the Ministry also was drafting a code of ethics for journalists. During the year, there were two laws that governed the press: The 1957 Penal Code and the 1992 Press Law. Independent journalists accused the Government of selectively applying sections of the Penal Code to levy charges against journalists and applying sections of the 1992 press law for penalizing them.

Radio remained the most influential medium for reaching citizens, especially those who live in rural areas. Although the law allows for private radio stations, regulations were not implemented, and there were no truly independent radio stations. Two nongovernmental stations, Radio Fana, a station controlled by the ruling EPRDF coalition, and the TPLF radio, which broadcast in the Tigrigna language from Mekele, had close ties to the Government. Broadcasting time on the state-run Radio Ethiopia was sold to private groups and to individuals who wanted to buy

spots for programs and commercials. The Government operated the sole television station, and news was controlled tightly. The state-run ETV continued to broadcast "TV Africa," which was contracted from a South African company. There were no restrictions on access to international news broadcasts. Ownership of private satellite receiving dishes and the importation of facsimile machines and modems were permitted; however, access to this technology was limited by its cost.

In January the Ethiopian Broadcasting Agency, created in 1999 to review applications for private radio and television licenses, started recruiting staff and organizing the office, but did not start issuing broadcast licenses. In January the Addis Broadcasting Company acquired a business license from the Ministry of Trade and Industry, but it was unable to start any radio or television broadcasting until licensed by the Ethiopian Broadcasting Agency. Private entities that would like to be broadcasters continued to claim that the delay in implementing the broadcast law was deliberate.

The Government prohibited political parties and religious organizations from owning stations; foreign ownership also was prohibited.

Foreign journalists continued to operate freely and often wrote articles critical of government policies. They or their local affiliates were granted greater access to government officials than were local independent journalists. Several foreign news organizations maintained bureaus or offices in Addis Ababa; the majority of these were staffed with local journalists, and they usually operated free of government restriction.

The EFPJA continued to be active during the year organizing journalism training workshops and issuing statements to press advocates and human rights organizations inside and outside the country on the arrests and harassment of journalists. The Ethiopian Journalists Association (EJA), which included only government and party journalists, was not active during the year.

The Ethiopian Women's Media Association (EWMA), which included both government and private journalists, remained active during the year; the EWMA organized training and workshops and printed a journal.

Internet access was provided through the Government-controlled telecommunications company, which maintained a waiting list for new accounts. In August subscription fees were reduced by 43 percent and rates by 50 percent. The number of subscribers reached 8,000 after a major technical upgrade was completed and more reliable service was provided. The Government issued further regulations for licensing private Internet service providers (ISP's); however, no private ISP's were operating at year's end. Private satellite transmission uplinks generally were not allowed. Outside the capital, Internet services were installed in nine cities that also served the surrounding localities.

The Government did not respect academic freedom during the year. The Government maintained that professors could research any field within their discipline but that they could not espouse political sentiments. In March all students, including those involved in the April 2001 riots except for 14, were allowed to return to AAU. In July Prime Minister Meles met with university professors in an effort to inform them of government policies and to discuss democratization and educational issues; however, participants claimed that the Prime Minister did not address many of their concerns. The ETA claimed that uniformed police officers were visible on campuses and that plainclothes security officers tried to blend in with the student body. Teachers were not permitted to deviate from official lesson plans. Political activity was discouraged on university campuses. After the April 2001 riots, students were forbidden to form associations on the basis of their ethnicity. Many student leader activists fled the country after the riots. While in theory student governments were permitted, many students refrained from involvement in any on-campus activity that could be considered political in nature by the Government. According to a survey conducted by the ETA of 280 public universities and secondary schools throughout the country, nearly 90 percent of the school directors and vice-directors of those schools belonged to the ruling party or its affiliates.

Three top AAU administration officials resigned their posts in December in view of growing government interference in internal university matters. Government officials wanted AAU to change its system of student evaluations to conform to a "gemgema" (self-criticism) system favored by the ruling party. Government officials also reportedly sought to influence the establishment of a pro-government student union at AAU.

During the year, police killed and injured numerous persons while forcibly dispersing student demonstrations (*see* Section 2.b.).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, on several occasions the Government restricted this right in practice. Organizers of large public meetings or demonstrations must notify

the Government in advance and obtain a permit. There were no reports that any permits were denied; however, there were long unexplained delays in issuing permits and last minute revocations of permits, which hindered the ability of groups to organize events.

The independent ETA continued to have problems organizing seminars in certain regions. In January the ETA paid the equivalent of \$105 (900 birr) to rent the meeting hall of the Sidama Zone Culture Department for 3 days. After taking the money, the Culture Department refused to allow the ETA use of the meeting hall and also refused to return ETA's money (*see* Section 6.a.).

Police killed and injured numerous students while forcibly dispersing demonstrations during the year. For example, on March 25, security forces killed at least three students and arrested several hundred others during a protest led by high school students in the West Shoa and East and West Wellega Zones of the Oromiya Region over the Government's new education policy and rising food prices. NGOs reported that police killed eight students. The Government did not investigate the killings and took no action against the responsible security forces. Following the March student protests in East and West Wellega Zones, at least 13 teachers reportedly were arrested and detained in Ambo, and several other persons were taken from Guder, a small town close to Ambo, western Shoa, Oromiya region. The Oromia Regional government reported that the teachers were accused of inciting students to riot and spreading OLF propaganda.

In April security forces used live ammunition to stop unarmed student demonstrators in the zonal capitals of Nekempte, Ghimbi, and Ambo. There were no reports of beatings or killings during the April protests. Approximately 100 demonstrators were arrested for their association with the OLF. None of the detained demonstrators were charged officially; all except for nine subsequently were released after posting bail. Those nine persons remained in detention in Meta Robi at year's end.

On May 24, according to official government reports, police killed 15 protesters and injured 25 in Awassa, the capital of the Southern Region. The opposition SEPDC alleged that security forces killed 51 persons (2 of whom were local police officers trying to convince the crowd to disperse peacefully) and injured 44 persons. EHRCO reported that police killed 5 student demonstrators and seriously injured at least a dozen others with gunfire. The protesters were from the Sidama ethnic group and were demonstrating their opposition to a plan to make Awassa a chartered city, which would remove it from the Sidama Zone. Government officials accused the protesters of demonstrating without a permit and stated that security forces fired only after the protesters threatened them. The Government has refused to allow an independent investigation of the incident, and has appointed the Vice President of the Southern Region, who himself reportedly was implicated in the conflict, to head the Government's internal investigation. Since the May violence in Awassa, police arrested some 40 demonstrators. Approximately 30 of them were released on bail at different times after appearing before the Southern Region's Supreme Court in October. The remaining 10 still were in prison in Awassa. Seven other individuals arrested in cases related to the Awassa demonstration and the killing of the head of the Southern Region's education bureau were held incommunicado in a military camp in Awassa (*see* Section 1.a.). EHRCO reported that the Government fired approximately 180 zonal and regional police officers for alleged complicity with demonstrators.

There was no investigation during the year of actions taken by security forces following the April 2001 riots at AAU. The 14 Oromo students who were expelled from the university for alleged subversive activity remained suspended from attending classes because of their involvement in the demonstration on campus (*see* Section 2.a.). There were no new reports of expulsions on similar grounds during the year. There were no reports of beatings or killings by police of any demonstrators during the April protests.

Police also dispersed meetings during the year and arrested numerous persons. For example, in February the police dispersed a conference organized by the ETA in Awassa. There were 587 teachers in attendance along with some officials from foreign embassies. After 3 hours, the police permitted the ETA to resume its meeting. Since that meeting, the ETA reported that police detained 37 teachers from the SNNPRS who attended the conference. All but one later were released on bail. The police also called in 12 teachers from Oromiya and gave them stern warnings never to participate again in such meetings. In October the ETA received notification that at least one teacher who attended the Awassa conference still was in detention in a prison in the town of Bonga, Kaffa Zone.

On August 3, local police dispersed the biweekly meeting of the Addis Ababa Teachers Association (AATA), an affiliate of the ETA, because the AATA did not have municipal permission to hold that meeting, even though the meeting was held

in AATA offices. The AATA tried to schedule another meeting on September 6, but that also was broken up by local police on the same grounds.

On October 15, police fired into the air to disperse a crowd of 4,000 farmers gathered at a meeting of the Ethiopian Democratic Union Party (EDUP) in Este Woreda in the village of Dankura Maryam, South Gonder Zone. EDUP officials maintained they had a valid permit for their meeting. Police beat many of the farmers, injuring 50 seriously, and kept dozens in detention for a week.

Unlike in the previous year, persons were not arrested for holding SEPDC meetings.

Of the 10 opposition candidates arrested in January 2001 and charged with holding an illegal meeting organized by the CAFPDE, Eastern Shoa Zone, Oromia regional state, 9 remained in custody. The tenth was released on bail because he was not from that area. Those candidates were arrested for campaigning illegally although the law permits campaigning during that time. After the riots in which police killed two CAFPDE supporters, the candidates were charged with incitement to violence and the killings of the two CAFPDE supporters (*see* Section 1.d.).

No action was taken against the security forces responsible for killing or injuring persons while forcibly dispersing the following 2000 demonstrations: The March demonstration in Ambo, the April demonstration in Dembi Dolo, and the December demonstration in Awassa.

During the year, approximately 50 elders, teachers, and civil servants charged with subversion following the 1999 student demonstrations were released.

The Constitution provides for freedom of association and the right to engage in unrestricted peaceful political activity; however, the Government limited this right in practice. Although the NGO registration process improved significantly, a number of policy issues regarding NGOs remained unresolved. The Ministry of Justice governed primary registration. In 2000 an inter-ministerial committee convened by the Ministry of Justice completed a draft of the revised NGO registration legislation without consulting NGOs; the legislation still was pending at year's end. The HRL, closed in 1998 for its alleged connections to the OLF, continued to wait to get an operating license (*see* Section 4).

The Government required political parties to register with the National Election Board. Parties that did not participate in two consecutive national elections were subject to deregistration. Registered political parties also must receive permission from regional governments to open local offices. There were 58 organized political parties; 8 were national parties, and the remainder operated only in limited areas. There were no reports during the year that any political party had its registration revoked.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, on occasion local authorities infringed on this right. The Ethiopian Orthodox Church (EOC) was the dominant religion.

The Government required that religious groups be registered. Religious institutions register with the Ministry of Justice and must renew their registration every year. Under the law, a religious organization that undertakes development activities must register its development wing separately as an NGO. Religious groups were given free government land for churches, schools, hospitals, and cemeteries; however, the title to the land remained with the Government, and the land, other than that used for prayer houses or cemeteries, could be taken back at any time. An interfaith effort was underway during the year to promote revision of the law for religious organizations to obtain duty-free status.

Minority religious groups complained of discrimination in the allocation of government land for religious sites. Protestant groups occasionally complained that local officials discriminated against them when seeking land for churches and cemeteries. Evangelical leaders complained that because they were perceived as “newcomers” they remained at a disadvantage compared with the EOC and the Ethiopian Islamic Affairs Supreme Council (EIASC) in the allocation of land. The EIASC complained that it had more difficulty obtaining land from the Government bureaucracy than the EOC while others believed that it was favored for mosque locations. Many mosques were built by squatters without city government approval and since have been targeted for demolition.

The Government did not issue work visas to foreign religious workers unless they were attached to the development wing of a religious organization.

Muslim leaders complained that public school authorities occasionally interfered with their free practice of Islam. Some public school teachers in the SNNPR, Addis Ababa, and in the Amhara region objected to Muslim schoolgirls covering their heads with scarves while at school. Muslim leaders stated that in some schools, Muslim girls went without head coverings to avoid similar problems.

Under the Press Law, it is a crime to incite one religion against another. The Press Law also allows for defamation claims involving religious leaders to be prosecuted as criminal cases. The charges against Tilahun Bekele, publisher of Netsanet; Daniel Gezahegn, deputy editor-in-chief of Mogedwere; and Samson Seyoum Kebede, the former editor of Goh, were pending at year's end. Samson was convicted on five counts of incitement to war and for spreading Islamic fundamentalism in reports published in Agere. No information was available on how much of his 4½-year sentence he served before being released. According to the EFPJA, Samson left the country and reported to the East African Journalists' Association office, based in Nairobi.

There were more than 6,000 members of Jehovah's Witnesses in the country. The Government continued its policy of not deporting members of Jehovah's Witnesses of Eritrean origin, who might face religious repression in Eritrea (*see* Section 2.d.).

Several inter-religious clashes resulted in deaths and injuries. For example, on January 19, in Kemisse in the Amhara Region, one person was killed during a clash between Muslims and Christians. According to police reports, they arrested several persons for organizing the disruption or throwing rocks at a procession; however, all of those arrested subsequently were released. It remained unknown who was responsible for the killing at year's end.

On July 17, a clash between Ethiopian Orthodox followers and Protestants in Amhara Region resulted in the death of one person, and eight others were seriously injured. The local police did not intervene, and no action was taken against those responsible by year's end.

On November 18 and December 27, confrontations between members of Lideta Maryam Orthodox Parish in Addis Ababa and Ethiopian Orthodox Church officials over alleged corruption by church officials appointed by the Patriarch of the Ethiopian Orthodox Church turned violent when police raided the church compound and forcibly dispersed members of the congregation who were assembled in prayer. Police killed one man and injured dozens. According to the EHRCO, police indiscriminately beat many persons in the compound, including nuns, monks, elderly women, and other bystanders. A Federal Police officer severely beat Voice of America journalist Helen Mohammed when she tried to gain access to the Lideta Church compound on December 27. Police also beat Tobia reporter Yonas Wolde Senbet and confiscated his camera at the church. According to EHRCO, after the raid, police detained approximately 700 persons at Kolfe police training camp and subjected them to physical abuse. Many complained they were doused with water, forced to crawl on gravel, and denied food and water for most of the 5 days they were in detention. Police required them to sign statements under duress admitting to their roles in inciting riots at the church before they could be released.

On December 29, a riot broke out between Orthodox and Protestant worshippers in Mekelle, Tigray Region, at Adventist prayer service being conducted in a stadium. Some Orthodox followers, upset by the display of public Adventist preaching, reportedly sparked the clashes by first throwing stones at Adventist followers gathered in the stadium, then by looting Adventist offices in the city. Police intervened to break up the riots, which resulted in five dead and three seriously injured. The police reported that 10 people were detained, but independent sources placed the figure much higher.

Leaders of the Ethiopian Islamic Affairs Supreme Council (EIASC) struggled during the year with Wahibist fundamentalism within their ranks. The growing influence of radical elements within Islamic communities in the country, aided by funding from Saudi Arabia and other Gulf states for mosque construction, continued to concern the EIASC.

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

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

The Government modified its policy regarding the detention and deportation of Eritreans and Ethiopians of Eritrean origin to Eritrea after it signed a cessation of hostilities agreement with Eritrea in 2000. Detention and deportation was carried out only in conjunction with the ICRC. The Government, together with the ICRC, monitored the deportation or repatriation of 1,188 Eritrean POWs and 774 Eritrean civilians during the year. In 2001 approximately 80,000 to 100,000 Eritreans and Ethiopians of Eritrean origin resided in the country; there were no updated statistics by year's end. All Eritreans and Ethiopians of Eritrean origin were registered with the Government and held identity cards and 6-month residence permits to gain access to hospitals and other public services.

During the year, the Government transferred some 219 Eritrean military deserters who had been held at the Dedessa detention center to a northern refugee camp. Given the improbability that any of the deserters could be repatriated to Eritrea, UNHCR had processed most of them for possible resettlement to third countries by year's end.

The law requires citizens and residents to obtain an exit visa before departing the country. Eritreans and Ethiopians of Eritrean origin were able to obtain exit visas but often were not permitted to return to the country. Since the signing of the Algiers agreement in December 2000, ICRC has facilitated the repatriation of approximately 997 Ethiopian and 1,388 Eritrean POWs (*see* Section 1.d.). On November 27, the Government released more than 1,200 Eritrean POWs, and at year's end, there were no more registered prisoners from the conflict.

In Addis Ababa and western Gondar in the Amhara region, there were very small concentrations of Ethiopian Jews (Falashas), most of whom have emigrated to Israel, and those who claimed that their ancestors were forced to convert from Judaism to Ethiopian Orthodoxy (Feles Mora). Many Feles Mora immigrated to Israel; the Government did not restrict their ability to do so. Israeli Embassy officials reported that all eligible Feles Moras were processed for immigration to Israel. Approximately 17,000 Feles Mora remained in the country awaiting immigration at year's end.

Some codefendants from the All Amhara People's Organization (AAPO), convicted in 1992 on charges of treason, completed their prison sentences in 1998 and 1999 and were permitted to leave the country during the year. Former members of AAPO were appealing to the court to secure pension rights they lost when they were sentenced, but had not been successful by year's end. A hearing was set for March 2003.

The number of Ethiopian students detained at the Kakuma refugee camp in northwest Kenya following the April 2001 riots in Addis Ababa declined from 317 to 247. The UNHCR reported that despite fears of detention, many students voluntarily returned to Ethiopia during the year. According to Human Rights Watch (HRW), security forces bribed Kenyan police to harass, intimidate, and arbitrarily arrest Ethiopian refugees in Nairobi.

As a result of the conflict with Eritrea, numerous persons were displaced internally. The Government presented relief and rehabilitation proposals for these IDPs to bilateral donors and NGOs. The World Food Program reported that approximately 75,000 IDPs remained in the country along the border with Eritrea. There originally were approximately 300,000 IDPs following the border war; however, approximately 225,000 IDPs were resettled.

Due to violent clashes between different ethnic groups during the year, thousands of persons were killed, injured, and displaced internally (*see* Section 5). For example, on November 27, ethnic clashes within the Fugnido camp between Dinka and Nuer refugees left 39 refugees dead and 9 injured. The UNHCR reported that Ethiopian authorities arrested and detained four officials of the Fugnido municipal government and several Gambella regional officials in connection with the massacre. UNHCR and officials of the Government's refugee agency have pledged to create a committee comprised of regional and federal agencies to investigate the causes of the Fugnido clashes and massacre. There were reports that Anuak warriors abducted 32 Nuer IDPs from a bus taking them to Fugnido; the Government made little progress in its investigation of the disappearances, and the whereabouts of the 32 IDPs were unknown at year's end.

The law provides for the granting of asylum and refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government generally cooperated with UNHCR and other humanitarian organizations in assisting refugees and returning citizens.

The country hosted approximately 138,816 refugees; most were from Somalia and Sudan. The Government in cooperation with the UNHCR continued to provide first asylum to refugees from Sudan and Somalia. Along the border of northwest Somalia, approximately 49,000 Somali refugees were resident in 3 camps at year's end, a decrease from 70,000 Somali refugees in 6 camps in 2001. Along the Sudanese border approximately 85,000 Sudanese refugees were resident in 5 refugee camps around Gambella and Asosa at year's end. The UNHCR reported that approximately 120 of the 450 armed rebels from Sudan awaiting transfer at the end of 2001 were admitted to one of the Sudanese refugee camps inside Ethiopia. The UNHCR also noted that some of those held at the end of 2001 returned voluntarily.

There were approximately 4,335 Eritrean Kunama refugees and a small population of urban refugees from other countries at year's end. During the year, government military forces took over a new refugee camp for security reasons, forcing the

refugees to remain in a nearby camp with inadequate health, education, water, and sanitation facilities.

In January there were credible reports that in December 2001, security forces tortured three Sudanese refugee leaders following disturbances at Fugnido refugee camp in the western part of the country. There also were reports that staff members of the Administration for Refugee and Returnee Affairs (ARRA) physically abused Sudanese refugees at the Sherkole Camp. For example, in June ARRA staff members kicked and beat a refugee who was trying to collect rations during a revalidation exercise. By year's end, there were no indications that the Government had investigated these incidents (*see* Section 1.c.).

Refugees at Sherkole also complained of conflict with local residents over scarce resources. They claimed that local villagers had attacked, and in some cases sexually assaulted, women who had gone to collect firewood outside of designated collection points for camp residents.

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 Constitution provides citizens with the right to change their government peacefully and allows for the right of secession. The Constitution grants universal adult (18 years of age) suffrage, establishes periodic elections by secret ballot, and allows citizens to take part in the conduct of public affairs, directly and through freely chosen representatives; however, in practice the EPRDF ruling party dominated the Government. According to observers organized by EHRCO, local U.N. staff, diplomatic missions, political parties, and domestic NGOs, the 2000 national elections and the 2001 regional elections were generally free and fair in most areas but were marred by serious irregularities, including killings, disappearances, voter intimidation and harassment, and unlawful detentions of opposition party supporters, particularly in the SNNPRS region.

The EPRDF ruling party was dominated by the Tigrayan ethnic group. Of 548 seats in the House of People's Representatives (HPR), 496 were held by the EPRDF or its affiliate parties. The Tigray People's Liberation Front (TPLF), one affiliate party, occupied 40 seats. The EPRDF, its affiliates, and EPRDF sympathizers controlled all seats in the 108 member House of Federation, whose members were appointed by regional governments and by the federal government.

Membership in the EPRDF gave advantages to its members, and the party owned many businesses and awarded jobs to loyal supporters. In addition to the Government, only the EPRDF and the TPLF were allowed to operate radio stations (*see* Section 2.a.).

Opposition parties continued to lack organization or direction. Prime Minister Meles claimed to support "constructive engagement" with the opposition; however, Meles publicly criticized the opposition for its disloyalty and its "politics of hate."

Citizens exercised the right to vote for a national government in 2000 during elections for the HPR, and during local elections held in 2001 in February, March, and December. In the 2000 national elections, 17 opposition political parties contested the election, including the AAPO, the SEPDC, and the Oromo National Congress. The better funded and better organized incumbent party, the EPRDF, generally dominated candidates of the relatively weaker and less organized opposition parties and independent candidates, except in the SNNPRS, where the opposition made significant gains. EPRDF candidates won 481 seats in the HPR, EPRDF affiliate candidates won 37 seats, opposition party candidates won 16 seats, and independent candidates won 13 seats. The Government established a donor supported fund for opposition party candidates, provided opposition candidates access to state-owned electronic media, and changed the law to permit civil servants to run for office without first resigning their positions. The Government was willing to engage opponents in open debate at candidate and party forums. Many of these debates were broadcast live on national radio and television and reported on in both government and private newspapers. Free radio broadcast time was set aside for the elections, and 225 independent candidates and 33 political parties made use of it.

There were credible reports that local officials throughout the country ignored NEB instructions on the acceptance of candidate endorsement signatures from opposition party candidates. There were instances in which the NEB had to force local authorities to accept nominations. There were credible reports that during candidate registration, many kebele (village or municipal unit) offices were closed for holidays or were otherwise unstaffed, hindering the registration process of opposition candidates. In the Somali region prior to the August 2000 elections, thousands of bal-

lots were reprinted to rectify the fact that a female opposition candidate had not been listed despite having met NEB requirements for candidate registration.

There were a number of killings as a result of preelection and postelection violence; numerous persons also were arrested and detained, some because they voted for the opposition (*see* Section 1.d.). Several SEPDC candidates for the national or municipal elections were detained, and two SEPDC members elected to the regional council in 2000 were detained without having their parliamentary immunity formally removed (*see* Section 1.d.).

There also were numerous reports from SEPDC that members of the security forces harassed and intimidated persons who supported or voted for the opposition during the 2000 elections. For example, there were credible reports that ruling party personnel withheld fertilizer and food aid in the SNNPRS region and suspended or dismissed SEPDC supporters from their jobs in retaliation for voters electing opposition candidates; they were not allowed to return to their positions by year's end. Some teachers in the Southern Region who served as SEPDC election observers were not able to collect their salaries and were denied entry to summer update courses.

There were credible reports that during the 2000 national elections citizens who tried to register to vote were told by government personnel that they had to prove their citizenship; under the law only citizens can vote. Reportedly Ethiopians of Eritrean origin were not allowed to register or to vote.

There were allegations of irregularities, including incidents of election officials instructing voters for whom to vote, candidates campaigning at polling stations, and candidates being pressured into quitting. There also were credible reports of ballot stuffing, vote count fraud, voter intimidation or bribery, dismissals from work, withholding of salaries, detentions, abductions, and killings. The NEB, acting on its constitutional authority, investigated complaints of the irregularities and determined that many of them had merit. The NEB ordered new elections in some areas of SNNPRS that were held later in 2000; they were declared generally free and fair by international observers. In 2000 the NEB agreed to bring charges against those suspected of the worst election abuses in the SNNPRS; however, no action had been taken by year's end.

In February, March, and December 2001, local elections at the kebele and woreda (county) levels were conducted in all regions and administrative zones except in the Somali regions. In February 2001, after the EPDRF overwhelmingly won the woreda elections, opposition groups reported intimidation of candidates and voters by the ruling party cadres, including the killing of two supporters (*see* Section 1.a.); opposition groups also accused the NEB of failing to address these problems during the period prior to the elections. Opposition parties subsequently announced their withdrawal from the February 2001 elections, which was followed by the withdrawal of opposition party members from seats in the Addis Ababa municipal council. In August 2001, the NEB made a statement indicating that the Government was aware of election irregularities and that the harassment of persons in the SNNPRS had impeded the organization of local elections. The NEB also called for the unconditional release of those detained for their affiliation with the SEPDC.

Elections for the Somali region that were scheduled for 2001 were postponed indefinitely. The Government said that necessary preparations for those elections were still not in place. A new date had not been set by year's end.

The December 2001 elections in the Southern Region were affected by the harassment of opposition parties in the region following the 2000 elections. There were few election observers on hand because the elections were scheduled to coincide with Christmas and New Year's weekends; however, in March EHRCO reported that these elections were not free and fair. EHRCO also reported that 449 persons were arrested in connection with the elections. Opposition participation in the elections was hampered by difficulty in registering candidates and limitations on time remaining to campaign. After claiming that election fraud occurred during the zonal and woreda elections, most parties belonging to the SEPDC coalition did not participate in the kebele elections, citing the inability of the NEB to ensure free and fair elections.

There were credible reports from SEPDC representatives that at least 11 of their members were killed in the period leading up to the December 2001 regional elections (*see* Section 1.a.).

There were credible reports that local authorities in the Oromiya, Amhara, and Southern Region periodically arrested and detained supporters of opposition parties in the period prior to and following the regional elections in those areas.

Local government officials in Konso Special Woreda, in the Southern Region, continued to deny representatives of the opposition Konso People's Democratic Union (KPDU) the right to assume the offices to which they were elected in 2001. After

opening a branch office in the town of Fasha on December 29, pro-government supporters severely beat several KPDU members and seriously damaged the newly opened office. According to the KPDU, local government officials also detained Kafta Kayitre and held him incommunicado for leasing office space in Fasha to the KPDU.

On November 20, the home of EDUP official Desalegn Yimer was burned down by an arsonist in Ambasel Woreda, Kebele 2, in the town of Hayk, South Wello Zone, which resulted in extensive property loss. The EDUP blamed government forces for the incident. No government investigation had been initiated by year's end.

In October Prime Minister Meles dissolved the Addis Ababa city government and replaced it with a provisional administration to be led by EPRDF/TPLF member Arkebe Oqubay until elections are held next year.

Political participation remained closed to a number of organizations that have not renounced violence and did not accept the Government as a legitimate authority. These groups included MEDHIN, the Coalition of Ethiopian Democratic Forces, the Ethiopian People's Revolutionary Party, the OLF, some elements of the ONLF, and several smaller Somali groups.

Of the 19 members of the Council of Ministers, 1 was a woman, 2 other women held ministerial positions, and a number of other women held senior positions. There were 42 women among the 548 members of the HPR, and 9 of 113 members in the House of Federation were women. Of the 14 members of the Supreme Court, 3 were women.

The Government policy of ethnic federalism led to the creation of individual constituencies to help ensure representation in the HPR of all major ethnic groups. Small ethnic groups were not represented in the legislature. There were 23 nationality groups in 6 regional states that did not have a sufficient population to qualify for constituency seats; however, individuals from these nationality groups competed for 23 special seats in the 548-seat HPR in the 2000 elections.

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

A number of domestic and international human rights groups operated with some government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative with them; however, the Government often was distrustful and wary of such groups. Some of the most prominent domestic human rights organizations included EHRCO, the Human Rights League (HRL), and the Ethiopian Women's Lawyers Association (EWLA). These and numerous other groups primarily engaged in civic and human rights education, legal assistance, and trial monitoring. However, the Government neither shared information about nor acknowledged the existence of human rights abuses with members of the NGO community.

The HRL, founded by Oromo civic leaders in 1997, continued to be investigated by the Government at year's end for its alleged ties to the OLF. In 2001 the HRL sued the Government, and the court ordered the Ministry of Justice to reply to the HRL petition for registration by February. The lawsuit was pending at year's end (*see* Section 2.b.).

Unlike in the previous year, the EWLA did not experience harassment from the Government. The EWLA's primary function was to represent women legally, particularly in civil matters involving the new family law, spousal abuse, divorce, child custody, and criminal matters.

Several international human rights groups visited the country during the year. There were no reports that any member of such a group had difficulty obtaining an entry visa. In July a group of researchers from HRW visited to gather information on the violence in Awassa and Tepi. In August the CPJ visited to meet with members of the independent press and to criticize government intimidation of journalists. Education International was able to visit without restriction during the year. Prison Fellowship International has developed a good relationship with prison officials throughout the country. In September Transparency International sent a team to Addis Ababa to explore conditions for establishing a local chapter.

During the year, the ICRC was allowed to visit most federal and regional prisons, civilian detention facilities, and police stations throughout the country, including the facilities where persons still were in detention at year's end in connection with the student riots in April 2001. The ICRC was granted access to the Tatek military detention facilities but not to other military detention facilities where suspected OLF fighters had been held (*see* Section 1.d.). The ICRC generally was given access to detention facilities holding Eritrean POWs, including the main camp at Dedesa (*see* Sections 1.c. and 1.d.). In 2000 the Government and Eritrea agreed that the ICRC

would be the supervisory organization for the exchange of expellees or deportees and would facilitate all POW exchanges.

Officials of the Federal Security Authority generally were responsive to requests for information from the diplomatic community.

The Government is required under the Constitution to establish a Human Rights Commission and Office of the Ombudsman. The Office of the Ombudsman was expected to have the authority to receive and investigate complaints with respect to misadministration by executive branch offices. In 2000 Parliament completed legislative action to create both entities, and in July 2001 the parliamentary committee was selected to appoint members to the Ombudsman office; however, neither entity was operational by year's end.

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

The Constitution prohibits discrimination based on race, color, sex, language, national origin, political or other opinion, or social status; however, the Government in practice did not effectively enforce these protections.

Women.—Domestic violence, including wife beating and marital rape, was a pervasive social problem. While women had recourse to the police and the courts, societal norms and limited infrastructure prevented many women from seeking legal redress, especially in rural areas. Social practices obstructed investigations and prosecutions in rape cases, and many women were not aware of their rights under the law. It was estimated that there were more than 1,000 rapes a year in Addis Ababa alone. Federal police reported 393 cases of rape committed during the year; however, it was estimated that there were more than 1,000 rapes a year in Addis Ababa. The number of reports by rape victims to police and the amount of press reporting of rape cases increased. In cases of marriage by abduction, the perpetrator was not punished if the victim agreed to marry him (unless the marriage was annulled); even after a perpetrator was convicted, the sentence was commuted if the victim married him. Rape sentences increased in practice from 10 to 13 years, in line with the 10 to 15 years prescribed by law; however, rapists generally remained in prison for a period of between 7 and 10 years. There were credible reports that members of the military who were redeployed from border areas to other regions sexually harassed and raped some young women. During the year, the EWLA conducted research on the number of rapes committed and the number of rape convictions handed down; however, they had not released their results by year's end.

Although illegal, the abduction of women and girls as a form of marriage still was practiced widely in the Oromiya region and the SNNPRS, despite the Government's attempts to combat this practice. Forced sexual relationships often accompanied most marriages by abduction, and women often were abused physically during the abduction. Many of those girls married as early as the age of 7, despite the legal marriage age of 18. Abductions led to conflicts among families, communities, and ethnic groups.

The majority of girls underwent some form of FGM. The NCTPE conducted a survey that was published in 1998, which indicated that 72.7 percent of the female population had undergone FGM, down from an estimated 90 percent of the female population in 1990. Clitoridectomies typically were performed 7 days after birth and consisted of an excision of the labia. Infibulation, the most extreme and dangerous form of FGM, was performed at any time between the age of 8 and the onset of puberty.

The Constitution prohibits traditional harmful practices that result in bodily or mental harm. The 1957 Penal Code provides that anyone who caused bodily injury to another and impaired the victim's health would be subject to punishment. However, these provisions did not specifically outlaw FGM. The Government was updating the Penal Code and in the draft version of the legislation, FGM was banned. The Government also worked to discourage the practice of FGM through education in public schools.

Thousands of women traveled to the Middle East as industrial and domestic workers. There were credible reports from the EWLA that some female workers were abused in these positions (*see* Section 6.f.).

The Constitution states that all persons are equal before the law; however, the Government has not yet fully put into place mechanisms for the effective enforcement of these protections. The Family Law sets the legal marriage age for girls at 18, the same as for boys; elevates civil law above customary and religious law; allows for the legal sharing of property for unmarried couples who live together for at least 5 years; eliminates family arbitrators as a means of settling marital disputes in lieu of the court system; allows for the joint administration of common marital property; requires the courts to take into account the situation of children or the weakest member of the family in the event of divorce or separation; and imposes

a 6-month waiting period on women seeking to remarry following divorce or the death of a spouse.

Discrimination against women was most acute in rural areas, where 85 percent of the population lived. The Civil Code and the Penal Code, both of which were under review by the Ministry of Justice, contained discriminatory regulations, such as the recognition of the husband as the legal head of the family and the sole guardian of children over 5 years old. Domestic violence was not considered a serious justification to obtain a divorce. There was only limited juridical recognition of common law marriage. Irrespective of the number of years the marriage existed, the number of children raised, and joint property, the woman was entitled to only 3 months' financial support should the relationship end. A husband had no obligation to provide financial assistance to his family and, as a result, women and children sometimes were abandoned when there was a problem in the marriage.

All land belonged to the Government; however, women could obtain government leases to land, and the Government had an explicit policy to provide equal access to land for women. However, this policy rarely was enforced in rural communities. In urban areas, women had fewer employment opportunities than did men, and the jobs available did not provide equal pay for equal work.

The Government endorsed a National Policy on Women to enhance the status of women that sought to expand educational and work opportunities, improve access to health care, and educate women regarding unhealthy traditional practices such as early marriage. A National Plan of Action, aimed at addressing various gender constraints to development had been drafted under the leadership of the Women's Affairs Office within the Prime Minister's Office. There were few improvements in the status of women since the inception of the program. According to a study by the National Committee on Traditional Practices of Ethiopia in 1998, certain harmful practices such as early marriage and marriage by abduction appeared to be declining. Neither the HRC nor the Office of the Ombudsman was operational by year's end. Once operational, both organizations were expected to have a representative responsible for women's rights (*see* Section 4).

Children.—The Government supported efforts by domestic and international NGOs that focused on children's social, health, and legal issues. For example, local officials provided transportation and free facilities to NGO activities. Neither the HRC nor the Office of the Ombudsman was operational by year's end; however, once operational, both organizations are expected to have a representative responsible for the rights of children. However, the Government had limited their ability to provide improved health care and basic education.

By law primary education was compulsory, free, and universal; however, despite efforts by the Government to increase the number of schools, there were not enough schools to accommodate the country's youth. The Government used a three-shift system in all primary and secondary schools to maximize the utilization of classrooms and to provide an opportunity for working children to attend school. During the year, approximately 40 percent of primary and 67 percent of secondary schools operated in two shifts to maximize the utilization of classrooms. Most urban schools operated evening classes to provide an opportunity for working children to attend classes. Nationwide the total enrollment of school-age children was 61.6 percent. Only 71.7 percent of male primary school-age children and 51.2 percent of female primary school-age children attended school. Girls attended school in lower numbers than boys, except in Addis Ababa, where girls' attendance was slightly higher at 52.7 percent. Government reports showed that 31 percent of the children who attended school left the system before they reached the second grade. Only 28 percent of children who began first grade completed eighth grade. The literacy rate was approximately 20 to 30 percent, and only 17 percent of women were literate compared with 26 percent of men; however, it was difficult to estimate literacy rates accurately due to a lack of government statistics. Only 20.4 percent of boys and 13.7 percent of girls attended general secondary school (grades 9–10). During the year, the Government widened the implementation of its education policy that compressed 12 years into 10 years of general education for students not planning to attend college. Students planning to attend university continued to study for 2 additional years in what was a pre-university program (grades 11–12). Students in grade 12 continued to take the Ethiopian School Leaving Certificate Exam (ESLCE). Students in grade 10 also were required to take the ESLCE. There was space in institutions of higher learning for only a small percentage of graduates.

In Addis Ababa's police stations, there were 10 Child Protection Units that were staffed by members of an NGO and protected the rights of juvenile delinquents and victims of crime. Some police officers completed training on procedures for handling cases of child abuse and juvenile delinquency; however, there was a clear need for reform of the juvenile justice system. Three federal judges sat on one bench to hear

all cases of juvenile offenses. There was a large backlog of juvenile cases and accused children often remained in detention with adults until their cases were heard. There was only 1 juvenile remand home with a capacity of 150 for children under age 15, and the juveniles who could not be accommodated at the juvenile remand home were incarcerated with adults.

Societal abuse of young girls continued to be a problem. FGM was performed on the majority of girls (see Section 5, Women).

Other harmful traditional practices surveyed by the NCTPE included uvulectomy, milk-teeth extraction, early marriage, marriage by abduction, and food and work prohibitions (see Section 6.f.). The Family Code defines the age of sexual consent as 18 for both females and males; however, early childhood marriage was common in rural areas where girls as young as age 7 were subjected to arranged marriages. In the Afar region of the east, young girls continued to be married to much older men, but this traditional practice came under greater scrutiny and criticism during the year. The Tigray Women's Association also impacted societal attitudes toward early marriage. Pregnancy at an early age often led to obstetric fistulae and permanent incontinence. Treatment was available at only 1 hospital in Addis Ababa that performed more than 1,000 fistula operations a year. It estimated that for every successful operation performed, 10 other young women needed the treatment. The maternal mortality rate was extremely high partly due to food taboos for pregnant women, poverty, early marriage, and birth complications related to FGM, especially infibulation.

There were approximately 50,000 to 60,000 street children in Addis Ababa; however, the figures were difficult to estimate, and observers believed the problem was growing. These children begged, sometimes as part of a gang, or worked in the informal sector (see Section 6.d.). Government and privately run orphanages were unable to handle the number of street children, and older children often abused younger children. Due to severe resource constraints, abandoned infants often were overlooked or neglected at hospitals and orphanages. Children sometimes were maimed or blinded by their "handlers" to raise their earnings from begging. EHRCO reported that during the year, security forces relocated approximately 200 homeless persons, many of them children, to areas outside Addis Ababa (see Section 1.f.).

Child prostitution continued to be a problem and was perceived widely to be growing (see Section 6.f.).

Children reportedly were trafficked out of the country in adoption schemes (see Section 6.f.).

The Ministry of Defense did not permit persons under the age of 18 to join the armed forces, and the Government made efforts to enforce this policy. There were no reports that children under the age of 18 were recruited into the military during the year; however, in the past, military officers admitted that underage applicants sometimes were enlisted. Scarce birth certificates, poor educational opportunities, patriotism, and pervasive poverty encouraged underage applicants to try to circumvent restrictions on underage soldiers. If a unit commander suspected but could not prove that a soldier was underage, he could transfer the soldier from a front-line combat unit to a rear-area command. There were no reports of children joining local militias during the year.

Persons with Disabilities.—The law mandates equal rights for persons with disabilities; however, the Government had no established mechanisms to enforce these rights. Persons with minor disabilities sometimes complained of job discrimination. The Government did not mandate access to buildings or require government services for persons with disabilities. The Constitution provides rehabilitation and assistance to persons with physical and mental disabilities; however, the Government devoted few resources for these purposes.

There were approximately six million persons with disabilities in the country. The conflict with Eritrea resulted in numerous soldiers losing limbs, many from landmine explosions. Wheelchairs were rare in the country. Although there were approximately 800,000 mentally ill persons, there was only 1 mental hospital and only 10 psychiatrists in the country.

There were approximately 70 NGOs that worked with persons with disabilities. For example, the Amhara Development Association provided vocational training to war veterans with disabilities in Bahir Dar. The Tigray Development Association operated a center in Mekele that provided prostheses and seed money for business development, training, and counseling for persons with disabilities. The international NGO Landmine Survivors provided a number of services to victims of landmine explosions including counseling and referrals to rehabilitation services.

National/Racial/Ethnic Minorities.—There were more than 80 ethnic groups. Although many of these groups influenced the political and cultural life of the country,

Amharas and Tigrayans from the northern highlands played a dominant role. The largest single group was the Oromos, who accounted for 40 percent of the population. There were credible reports that teachers and other government workers had their employment terminated if they were not of the dominant ethnic group in the region.

In an attempt to address ethnic concerns, the Government established a federal system with political boundaries drawn roughly along major ethnic lines. With federalism, regional states had much greater control over their affairs. Political parties were primarily ethnically based.

Ethnic clashes during the year resulted in a number of deaths, injuries, and the displacement of thousands of persons (*see* Section 2.d.). For example, in January 92 ethnic Somalis were killed during regional clashes over grazing and water rights. Banditry and lawlessness continued to prevail in the region at year's end.

In March between 600 and 800 persons were killed during clashes between the Sheko-Mejjanger and Manja and the Sheka and Bench-Majjii in and around the town of Tepi, capital of the Yeki District, in the Southern Region. Government officials reported 128 deaths; however, the SEPDC reported more than 1,700 deaths. More than 2,000 homes were destroyed and 5,800 persons were displaced as a result of the violence. The clashes involved local officials and members of each of these communities, and resulted from the dissatisfaction of many Sheko-Mejjanger who had wanted autonomy following an unsuccessful attempt in 1993 to move the Shekicho zone from the Southern Region to the Gambella Region. The Government claimed to have arrested 41 policemen, 39 militia members, and 11 administrative officials for their involvement in the clashes. However, the Government refused to allow an independent investigation of the incident and put the Federal Police in charge of the Government's internal investigation.

In April several persons were killed and numerous houses were burned during fighting over a land dispute between the Deresha and the Zaise. Local ruling party officials had incited the violence between the previously peaceful groups.

On October 15, 8 Amhara men shot and killed at least 31 Afar women in a village marketplace in North Shoa Zone, Amhara Region. Police detained seven of the eight suspected killers for questioning. The Chairman of the Kure Beret Farmers Association, who also was detained for questioning in relation to this case, was killed while in prison. There was no indication that the Government had opened an investigation into his death by year's end.

During the year, there were numerous clashes between the Anuak and Nuer clans. For example, on July 7, 60 persons were killed and 41 were injured during ethnic conflict between Nuer and Anuak tribesmen in the Gambella region over political power sharing. EHRCO reported that all houses in eight kebeles were burned to the ground, and 8,760 persons were displaced from their homes. The situation remained unstable at year's end. There were no reports that the Government investigated the conflict.

On September 25, a grenade was thrown into a student dormitory at the Gambella Teachers College. One person died and five were injured in the attack. The students were all members of the Nuer clan.

On October 7, four persons were injured when someone exploded a grenade in the center of Gambella town. The apparent target of the attack was the truck driver transporting ethnic Nuer to the area.

Unlike in the previous year, there were no reports of killings during ethnic clashes between the Oromo Borena and the ethnic-Somali Garre pastoralists, or between drought victims from Amhara and the Oromos in the Gida Kiremv district.

The military remained an ethnically diverse organization; however, diversity was less common in the higher ranks among officer personnel. There were reports that soldiers redeployed from the war front to other regions abused civilians, particularly in the Amhara, Oromia, and SNNPRS regions. There were reports that soldiers targeted Oromos for abuse during the year.

There were occasional reports of discrimination and exclusion of Eritreans, particularly by kebele level officials. Reports indicated that kebele officials sometimes denied indigent Eritreans access to free medical supplies.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides most workers with the right to form and join unions; however, the law specifically excludes teachers and civil servants, including judges, prosecutors, security services, air transport and railway services, urban and inter-urban bus services, filling stations, banks and postal service workers from organizing unions. Employer interference was not a major problem; however, there was government interference. Many trade union leaders have been removed from their elected office or forced to leave the country. According

to the Confederation of Ethiopian Trade Unions (CETU), trade union leaders still were being sent to prison for forming unions or seeking redress or their grievances. Many of the trade union leader arrests took place in Oromiya region. The minimum number of workers required to form a union was 20. All unions had to be registered; however, the Government still retained the authority to cancel union registration. The law stipulates that a trade organization may not act in an overtly political manner.

Approximately 300,000 workers were unionized. The Ethiopian Teachers' Association (ETA) has been a particular target for government harassment. The ETA formerly had a membership of 120,000; however, that number has decreased significantly due to government intimidation and restrictions on ETA activities. During the year, the ETA estimated its membership at 110,000. The Government, in an attempt to influence ETA leadership, created a "new" ETA that drew its funding from mandatory contributions from teachers. Teachers were coerced to make payments of \$0.23 (2 birr) a month to the "new" ETA, which counted them as its members. The International Labor Organization (ILO) Committee of Experts cited the Government's interference with the operation of the original ETA and the Government-inspired formation of the "New ETA" as an abrogation of the basic right of association.

The ETA claimed that 205 unionized teachers had been dismissed, detained, or transferred to remote areas since April 2001. In May the Government, after significant international pressure, released Dr. Taye Woldeamayyat, president of the ETA, from prison after he had served 6 years of a 15-year sentence for inciting violence (*see* Section 1.d.). Security forces continued to harass members of the ETA. Police again arrested then-Acting Secretary-General of the ETA Abate Angori in December for having written a press release that the Government deemed inflammatory in the wake of the April 2001 riots at Addis Ababa University. Officials at Maekelawi Criminal Investigation Bureau have summoned him on several occasions. He last was summoned to court on November 18, but the judges were not available. While awaiting notification of his next hearing, the police arrested him and held him incommunicado for more than a week.

Police also harassed the Addis Ababa Teachers Association, a subgroup of the ETA, during the year by dispersing its meetings. The ETA was denied access to a meeting hall in Sidama Zone even though a government official took its money for the hall rental. Several teachers were detained for participating in an ETA conference in Awassa during the year (*see* Sections 1.d. and 2.b.).

Seasonal and part-time agricultural workers were not organized even on state-owned plantations. Seasonal workers' compensation, benefits, and working conditions were far below those of unionized permanent plantation employees.

There was no requirement that unions belong to the CETU, which included all nine federations organized by industrial and service sectors rather than by region. Recently publicized allegations of widespread corruption within CETU's leadership ranks and of CETU's close ties to the Government have paralyzed the organization. A special meeting of CETU's General Congress was scheduled for January 2003 to try to resolve the impasse.

The law prohibits antiunion discrimination by employers against union members and organizers; however, unions reported that union activists frequently were fired. Unlawful dismissal suits often took years to resolve because of case backlogs in the labor courts. There were grievance procedures for hearings on allegations of discrimination brought by individuals or unions. Employers found guilty of antiunion discrimination were required to reinstate workers fired for union activities. However, according to labor leaders, a number of court cases in which workers were terminated for union activities still were pending after 4 or 5 years.

No further information was available by year's end on the 2000 case in which 586 workers, including union leaders, were expelled from a private company following the dissolution of its labor union.

Independent unions and those belonging to CETU were free to affiliate with and participate in international labor bodies. There were no restrictions on individual trade unions applying for membership in the International Confederation of Trade Unions (ICTU). Some unions affiliated with international organizations; however, no Ethiopian trade unions were members of the ICTU. CETU applied for membership in the ICTU, but a response from the ICTU was pending at year's end. In 2000 the ILO Committee on Freedom of Association issued a strong criticism of the Government for its restrictions on freedom of association.

b. The Right to Organize and Bargain Collectively.—The Constitution protects the right of collective bargaining for most workers, and in practice the Government allowed citizens to exercise this right freely. Labor experts estimated that more than 90 percent of unionized workers were covered by collective bargaining agreements.

Wages were negotiated at the plant level. Some efforts to enforce labor regulations were made within the formal industrial sector.

The 1993 government Labor Proclamation 42 explicitly gives workers the right to strike to protect their interests; however, it also sets out the need for aggrieved workers first to make efforts at conciliation before striking. These applied equally to an employer's right to lock out workers. Strikes must be supported by a majority of the workers affected. If workers brought their dispute to the attention of the Ministry of Labor, the Ministry would appoint a conciliator to bring about a settlement. If the conciliator failed to settle a labor dispute within 30 days, he was obliged to prepare a report for the Ministry. Either party could submit the matter to a Labor Relations Board (LRB) or submit to independent arbitration. The Government established LRBs at the national level and in some regions. The Minister of Labor and Social Affairs appointed each LRB chairman, and the four board members included two each from trade unions and employer groups. However, workers still retained the right to strike without resorting to either of these options, provided they had given at least 10 days notice to the other party and to the Ministry, made efforts at reconciliation, and provided at least a 30-day warning in cases already before a court or LRB. The proclamation also forbids strikes by air transport and railway service workers, electric power suppliers, bus operators, gas station personnel, hospital and pharmacy personnel, bank employees, firemen, postal and telecommunications personnel, and urban sanitary workers.

In April truckers who demanded more security on the road through Afar went on strike for 2 days. The strike followed the killing and mutilation of a trucker by Afar bandits. The Government and CETU considered strikes such as the truckers strike in Afar State and less publicized strikes by road construction crews throughout the country illegal because workers did not follow the procedures set forth by Labor Proclamation 42.

The law prohibits retribution against strikers, but labor leaders said that most workers were not convinced that the Government would enforce this protection. Labor officials said that due to high unemployment and long delays in the hearing of labor cases, some workers were afraid to participate in strikes or other labor actions.

The law also prohibits workers who provide essential services from striking.

There were no export processing zones (EPZs).

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports it occurred. Forced labor could be used by court order as a punitive measure. For example, there were credible reports that persons detained after the April 2001 riots in Addis Ababa were subjected to forced labor at Sendafa police facility, Showa Robit prison, and the Zeway prison (see Section 1.c.). The Constitution prohibits slavery and involuntary servitude, and there were no reports of slavery within the country.

Young girls reportedly were forced into prostitution by family members (see Sections 5 and 6.f.). There were several anecdotal accounts from the EWLA of young persons, especially girls, traveling to the Middle East to work as domestic laborers, some of whom were beaten and sexually abused (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor remained a serious problem. Under the law, the minimum age for wage or salary employment is 14 years; special provisions cover children between the ages of 14 and 18, including the prohibition of hazardous or night work. The Government defined hazardous work as work in factories or involving machinery with moving parts, or any work that could jeopardize children's health.

Children between the ages of 14 and 18 years were not permitted to work more than 7 hours per day, work between the hours of 10 p.m. and 6 a.m., work on public holidays or rest days, or perform overtime work. While the Government made some effort to enforce these regulations within the formal industrial sector, social welfare activists, civic organizers, government officials, and employers agreed that child labor was pervasive throughout the country, especially in the informal sector. In urban areas, numerous children worked in a variety of jobs, including shining shoes, hustling passengers into cabs, working as porters, selling lottery tickets, and herding animals. Child labor remained a serious problem in rural areas, where it occurred primarily on plantations and was aggravated by a family tenancy (sharecropping) system, and child domestic laborers were common.

Child laborers often were abused. An 1999 ILO-funded research survey reported that the prevalence of child abuse among urban child laborers was 70 percent, compared with 24½ percent among non-economically active children from the same urban district. The study concluded that physical and emotional abuse were twice as common among child workers compared with non-workers, sexual abuse was five

times as common, and neglect was eight times as common. Among child workers surveyed, rapes occurred exclusively among child domestic laborers. The findings of a new ILO-funded survey on child labor abuse will not be available before February 2003.

A second 1999 research study of child labor sponsored by the CETU's National Federation of Farm, Plantation, Fishery, and Agro-industry Trade Unions focused on rural locations. The study reported that 30 percent of the workers on state farms surveyed were between the ages of 7 and 14. Child workers, who worked alongside parents hired by the state, typically worked 6 days a week, received no benefits, and earned less than \$10 (80 birr) a month. At 1 plantation, 75 percent of the children worked 12-hour days. There were no new reports regarding child labor abuse on plantations. There also was evidence that children as young as 14 years old were permitted to join local militias with the consent of village leaders. This reportedly was part of an effort to keep children in local areas despite limited educational or employment opportunities (see Section 5). The Government maintained that most economically active children were engaged in family-based, non-exploitative child work that was part of the socialization process and that there was not a child labor problem.

The Ministry of Labor and Social Affairs was designated to enforce child labor laws. The Government's definition of worst forms of child labor included prostitution and bonded labor; however, the Government was not a signatory to ILO Convention 182 on the Worst Forms of Child Labor.

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

e. Acceptable Conditions of Work.—The law mandates a minimum wage of approximately \$15 (120 birr) per month for all wage earners in both the private and public sectors; in addition each industry and service sector established its own minimum wage. For example, public sector employees, the largest group of wage earners, earned a minimum wage of approximately \$22 (175 birr) per month; employees in the banking and insurance sector had a minimum wage of \$25 (200 birr) per month. According to the Office of the Study of Wages and Other Remuneration, these wages were insufficient to provide a decent standard of living for a worker and family. Consequently most families needed to have at least two wage earners to survive, which forced many children to leave school early. In addition, only a small percentage of the population was involved in wage labor employment, which was concentrated largely in urban areas.

The Labor Law stipulates a 48-hour legal workweek, consisting of 6 days of 8 hours each, with a 24-hour rest period. However, it was not enforced effectively, and in practice, most employees worked a 40-hour workweek consisting of 5 8-hour days.

The Government, industry, and unions negotiated to set occupational health and safety standards; however, the inspection department of the Ministry of Labor and Social Affairs enforced these standards ineffectively, due to a lack of human and financial resources. Enforcement also was inhibited by a lack of detailed, sector-specific health and safety guidelines. Workers had the right to remove themselves from dangerous situations without jeopardizing their employment; however, most workers feared losing their jobs if they were to do so.

The law also protects foreign workers.

f. Trafficking in Persons.—The law and the Constitution prohibit trafficking in persons; however, there were numerous reports that persons were trafficked to, from, and within the country. Child prostitution was a problem, especially in urban areas. The criminal code applied only to women and children trafficked for the purposes of prostitution; such trafficking was punishable by up to 5 years imprisonment and a fine of \$1166 (10,000 birr). Various laws prohibit trafficking and provide for fines and prison sentences of up to 20 years. During the year, 80 to 100 persons were charged with trafficking; however, there were no reported prosecutions or investigations during the year, due in part to limited resources.

There were unconfirmed reports that children from the southern part of the country were transported into Kenya by child traffickers operating adoption rings, and adopted as other nationalities. The Government closed down adoption agencies operating in the country that failed to observe proper rules and regulations.

The National Steering Committee Against Sexual Exploitation of Children was chaired by the Children, Youth, and Family Affairs Department of the Ministry of Labor and Social Affairs. NGOs reported that girls as young as age 11 were recruited to work in houses of prostitution where they were kept uninformed of the risks of HIV/AIDS infection and other sexually transmitted diseases. There were many press reports of the large-scale employment of children, especially underage girls, as hotel workers, barmaids, and prostitutes in resort towns and rural truck

stops. There were no reported cases that poor rural families sold their young teenage daughters to hotel and bar owners on the main truck routes; however, the practice was believed to exist. Social workers noted that young girls were prized because their clients believed that they were free of sexually transmitted diseases. The unwanted infants of these young girls usually were abandoned at hospitals, police stations, welfare clinics, and adoption agencies. Pervasive poverty, migration to urban centers, early marriage, HIV/AIDS and sexually transmitted diseases, and limited educational and job opportunities aggravated the problem of children engaged in commercial sexual exploitation. There were several NGOs that aided child victims, including the Forum on Street Children-Ethiopia, which provided shelter and protection for children forced into prostitution or commercial sexual exploitation.

There was evidence that children were trafficked from rural areas to Addis Ababa, lured by false promises of employment. Although illegal, the abduction of women and girls as a form of marriage still was practiced widely in Oromiya regions and the SNNPRS (*see* Section 5).

Private entities arranged for overseas work and, as a result, the number of women sent to Middle Eastern countries, particularly Lebanon, Saudi Arabia, Bahrain, and the United Arab Emirates, as domestic or industrial workers increased significantly during the year. These Ethiopian women typically were trafficked through Djibouti, Yemen, and Syria. In 2001 there were reports that Syrian border police shot three women, killing one and injuring two, as they attempted to cross the border from Lebanon. The Chief of the Investigation and Detention Center in Lebanon reported that 20,000 to 25,000 Ethiopian women worked in Beirut, a majority of whom were trafficked. Approximately 50 percent of these women were not able to return legally to their home country.

There reportedly was a network of persons based in the tourism and trade sectors who were involved heavily in soliciting potential clients, recruiting young girls, arranging travel, and fabricating counterfeit work permits, travel documents, and birth certificates. There were reports from the EWLA that some domestic workers abroad were subjected to abusive conditions, including sexual exploitation. In addition, the employers of domestic laborers sometimes seized passports, failed to pay salaries, and overworked their employees. Some domestics were forced to work for their employers' relatives without additional pay. Domestics were forced to pay a monetary penalty for leaving their employment early. Reports of abuse decreased after the Ministry of Labor and Social Affairs began reviewing the contracts of prospective domestic workers and denying exit visas if the contracts did not appear satisfactory.

Training programs were implemented for police officers on the criminal aspects of trafficking. These institutions have limited resources and jurisdiction to protect or intervene in cases of prosecution of offending employers.

There were some government initiatives during the year to combat trafficking, including government consultation with IOM to try to resolve the problem. The Ministry of Labor and Social Affairs had limited success in regulating employment agencies that sent migrant workers to Middle Eastern countries. Many illegal employment agencies escaped government scrutiny and continued to operate freely. There was a consulate in Beirut to assist women who were trafficked to Lebanon. The federal police's Women's Affairs Bureau, in collaboration with the media, created a public awareness program on the dangers of migrating to Middle Eastern countries.

GABON

Gabon is a republic dominated by a strong presidency. Although opposition parties have been legal since 1990, a single party, the Gabonese Democratic Party (PDG), has remained in power since 1968 and has circumscribed political choice. PDG leader El Hadj Omar Bongo, President since 1967, was reelected for another 7-year term in 1998. The 1998 presidential election was marred by irregularities. Members of the PDG and allied parties held large majorities of seats in both chambers of the national legislature comprised of the directly elected National Assembly and the Senate, members of which were chosen by municipal and regional government officials. Following legislative elections in December 2001 that were marred by numerous irregularities, in April the Constitutional Court annulled the election results in 12 districts. In May legislative by-elections were held and resulted in 107 National Assembly seats for the PDG and allied parties and 13 for the opposition. The PDG won approximately 85 percent of the seats in nationwide municipal elections held, after several delays, in December. The municipal elections were marked by extremely low voter turnout. The judiciary was independent in principle but remained subject to government influence.

The national police, subordinate to the Interior Ministry, and the Gendarmerie, subordinate to the Defense Ministry, primarily were responsible for domestic law enforcement and public security. Elements of the armed forces and the “Republican Guard,” an elite, heavily armed unit that protects the President, sometimes performed internal security functions; both were subordinate to the Defense Ministry. The anti-gang unit proposed in 2001 never became operational. During the year, security forces continued to conduct “sweep” operations intended to detain bandits. Members of the security forces occasionally committed human rights abuses.

The country’s economy lacked diversity and was heavily dependent on foreign trade; its population was approximately 1.2 million. The Government dominated much of the economy through oil refining, telecommunications, and timber export parastatals; water, electric, railroad, and sugar parastatals have been privatized. Government financial mismanagement and corruption have contributed to significant arrears in domestic and external debt payments. The oil industry generated nearly half of recorded gross national product that gave the country’s citizens a relatively high standard of living. A third of the country’s citizens live in the capital, Libreville, along with many immigrants from poor African countries, who work chiefly in the informal and service sectors. Income distribution remained heavily skewed in favor of urban dwellers and a small economic elite, while the rural population continued to receive relatively few social services.

The Government’s human rights record remained poor; and it continued to commit serious abuses. The Government continued to limit the ability of its citizens to change their government. Outstanding cases of extrajudicial killings by security forces remained unresolved. The security forces beat and tortured prisoners and detainees, prison conditions remained harsh and life threatening, arbitrary arrest and detention were problems, the judiciary remained subject to government influence, and authorities routinely infringed on citizens’ privacy rights. The Government continued to restrict freedom of the press and movement. Violence and societal discrimination against women continued to be problems. Forced labor remained a problem, and there were reports of trafficking in children.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents during the year. Outstanding cases of extrajudicial killings committed by the security forces in previous years are unlikely to be resolved.

There was no action taken, nor is any likely to be, against a police officer who shot and killed an unarmed 16-year-old youth after an altercation between the boy and a taxi driver in April 2001.

Unlike in previous years, there were no reports that gendarmerie or regular army troops killed persons.

A small number of ritualistic killings reportedly were committed during the year. No official connection to the murders was established, and the Government publicly criticized the practice (*see* Section 1.c.).

In February a 17-year-old boy was mutilated and killed by nine acquaintances during a hunting trip in Tchibanga. The nine were arrested and reportedly accused a deputy in the National Assembly of having paid them to obtain the boy’s body parts for ritualistic use to aid him in the April legislative elections. The suspects later were convicted and sent to prison. No charges were brought against the deputy. No further action was expected in the case.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, security forces sometimes beat or tortured prisoners and detainees as punishment and to extract confessions. There were unconfirmed reports in the African immigrant community that police and soldiers occasionally beat noncitizen Africans during operations to round up and deport illegal immigrants (*see* Section 1.f.); however, there were no reports of rapes during the year.

Unlike in the previous year, police did not injure demonstrators; however, in December 2001, police injured strikers (*see* Section 6.b.).

Concerned organizations claimed that government officials employed trafficked foreign children as domestic workers and also alleged that government officials might be involved in facilitating trafficking in children (*see* Section 6.f.).

There were occasional incidents of violence in which practitioners of some traditional indigenous religions inflicted bodily harm on other persons (*see* Section 1.a.).

However, the details of these incidents were uncertain. Such actions often appeared to occur in connection with elections. The Ministry of the Interior maintained that violence and bodily harm to others in the practice of a traditional religion was a criminal offense and was prosecuted vigorously, although most reported incidents did not result in arrests or prosecution.

Conditions in most prisons were harsh and life threatening. Sanitation and ventilation were poor, and medical care was almost nonexistent. Prisons provided inadequate food for inmates. Women were held separately from men, juveniles were held separately from adults, and pretrial detainees were held separately from convicted prisoners. There were no known visits by human rights monitors to prisons during the year, although the Government was not known to have impeded such visits in past years.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, the Government did not observe these prohibitions. The law provides for up to 48 hours of initial detention, during which period police must charge a detainee before a judge. However, in practice police rarely respected this provision. Charges often were not filed expeditiously, and persons often were detained arbitrarily for long periods. Bail may be set if there is to be a further investigation. Pretrial detainees have the right to free access to their attorneys, and this right was not restricted in practice. Detainees have the right to an expeditious trial, as defined by the law. Pretrial detention was limited to 6 months for a misdemeanor and to 1 year for a felony charge. These periods may be extended for 6 months by the examining magistrate. Prolonged pretrial detention was common. A local attorney estimated that approximately 40 percent of persons in custody are pretrial detainees.

Members of the security forces frequently detained individuals at roadblocks under the guise of checking vehicle registration and identity papers of occupants. The security forces generally used such operations to extort money.

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

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, while the judiciary generally was independent in principle, it remained subject to government influence.

The judicial system includes the regular courts, a military tribunal, and a civilian High Court of Justice. The regular court system includes trial courts, appellate courts, and the Supreme Court. The Constitutional Court is a separate body charged with examining constitutional questions, including the certification of elections. In some areas, minor disputes may be taken to a local chief, but the Government does not recognize such decisions. The High Court of Justice, last convened in 1990, is constituted by the Government as required to consider matters of state security.

There were systemic resource and personnel shortages in the judiciary, which often contributed to prolonged pretrial detention (*see* Section 1.d.). After striking for most of 2001, court clerks returned to work in October 2001 and did not strike during the year.

The Constitution provides for the right to a public trial and the right to legal counsel. These rights generally were respected in criminal cases. Nevertheless, procedural safeguards were lacking, particularly in state security trials, where a judge may deliver an immediate verdict of guilty at the initial hearing if the Government presents sufficient evidence.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, the Government did not respect these prohibitions in practice. As part of criminal investigations, police may request search warrants from judges, which they obtained easily, sometimes after the fact. The Government has used them in the past to gain access to the homes of opposition figures and their families.

Police and security forces conducted warrantless searches (sweeps) for illegal immigrants and criminals (*see* Section 1.c.). Soldiers stopped and searched vehicles at roadblocks, and soldiers and police conducted house-to-house searches in impoverished neighborhoods. Police frequently stopped vehicles to extort bribes.

In July the Government destroyed makeshift houses in a fishing village near Libreville and deported approximately 720 West Africans. Although some occupants had a legal right to reside in the country, the Government characterized its actions as a fight against insecurity and increasing crime in the country. The village was targeted after incidents in which small boats attacked and robbed merchant vessels anchored in Libreville's port.

Government authorities routinely monitored private telephone conversations, personal mail, and the movements of citizens.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, although citizens generally continued to speak freely and criticize the Government, the Government continued to restrict press freedom. Legislators in the National Assembly openly criticized government policies, ministers, and other officials.

The only daily newspaper published was the state-affiliated L'Union. Approximately nine privately owned weekly or monthly publications in newspaper format, which represented independent views and those of various political parties, appeared during the year; however, most appeared irregularly due to financial constraints and, in two cases, to government suspension of their publication licenses. All newspapers—including the state-affiliated L'Union—actively criticized the Government and political leaders of all parties. Most also criticized the President.

Journalists are subject to the Communications Code, a law that specifies their rights and responsibilities. Libel can be either a criminal offense or a civil matter. The law authorizes the Government to initiate criminal libel prosecution against persons for libeling elected government officials; it also authorizes the State to criminalize civil libel suits. In previous years, the Government used prosecutions for civil and criminal libel against journalists to restrict freedom of expression, especially criticism of the Government; however, there were no reports that the Government targeted individual journalists during the year.

In December 2001, the Government promulgated a new Communications Code proposed by the National Communications Council (CNC), a government agency subordinate to the Communications Ministry. The Code further restricts press freedom by expanding the scope of criminal libel laws in the name of protecting “dignity of the person.” It stipulates that penalties for libel and other offenses include a 1- to 3-month publishing suspension for a first offense and a 3- to 6-month suspension for repeat offenses. Editors and authors of libelous articles can be jailed for 2 to 6 months and fined \$700 to \$7,000 (500,000 to 5 million CFA francs). In September the CNC suspended publication of two independent, satirical newspapers, Misamu and Gabaon, for stories alleging the theft of \$5 million (3 billion CFA francs) from the public treasury and criticizing the Senate president, respectively. Three other independent newspapers, La Lowe, Nganga, and Le Scribouillard, were given official warnings by the CNC for the lack of respect for citizens' privacy and attacks on the integrity of members of the Government.

La Griffie, a Libreville-based satirical weekly newspaper remained closed during the year, and Dorothee Ngouoni, an editor at La Griffie who left the country in 1999 after she was convicted of defamation, remained abroad. Raphael Ntoutoume Nkoghe and Michel Ongoundou Loundah both were able to practice journalism.

In November 2001, Germain Ngoyo Moussavou, the editor-in-chief of L'Union newspaper, was fired after he published editorials criticizing the Minister of Interior's handling of preparations for the 2001 legislative elections; however, in February he was appointed as a political adviser to the President.

The Government owned and operated two radio stations that broadcast to all areas of the country. Much of their news coverage concerned the activities of government officials; however, their editorials sometimes were critical of specific government policies and of specific government ministers.

Financial considerations and election preparations resulted in fluctuations in the number of radio stations that operated. At year's end, approximately six privately owned radio stations operated in the country; most were apolitical. The Government owned and operated two television stations, RTG-1 and RTG-2. There were three privately owned television stations.

The Government did not interfere with domestic reception of broadcasts of international radio stations, including Voice of America. Radio France International broadcast locally. Foreign newspapers and magazines were available widely.

The Government did not restrict access to or use of the Internet. At year's end, there were three Internet service providers in the country, one state-owned and the others privately owned. In urban areas, there were public facilities that provided relatively affordable access to the Internet.

The Government did not restrict academic freedom, including research; however, the Government shut down the country's only State-funded universities because of strikes. The universities officially reopened in December (*see* Section 6.b.).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice. The law requires that groups obtain permits for public gatherings in advance, and the Government usually granted them.

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

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

Some Protestants alleged that the Government television station accorded free air time to the Catholic Church but not to minority religious groups. Others alleged that the armed forces favored Roman Catholics and Muslims in hiring and promotions.

The Ministry of the Interior maintained an official registry of religious groups; however, it did not register traditional religious groups. The Government did not require religious groups to register but recommended that they do so in order to assemble with full constitutional protection. No financial or tax benefit was conferred by registration. The Government has refused to register approximately 10 religious groups, including Jehovah's Witnesses. A 1983 decree banning Jehovah's Witnesses, which the Government promulgated on the grounds that Jehovah's Witnesses allegedly do not protect adequately individuals who might dissent from the group's views, remained in effect; however, in practice the Government allowed members of Jehovah's Witnesses to meet and practice their religion. The Government has made uncorroborated claims that it permits Jehovah's Witnesses to proselytize.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government frequently restricted them in practice. There were no legally mandated restrictions on internal movement. Police and gendarmes continued to stop travelers frequently to check identity, residence, or registration documents, and members of the security forces regularly harassed expatriate Africans working legally as merchants, service sector employees, and manual laborers (*see* Section 1.f.). They extorted bribes and demanded services with the threat of confiscation of residency documents or imprisonment. Residency permits cost up to \$150 (100,000 CFA francs), and first time applicants also must provide the cost of a one-way air ticket to their country of origin. In theory, but usually not in practice, the Government refunds the cost of the air ticket when the individual departs the country permanently.

The Government agency that controls immigration intermittently enforced an internal regulation requiring married women to have their husbands' permission to travel abroad. An exit visa was not required for citizens to travel abroad; however, noncitizens resident in the country must obtain a visa in order to leave and return. There were reports by citizens that government authorities with no explanation regularly refused to issue passports for travel abroad.

Individuals alleged that they encountered unreasonable delays in obtaining passports.

Police and security forces conducted warrantless searches (sweeps) for illegal immigrants and criminals (*see* Section 1.f.). There were unconfirmed reports that police occasionally beat and raped noncitizen Africans during operations to assemble and deport illegal immigrants.

In July the Government destroyed makeshift houses in a fishing village near Libreville and deported approximately 720 West Africans (*see* Section 1.f.).

Dozens of victims of child trafficking were repatriated with assistance from non-governmental organizations (NGOs) and the embassies of their countries of origin (*see* Section 6.f.).

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 generally cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and also provided first asylum. The Government strictly controlled the process of refugee adjudication. At year's end, approximately 12,000 refugees remained in the country. In September 2001, representatives of the Government, the Government of the Republic of the Congo, and the UNHCR signed a tripartite repatriation agreement providing for the return of Congolese refugees from the country. By year's end, 180 Congolese refugees had been repatriated with UNHCR assistance. During the year, some refugees from the Republic of the Congo voluntarily repatriated themselves.

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

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

The Constitution provides citizens with the right to change their government peacefully; however, mismanagement and serious irregularities in both the 1998 presidential elections and the December 2001 legislative elections limited severely this right in practice. A single party, the PDG, has remained in power since its cre-

ation by President Bongo in 1968, and political choice has remained limited in practice despite the legalization of opposition parties in 1990.

The country is dominated by a strong Presidency. The President can veto legislation, dissolve the national legislature, call new elections, and issue decrees while the legislature is not in session that have the force of law. The legislature generally has approved legislation presented to it by the President but on occasion has not done so. The President appoints and can dismiss judges through the Ministry of Justice, to which the judiciary is responsible. The President appoints ministers of government, provincial governors, prefects and subprefects, and the heads of parastatal firms.

President Bongo, who has been President since 1967, was reelected for another 7-year term in a December 1998 election marred by irregularities that generally favored his incumbency, including incomplete and inaccurate electoral lists and the use of false documents to cast multiple votes.

Elections for the National Assembly, the lower house of the bicameral legislature, are held every 5 years. The December 2001 National Assembly elections were marred by numerous irregularities, including the boycotting of the first round by nine opposition parties. International observers reported that the elections were marked by organizational flaws and "insufficient and dysfunctional" application of the electoral law. The Constitutional Court in April annulled the election results in 12 districts, citing candidates or their representatives for stuffing ballot boxes, falsifying results documents, and bribing or threatening voters. In May legislative by-elections were held to fill the affected seats, which resulted in the PDG and allied parties holding 107 and the opposition holding 13 seats in the National Assembly.

The ability of citizens to choose their subnational governments remained limited in practice. Among subnational officials, provincial governors, prefects, and subprefects are officers of the central government responsible to the President. Mayors and municipal councils were elected; however, municipal governments have limited financial autonomy and depend heavily on funding from the central government.

After three delays prompted primarily by the Government's lack of funds, country-wide municipal elections were held in December. Though the ruling PDG party won some 85 percent of all seats, the level of voter abstention was extreme, reaching 100 percent in some precincts.

The Senate, the upper house of the bicameral national legislature, was created in 1996, with first elections for Senators in 1997. Municipal and regional government officials elect all 91 senators, who serve 6-year terms. The next senatorial elections were scheduled for February 2003.

Major opposition parties included the National Lumberjack Assembly-Gabonese People's Assembly (RNB-RPG) and the Gabonese Progressive Party (PGP). The RNB-RPG's political base was in the northern province of Woleu-Ntem inhabited chiefly by members of the Fang ethnic group, and in Libreville neighborhoods with many Fang residents, although the party attracted some support from other regions and ethnic groups. The PGP enjoyed strong support in Port Gentil, the center of the country's petroleum industry, and among the Myene ethnic group. Ideological splits and rivalries limited the effectiveness of the PGP.

There were no restrictions on the participation of women and minorities in politics. At year's end, 11 of 120 members of the National Assembly, 12 of 91 senators, and 5 of 43 government ministers were women. Indigenous Pygmies rarely participate in the political process, and the Government has made only limited efforts to include them (*see* Section 5).

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

The Government officially allowed the existence of independent human rights groups, and the few that are active advocate mostly on behalf of women, children, persons with disabilities, and the homeless. In January the Government created a Ministry of Human Rights and appointed an opposition leader as minister of state to head it.

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

The Constitution forbids discrimination based on national origin, race, gender, or opinion; however, the Government did not enforce these constitutional provisions uniformly, and there was considerable discrimination against women, especially in domestic affairs. The Government also has provided a lower level of health care and educational services to children of families of other African nationalities than it provided to citizens.

Women.—Domestic violence against women was believed to be common, especially in rural areas; however, there were few reports during the year. Although rape is

not known to be a chronic problem, government and NGO workers reported cases of minor female domestic workers (often victims of trafficking) who were sexually molested by employers. Police rarely intervened in such incidents, and women virtually never filed complaints with civil authorities. Only limited medical and legal assistance was available.

Female genital mutilation (FGM) occurred among the resident population of expatriate Africans. There were no laws against FGM, but according to local women's groups, it was not practiced on Gabonese girls.

The law provides that women have rights to equal access in education, business, and investment. Women owned businesses and property, participated in politics, and worked throughout the Government and the private sector. Nevertheless, women continued to face considerable societal and legal discrimination, especially in rural areas.

By law couples must stipulate at the time of marriage whether they intend to adhere to a monogynous or a polygynous relationship; polygynous marriages were more common. For monogynous married couples, a common property law provides for the equal distribution of assets after divorce. In a polygynous marriage, a husband is obligated to give all wives the same level of financial support; however, he may marry additional wives without permission from his existing wives. Wives who leave polygynous husbands receive half of their existing support as a one-time payment. In inheritance cases, the husband's family must issue a written authorization before his widow can inherit property. Common law marriage, which was accepted socially and practiced widely, affords a woman no property rights.

A regulation requires that a woman obtain her husband's permission to travel abroad; however, this requirement was not enforced consistently.

Children.—The Government has used oil revenue to build schools, pay teachers' salaries, and promote education, even in rural areas; however, the upkeep of schools and payment of teachers has declined in recent years. Education is compulsory until age 16 and generally is available through sixth grade. However, fewer than half of secondary school-age children attended school. Secondary school attendance rates for immigrant children were likely to be lower, although public schools accepted immigrant children, and the Government encouraged them to attend. Education was free except for miscellaneous expenses such as books and other school supplies. According to a U.N. agency, 64 percent of women were literate in 1998, compared with 78 percent of men.

The country has a relatively high infant mortality rate, and only approximately 16 percent of children have been vaccinated. Although international donors worked to improve the situation, the Government allocated few resources for vaccines and the logistical support necessary to administer them. Children remained the responsibility of the extended family—including aunts, grandmothers, and older siblings. There was little evidence of physical abuse of children, although there were some reports that girls were sexually abused by family members after reaching puberty. The law provides for protection against child labor and sexual and physical abuse.

FGM was performed on girls in the resident population of expatriate Africans (*see* Section 5, Women).

There was concern about the problems facing the large community of children of African noncitizens. Almost all enjoyed far less access to education and health care than did children of citizens; some were victims of child trafficking and abuses (*see* Sections 6.d. and 6.f.).

Persons with Disabilities.—There are no laws that prohibit discrimination against persons with disabilities or that provide for access to buildings or services; however, there were no reports of official discrimination against persons with disabilities. There was no known societal discrimination against persons with disabilities.

Indigenous Persons.—The Baka (Pygmies) are the earliest known inhabitants of the country. Several thousand Pygmies live in the country, most in large tracts of still-intact rain forest in the northeast. The law grants them the same civil rights as other citizens. Pygmies largely were independent of formal authority, keeping their own traditions, independent communities, and local decision-making structures. Pygmies did not participate in government-instituted programs that integrated many small rural villages into larger ones along major roads. Pygmies suffered societal discrimination, often lived in extreme poverty, and did not have adequate access to public services. There were no specific government programs or policies to assist or hinder Pygmies.

In 2001 a local NGO conducted a study, funded by UNICEF, of the Bukoya Pygmy population in the northeastern part of the country. NGO workers visited more than a dozen villages and found that most Pygmies there lived in conditions tantamount to slavery, working on plantations for "masters" for one plate of rice and a few cents

per day. The NGO described the children born to Pygmy families in these situations as the “property” of the master. A typical family lives on 13 cents per day. Pygmies who complained about their situations often were beaten.

National/Racial/Ethnic Minorities.—The country’s citizen population included several ethnic groups, each of which generally speaks a distinct primary language and is concentrated in an identifiable area of the country. There was no majority ethnic group; the largest ethnic group was the Fang, which makes up more than 30 percent of the population and is concentrated in the north. Other major ethnic groups included the Myene, the Bapunu, the Bakwele, the Obamba, and the Nzebi.

There was some correlation between ethnic and political divisions. Support for the ruling party was stronger among persons from southern ethnic groups, including President Bongo’s Bateke ethnic group, than among the northern Fang group or the coastal Myene group (*see* Section 3).

The Government generally fostered ethnic balance in the public sector, throughout which persons from all major ethnic groups continued to occupy prominent positions. However, there was evidence that members of the President’s Bateke ethnic group and other ethnic southerners held a disproportionately large number of key positions in the military and security forces (*see* Section 3).

Section 6. Worker Rights

a. The Right of Association.—The Constitution places no restrictions on the right of association and recognizes the right of citizens to form trade and labor unions. Virtually the entire private sector workforce was unionized. Unions must register with the Government in order to be recognized officially. Public sector employees may unionize, although their right to strike is limited if it could jeopardize public safety. There were many independent unions, including powerful unions of teachers, civil servants, transport workers, and communications workers. Some independent unions have associated to form the Gabonese Confederation of Free Unions (CGSL). The Gabonese Labor Confederation (COSYGA) continued to be affiliated with the Government but has criticized publicly some government policies it perceived as contrary to labor interests. The Labor Code provides extensive protection of worker rights.

While no laws specifically prohibit antiunion discrimination, the court may require employers who are found guilty by civil courts of having engaged in such discrimination to compensate employees.

Unions and confederations were free to affiliate with international labor bodies and participate in their activities. COSYGA was affiliated with the Organization of African Trade Union Unity, while the CGSL was affiliated with the International Confederation of Free Trade Unions. Both COSYGA and CGSL had ties with numerous other international labor organizations.

b. The Right to Organize and Bargain Collectively.—The Labor Code provides for collective bargaining by industry, not by firm; collectively bargained agreements set wages for whole industries. Labor and management meet to negotiate differences, and the Ministry of Labor provides an observer. This observer does not take an active part in negotiations over pay scales, working conditions, or benefits. Agreements also apply to nonunion workers.

Strikes are legal if they are held after an 8-day notice advising that outside arbitration has failed. The Labor Code prohibits direct government action against individual strikers who abide by the arbitration and notification provisions. It also provides that the Government cannot press charges against a group for criminal activities committed by individuals.

In November 2001, the Libreville city hall workers union, Solidarity, went on strike to protest poor management, inadequate working materials, and discriminatory pay. In December 2001, the police attempted forcibly to disperse the strike and injured four workers. In February the Government ended the strike through mediation, offering compensation and agreeing to revisit other grievances at a later date.

In November 2001, the National Union of Teachers and Researchers organized the union’s first coordinated strike in Libreville and Franceville to demand salary increases and improved working conditions in the country’s two universities. Approximately 12,000 university students in both cities joined the union in protest. In January the Government shut down both state-funded universities and placed union members on paid suspension. The universities officially reopened in December.

In March workers at the Cora Wood company in Port Gentil staged a 3-day strike to protest the non-payment of indemnities promised them after the buyout of their former company, Gabon Forest. The strikers erected barricades and blocked all other lumber companies from shipping timber through the city harbor. The police

monitored the strike but did not intervene. The Prime Minister mediated an agreement between workers and company that included payment of indemnities.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor; however, there were reports that such practices occurred, including by children. Some Pygmies reportedly lived in conditions tantamount to slavery (*see* Section 5).

Forced child labor was a problem. Children—in particular immigrant children—were forced to work as domestic servants or in the informal commercial sector (*see* Sections 6.d. and 6.f.).

The Government cooperated with UNICEF and the International Labor Organization (ILO) to combat forced child labor and child trafficking (*see* Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Children below the age of 16 may not work without the express consent of the Ministries of Labor, Education, and Public Health. These ministries rigorously enforced this law with respect to citizen children, and there were few citizens under the age of 18 working in the modern wage sector. However, a significant number of foreign children worked in marketplaces or performed domestic duties. These children generally did not go to school, received only limited medical attention, and often were the victims of exploitation by employers or foster families. Laws forbidding child labor theoretically extended protection to foreign children as well, but abuses often were not reported. A 2001 ILO study estimated that the number of economically active children between the ages of 10 and 14 years was 19,000 to 20,000, but the actual number was difficult to quantify since most children worked in the informal sector.

The Legal Code stipulates fines and prison sentences for violations of the minimum age for working. The Ministry of Justice was responsible for implementing and enforcing child labor laws and regulations. Inspectors from the Ministry of Labor were responsible for receiving, investigating, and addressing child labor complaints; however, the inspection force was inadequate, complaints were not investigated routinely, and violations were not addressed adequately.

The Government prohibits forced and bonded child labor; however forced child labor was a problem (*see* Section 6.f.).

e. Acceptable Conditions of Work.—The Labor Code governs working conditions and benefits for all sectors and provides a broad range of protection to workers. Traditionally representatives of labor, management, and the Government met annually to examine economic and labor conditions and to recommend a minimum wage rate within government guidelines to the President, who then issued an annual decree. This procedure has not been followed since 1994, in part because the Government was pursuing a policy of wage austerity recommended by international financial institutions. The monthly minimum wage was approximately \$91 (60,000 CFA francs); government workers received an additional monthly allowance of \$30 (20,000 CFA francs). Government workers also received transportation, housing, and family benefits; however, the law does not mandate housing or family benefits for private sector workers. In view of the high cost of living, the minimum wage does not provide a decent standard of living for a worker and family.

The code stipulated a 40-hour workweek with a minimum rest period of 48 consecutive hours. Employers must compensate workers for overtime work. All companies in the modern wage sector paid competitive wages and granted generous fringe benefits required by law, including maternity leave and 6 weeks of annual paid vacation.

The Ministry of Health established occupational health and safety standards, but it did not enforce or regulate them effectively. The application of labor standards varied greatly from company to company and between industries. In the formal sector, workers may remove themselves from dangerous work situations without fear of retribution.

The Government reportedly did not enforce Labor Code provisions in sectors where the bulk of the labor force was foreign. Foreign workers, both documented and undocumented, may be obliged to work under substandard conditions; may be dismissed without notice or recourse; or may be mistreated physically, especially in the case of illegal aliens. Employers frequently required longer hours of work from noncitizen Africans and pay them less, often hiring on a short-term, casual basis in order to avoid paying taxes, social security contributions, and other benefits.

f. Trafficking in Persons.—No law specifically prohibits trafficking in persons; however, trafficking in children was a serious problem. The Government did not actively investigate cases of trafficking and has not prosecuted any cases against traffickers. There were reports that some trafficked women and children were sexually abused.

In August 2001, the Council of Ministers proposed a law that would prohibit the trafficking and exploitation of children. In April the National Assembly refused to vote on the law for technical reasons and returned it to the Government for correction and resubmission. At year's end, it had not been resubmitted. Although the Government maintained that existing laws provided adequate legal grounds, no one was prosecuted for trafficking by year's end.

In January the Government used child labor laws to prosecute a Malian woman for brutally and repeatedly beating a child-trafficking victim who was working for her. The perpetrator was fined \$200 (120,000 CFA francs), ordered to pay \$600 to a trafficking victim's shelter, and sentenced to 1 year in prison. The woman was believed to have fled the country before the sentence could be enforced.

Children (especially girls) were trafficked into the country, primarily from Benin and Togo, for use as domestic servants or in the informal commercial sector. Some of the children suffered sexual abuse. Nigerian children were trafficked to the country primarily to work in the informal commercial sector.

Concerned organizations claimed that government officials employed trafficked foreign children as domestic workers, and also alleged that government officials might be involved in facilitating child trafficking.

In March the Government, the European Union, and an Italian NGO established a shelter for trafficking victims. Although in October UNICEF offered to establish a nationwide help line for victims, the Government had not provided employees to staff the telephones at year's end. Trafficking victims were not detained or deported. The Government had an informal cooperative relationship with NGOs providing services to victims.

An interministerial committee comprised of representatives from the Labor, Justice, Foreign Affairs, and Family Ministries was involved in antitrafficking efforts. The Government cooperated with UNICEF programs aimed at discouraging trafficking.

In March the Government, UNICEF, and the ILO hosted a second regional crossborder trafficking conference at which attendees from 14 countries agreed to a list of "General Principles" as a basis for future discussions and bilateral agreements. In May the Government and the ILO launched a 3-year project on the prevention of child trafficking and child labor in the country.

THE GAMBIA

The Gambia is a republic under multiparty democratic rule. President Alhaji Yahya A.J.J. Jammeh was reelected president for 5 years in October 2001, in an election the results of which the opposition initially accepted and observers considered generally free and fair, despite some shortcomings. Observers considered the January legislative elections and the April local election generally free and fair; however, the coalition of the largest opposition parties boycotted both elections. President Jammeh's political party, the Alliance for Patriotic Reorientation and Construction (APRC), won the majority of the National Assembly and the majority of the local council seats. The multiparty opposition remained weak and divided. Unlike in the previous year, the Government did not rely on the security forces to implement its policies. The Constitution provides for an independent judiciary; although the courts have demonstrated their independence on occasion, the judiciary, especially at lower levels, reportedly was subject to executive branch pressure and corruption.

The Gambian Armed Forces reported to the Secretary of State for Defense, a position that was held by the President. The police reported to the Secretary of State for the Interior. The National Intelligence Agency (NIA) reported directly to the President but otherwise was autonomous. The NIA was charged with protecting state security by conducting intelligence and covert investigations. These forces generally were responsive to the Government; however, they occasionally acted without direct orders. While civilian authorities generally maintained effective control of security forces, there were a few instances in which elements of the security forces, particularly the NIA, acted independently of government authority. Some members of the security forces committed human rights abuses.

The economy was market oriented with encouragement for private enterprise, and a rapidly growing population of approximately 1.4 million. Much of the population was engaged in subsistence farming. The country's farmers, a majority of whom were women, grow rice, millet, corn, and groundnuts (peanuts), the country's primary export crop. The high population growth rate has diluted the positive effects of modest economic expansion. Late rains decreased crop yields, hampered economic

growth, and increased the country's burden of debt during the year. Per capita gross domestic product was estimated to be \$330.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. Citizens exercised their right to change their government in the January legislative elections and the March local government elections, which most observers considered relatively free and fair. Unlike in the previous year, security forces did not commit unlawful killings. Security forces harassed or otherwise mistreated journalists, detainees, prisoners, and opposition members. Prison conditions remained good, and the Government took steps to improve conditions at prisons during the year. Security forces arbitrarily arrested and detained citizens on a few occasions, particularly opposition politicians and journalists. There were reports of incommunicado detention. There was one known political prisoner. The Government at times infringed on citizens' privacy rights. The Indemnity law allows the President to make someone immune from prosecution for acts committed during any unlawful assembly, public disturbance, riotous situation, or period of public emergency. The Government limited freedom of the press, and security forces at times arrested and detained persons who publicly criticized or who published embarrassing or inaccurate stories about the Government. During the year, the Parliament passed a National Media Commission Bill, which further regulated and restricted freedom of speech and of the press. Journalists practiced self-censorship. The Government at times restricted freedom of assembly and association. The Government at times enforced restrictions on freedom of movement. In January President Jammeh invited former President Dawda Jawara to return to the country. Jawara previously remained outside the country under threat of arrest and detention on corruption charges. On June 1, President Jammeh received former President Jawara at State House. During the year, the country provided first asylum for several thousand refugees from Senegal. Violence and discrimination against women persisted. The practice of female genital mutilation (FGM) was widespread and entrenched. Child labor was a problem, and there were some instances of child prostitution.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Unlike in the previous year, there were no reports that security forces committed unlawful killings.

Unlike in the previous year, there were no reports that security forces shot and killed persons at checkpoints. No action was taken, nor is any likely, in the following 2001 cases: The January killing of Bakary Cessay; or the October killing of Hussein Wasni; or the October killing of Ousman Cessay.

No action was taken, nor is any likely, in the January 2000 killing of two military personnel.

In 2001 the Government established a commission to examine the findings of a coroner's inquest into the killings of 14 persons by security forces in April 2000; however, the Government rejected the commission's findings and decided that no one would be prosecuted (*see* Section 1.c.). The 2001 Indemnity Law protected individuals from prosecution or legal action by the families of the victims.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reports that government officials employed them. There continued to be reports that security forces mistreated detainees; however, there were no reports that prisoners or opposition supporters were tortured while in detention.

Police officers harassed journalists during the year (*see* Section 2.a.).

Unlike in the previous year, there were no reports that security forces shot and injured several persons (*see* Section 1.a.) or that police harassed and detained citizens and foreigners at gunpoint.

Unlike in the previous year, President Jammeh did not threaten opposition members.

No action was taken against the responsible members of the security forces who beat or otherwise abused persons in the following 2001 cases: The February beating of John Seneise; the April beating of 17-year-old Sukuta Secondary student, Brian Secka; and the June beating of three athletes from Kanifing after a volleyball match.

No action was taken against those responsible for election violence in 2001.

No action was taken against the responsible members of the security forces who beat or otherwise abused persons in the following 2000 cases: The January mistreat-

ment of Ousman Ceesay or the May beating of a journalist from the Democratic Republic of the Congo.

In January 2001, following the submission of the Government commission's report on the killing of 14 students by security forces in April 2000, the Government announced that it disagreed with the recommendations of the commission and, in the spirit of reconciliation, nobody would be prosecuted. In April 2001, after a heated debate, the National Assembly approved a very controversial Indemnity Bill, which was backdated to January 2000. The coalition of lawyers and some National Assembly members who disagreed with the bill said that the bill, which was passed to amend the Indemnity Act of 1982, would deny persons their right of access to justice. The bill read: "The President may, for the purpose of promoting reconciliation in an appropriate case, indemnify any person he may determine, for any act, matter or omission to act, or things done or purported to have done during any unlawful assembly, public disturbance, riotous situation or period of public emergency." In May 2001, the President signed the bill, despite a general outcry and petitions from human rights organizations. The legislation prevents those affected, including parents of children killed in April 2000, from seeking redress in any court in the country.

There were no reports of violence related to the January legislative elections.

Conditions at Mile 2, Janjanbureh, and Jeshwang prisons remained spartan but adequate. The International Committee of the Red Cross (ICRC) visited Mile 2 and Jeshwang prison during the year and found that the conditions were good. Prisoners received three meals a day, each prison had an infirmary, and outside doctors were brought in to provide additional medical care when required. However, the ICRC also noted that the psychological conditions of the prisons were "hard"; for example, maximum security prisoners were confined to small, individual cells for 21 hours a day and were allowed few family visits. The Prison Department organized a Prison Rehabilitation Week (PRW), which focused public attention on the prisoners and raised funds for skills training for prisoners. The program also targeted female and juvenile prisoners.

There were credible reports of beatings and malnourishment of detainees; however, there were no reports of harsh treatment of long-term prisoners. Local jails continued to experience overcrowding. Inmates, including detainees awaiting charges and those who were charged and awaiting trial, occasionally had to sleep on the floor; they were provided with mats or blankets. Police were reluctant to terminate fistfights between prisoners until the dispute was settled, and many of the prisoners were injured. Women, juveniles, and pretrial detainees were housed separately. There was no separate section or facility for political prisoners; there was only one known political prisoner.

Unlike in previous years, local nongovernmental organizations (NGOs) generally were permitted to visit prisons upon request. Representatives from the African Commission on Human and Peoples Rights and the ICRC visited the three prisons during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution includes provisions to protect against arbitrary arrest and detention; however, police and security forces arbitrarily arrested and detained citizens on a few occasions. Periods of detention ranged from a few hours to 2 weeks. There were reports that some detainees were held incommunicado.

The Government has not revoked formally military decrees enacted prior to the 1997 Constitution that give the NIA and the Secretary of State for the Interior broad power to detain individuals indefinitely without charge "in the interest of national security." The Constitution provides that decrees remain in effect unless inconsistent with constitutional provisions. These detention decrees appear to be inconsistent with the Constitution, but they have not been subject to judicial challenge. The Government has stated that it no longer enforced these decrees; however, in some instances, the Government did not respect the constitutional requirement that detainees be brought before a court within 72 hours. Detainees often were released after 72 hours and instructed to report to the police station or NIA headquarters periodically until their case went to trial. During the year, many local police stations and the NIA changed their procedures and practices to satisfy the constitutional requirement that any detainee be released or charged within 72 hours.

The law requires that authorities obtain a warrant before arresting a person; however, persons were arrested without them. Detainees were not always allowed prompt access to family members or a lawyer. There was a functioning bail system.

Police arrested and detained opposition party supporters; however, there were no reports of torture in detention. For example, on November 22, police arrested the leader of the UDP, Ousainou Darboe, and two other UDP members, Shyngle Nyassi and Marong because a judge revoked their bail in the murder case that has been

pending since July 2000. On November 29, the court again released Darboe on bail. On December 2, Nyassi and Marong also were released on bail. At year's end, the trial was scheduled to resume in February 2003.

Security forces detained persons who expressed views in disagreement with the Government (*see* Section 2.a.). Security forces detained journalists during the year (*see* Section 2.a.). Unlike in the previous year, there were no reports that religious leaders were detained.

On June 27, the court acquitted Omar Jallow and his four associates of eight counts of conspiracy, assault, trespassing, and threatening violence.

The trials of two UDP supporters charged with breach of peace for allegedly playing a UDP political rally videocassette on the Bantanto Community Television remained pending at year's end.

No action reportedly was in the 2001 case of UDP activist Kassa Jatta; UDP militant Musa Fatty; Alanie Mybally, former vice president of Gamsu; Dr. Momodou Lamin Manneh, an opposition supporter; Citizen FM Radio director George Christensen; and Muhammed Lamin Sillah from Amnesty International. The NIA released all without charge except for Sillah. Sillah was held incommunicado and released after he was charged with inciting genocide and confusion and attempting to overthrow the Government; he was not tried.

There were no developments in the 2000 detention of Ebrima Yabo, Ebrima Barrow, Momodou Marenah, Dumo Saho, Lalo Jaiteh, and Omar Darboe on suspicion of attempting to violate state security.

Unlike in previous years, security forces did not detain persons who expressed views in disagreement with the Government.

In previous years, security forces arrested persons for allegedly plotting to overthrow the Government. At least one soldier, the alleged coup leader, arrested in 2000 for plotting to overthrow the Government, remained in detention at year's end.

The slow pace of the justice system resulted in remand prisoners waiting long periods in pretrial detention. Approximately 40 of Mile 2's 230 inmates were in detention without a trial. There were no remand prisoners at Jeshwang Prison, which housed 70 inmates. Most of the detainees have been in the remand wings of the Mile 2 and Janjanbureh prisons for more than 4 years without trial.

The Government did not use forced exile. Senior officials of the former government, including Vice President Saihou Sabally and Secretary General Abdou Sara Janha, remained outside the country for fear of harassment or detention but did not face official charges. Threats were used to prevent these politicians from returning home to participate in the presidential election, despite the repeal of Decree 89 and the enforcement of the orders of the commissions of inquiries on the assets of the affected politicians (*see* Section 3). Former President Sir Dawda Jawara returned to the country during the year following a December 2001 invitation from President Jammeh. Jawara previously remained outside the country under threat of arrest and detention on corruption charges. On June 1, President Jammeh received former President Jawara at the state house.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the judiciary reportedly at times was subject to executive branch pressure, especially at the lower levels. Nevertheless the courts have demonstrated independence on several occasions, at times in significant cases. For example, in June the courts ruled that the Government must return the passport of opposition politician Omar "O.J." Jallow after the Immigration Department seized it (*see* Section 2.d.).

The judicial system suffered from corruption, especially at the lower levels, and from inefficiency at all levels. Many cases were not heard for months or years because the court system was overburdened and lacked the capacity to handle the high volume of cases. In an effort to alleviate the backlog and reduce the possibility of undue influence and corruption, the Government solicited judges and magistrates from other Commonwealth countries who share a similar legal system. Despite these steps, the problem of corruption in the legal system persisted. The Constitution provides for the right to a fair trial; however, the lack of resources and widespread corruption limited this right in practice.

The judicial system comprises the Supreme Court, the Court of Appeal, high courts, and eight magistrate courts. Village chiefs presided over local courts at the village level. Trials were public, and defendants had the right to an attorney at their own expense. Defendants received presumption of innocence; had the right to confront witnesses and evidence against them; presented witnesses on their own behalf; and could appeal judgement to a higher court.

The judicial system recognizes customary, Shari'a, and general law. Customary law covers marriage and divorce for non-Muslims, inheritance, land tenure, tribal and clan leadership, and all other traditional and social relations. Shari'a law was

observed primarily in Muslim marriage and divorce matters; and it favored men in its provisions. Christian and civil marriage and divorce matters were settled by the appropriate church and the Office of the Attorney General. General law, following the English model, applied to felonies and misdemeanors in urban areas, and to the formal business sector.

In 1997 the Court of Appeal overturned the treason convictions and death sentences of four men accused of leading an abortive coup in 1996. The Government appealed this decision to the Supreme Court, and the case remained before the Supreme Court at year's end.

Persons have been held for extended periods without trial (*see* Section 1.d.).

There was one known political prisoner, a former AFPRC vice chairman, Lieutenant Sana Sabally, who was serving 9 years at Mile 2 prison in Banjul for conspiring to assassinate the President in 1995. International and domestic human rights organizations were not permitted access to him.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such abuses; although the Government generally respected these prohibitions, in practice there were some exceptions. The Government has not repealed Decree 45, which abrogates constitutional safeguards against arbitrary search and permits search and seizure of property without due process. This decree formally remained in effect, pending a judicial finding that the decree is inconsistent with the Constitution. In practice the Government appeared not to enforce it, but no court case has been brought to test the decree's constitutionality. In some instances, security forces forcibly entered homes to arrest citizens without warrants.

Opposition politician Omar "O.J." Jallow alleged that security forces entered his compound without permission at night to arrest him when they confiscated his passport and detained him.

Observers believed the Government monitored citizens engaged in activities that it deemed objectionable.

The Government restricted the right to transfer funds and in previous years, confiscated the assets of most senior officials of the former Jawara government.

In April 2000, the Tambakoto village head illegally seized the land of five UDP activists; the lands had not been returned by year's end.

There were no investigating commissions formed during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and the press, however, in practice the Government limited the full exercise of these freedoms by using intimidation and restrictive media legislation. The Government also employed arrest, detention, and interrogation to intimidate journalists and newspapers that published articles that it considered inaccurate or sensitive. As a result, journalists practiced a significant degree of self-censorship.

Security forces arrested and detained persons who publicly criticized the Government or who expressed views in disagreement with the Government (*see* Section 1.d.). For example, on September 16, the NIA detained Omar "O.J." Jallow for critical remarks he made about the Government (*see* Section 2.d.).

No subsequent action was taken in the case of Muhammed Lamin Sillah, the coordinator of the Coalition of Human Rights Defenders and Secretary General of the domestic chapter of Amnesty International.

Decrees 70 and 71 continued to inhibit free reporting. The decrees require all newspapers to post a \$4,500 (100,000 dalasi) bond or cease publication. The bond was required to ensure payment of any penalties imposed by a court for the publication of blasphemous or seditious articles or other libel. State-owned publications were not subject to these decrees. The possession and distribution of documents deemed to be "political literature" was not barred by decree, and the ruling APRC and opposition parties distributed leaflets and papers that could be considered "political literature" during the year. Although still independent, the nongovernment press practiced a degree of self-censorship. Despite government harassment, strong criticism of the Government was frequent, and opposition views appeared in the independent press.

English, French, and other foreign newspapers and magazines were available. The Government published a daily newspaper, the *Gambia Daily*. The *Daily Observer*, though independent, favored the Government in its coverage; however, during the year, there were a few occasions that the newspaper featured an editorial that criticized the Government's position on the Media Commission Bill. There were four other independent newspapers, including one published by an opposition political party, and one independent weekly magazine. All newspapers that were not state-owned pay a \$4,500 (100,000 dalasi) mandatory registration fee. Independent publi-

cations continued to operate; however, they complained that the fee places a serious financial burden on them.

On August 5, President Jammeh signed the National Media Commission Bill, which imposed restrictions on the press's ability to cover the news. The legislation gave a state-appointed committee the right to license and register journalists (and to impose subject heavy fines and suspension for failure to do so), force reporters to reveal confidential sources, issue arrest warrants to journalists, and formulate a journalistic code of ethics. A high court judge, who would be chosen by the Chief Justice, would chair the Media Commission. The media and international press organizations criticized the media commission as a potential infringement on press freedom. The commission will include four government representatives: the Permanent Secretary of the department responsible for information, the Director General of Gambia Radio and Television Services (GRTS), the Executive Secretary of the Commission, and a representative of the Women's Bureau. It also will include representatives of the following 5 NGOs: The Gambia Press Union (an independent press organization), the Gambia Teachers Union, the Supreme Islamic Council, the Gambian Christian Council, and the Gambia Bar Association.

Security forces and police harassed and detained journalists. The Government detained, questioned, and otherwise harassed journalists and editors of newspapers that published articles it considered inaccurate or sensitive. For example, on July 19, the NIA arrested a Congolese reporter from the Pan African News Agency (PANA), Guy Patrick Massoloka, and detained him for approximately 2 weeks. Massoloka claimed mistreatment in detention. The Government claimed Massoloka published an unregistered weekly newspaper and deported him before filing charges against him.

On August 2, the NIA arrested and detained Pa Ousman Darboe and Alhaji Yoro Jallow, reporters at the Independent newspaper, in relation to an article alleging that the Vice-President had remarried. Both were released within 72 hours of detention.

There reportedly was no action taken against the members of the police responsible for detaining, and in some cases beating, Alieu Badara Mansaray; UDP activist Kassa Jatta; Momadou Thomas; Bakary Manneh; and Namory Thawl in 2001.

Unlike in the previous year, there were no reports that security forces forcibly entered the homes of journalists.

The Government generally did not restrict the publication, importation, or distribution of written material; however, some problems remained. On April 20, police arrested and detained until April 24 without bail Musa Sanyang for printing and distributing photographs of Omar Ceesay, an independent candidate in the election for Basse council chair. On April 20, police in Basse arrested Musa Sanyang and held him until April 24 without bail. The police released him without charge and without stating a reason for the arrest, although Sanyang believed it was related to his support for an independent candidate in the April 25 local election.

Unlike in previous year, President Jammeh did not threaten Gambia Radio.

One government controlled and four private radio stations broadcast during the year. Occasionally there were public affairs broadcasts on at least two independent radio stations. Local stations sometimes rebroadcast the British Broadcasting Corporation (BBC), Radio France Internationale, and other foreign news reports, and all were available via shortwave radio. Senegalese television and radio were available in many parts of the country. Wealthy residents also used television satellite systems to receive independent news coverage.

During most of the year, government television and radio gave very limited coverage to opposition activities, including statements by opposition parliamentarians in the National Assembly. However, during the January and April elections, opposition candidates had frequent and fair access to state-owned radio and television. In most other respects, the state media served as propaganda instruments for the Government and its supporters.

Former producer Peter Gomez did not appeal his dismissal from state-owned Radio Gambia.

Unlike in previous years, there were no reports that security forces arrested journalists on the pretext of financial matters regarding their stations. Citizen FM was known in the past for its civic education and political programming and remained closed at year's end. At year's end, Baboucarr Gaye, the owner of Citizen FM, had paid the entire amount of an alleged tax owed to the Government; however, he had not been allowed to appear in court or re-open the radio station.

There was convenient, inexpensive Internet access through Internet cafes and private accounts. The Government did not restrict Internet access or operation.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, at times the Government limited this right in practice. The authorities interfered with efforts by the principal opposition party, the UDP, to organize public meetings. For example, in May the UDP had applied for and received a permit to use a public address system during a tour of the North Bank. After the tour began, the UDP received a letter from the Inspector General of Police revoking the permit with no cause stated. The UDP and other opposition parties held public rallies freely the rest of the year, and there were no reports that security forces disrupted demonstrations.

In May 2001, the President signed a bill that allows him to indemnify, or grant amnesty to, any person he determines for any action done during an unlawful assembly or other disturbance (see Section 1.c.).

The Constitution provides for freedom of association; however, the Government restricted this right in practice. The AFPRC's Decree 81 of 1996 requires NGOs to register with the National Advisory Council, which has the authority to deny, suspend, or cancel the right of any NGO to operate, including that of international NGOs. However, the Government did not take action against any NGOs during the year.

Unlike in the previous year, the Government did not expel foreign diplomats from the country.

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

No subsequent action was taken in the 2001 case of Imam Baba Leigh.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights but allows for “reasonable restrictions,” which the Government at times enforced. Unlike in previous years, police did not harass or detain citizens and foreigners at gunpoint or shoot or kill anyone at checkpoints.

The authorities prohibited those under investigation for corruption or security matters from leaving the country. On March 24, when People's Progressive Party (PPP) leader Omar “O.J.” Jallow returned from observing a foreign election, government officials confiscated his passport. Jallow claimed that the seizure was in retribution for politically charged remarks he had made comparing the country's presidential election to other African countries. The Government claimed it had the right to hold Jallow's passport to prevent him from traveling while he faced corruption charges; however, earlier in the month, the judge in the case against Jallow had granted him permission to leave the country. The Government also failed to return the passport when ordered to do so by the court and continued to hold it after Jallow was acquitted. On September 26, the Government returned Jallow's passport.

Unlike in the previous year, there were no reports that security forces harassed immigrants.

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, and the Government granted first asylum to refugees and generally cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations. The Government worked with the UNHCR and local NGOs in processing refugee claims. The country hosted approximately 3,500 Senegalese refugees from the troubled Casamance region, as well as approximately 4,500 additional refugees from Guinea-Bissau, Liberia, and Sierra Leone.

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 exercised this right in legislative and local elections. The APRC continued to dominate the political landscape during the year. In October 2001 presidential election, which most observers considered to be relatively free and fair despite some shortcomings, the President was reelected. The Constitution provides for the democratic election of the President every 5 years.

In January National Assembly elections were held and the major opposition coalition decided to boycott the elections. The opposition coalition accused the Independent Electoral Commission (IEC) of allowing fraudulent voter registrations and mismanaging both the presidential and national elections. The boycott was criticized widely as unjustified and as an inappropriate response to the alleged fraud and left many of its own candidates unfunded and unsupported at the time of the election. In January the APRC won the majority for the National Assembly, in part because

the UDP/PPP opposition coalition boycotted the legislative election. The Democratic Organization for Independence and Socialism (PDOIS) won two seats and the National Reconciliation Party (NRP) won one seat. The President appointed four members of his own party and one former opposition presidential candidate to the 48-member assembly.

In April local elections were held that were considered generally free, fair, and transparent; however, the UDP boycotted the local elections, which allowed the APRC to run unopposed for many seats. There were unsubstantiated reports of vote-buying by the APRC and opposition parties.

In June 2001, the National Assembly passed several amendments that reduced the power of the IEC to control many fundamental election matters. The National Assembly gained the power to set the registration requirements for political parties and change constituency boundaries; local chieftaincies became presidential appointments instead of elected positions; voter registration requirements were relaxed; and the IEC lost the right to question voters about their citizenship during the registration process. International observers described the October 2001 presidential electoral process as generally free and fair, despite some shortcomings. Five opposition parties competed in the election and won approximately 47 percent of the votes cast; President Jammeh won approximately 53 percent of the vote. The opposition political parties initially conceded but then accused the Government of bribing voters and issuing threats, both explicit and veiled, against individuals and communities that did not support the incumbent. They accused the IEC of registering foreigners and issuing them voter cards, thereby permitting them to vote in the elections. Observers agreed there probably were some irregularities in the registration process, but on a much smaller scale than the UDP/PPP/GPP coalition alleged. The post-election period was marred when Jammeh fired more than 20 village heads and civil servants, several of whom were APRC members, who had not expressed public support for him during the campaign or who had been accused of corruption or incompetence; security forces also arrested and detained many opposition supporters throughout the country.

Approximately 55 percent of women registered to vote in the October 2001 presidential election. There were 7 women in the 48-seat National Assembly; three were elected, four were appointed by the President. There were 3 women in the 15-member Cabinet, including the Vice President. The Secretary General of the Government (the president's chief of staff and head of the civil service) was also a woman.

There were no statistics available on the percentage of minorities who compose the legislature or the cabinet. President Jammeh and many members of his administration were Jolas, an ethnic group that previously was marginalized; however, it now actively participates in government.

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

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

Unlike in the previous year, authorities did not arrest human rights activists.

Unlike in previous years, there were no sensitive, public cases of termination appealed to the ombudsman.

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

The Constitution prohibits discrimination based on race, sex, disability, language, or social status, and the Government generally respected these prohibitions.

Women.—Domestic violence, including abuse, was a problem. It was reported occasionally, and its occurrence was believed to be common. Police tended to consider these incidents to be domestic issues outside of their ordinary jurisdiction. Rape, spousal rape, and assault are crimes under the law; rape was not common. The law against spousal rape is difficult to enforce effectively, as many people do not consider it a crime and fail to report it. The law does not differentiate between married and unmarried women in this regard.

The practice of FGM was widespread and entrenched. There is no law against the practice. Reports placed the number of women who have undergone FGM at between 60 and 90 percent. Approximately seven of the nine major ethnic groups practiced FGM at ages varying from shortly after birth until 16 years old. FGM was less frequent among the educated and urban segments of those groups that practice FGM. There were unconfirmed reports of incidences of health-related complications, including deaths, relating to the practice of FGM; however, no accurate statistics were available. In recent years, the Government publicly has supported efforts to

eradicate FGM and discouraged FGM through health education; however, the Government has not passed legislation against FGM, which is not considered a criminal act. President Jammeh publicly has stated that the Government would not ban FGM; however, the Government was working to convince traditional village leaders to support the abandoning of the traditional practice of FGM.

In June the media reported that religiously-motivated kidnapers abducted a 13 year-old-girl in Tanji village and forcibly circumcised her. The kidnapers did not deny the charges; rather they asserted that their action was justified because the girl voluntarily visited the circumcision site during the appointed period. Tradition dictates that an eligible girl who visits the circumcision site during the appointed period must be circumcised. Police filed criminal charges under laws prohibiting kidnaping and child endangerment. At least one women's group publicly protested the judge's decision against the defendants. As of this writing, the decision has been appealed, and the family is considering civil charges. Practitioners of FGM and other types of circumcision in the country firmly believe that Islam mandates it and its surrounding rites; however, Imam Baba Lee of the Kanifing Mosque declared that Islam forbids such harmful customs.

Prostitution is illegal but was a growing problem.

Sexual harassment is not prohibited by law and the Department of Women's Affairs oversee programs to ensure the legal rights of women. Sexual harassment is not believed to be widespread, although individual instances have been noted. Traditional views of women's roles resulted in extensive societal discrimination in education and employment. Employment in the formal sector was open to women at the same salary rates as men. No statutory discrimination existed in other kinds of employment; however, women generally were employed in such places as food vending or subsistence farming.

Shari'a law usually is applied in divorce and inheritance matters for Muslims, who make up approximately 90 percent of the population. Women normally received a lower proportion of assets distributed through inheritance than did male relatives.

Marriages often were arranged and, depending on the ethnic group, polygyny was practiced. Women in polygynous unions have property and other rights arising from the marriage. They have the option to divorce, but not a legal right to approve or be notified in advance of subsequent marriages.

The Department of Women's Affairs, under the direction of the Vice President, oversees programs to ensure the legal rights of women. Active women's rights groups exist (*see* Section 4).

Children.—The Government was committed to children's welfare. The Department of Education and the Department of Health, Social Welfare, and Women's Affairs were the two most generously funded departments; however, lack of resources limited state provision of both education and health services.

The Constitution mandates free compulsory primary education up to 8 years of age, but the state of the educational infrastructure prevented effective compulsory education. The participation of girls in education was very low. Girls constituted approximately 40 percent of primary school students and roughly one-third of high school students. The enrollment of girls was low particularly in rural areas where a combination of poverty and sociocultural factors influenced parents' decisions not to send girls to school.

In October the Government implemented a program to pay school fees for all girls. The program covered only the highly populated area around the capital city in the first year; however, the Government hopes to expand the program to the entire country.

Authorities generally intervened when cases of child abuse or mistreatment were brought to their attention; however, there was no societal pattern of abuse against children. Any person who has carnal knowledge of a girl under the age of 16 is guilty of a felony (except in the case of marriage, which can be as early as 12 years of age). Incest also is illegal. These laws generally were enforced. Serious cases of abuse and violence against children were subjected to criminal penalties.

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

Child prostitution was a problem (*see* Section 6.f.).

Persons with Disabilities.—There were no statutes or regulations requiring accessibility for persons with disabilities. No legal discrimination against persons with physical disabilities existed in employment, education, or other state services. Persons with severe disabilities subsisted primarily through private charity. Persons with less severe disabilities were accepted fully in society, and they encountered no discrimination in employment for which they physically were capable.

Section 6. Worker Rights

a. The Right of Association.—The Labor Act, which applies to all workers except civil servants, specifies that workers are free to form associations, including trade unions, and provides for their registration with the Government. Unions must register to be recognized, and there were no cases where registration was denied to a union that applied for it. The Labor Act specifically prohibits police officers and military personnel, as well as other civil service employees, from forming unions. Approximately 20 percent of the work force was employed in the modern wage sector, where unions were most active. Approximately 30,000 workers were union members, constituting an estimated 10 percent of the work force.

The Gambian Worker's Confederation (GWC) and the Gambian Workers' Union (GWU) were the two main independent and competing umbrella organizations. The Government recognized both organizations.

Employers may not fire or discriminate against members of registered unions for engaging in legal union activities; and the Government has stepped in to assist workers who have been fired or discriminated against by employers.

Unions and union confederations may affiliate internationally, and there were no restrictions on union members' participation in international labor activities. The Gambia Worker's Union (GWU) was a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The Labor Act allows workers to organize and bargain collectively. Although trade unions were small and fragmented, collective bargaining took place. Each recognized union has guidelines for its activities determined by the Joint Industrial Council Agreement (JIC), an arrangement among all of the active trade unions and their employers, which was drafted and signed by the unions. Unions were able to negotiate without government interference; however, in practice the unions lacked experience, organization, and professionalism, and often turned to the Government for assistance in negotiations. Union members' wages exceeded legal minimums and were determined by collective bargaining, arbitration, or agreements reached between unions and management and considered to be legal after insuring that the agreements are in compliance with the JIC. No denial of registration was reported. The act also sets minimum contract standards for hiring, training, terms of employment, and provides that contracts may not prohibit union membership.

The Labor Act authorizes strikes but requires that unions give the Commissioner of Labor 14 days' written notice before beginning an industrial action (28 days for essential services). The Labor Act specifically prohibits police officers and military personnel, as well as other civil service employees, from striking. It prohibits retribution against strikers who comply with the law regulating strikes. Upon application by an employer to a court, the court may prohibit industrial action that is ruled to be in pursuit of a political objective. The court also may forbid action judged to be in breach of a collectively agreed procedure for settlement of industrial disputes. Because of these provisions and the weakness of unions, few strikes occur. There were no strikes during the year.

The Government established an export processing zone (EPZ) at the port of Banjul and the adjacent bonded warehouses. The Labor Code covers workers in the EPZs, and they were afforded the same rights as workers elsewhere in the economy.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor and there were no reports that such practices occurred. The law does not prohibit specifically forced and bonded labor by children; however, it is not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Government does not have a comprehensive plan to combat child labor. The statutory minimum age for employment is 18 years. There is no effective compulsory education, and because of limited secondary school openings, most children completed formal education by the age of 14 and then began work. Employee labor cards, which include a person's age, were registered with the Labor Commissioner, who was authorized to enforce child labor laws. However, enforcement inspections rarely took place. Child labor protection does not extend to youth performing customary chores on family farms or engaged in petty trading. In rural areas, most children assisted their families in farming and housework. In urban areas, many children worked as street vendors or taxi and bus assistants. There were a few instances of child street begging. The tourist industry has stimulated a low level of child prostitution (*see* Section 5).

The Department of State for Labor was responsible for implementing the terms of the ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—Minimum wages and working hours were established by law through six joint industrial councils and labor, management, and the Government were represented on these councils. The lowest minimum wage was approximately \$0.66 (12 dalasi) per day for unskilled labor. This minimum wage was not sufficient to provide a decent standard of living for a worker and family. The minimum wage law covers only 20 percent of the labor force, essentially those workers in the formal economic sector. The majority of workers were employed privately or were self-employed, often in agriculture. Most citizens did not live on a single worker's earnings and shared resources within extended families.

The basic legal workweek was 48 hours within a period not to exceed 6 consecutive days. Nationwide the workweek included 4 8-hour workdays and 2 4-hour workdays (Friday and Saturday). A 30-minute lunch break was mandated. Government employees were entitled to 1 month of paid annual leave after 1 year of service. Private sector employees receive between 14 and 30 days of paid annual leave, depending on length of service.

The Labor Act specifies safety equipment that an employer must provide to employees working in designated occupations. The Factory Act authorizes the Ministry of Labor to regulate factory health and safety, accident prevention, and dangerous trades, and the Ministry is authorized to appoint inspectors to ensure compliance with safety standards. Enforcement was inconsistent due to insufficient and inadequately trained staff. Workers may demand protective equipment and clothing for hazardous workplaces and have recourse to the Labor Department. The law provides that workers may refuse to work in dangerous situations without risking loss of employment; however, in practice workers who do so risk loss of employment.

The law protects foreign workers employed by the Government; however, it only provides protection for privately employed foreigners if they have a current valid work permit. Foreign workers may join local unions.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports of trafficking in persons. The tourist industry has stimulated a low level of child prostitution, which was prosecuted vigorously.

GHANA

Ghana is a constitutional republic with a strong presidency and a unicameral 200-seat Parliament; multiparty elections have been held every 4 years since the country returned to constitutional rule in 1992. In December 2000, six opposition parties and the ruling National Democratic Congress (NDC) contested presidential and parliamentary elections, which despite a few incidents of intimidation and election fraud, domestic and international observers judged generally free and fair. In January 2001, John Agyekum Kufuor of the opposition New Patriotic Party (NPP) was inaugurated as president. President Kufuor was elected in a run-off election with 56.7 percent of the vote against then Vice-President John Atta Mills of the NDC. The Constitution calls for a system of checks and balances, with an executive branch headed by the President, a unicameral parliament, an independent judiciary, and several autonomous commissions, including the Commission for Human Rights and Administrative Justice (CHRAJ). In practice the system of checks and balances was limited by a system-wide lack of resources that affected all three branches. The Government generally respected the constitutional provisions for an independent judiciary; however, in practice the judiciary was subject to influence and corruption and lacked adequate resources.

The police, under the jurisdiction of an eight-member Police Council, were responsible for maintaining law and order. A separate department, the Bureau of National Investigations (BNI), handled cases considered critical to state security and answered directly to the executive branch. While civilian authorities generally maintained effective control over security forces, there were some instances in which elements of the security forces acted independently of government authorities. Some members of the police and other security forces committed a number of serious human rights abuses.

The economy remained dependent on agriculture, with approximately 36 percent of gross domestic product (GDP) and 48 percent of employment derived from this sector, according to government statistics. The country's population was 19.9 million. Gold, cocoa, and timber were the traditional sources of export earnings; gold revenues fell due to the drop in the prices of this commodity on the world market while cocoa prices rose substantially towards year's end. The economy grew at a rate of 4.2 percent, up from 3.7 percent in 2001. Inflation fell from 21 percent to 13 percent. Per capita GDP in dollar terms fell to approximately \$300.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. Police use of excessive force resulted in some unlawful killings and injuries. There continued to be credible reports that members of the police beat suspects in custody, and that police and some elements of the military arbitrarily arrested and detained persons. Police corruption was a problem. Although members of the security forces often were not punished for abuses, nearly all of the 64th Infantry Unit, which was believed to have committed many abuses under the previous government, were transferred to other units during the year. Prison conditions remained harsh and life-threatening. Prolonged pretrial detention remained a problem. Juvenile detainees were housed in separate facilities. Inadequate resources and a system vulnerable to political and economic influence compromised the integrity of the overburdened judicial system. At times the Government infringed on citizens' privacy rights. The Government generally respected freedom of speech and of the press; however, there were occasional reports that government officials pressured government media outlets to cease or minimize coverage of opposition politicians. Major government media outlets exercised some restraint in their coverage. At times the Government restricted freedom of assembly, and police forcibly dispersed some demonstrations. There were some limits on freedom of religion. Although the Government generally respected freedom of movement, police set up barriers to demand bribes from motorists. A night-time curfew was imposed in the north of the country where intraethnic violence occurred. Violence against women was a serious problem; however, prosecution of sexual abuse against underage girls increased and courts began to give lengthier sentences for such abuse. *Trokosi*, a traditional form of ritual servitude, was practiced on a limited scale in one region of the country. Female genital mutilation (FGM) still was practiced, primarily in the north. Unlike in previous years, no interreligious clashes occurred. There were some incidents of ethnically motivated violence, and some ethnic groups complained of discrimination. Child labor was a problem in the informal sector, and forced child labor and trafficking in women and children also were problems. Vigilante justice also was a problem. Ghana was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Security forces committed a number of unlawful killings of criminal suspects. The number of deaths reportedly caused by members of the security forces during the year was unavailable. There were seven in 2001 and five in 2000.

In recent years, the police service in particular has come under severe criticism following incidents of police brutality, corruption, and negligence. Public confidence in the police remained low, and mobs attacked several police stations due to perceived police inaction, a delay in prosecuting suspects, rumors of collaboration with criminals, and the desire to deal with suspects through instant justice. The Ghana Governance and Corruption Survey completed in 2001 found that the police were among the "least trusted, least effective, and most corrupt" government institutions in the country. The Inspector General of Police (IGP) trained the police in human rights and riot control.

On May 22, security forces broke into a house in the Odorkor neighborhood of Accra and dragged two suspected armed robbers outside. They beat the men and hit them with the butts of guns, which resulted in the death of one of the men. A police officer was charged formally with murder; however, the trial had not begun by year's end.

On June 13, security forces responding to a robbery report killed four persons who later were reported to be members of a local neighborhood watch committee. The Government set up a three-member inquiry committee to investigate the incident, and on September 13, the committee submitted its report to the Government. The Attorney General's office announced its intention to prosecute the officers, but had not done so by year's end.

There were no developments in the following 2001 cases: The February alleged killing of a suspect by a police sergeant; the March death of three persons when police forcibly dispersed residents in Nsoatre, Brong-Ahafo Region; the May police beating of a farmer in Obuase, Ashanti Region who died from his injuries; the July death in prison of a 90-year-old man in Sunyani, Brong-Ahafo Region; and the October case in which an armed bank robbery suspect in Mampong, Ashanti District died while in custody at the Kumasi Central Prison.

In May 2001, 126 persons were crushed and trampled to death when police used tear gas to control a portion of the crowd who were vandalizing the stadium during a soccer match at the Accra Sports Stadium. An official Commission of Inquiry concluded that the police overreacted to fan vandalism and bore primary responsibility for the incident; the Commission also cited negligence by the National Sports Council and the poor design of the stadium's stairwells. The Commission concluded that the police who provided testimony conspired to subvert the Commission's work through a conspiracy of silence. In December the Attorney General's office began criminal proceedings against the six senior police officers who gave the order to fire tear gas.

The trial in the case of a police officer charged with the August 2001 murder of a 27-year-old Accra Polytechnic student at Dansoman, Greater Accra, began in March and was ongoing at year's end.

A police investigation into the September 2001 killing of two persons by a police officer who shot his gun at a minibus and several bystanders was concluded during the year and found the officer to be at fault. No action was taken as the officer had been lynched by a mob after the incident.

There were no developments in the following 2000 cases: The April killing of a miner during a conflict in Bibiani; the July killing of a young man in the Eastern Region who had a history of mental illness; the October case of a driver who died of unexplained causes while hospitalized after allegedly causing an accident in which four of former President Rawlings' bodyguards were killed; the November case in which police killed an alleged fuel smuggler in the Afedido in the Volta Region; and the police shooting of a 23-year-old man in Madina, Greater Accra Region.

Many persons died in prisons due to extremely harsh conditions and lack of medical treatment (*see* Section 1.c.).

In January and March, public and private burial ceremonies for the bodies of three former heads of state and five senior military officers who were executed in 1979 took place.

During the year, chieftancy disputes led to several deaths and a number of injuries (*see* Section 5).

The press reported numerous cases of vigilante style "instant justice" conducted by angry citizens and mobs on suspected criminals and suspected witches that led to a number of deaths and injuries (*see* Section 5). In several instances, security forces intervened to save the lives of suspected criminals (*see* Section 1.c.).

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were continued credible reports that members of the police and customs officials beat prisoners and other citizens. It generally was believed that severe beatings of suspects in police custody occurred throughout the country but largely went unreported.

Government officials stated that the use of armed forces personnel in the maintenance of law and order would cease; however, the military continued to participate regularly in law enforcement activities during the year.

In April 2001, the IGP issued a directive against the use of warning shots by the police, stating that it was not authorized by police regulations; however, there were instances in which police used warning shots. Police continued to use rubber bullets and water cannons in crowd control situations (*see* Section 2.b.).

Police corruption was a serious problem (*see* Sections 1.d. and 2.d.). Government officials said publicly that the Government's "zero tolerance for corruption" policy applied to the police and other security officials; however, a survey conducted during 2001 by the Center for Democratic Development showed that 67 percent of respondents said they had paid bribes to the police.

During the year, nearly all members of the 64th regiment, which previously guarded former President Rawlings and was the reported source of many human rights abuses in the previous government, were transferred to other units of the armed forces.

Unlike in the previous year, there were no reports of clashes between supporters of the ruling and opposition parties. The commission of inquiry into the January 2001 clash between a group of NPP activists and NDC supporters in Asutuare, Greater Accra Region had not been established by year's end. A police investigation determined that the cause of the clash was a long-standing chieftancy dispute rather than political tensions; however, residents of the town and opposition party leaders, including the M.P. for the district, disagreed publicly with the police's findings, describing the clash as a coordinated attack on NDC supporters. The case had not been called to court by year's end.

On April 14, the CHRAJ wrote to the Minister of Defense seeking his cooperation in investigating the 2000 case in which 25 off-duty soldiers attacked and injured more than 20 civilians, including a taxi driver who allegedly insulted a group of intoxicated soldiers the previous evening in Accra. The Defense Ministry had not responded by year's end.

Four persons accused of killing a police officer during a series of disturbances in 2000 in Asankranguaaa, Western Region, were released on bond at year's end as police continued to investigate the incident and allegations of police misconduct during the incident.

There were no further developments in the March 2001 case in which police injured several rioters after attempting to control a mob of Liberian refugees from Budumburam Refugee Camp in the Greater Accra Region and in the May 2001 case in which a police officer injured a youth while attempting to disperse a group of youths in Accra.

There were no developments in the following 2000 cases: The January case in which a cocoa farmer from Dadieso in the Western Region alleged that a police inspector detained him for 2 days without bail and beat him; the January dispersals of student demonstrations; the March dispute between 2 assemblymen in the Eastern Region town of Asutsuare that resulted in the arrest of 68 civilians, some of whom claimed that police brutalized them; the June dispersals of student demonstrations; the July beating and shooting of a man who resisted arrest; the July use of tear gas to disperse a group of civilians who attacked the Navrongo police station; the July use of water cannons to disperse a demonstration by trade union members; the July serious injuring of a policeman by an assemblyman and other civilians who allegedly attacked farms and residents in Asutsuare; the August case of the alleged detention and beating of a businessman by members of the elite 64th Infantry Regiment; the August use of tear gas and rubber bullets to disperse students of Yendi Junior Secondary School; the December assault of journalists from a private television station; the December inquiry of a journalist and an M.P.; and the December use of rubber bullets and tear gas to disperse a crowd at the Supreme Court.

"Machomen" (party thugs) and land guards, private security enforcers hired by citizens to settle private disputes and vendettas, caused injury and property damage during the year. The machomen were not constituted legally but were organized privately and operated outside the law. The trial of a land guard in the Greater Accra Region who was accused of involvement in a killing over a land dispute in 2001 was ongoing at year's end.

Unlike in the previous year, there were no incidents of violence during this year's drumming ban (*see* Section 2.c.).

During the year, chieftancy disputes led to numerous injuries (*see* Section 5).

The press reported numerous cases of vigilante style "instant justice" conducted by angry citizens and mobs on suspected criminals and suspected witches that led to a number of deaths and injuries (*see* Section 5). For example, on July 27, a mob in Accra severely beat three suspected pickpockets. Police intervened and stopped the mob from lynching the men.

Prisons in most cases were maintained very poorly and conditions were harsh and life threatening. However, according to the CHRAJ Year 2000 Inspection Report, which was released publicly during the year, prison conditions have improved over previous years. The Director General of Prisons described the prisons as overcrowded and underfinanced and publicly called for improved living conditions for the prisoners. Three of the country's largest facilities, which were intended to hold 1,600 inmates, held approximately 3,800. On July 26, the Director General of the Prison Service called for the introduction of legislation on non-custodial sentences to reduce congestion; however, no steps were taken to implement these measures by year's end.

Prisoners' daily food allowance was approximately \$.57 (4,000 cedis). Prisoners relied on families or outside organizations for additional food, medicine, and other supplies. Bedding was available for only 30 percent of the inmates, and there was no funding for clothes. Medical facilities were inadequate, and the prisons supplied only the most basic medicines. Overcrowding contributed to a high prevalence of communicable diseases. Some suspects allegedly plead guilty in order to be sent to prison and leave the unsanitary conditions in the police remand cells.

In 2001 134 prisoners died in the country's prisons, 9 from malnutrition, 21 from HIV/AIDS, 17 from tuberculosis, 13 from diarrhea or dehydration, 8 from malaria, and the rest from other illnesses. While the Government agreed that conditions in the prisons were not acceptable, it stated that lack of funding prevented further improvements.

On May 11, two suspects died in a police holding cell in Accra. At the time of the incident, there were 45 inmates in the cell, and police blamed the death on overcrowding. On May 13, acting Minister of the Interior directed the Inspector General of Police to conduct an investigation into the incident; however, the results of the investigation were not made public by year's end.

Juvenile offenders were housed in a dedicated facility. In 2001 the CHRAJ and the Prisons Service confirmed reports of some children as young as 14 years old housed with the general prison population; however, on July 14, the Interior Ministry reported that all of the juveniles had been transferred to the Borstal Institute, a juvenile correction center. Women were housed separately from men; pretrial detainees were housed with convicted prisoners.

The Prisons Service had an assessment team to inspect facilities. While the CHRAJ had access to the prisons, the Government generally did not grant access to the press. The Government permitted foreign diplomats to visit prisons during the year. Nongovernmental organizations (NGOs) were not given access to prisons on a routine basis. The International Committee of the Red Cross (ICRC) was allowed access to prisons but did not request access during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides for protection against arbitrary arrest, detention, or exile; however, arbitrary arrest and detention were problems. The Constitution states that an individual detained shall be informed immediately, in a language that the detained person understands, of the reasons for the detention, and of the right to a lawyer and to an interpreter, at state expense. It also requires judicial warrants for arrest and provides for arraignment within 48 hours. However, in practice many abuses occurred, including detention without charge for longer than 48 hours and failure to obtain a warrant for arrest. In addition, at times persons were detained for trivial offenses or on unsubstantiated accusations. Authorities routinely did not notify prisoners' families of their incarceration; such information often was obtained only by chance. Human rights activists criticized the common practice of arresting persons on Friday and keeping them in detention over the weekend until court was in session on Monday, which they described as a deliberate circumvention of the 48-hour detention rule.

The court has unlimited discretion to set bail, which can be prohibitively high. The court may refuse to release prisoners on bail and instead remand them without charge for an indefinite period, subject to weekly review by judicial authorities. Police also demanded money from suspects as a precondition of their release on bail.

The Constitution allows judicial authorities to hold citizens for up to 48 hours without filing charges against them. However, in practice it was common to remand a prisoner to investigative custody. The Constitution requires that a detainee who has not been tried within a "reasonable" time be released either unconditionally or subject to conditions necessary to ensure that he appear at a later date for court proceedings. In October 2000, the acting Ashanti Regional Director of CHRAJ stated that more than one-third of the inmates of Kumasi Central Prison were remand prisoners. One-third remained in prison even after the warrants committing them to prison had expired. He criticized the judicial system for imposing prison sentences instead of levying fines, which could prevent further overcrowding of the prisons.

On March 10, two police officers attempted to arrest the former head of the Ghana National Petroleum Corporation while he was at church for questioning on charges of causing financial loss to the state. Fellow worshippers criticized the arrest, and the police desisted. The man later reported to the police for questioning.

It was unknown if the 41 persons arrested in March 2001 in Yameriga, Upper East Region, still were in detention at year's end.

A citizen of Belize remained in custody awaiting deportation after a contingent of police and military personnel forcibly entered a house adjacent to the compound of former president Rawlings and arrested him in June 2001.

In August 2001, soldiers and police arrested the linguist of the chief of the Sefwi Wiawso Traditional Area, Western Region, when they searched the homes of both the linguist and the chief. During the year, the Western Regional police commander apologized for the incident but no inquiry was made by year's end.

There were no new developments in the 2000 case in which police detained 70 persons during an investigation into violence related to a chieftancy dispute in Asankranguaa.

The 1999 case in which police arrested more than 700 men after a Muslim-Protestant conflict in the Central Region town of Agona Nyakrom and brought them to Accra for investigation was dismissed during the year.

In February six of the nine accused persons in the 1998 murder of two policemen in Ablekuma were sentenced to death, and the other three were released for lack of evidence.

Police arrested persons attempting to demonstrate (*see* Section 2.b.).

There were credible reports that police extorted money from local businesses by acting as private debt collectors and arrested citizens in exchange for bribes from detainees' disgruntled business associates.

Police and military used checkpoints and mass arrests while searching for criminals (*see* Section 2.d.). For example, on April 28, 2,000 persons were detained in the Agbogboshie neighborhood of Accra. Police checked records and identification and arrested those wanted for crimes or in possession of weapons, stolen merchandise, illegal drugs, and other prohibited items. Of the approximately 2,000 detained, 202 were identified as suspected criminals and charged with various crimes. Media reports indicated that four individuals fleeing the roundup drowned in a nearby lagoon.

In August 2001, law enforcement and military personnel arrested 200 persons in Kumasi. According to the police, the exercise was intended to flush out suspected criminals. At year's end, 28 persons remained in police custody and 30 persons had trials pending.

The opposition NDC claimed that the Government used anti-corruption investigations to intimidate and harass its members. The Government continued to question former officials during the year.

The Government has not implemented any meaningful policy to reduce the number of pretrial detainees, although the independent press called for reduction of harsh bail conditions for suspects who did not pose a threat to society. The Attorney General drafted a bill that would provide alternative dispute resolution methods to clear the court backlog, including a time limit on pending cases and was scheduled to forward it to the Cabinet in 2001; however, no legislation was introduced to Parliament during the year. There was no further information on the case of a farmer in the Volta Region who has been in remand for 10 years without charge; he was suspected of poisoning and killing another farmer.

Rural women can be punished with banishment by traditional village authorities for being pregnant out-of-wedlock or for suspected witchcraft. The press reported that hundreds of women accused of witchcraft were sent to penal villages in the Northern Region by traditional authorities such as a shaman (*see* Section 5). Foreign diplomats and NGO representatives who visited them estimated that there were between 550 and 1,150 accused witches, the vast majority of them women, living in the camps; however, in 2000 CHRAJ estimated that more than 5,000 women were residents in witches' camps in the Northern Regions. An August 8 media report said 87 women between the ages of 40 and 80 remained in the Gambaga "witches" village.

The Government did not practice forced exile and encouraged citizens, including dissidents living abroad, to return. Some former government and Provisional National Defense Council (PNDC) officials have returned and resumed careers and political activities.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision; however, in practice the judiciary appeared to be subject on occasion to executive influence.

The Constitution mandates Superior Courts of Judicature consisting of the High Court (of Judicature) and Regional Tribunals, the High Court of Appeals, and the Supreme Court. The Constitution allows the Government to nominate any number beyond a minimum of nine members to the Supreme Court; confirmation was the responsibility of Parliament. The Chief Justice was empowered to impanel the justices of his choice to hear cases. These provisions, along with a lack of resources, limited the court's role as a balance to the power of the executive branch and contributed to the perception that the judiciary occasionally was subject to executive influence. There were no official charges of corruption on the part of judges; however, there were press allegations of corruption within the judicial system. In August and September, the Center for Democratic Development, a local think tank, organized a program with the Parliamentary Select Committee on the Judiciary to explore corruption within the judicial system.

The Constitution establishes two basic levels of courts: superior and lower. The superior courts included the Supreme Court, the Appeals Court, the High Court, and regional tribunals. In March 2001, the Acting Chief Justice of the Supreme Court inaugurated two Fast Track Courts, a division of the High Court of Judicature, intended to try cases to conclusion within 6 months. The Fast Track Courts were authorized to hear cases involving banks and investors, human rights, electoral petitions, government revenue, prerogative writs, defamation, specified commercial and industrial cases, and criminal cases involving substantial public money or are a matter of extreme public importance. A former government employee charged with causing financial loss to the state challenged the Fast Track Courts'

constitutional legitimacy; however, the Supreme Court found that the Courts were constitutional. As of February 1, 195 cases were filed before the Fast Track Court, 137 for Banking and Commercial matters, and 40 for Human Rights and Defamation. The Government announced plans to establish Fast Track Courts throughout the country. Parliament may establish lower courts or tribunals by decree.

During the year, Parliament passed Act 620, designed to abolish Community Tribunals run by appointed panels and police and replace them with magistrate courts on the date the Act becomes effective. The Chief Justice and Attorney General had not put the Act into effect by year's end.

Legal safeguards were based on British legal procedures. Defendants are presumed innocent, trials are public, and defendants have a right to be present, to be represented by an attorney (at public expense if necessary), and to cross-examine witnesses. In practice the authorities generally respected these safeguards.

There were frequent reports that a large number of prisoners were held in detention for extended periods, sometimes years, without going to trial (*see* Section 1.d.). The Attorney General drafted a bill that would provide alternative dispute resolution methods to reduce the court backlog, including a time limit on pending cases.

During the year, prosecutors dropped the case against four defendants for allegedly plotting to overthrow the Government in 1994 and released them.

There were no developments in the 2001 appeals of two men arrested for murder in 1991 who were in prison in Wa, Upper West Region, for 10 years without trial. They remained in custody at year's end.

The CHRAJ's charter provides for it to investigate alleged violations of human rights and take action to remedy proven violations. It continued to hold workshops to educate the public, traditional leaders, the police, and the military on human rights issues. It mediated and settled cases brought by private individuals with grievances against government agencies or private companies (*see* Section 4).

The law gives village and other traditional chiefs power to mediate local matters and enforce customary tribal laws dealing with such matters as divorce, child custody, and property disputes. However, a number of laws passed during the PNDC era (1981-92), as well as the 1992 Constitution, have eroded steadily the authority of traditional rulers and vested it in civil institutions, such as courts and district assemblies.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, this provision has yet to be tested in court, and in practice the Government infringed on these rights at times. Although the law requires judicial search warrants, police did not always obtain them in practice.

Opposition party activists claimed that the Government was engaged in surveillance and harassment of those perceived to be opposed to the ruling party; however, unlike in the previous year, security forces did not conduct searches of the homes of opposition party members.

The Government authorized an investigation into the August 2001, raid on the residence of Alhaji Sedi, the National Organizer of the EGLE (Every Ghanaian Living Everywhere), and three cases in which security forces allegedly raided the homes of civilians; however, no results had been announced by year's end.

Opposition parties, and some persons in private business, continued to allege that some government contracts were awarded on the basis of ruling party membership and that government officials pressured businesses to steer contracts toward favored companies and individuals.

The CHRAJ began an investigation into the February 2001 demolition of Kyekywere village, Western Region by Abosso Goldfields Limited, a local mining firm acting under the auspices of the local District Security Council; however, it had not released its findings by year's end.

A \$5 million (34.5 billion cedis) lawsuit against the Accra Metropolitan Assembly (AMA), the former Chief Executive, and the Attorney General who without due process demolished a private hotel in Accra that they claimed was blocking a drainage route, was ongoing at year's end. The owner of the hotel contended that the demolition constituted trespassing and unlawful interference in the owner's civil rights.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, there were occasional reports that government officials pressured government media outlets to cease or minimize coverage of opposition politicians. Opposition political parties and others frequently criticized the Government, and the Government allowed more control of print and electronic media to be transferred to the

private sector. Unlike in the previous year, ministers did not file libel suits. Major government media outlets exercised some restraint in their coverage.

In an August 10 speech, former president Jerry Rawlings criticized the Government and asked the public to engage in “positive defiance” and “unlawful order.” On August 13 and 14, the BNI called Rawlings in for several hours of questioning to investigate whether his statements constituted an act of treason. On August 21, the Attorney General issued a statement saying the former president could not be charged with treason for his August 10 remarks.

There were more than a dozen newspapers including three government-owned dailies, two government-owned weeklies, and several privately owned newspapers published daily, weekly, biweekly, or triweekly. Several of the privately owned newspapers increased to daily circulation from weekly or biweekly. Two of the Government-owned dailies had national circulation. However, most newspapers circulated only in regional capitals, and many of the smaller private newspapers were available only in Accra. The President could not appoint chief executives to the state-owned media.

The Government-owned media reported extensively on charges of corruption or mismanagement by government officials in the previous administration; they increasingly criticized the Government’s policies. State-owned media reported some allegations of corruption or mismanagement by officials in the Kufuor government. During the year, there were occasional editorials in the state-owned media critical of the Government. There were no reports that the Government disciplined or dismissed journalists working in state-owned media for stories deemed unacceptable. The Government ended its subsidy of one newspaper in 2001 and no longer financed any newspaper. The opposition NDC claimed that government media denied it equal access and coverage on numerous occasions, and in practice the Government-controlled media did give greater exposure to government officials.

Some privately owned newspapers were harshly critical of the Government’s policies and of President Kufuor and his ministers and advisors. The Government at times alleged that some reporters and editors failed to abide by professional ethical guidelines. On many occasions, both the Government and National Media Commission (NMC), a constitutionally mandated independent government body, publicly urged the media to act responsibly.

In July 2001, Parliament repealed the Criminal Libel and Seditious Laws through an amendment to the Criminal Code. The laws had provided for 10 years’ maximum imprisonment for reporting intended to injure the reputation of the State. According to the Amendment, all prosecutions instituted under the repealed laws pending before any court or tribunal were discharged. At year’s end, many civil libel cases still were pending; however, the voluntary use of the NMC as an alternative mediating body to the courts increased. The NMC was charged with maintaining journalistic standards, including the investigation, mediation, and settlement of complaints made against or by the media; however, it did not have legally binding authority to implement its recommendations. Resolutions recommended by the NMC included retraction, apology, and the printing of rejoinders. Of the 79 cases reviewed as of September 30, 13 cases were resolved, and the remaining cases were pending; 50 cases were brought by private individuals, 4 cases by former government ministers, and 25 cases by organizations or institutions. Seventeen cases were brought against state-owned media, and 62 cases against the privately owned media. On March 14, the NMC directed a privately owned newspaper to publish a retraction of an article it published in July 2001 that alleged a former finance minister was arrested at Accra’s airport in possession of \$1.5 million cash. The newspaper acknowledged the allegations were inaccurate and published a retraction and an apology. The NMC has published its standards and guidelines.

Unlike in the previous year, there were no claims that independent journalists occasionally blackmailed individuals and organizations by threatening to print negative articles if they were not paid.

In 2000 military police acting under orders from the Deputy Minister of Defense of the previous government detained the news editor of an Accra newspaper who had attempted to contact the Deputy Minister after receiving an allegation that he had threatened a guard at a local security company. The editor was released later that day and filed a complaint with the CHRAJ against the former Deputy Minister. The first hearing before the CHRAJ was completed in 2001; however, during the year, the complainant failed to appear for two consecutive CHRAJ hearings, and the case was adjourned indefinitely.

According to the National Communications Authority, Accra had 1 government-owned and 12 private FM radio stations, and there were approximately 40 private FM stations across the country. Most stations were independent and aired a wide range of viewpoints. There was one government owned television station that broad-

cast nationwide. There were two semi-private television stations that broadcast in the Greater Accra, Eastern, and Ashanti regions. There were three cable networks broadcasting in the Greater Accra Region, two of which also broadcast in Kumasi. There was one private television station broadcasting in Kumasi.

The Minister of Communications continued to be the chairman of the National Communications Authority (NCA), the body responsible for allocating bandwidth and broadcast media licenses. According to media organizations, the NCA should be independent of the Ministry of Communications, and the Minister's appointment represented a conflict of interest. The media also claimed that the new board members were appointed without proper consultation with the Council of State, as required by the NCA Act. There were some complaints regarding delays in obtaining bandwidth and licenses for broadcast media.

The investigation that the Attorney General's office began in 2001 into the content of tapes publicized in 1999 that appeared to implicate President Rawlings in several infamous extralegal actions of the predemocratic era was ongoing at year's end.

The Government readily granted accreditation to foreign journalists. The British Broadcasting Corporation (BBC) and Radio France International had full-time FM rebroadcasting stations in Accra, and several foreign radio broadcasts, including Voice of America (VOA), had part-time affiliations with local stations in several cities. Foreign periodicals were sold in Accra and other major cities and circulated freely even when they contained articles critical of the Government. Most citizens obtained their news from the electronic media, the VOA, and the BBC radio service. Several companies had cable or satellite rebroadcasting stations that served the country's three major cities.

There were more than 10 operating Internet Service providers (ISPs) in the country at year's end.

The Government did not restrict academic freedom. Academics were allowed to publish and pursue research. Student organizations organized and met freely.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly; however, at times the Government restricted this right. The Government does not require permits for demonstrations; however, police can deny use of the route. The law requires that all organizers of “special events” or “processions” inform the police of their intentions at least 5 days in advance so that the police can institute precautionary measures. The law also provides for curfews and arrest without warrants in specified instances.

The Government permitted several peaceful demonstrations and rallies during the year; however, on at least one occasion, police used force to disperse a demonstration.

On June 4, the anniversary of the date of his first coup, former President Rawlings, and other opposition leaders, spoke at a rally in Accra for the second year in a row, attended by hundreds of NDC supporters. Rawlings accused the Government of harassing and intimidating NDC activists. There were no reports of violence, and the rally dispersed peacefully.

On August 3, police fired rubber bullets and water cannons into a crowd to break up a gathering during a festival parade in Ada, Greater Accra Region, which resulted in a number of injuries. Police reportedly were unaware that the marchers had a parade permit. The Ada Traditional Council demanded an investigation, but no investigation was conducted by year's end.

On August 20, 11 persons were arrested and then released in Tamale, Northern Region, as they attempted to demonstrate along the route U.N. Secretary General Kofi Annan would be traveling. The group was arrested for violating an existing ban on demonstrations in the Dagbon Traditional area due to a state of emergency in effect in the area (*see* Section 2.d.).

The ban on campus demonstrations remained in effect during the year; however, it never has been enforced.

Political parties held rallies and national congresses without hindrance during the year.

The Constitution provides for freedom of association, and the Government generally respected this right in practice; however, the Government continued to prohibit the existence and formation of all political groupings within the security services. In February 2001, it banned the “Association of Committees for the Defense of Revolution” (ACDRs), which served as NDC support organizations within the security services and in military and police barracks. It also prohibited the formation of “Danquah-Busia Clubs” or other support organizations for the ruling NPP. According to the Minister of Interior, members of the military and security services were free to join political parties and associations; however, such activities were prohibited within police and military compounds.

NGOs were required to register with the Registrar General's office and the Department of Social Welfare, but this registration was routine.

The Electoral Commission (EC) must accredit political parties. The parties must show evidence of a "national character," such as official representation in all 10 of the country's regions. The EC evaluated whether the party showed evidence of a viable national support base before granting accreditation and could annul the registration of a party that failed to meet the criteria for being a viable party.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, there were some limits to this right. In the past, the Government did not always prosecute those responsible for religiously motivated attacks; however, the Government increased its prosecution of violent acts, including religious violence, and all incidents of religious violence were prosecuted during the year.

Religious institutions that wish formal recognition were required to register with the Registrar General's Department; however, this was a formality only, and there were no reports that the Government denied registration to any group. Most traditional religions, with the exception of the Afrikania Mission, did not register.

The Government required that all students in public schools up to the equivalent of senior secondary school level attend a daily "assembly" or devotional service; however, in practice this regulation was not enforced always. The devotional service was a Christian service and included the recital of The Lord's Prayer, a Bible reading, and a blessing. Students at the senior secondary school level were required to attend a similar assembly three times per week. Students attending government-administered boarding school were required to attend a nondenominational service on Sundays. The Director General of the Ghana Education Service instituted new regulations for all public educational institutions, including the stipulation that students of minority ethnic groups should not be forced by school authorities to worship with the majority religious groups in school; however, the Minister still received isolated reports of disrespect for the directive in some public schools. Afrikania also publicly urged the Government to stop requiring Christian "indoctrination" of children in all government-funded schools.

Although the law prohibits involuntary servitude, Trokosi, a form of religious servitude usually lasting no more than a few months, exists on a limited scale (see Section 5). Government agencies, like CHRAJ, have campaigned actively against Trokosi for years. Supporters of traditional African religions, such as the Afrikania Renaissance Mission, have said that these activities constituted discrimination against indigenous religious beliefs.

The Government made extensive efforts to mediate between charismatic Christian churches and ethnic Ga traditionalists in the period prior to the 2002 annual ban on drumming. Unlike in the previous year, no incidents of violence were reported during the year's ban on drumming. No police action was taken in regard to any attacks from previous years.

There were occasional reports of interreligious and intrareligious incidents but no violent incidents based on religious affiliation.

There were no further developments in the 2000 case where members of the Christo Asafo Christian Church clashed with members of the Boade Baaka traditional shrine at Taifa, Greater Accra Region.

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

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

Citizens and foreigners were free to move throughout the country. Police checkpoints existed nationwide to prevent smuggling, but most were unmanned during daylight hours. Security officers manned checkpoints nationwide to prevent smuggling, seize illegal weapons, and catch criminals. In September 2001, the Ghana Police Administration announced that police would erect security checkpoints throughout the country in response to an upsurge in highway robberies; periodic customs checkpoints and patrols continued during the year. The Regional Police Commanders monitored the activities of police personnel working at the checkpoints. There were numerous reports that police used checkpoints to solicit bribes. Police roadblocks and car searches were a normal part of nighttime travel in larger cities. The police administration acknowledged that the force had a problem with some members occasionally erecting illegal barriers to solicit bribes from motorists. Citizens generally were free to travel internationally and to emigrate or to be repatriated from other countries.

In response to a March 27 incident in which 30 persons were killed in intratribal violence in Yendi, Northern Region, the Government declared a 90-day state of emergency in the Dagbon traditional area (see Section 5). The state of emergency included a dusk-to-dawn curfew. The curfew has been renewed at 1 month intervals since July by Parliament, and still was in effect at year's end. However, by year's end, the curfew had been reduced from 10 p.m. until 2 a.m. There were isolated reports of beatings of individuals caught after curfew; however, by September the reports had ceased.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The country generally had a liberal policy of accepting refugees from other West African nations. The Government provided first asylum. UNHCR estimated that there were approximately 35,000 Liberian refugees and asylum seekers, 6,000 Sierra Leonean refugees and asylum seekers, 1,000 Togolese, and a small number of other African refugees in the country.

Refugees from the crisis in Cote d'Ivoire passed through the country without hindrance to third countries. There were no reports of abuse during the year. The Government worked closely with the U.N. and other international partners to identify sites for reception and transit centers to assist refugees and others fleeing the crisis. While only approximately 200 Liberian and Sierra Leonean refugees requested assistance, many others passed through the country on their way to neighboring countries.

The trials of 24 Liberian refugees who rioted in March 2001 following the alleged attack on a refugee by a Ghanaian continued 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, and citizens exercised this right through a democratic process in presidential and parliamentary elections held in December 2000. Despite a few incidents of intimidation and election fraud, domestic and international observers judged the election to be generally free and fair. The country continued its transition from a one-party state to a more established multiparty constitutional system. The political system included recognized opposition parties, which expressed their views freely within Parliament and won a near majority of the parliamentary seats in the 2000 election.

The Constitution calls for a system of checks and balances, with an executive branch headed by the President, a unicameral parliament, an independent judiciary, and several autonomous commissions, such as the CHRAJ. In practice the system of checks and balances was limited by a system-wide lack of resources that affected all three branches. During the year, opposition members continued to express frustration about impediments that the executive branch imposed by its refusal to support opposition amendments to proposed legislation; however, the former ruling party, which was the opposition under the Kufuor government with nearly half the seats in Parliament, closely scrutinized government actions. Parliament still sought effective oversight of the workings of the executive branch. Although all M.P.'s could introduce bills, no one has ever done so; however, some have introduced motions.

In the first round of the 2000 presidential elections, neither major candidate received a majority vote. In December 2000, a presidential runoff was held in accordance with the constitutional requirement that the president be elected with at least 50 percent plus one of the votes. In the runoff John Agyekum Kufuor of the NPP beat Vice President John Evans Atta Mills with 56.7 percent of the vote.

In August citizens elected representatives to the district assemblies and the unit committees, which form the basis of the local government structure. These elections were held on a nonpartisan basis, as called for in the Constitution. The President appointed 30 percent of each assembly, and the rest were elected positions. DCEs must be confirmed by two-thirds of the district assembly members. Some district elections were postponed for 1 or 2 weeks due to poor organization by the Electoral Commission. District level elections were not held in the Dagbon traditional area in the north of the country due to the existing state of emergency (see Sections 2.d. and 5).

Unlike in the previous year, there were no political protests.

There were no legal obstacles to the participation of women in government. There were 18 female M.P.'s in the 200-member Parliament, and there were 13 female ministers and Council of State members out of 92.

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

At least 20 domestic and international human rights NGOs generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were responsive to their views. However, the Government did not grant ready access to prisons (*see* Section 1.c.). Prominent NGOs included the International Committee of the Red Cross (ICRC), Amnesty International, the International Federation of Woman Lawyers (FIDA), the African Center for Human Development, and Ghanalert. The Government cooperated with international humanitarian organizations, including the ICRC.

In 2001 the Government began an audit of the December 31st Women's Movement (DWM), an NGO run by former First Lady Nana Konadu Rawlings and closely associated with the former government, allegedly because public money has gone to the DWM. The audit was ongoing at year's end. No other NGOs have been the subject of such audits.

The CHRAJ was charged with investigating alleged violations of human rights and taking action to remedy proven violations. The CHRAJ continued to hold workshops to educate the public, traditional leaders, the police, and the military on human rights issues. It mediated and settled cases brought to it by individuals with grievances against government agencies or private companies. On average the CHRAJ received between 4,000 and 5,000 new petitions per year, with steady increases each year. By the end of 2000, the CHRAJ had received a total of 41,901 petitions and completed action on 33,089; 40 percent of the cases were resolved through mediation. Of the 9,265 cases submitted to CHRAJ in 2000, 7,321 were lodged against private companies, organizations, and individuals. The remaining 1,944 cases were filed against government organizations, public companies, and officials. Of the cases received during the year, 1,022 (11 percent) involved complaints about human rights, and 2,208 (23.8 percent) involved administrative justice, including abuse of office by officials, labor disputes, and delays in dispensing justice.

The CHRAJ continued to investigate corruption allegations filed against public officials. The Serious Fraud Office also investigated cases of fraud that lead to government financial loss.

The CHRAJ operated with no overt interference from the Government. Its biggest obstacle was a lack of adequate funding. Low salaries and poor working conditions resulted in the loss of many CHRAJ-trained personnel to other government agencies that were able to pay their employees more.

In December 2001, Parliament created a National Reconciliation Commission to establish a historical record of human rights abuses for the periods of "unconstitutional government" and make recommendations for redress. The President appointed commissioners in February, and on September 3, the Commission began receiving accounts of abuses. Public hearings were scheduled to begin in January 2003. The commissioners will have 12 months to complete their work, subject to a 6-month extension for good cause.

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

The Constitution prohibits discrimination on the basis of race, sex, disability, language, or social status. The courts were empowered specifically to order enforcement of these prohibitions, although enforcement by the authorities was generally inadequate, in part due to limited financial resources.

Women.—Violence against women, including rape and domestic violence, remained a significant problem. A 1998 study revealed that particularly in low-income, high-density sections of greater Accra, at least 54 percent of women had been assaulted in recent years. A total of 95 percent of the victims of domestic violence were women, according to data gathered by the FIDA. These abuses usually went unreported and seldom came before the courts. The police tended not to intervene in domestic disputes. The media increasingly reported cases of assault and rape. The police administration's Women and Juvenile Unit (WAJU) handled cases involving domestic violence, child abuse, and juvenile offenses. With offices in nine cities around the country, the WAJU worked closely with the Department of Social Welfare, FIDA, and the Legal Aid Board. As of September 30, WAJU recorded a total of 3,155 cases, including 1,052 instances of assault, 380 cases of defilement, 113 rapes, and 53 abductions.

FIDA presented the draft of the country's first domestic violence bill to the Director of Legislative Drafting of the Parliament, who was responsible for converting proposed bills into proper legislative format for eventual consideration by Parliament. On November 11, the Attorney General's office held a public consultative forum on the draft bill; however, the bill had not gone before Parliament by year's end.

In late 1998, a series of “mysterious” murders of women occurred in the Mateheko area of Accra. There were more than 30 murders between 1993 and 2000, which were referred to as “serial murders.” In May 2001, a suspect who police had arrested confessed to eight of the murders. On August 7, he was convicted of murder and sentenced to death. The sentence had not been carried out by year’s end.

The Criminal Code bans the practice of customary servitude (known as *Trokosi*), protects women accused of witchcraft, makes the age of criminal responsibility 12 years, criminalizes indecent assault and forced marriages, and imposes punishments for defilement, incest, and prostitution involving children.

Belief in witchcraft still was strong in many parts of the country. Most accused witches were older women, often widows, who were identified by fellow villagers as the cause of difficulties, such as illness, crop failure, or financial misfortune. Many of these women were banished by traditional village authorities or their families and go to live in “witchcamps,” villages in the north populated by suspected witches (see Section 1.d.). In the past, in addition to banishment, suspected witches were subject to violence and lynching. The women did not face formal legal sanction if they returned home; however, most feared that they could be beaten or lynched if they returned to their villages. The law provides protection to alleged witches. There were no definitive statistics on the number of women living in northern witchcamps, and international and domestic observers estimated that there were between 550 and 1,150 women in the camps. The CHRAJ and human rights NGOs mounted a campaign to end this traditional practice but have met with little success. Various organizations provided food, medical care, and other forms of support to the residents of the camp.

There were no developments in the following 2001 cases: The January case of two elderly women in Komenda, Central Region, who were accused of being witches by their nephew and subsequently abducted and tortured to obtain confessions (one of the women died 2 weeks later); the April case in which a man living in Tongor in the Volta Region chopped off the hands of an elderly aunt, claiming she was a witch; and the June case of a woman in Abutia-Kloe, Volta Region, who was beaten to death by persons who accused her of using witchcraft to mastermind the May 2001 stadium disaster in Accra (see Section 1.a.).

There were no developments in the 2000 case in which a local teacher accused an 80-year-old woman in the Volta region of being a witch.

There were several traditional discriminatory practices that were injurious to the health and development of young girls. In particular female genital mutilation (FGM) was a serious problem. A 1998 study estimated that between 9 and 12 percent of women have undergone FGM, but some estimates were as high as 30 percent. A Ministry of Health survey conducted between 1995 and 1998 found that FGM was practiced among nearly all the northern sector ethnic groups, up to 86 percent in rural parts of the Upper West and Upper East Regions. Often it was performed on girls under the age of 15. Officials at all levels have spoken against the practice, and local NGOs made some inroads through their educational campaigns to encourage abandonment of FGM and to retrain practitioners. Traditional chiefs became more outspoken in their opposition to the practice of FGM. The law prohibits FGM; however, members of the legal community advocated legislation to close loopholes in the law and extend culpability to those who aid in carrying out FGM and to citizens who commit the crime outside the country’s borders. On September 6, two women were arrested in Kpatia, Upper East District, for assisting another woman in the circumcision of 5 of their teenage grandchildren. The women cooperated with police; however, the woman who performed the circumcision was not found by year’s end. In some cases in which FGM was performed, the victims actively sought out practitioners, sometimes without their parents’ knowledge, in a quest to become ready for marriage.

There were no laws that specifically protect women from sexual harassment.

There is a Ministry of Women and Children’s Affairs to address gender and children’s issues; however, women continued to experience societal discrimination. Women in urban centers and those with skills and training encountered little overt bias, but resistance to women entering nontraditional fields persisted. Women, especially in rural areas, remained subject to burdensome labor conditions and traditional male dominance. Traditional practices and social norms often denied women their statutory entitlements to inheritances and property, a legally registered marriage (and with it, certain legal rights), and the maintenance and custody of children.

Women’s rights groups were active in educational campaigns and in programs to provide vocational training, legal aid, and other support to women. The Government was active in educational programs, and former President Rawlings and his wife were among the most outspoken advocates of women’s rights.

Children.—Within the limits of its resources, the Government was committed to protecting the rights and welfare of children. The Government spent between 2.5 percent and 3 percent of GNP on education, approximately 60 percent of which went toward basic education in 2001. Education was compulsory through primary and junior secondary school (the equivalent of grades 1 through 9); however, education was not free. In practice schools imposed fees of up to \$50 (400,000 cedis) per term, and students also were required to purchase uniforms and books. In addition, teachers often withheld material during their regular lessons and asked students to pay additional fees for after-hours “tutoring” in those subjects as a way to supplement their incomes. In September 2001, the Ghana Education Service (GES) froze all fees charged by Senior Secondary Schools (SSS) items such as bedding and cutlery, which were not approved by the GES. These items must be listed in schools’ prospectuses as items that parents must buy. All fees approved by the Council were to be paid by the Government.

Some children were unable to attend school because they needed to work to supplement their family’s income (*see* Section 6.d.), they had to travel long distances to reach the school, or there was a lack of teachers, especially in more rural areas. Additionally children’s attendance at school was not enforced regularly by government authorities, and parents rarely, if ever, were sanctioned for keeping their children out of school. The Government has taken some concrete steps to support education, including support of “informal” schools (NGO-sponsored schools that were not regulated by the Government and provide nontraditional education), and increased emphasis on assuring that students progressed from one school grade to another. According to UNICEF’s “Situation Analysis of Children and Women in Ghana 2001,” using Ministry of Education (MOE) data, 77.6 percent of eligible children were enrolled in primary school in 2000, with a ratio of 29 boys to 21 girls. According to MOE data for 1999–2000, 61.0 percent of students in the 12 to 14 year age range were enrolled in junior secondary school. The dropout rate was decreasing; however, the school enrollment rate also has dropped slightly and overall enrollment probably was even lower because of annual population growth. The 2000–2001 advancement rate from junior secondary to senior secondary school was 35 percent.

There was little or no discrimination against female children in education, but girls and women frequently dropped out of school due to societal or economic pressures. The Government actively campaigned for girls’ education. There was a girls’ education unit within the basic education division of the Ghana Educational Service. The Minister of State for Primary, Secondary, and Girl-Child Education was responsible for addressing gender-related issues in education. The percentage of girls enrolled in school continued to decrease. In September the Government estimated that girls’ enrollment in primary school had decreased from 75 percent in 1992 to 71 percent in 2001. According to published estimates, at the primary and junior secondary level, male enrollment was between 3 and 10 percent higher than female enrollment, and the gap significantly was greater at the senior secondary school level. Some officials attributed the lower female enrollment to the fact that many girls marry early or become pregnant. Enrollment of women at the university level in 2001 was 29 percent.

There were frequent reports of teachers sexually assaulting their female students. The girls often were reluctant to report the attacks to their parents, and social pressure often prevented parents from going to the police and other authorities. In April 2001, a math tutor at Aburi Girl’s Secondary School, Eastern Region, fled after being accused of assaulting at least 17 girls. Students reportedly told the school administration, including the headmistress, about the assaults, but they were rebuffed and no action was taken. During the year, the headmistress resigned and the teacher was dismissed.

WAJU and regular police units increasingly investigated and prosecuted sexual abuse of minors, and press reports of court cases ending in lengthy prison sentences became routine.

The Ghana National Commission on Children (GNCC), a policymaking and coordinating body established to improve the lives of children, provided the WAJU with office equipment. The GNCC also has administered training programs for law enforcement and judicial officials around the country to familiarize them with the Children’s Act and other pertinent child labor legislation.

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

Trokosi, also known as Fiashidi, was a religious practice involving a period of servitude lasting up to 3 years. It is found primarily among the ethnic Ewe group in the Volta Region. A virgin girl, sometimes under the age of 10, but often in her teens, is given by her family to work and be trained in traditional religion at a fetish shrine for a period lasting between several weeks and 3 years as a means of atonement for an allegedly heinous crime committed by a member of the girl’s fam-

ily. In exceptional cases, when a girl of suitable age or status is unavailable, a boy can be offered. The girl, who is known as a Trokosi or a Fiashidi, then becomes the property of the shrine god and the charge of the shrine priest for the duration of her stay. As a charge of the priest, the girl works in the shrine and undergoes instruction in the traditional indigenous religion. In the past, there were reports that the girls were the sexual property of the priests; however, while instances of abuse may occur on a case-by-case basis, there was no evidence that sexual or physical abuse was an ingrained or systematic part of the practice. Shrine priests generally were male, but may be female as well. The practice explicitly forbids a Trokosi or Fiashidi to engage in sexual activity or contact during her atonement period. Trokosi may or may not attend school. During the atonement period, most girls do not live in the shrines, which generally were little more than fenced-in huts with small courtyards; many remained with their families or stayed with members of the shrine living nearby. The girl's family must provide for the girl's needs during her stay, including food and clothing; however, in some cases families are unable to do so. After she has completed her service to the shrine, the girl's family completes their obligation by providing items, which may include drinks, cloth, money, and sometimes livestock, to the shrine for a final release ritual. After the release ritual, the girl returns to her family and resumes her life, without, in the vast majority of cases, any particular stigma attaching to her status as a former Trokosi shrine participant. Generally the women continued to associate themselves with the shrine, a voluntary association involving return visits for ceremonies. In many instances, when a Trokosi woman dies, years if not decades after she has completed her service and resumed her life in the village, her family was expected to replace her with another young girl, thus continuing the association of the family to the shrine from generation to generation. In very occasional cases, the family abandons the girl or cannot afford the cost of the final rites, in which case she may remain at the shrine indefinitely. She also may leave the shrine and return to her village; however, her family's reputation with the shrine, and possibly with the community, may be tarnished. Shrines rarely have more than 4 girls serving their atonements at any one time, and there were no more than 100 girls serving their atonement periods at Trokosi shrines throughout the Volta Region at year's end.

Trokosi shrines all follow these general practices; however, specific practices, such as the length of indoctrination, the exact nature of the ritual instruction, and the requirements for the release rites, varied from shrine to shrine and district to district.

The law bans ritual servitude in comprehensive legislation to protect women and children's rights. NGOs, such as International Needs, and government agencies, such as the CHRAJ, have been campaigning against Trokosi, for years. The practice has decreased in recent years because other belief systems have gained followers, and fetish priests who died have not been replaced. According to one local NGO, there were approximately 2,000 women or girls associated with Trokosi shrines, with a fraction actually living in the shrines; however, according to other international observers, there were no more than 100 girls serving at Trokosi shrines throughout the Volta Region.

Another traditional practice that violates the rights of children was forced childhood marriage, which is illegal. The GNCC was working with the CHRAJ to effect the prosecution of the chief of Mpeasem-Easuakyir, in the Central Region, who coerced a 14-year-old girl into marrying him after he abused and impregnated her. FIDA supported the efforts and emphasized that the marriage violated the Children's Act, which sets the marriageable age at 18, as well as the Criminal Code, which prohibits sex with a child under 16 years of age.

On August 11, WAJU arrested a couple in Akwatia, Ashanti Region, for forcing their 15 year-old daughter to marry a 60 year-old man. WAJU still was investigating the case at year's end.

On August 31, a 5-year-old girl was kidnaped from Assin Praso, Central Region, and sold for \$500 (4 million cedis), reportedly to be used for "ritual" purposes. Four men were arrested. Investigations still were ongoing at year's end.

Child prostitution, although illegal, also existed. The Eastern regional branch of the Ghana Hairdressers and Beauticians Association announced that it offered free apprenticeships to 150 street girls in the Eastern Region to equip them with marketable skills.

There were reports that trafficking in children occurred, including children being sold into slavery either for forced labor or sexual exploitation (*see* Sections 6.c. and 6.f.).

Persons with Disabilities.—The Constitution specifically provides for the rights of persons with disabilities, including protection against exploitation and discrimination. In practice persons with disabilities were not discriminated against in any sys-

tematic or overt manner. The Constitution also states that “as far as practicable, every place to which the public has access shall have appropriate facilities for disabled persons.” However, in practice this provision has yet to be implemented. In December the Deputy Minister of Manpower Development and Employment announced that his Ministry submitted a bill to cabinet that would compel public and corporate institutions to make provisions for persons with disabilities.

National/Racial/Ethnic Minorities.—Although the Government played down the importance of ethnic differences, its opponents have complained that it is dominated by Ashantis and other Akans at the expense of Ewes and northerners. The President and some of his ministers and close advisors were Ashanti, but the Vice President and many ministers were of other ethnic origins.

Efforts by NGOs to encourage reconciliation continued this year; however, during the year, there were several violent confrontations within ethnic groups related to chieftancy issues, particularly those of succession and land. For example, on March 27, the Ya-Na, chief of the Dagomba tribe in Yendi, Northern Region, and 29 of his followers were killed in fighting with a rival faction of the royal family. The two factions long have feuded over traditional ceremonies and the right to hold the throne. Extensive police investigations, an independent Commission of Inquiry, and traditional and international fact-finding teams all were working toward establishing responsibility for the deaths and resolution of the underlying conflict. In August the Commission finished public hearings, and in November it submitted its report to the executive branch. The Commission’s report recommended the prosecution of several dozen individuals involved in the violence, including the Northern Regional Minister. The report exonerated two other senior government officials who resigned as a result of the violence. The Commission also recommended the official reprimand of military officers in command over the area where the fighting took place. In December the Government responded by accepting most of the Commission recommendations; however, the Government declined to prosecute the Northern Regional Minister. The state of emergency continued in the Dagbon Traditional Area at year’s end (see Section 2.d.).

In June a High Court dropped charges against the chief in Acherensua, Brong-Ahafo Region who allegedly shot and killed one person and injured five others in a dispute over demands that he abdicate. The Attorney General’s office indicated it would appeal the Court’s decision but had not done so by year’s end.

In July charges were dropped against the chief involved in a chieftancy dispute in Juaso in the Ashanti Region that resulted in the death of a policeman, several injuries, the burning of the police station, and the arrest of more than 60 persons and his followers.

In December 2001, violence between the Mamprusi and Kusasi ethnic groups in Bawku resulted in widespread rioting, destruction of property, and loss of life. During the year, displaced persons returned to Bawku and rebuilt their homes; stores and schools reopened. Senior government officials visited the town and pledged to assist the reopening of peace negotiations between the Kusasi and Mamprusi peoples. In October national and regional government officials engineered a compromise in which the District Chief Executive and assembly member positions were shared between the two ethnic groups. As a result of this compromise, prospects for reconciliation improved.

There were no further developments in the 2000 clashes between the Tamong and Puli clans in Bimbagu, West Mamprusi District in the Northern Region that resulted in two deaths or in the 2000 incident in which four persons were killed after a conflict over a chieftancy dispute in Weija, Greater Accra Region.

Government officials, M.P.’s, and other prominent opinion leaders regularly called for peaceful coexistence between ethnic groups. The Permanent Peace Negotiating Team (PPNT) was a facilitative body whose primary purpose is to mediate disputes. The Government has a ban on firearms in the Northern Region and northern part of the Volta Region.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association. This right was restricted formally by the Trades Union Ordinance, which conferred broad powers on the Government to refuse to register a trade union, and by the Industrial Relations Act (IRA), which governed trade union activities; however, the Government has not interfered with the right of workers to associate in labor unions and has encouraged pluralism in labor organizations. The IRA governed trade unions and their activities. The percentage of workers belonging to unions appeared to be decreasing as more of the workforce entered the informal sector where there was no union activity. The Ministry of Employment and Manpower Development es-

timated that 80 percent of the work force was employed in the informal sector, and that number was expected to increase.

The Trades Union Congress (TUC), the largest labor organization in the country, consisted of 17 national unions. Led by experienced union leaders, the TUC has been a vocal and constructive critic of the Government's economic policies. Civil servants had their own union, the Civil Servants Association, which operated outside of the TUC umbrella. The Ghana Federation of Labor (GFL) was intended to serve as an umbrella organization for several independent labor unions, which either had ceased ties with or were never members of the TUC.

The law requires employers found guilty of antiunion discrimination to reinstate workers fired for union activities.

Unions had the right to affiliate with international bodies. The TUC was affiliated with the Organization of African Trade Union Unity headquartered in Accra and also was a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The law protects workers from employer interference and their right to organize and administer their unions. The IRA provides a framework for collective bargaining and some protection against antiunion discrimination. Trade unions engaged in collective bargaining for wages and benefits for both private and state-owned enterprises without government interference. However, the Government, labor, and employers negotiated together through a tripartite commission to set minimum standards for wages and working conditions. No union leaders have been detained in recent years for union or other activities.

The law recognizes a right to strike, but there have been no legal strikes since independence. Under the IRA, the Government established a system of settling disputes, first through conciliation, then through arbitration. Parties in a dispute may request compulsory arbitration. A union may call a legal strike if the Government does not call for formal arbitration. However, no union ever has gone through the complete process. There were numerous unsanctioned strike actions during the year, none of which met the requirements for a legal strike detailed in the IRA. The IRA prohibits retribution against strikers, and this law was enforced.

No further action was taken on the October 2001 appeal by workers from DL Steel Limited to the Minister of Trade and Industry regarding a worker-rejected severance package settlement by year's end.

In September 2001, the Minister of Manpower Development and Employment stated that there were 22 industrial actions involving 12,830 workers in the first 8 months of 2001, costing the country 39,261 man-days of labor. Most actions involved demands for higher wages and better benefits.

There was legislation that authorized export processing zones (EPZs), and a few EPZs are in operation. Existing labor law applied in any EPZ, including the right to organize.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, approximately 100 women and girls were bound to shrines in the Volta Region through the localized Trokosi system and performed limited servitude for limited periods (*see* Section 5). It was difficult to determine the extent to which forced and bonded labor by children was practiced.

There were newspaper reports of children being sold into slavery for either sexual exploitation or labor, such as 10- to 12-year-old boys working for fisherman in exchange for a yearly remittance to their families. A 2002 report on child trafficking by the African Center for Human Development counted 708 children under the age of 18 working in fishing villages along the Volta Lake in the Afram plains (*see* Section 6.f.). However, there were no reports during the year that children were sold into slavery; the practice appeared to involve informal servitude, often with the consent of their parents (*see* Sections 6.d. and 6.f.).

The ILO continued to urge the Government to revise various legal provisions that permitted imprisonment with an obligation to perform labor for offenses that were not allowed under ILO Convention 105.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law sets a minimum employment age of 15 years and prohibits night work and certain types of hazardous labor for those under 18 years of age. In 2000 the Ministry of Employment and Social Welfare estimated that 18,000 children were working in Accra and 800,000 countrywide. The ILO estimated that 12 percent of children between the ages of 10 and 14 work. Children as young as 7 years worked as domestic laborers, porters, hawkers, miners, quarry workers, fare-collectors; they also worked in agriculture. The fishing industry on Lake Volta has a particularly high number of child laborers engaged in potentially hazardous work. According to an ILO representative, child labor in the tourism industry also increased. Child laborers were

poorly paid and subjected to physical abuse; they received little or no health care and generally did not attend school. According to government labor officials, child labor problems did not exist in the formal labor sector because “exploitive child labor” (defined as that which deprives a child of health, education, or development) was prohibited.

The migration of children from rural to urban areas increased, due to economic hardship. Children were driven to the streets to fend for themselves, increasing both the occurrence of child labor and the school dropout rate. Observance of minimum age laws was eroded by local custom and economic circumstances that encouraged children to work to help support their families. Most economic activity of children between ages 5 and 14 took place in the context of a family enterprise.

The African Center for Human Development, a local NGO, found that child labor and child trafficking were widespread in the informal labor sector, especially in larger cities and border areas (see Section 6.f.). In response to the study, the Government established a National Steering Committee for the International Program for the Elimination of Child Labor (IPEC), composed of representatives from the Government, the Ghana Employer’s Association, the TUC, the media, international organizations, and NGOs to look into child labor issues. The Committee developed the “National Plan of Action for the Elimination of Child Labor in Ghana 2001–2002,” which was published by the Ministry of Manpower Development and Employment and ILO/IPEC Ghana. Implementation of the IPEC began in 2001; a national coordinator and steering committee were established, and the Government’s statistical service was conducting a national survey of the child labor problem.

A Comprehensive Children’s Act provided additional child labor protection and strengthened the punishment for violators under the Act. The Act incorporated the existing labor legislation’s minimum age for employment and prohibitions on night work and hazardous labor. In addition, the legislation allows for children aged 15 years and above to have an apprenticeship whereby the craftsmen and employers have the obligation to provide a safe and healthy work environment along with training and tools. Fines and imprisonment for violators were increased considerably.

However, child labor laws were not enforced effectively or consistently, and law enforcement officials, including judges, police, and labor officials, often were unfamiliar with the provisions of the law protecting children. District labor officers and the Social Services sub-committees of District Assemblies were charged with seeing that the relevant provisions of the law were observed. Inspectors from the Ministry of Labor and Social Welfare were responsible for enforcement of child labor regulations. They visited each workplace annually and made spot checks whenever they received allegations of violations. All law enforcement and judicial authorities in the country were hampered by severe resource constraints and a lack of public awareness about the problem.

The Ministry of Manpower Development and Employment had more than 100 labor inspectors throughout the country responsible for monitoring companies’ labor practices; however, the inspectors did not look exclusively or specifically at child labor. When inspectors found infractions of child labor laws, they generally informed the employers about the provisions of the law and asked them to make changes; however, there was no record of any prosecutions for child labor resulting from these inspections. Officials only occasionally punished violators of regulations that prohibited heavy labor and night work for children. In addition, the inspectors’ efforts were concentrated only in the formal sector, which was not where the majority of child labor was performed.

The law prohibits forced and bonded labor performed by children; however, during the year, international observers reported that up to 100 girls and women were connected to Trokosi shrines (see Sections 5, 6.c., and 6.f.).

e. Acceptable Conditions of Work.—A tripartite commission composed of representatives of the Government, labor, and employers set minimum standards for wages and working conditions. On May 1, after lobbying by trade unions, the Tripartite Commission raised the daily minimum wage to \$0.89 (7,150 cedis), which was insufficient to provide a decent standard of living for a single wage earner and family. Furthermore, there was widespread violation of the minimum wage law. In most cases, households had multiple wage earners, and family members engaged in some family farming or other family-based commercial activities. Trade unions argued that an eventual minimum of a \$1 (8,000 cedis) per day would provide a living wage to workers.

The law sets the maximum workweek at 45 hours, with one break of at least 36 consecutive hours every 7 days; however, through collective bargaining the basic workweek for most unionized workers was 40 hours. The Government compensated

extra duty hours only for overtime actually worked, in accordance with labor equity, rather than as an automatic salary supplement.

Occupational safety and health regulations exist, and the Labor Department of the Ministry of Health and Social Welfare occasionally imposed sanctions on violators. However, safety inspectors were few and poorly trained. They took action if matters were called to their attention, but lacked the resources to seek out violations. Workers had the right to withdraw themselves from dangerous work situations without jeopardy to continued employment, although they rarely exercised this right.

The law protects both legal and illegal foreign workers.

f. Trafficking in Persons.—No laws specifically addressed trafficking in persons, and trafficking in persons was a problem; however, the Government could prosecute traffickers under laws against slavery, prostitution, and underage labor. The country was a source and a destination country for trafficked persons. The Government acknowledged that trafficking was a problem.

The law, which defines the rights of children and codifies the law in areas such as child custody, health, and education, did not address specifically trafficking. The country was a signatory of ILO Convention 182 and various ministries were working with the ILO and NGOs to address trafficking. In March draft legislation criminalizing trafficking in persons and establishing specific penalties for convicted traffickers was completed; however, the legislation was not submitted to Parliament by year's end. The Ministry of Manpower Development and Employment, in conjunction with ILO/IPEC, implemented a "National Plan of Action for the Elimination of Child Labor in Ghana (*see* Section 6.d.)."

Law enforcement authorities were not trained or given sufficient resources to deal with the problem and had a difficult time identifying persons who were being trafficked because of the fluid nature of family relations in the country. For example, a friend often was called a "cousin," and an older woman an "aunt," even if there was no blood relation. The Government was attempting to train security forces, immigration authorities, customs and border officials, and police on issues of trafficking, and early in the year, immigration officials were successful in stopping some child traffickers. There were no developments in the April 2001 case in which a woman was arrested at Paga, Upper East Region for trafficking to the Gambia eight boys and three girls, between the ages of 6 and 14 or the 2000 case of two men who had attempted to sell two young men into forced labor for \$9,100 (50 million cedis) and were charged with "slave dealings."

Trafficking was both internal and international, with the majority of trafficking in the country involving children from impoverished rural backgrounds. The most common forms of internal trafficking involved boys from the Northern Region going to work in the fishing communities in the Volta Region or in small mines in the west and girls from the north and east going to the cities of Accra and Kumasi to work as domestic helpers, porters, and assistants to local traders. In 2000 more than 100 boys reportedly were contracted out to Lake Volta fishermen (*see* Sections 6.c. and 6.d.). Local NGOs reported these children were subjected to dangerous working conditions and sometimes were injured or killed as a result of the labor they perform.

During the year, several persons were intercepted while trying to take approximately 50 persons from the northern part of the country to work in the southern part of the country. The 50 children were returned to their homes and the traffickers were in police custody. The case was pending in court at year's end.

Children between the ages of 7 and 17 also were trafficked to and from the neighboring countries of Cote d'Ivoire, Togo, and Nigeria to work as farm workers, laborers, or household help. On September 5, four Ghanaian girls aged 14 to 18 were handed over to WAJU at the Ghana-Togo border. The girls said they were taken from Ghana and forced to work as prostitutes in Nigeria. On September 7, one woman was arrested, and the investigation was ongoing at year's end.

Much of the recruitment of children was done with the consent of the parents, who sometimes were given an advance payment or promised regular stipends from the recruiter and were told the children would receive food, shelter, and often some sort of training or education. Some parents sent their children to work for extended family members in urban areas; treatment of children sent to work in relatives' homes varied. Many children were given to professional recruiters, usually women, who placed the children with employers in cities. A child in these circumstances usually was paid between \$2.50 and \$3.75 (20,000 and 30,000 cedis) per month. In many cases, the children never received the education or vocational training the recruiters promised. Girls may be forced into prostitution and often were sexually abused by their employers.

Women also were trafficked to Western Europe, mostly Italy, Germany and the Netherlands. International traffickers promised the women jobs; however, the women often were forced into prostitution once they reached their destination. The women were sent sometimes directly to Europe, while others were trafficked through other countries. Some young women were trafficked to the Middle East, particularly Lebanon, where they worked in menial jobs or as domestic help. There also was a growing trade in Nigerian women transiting Ghana on their way to Western Europe and reportedly the Middle East to work in the sex industry. Traffickers in person from other countries reportedly used Accra as a transit point to Europe and reportedly the Middle East. There reportedly was some trafficking in persons from Burkina Faso, mostly transiting Ghana on the way to Cote d'Ivoire.

In March the Government announced its National Plan to Combat Trafficking in Persons. The plan called for new legislation to criminalize trafficking in persons, specific penalties for traffickers, and specialized training for law enforcement agencies to detect and prosecute traffickers. A National Commission to Combat Trafficking was created, which coordinated antitrafficking efforts of governmental and nongovernmental actors.

Several NGOs, both local and international, worked with trafficking victims. These organizations, as well as the University of Ghana's Center for Social Policy Studies, conducted studies into trafficking as part of their broader agenda, performed some rescue operations for street kids, provided training and education for victims of trafficking and abuse, and in some cases, assisted with family reunification.

GUINEA

Guinea is a constitutional republic in which effective power is concentrated in a strong presidency. President Lansana Conte has ruled since 1984 first as head of a military junta, and since 1994 as a civilian president. Conte won a second 5-year term in a December 1998 election that was marred by violence and civil unrest, widespread irregularities, and the arrest and detention of major opposition candidates during vote counting. In November 2001, a nationwide referendum, which some observers believe was flawed, amended the Constitution to permit the President to run for an unlimited number of terms, and to extend the presidential term from 5 to 7 years. The country's second legislative election, originally scheduled for 1999, was held June 30. President Conte's Party of Unity and Progress (PUP) and associated parties won 91 of the 114 seats, with an officially announced turnout of 72 per cent but a much lower actual participation rate. The nonviolent election was boycotted by two of the three major opposition parties. An increasingly disproportionate number of appointed public sector positions, including senior military and cabinet posts, were held by members of the President's own minority ethnic Soussou group. The judiciary was subject to executive influence, particularly in politically sensitive cases.

The Gendarmerie and the national police shared responsibility for internal security and sometimes played an oppressive role in the daily lives of citizens. Members of the Presidential Guard were accountable to virtually no one except the President. There was no effective civilian control of the security forces, whose members committed serious human rights abuses; however, there were fewer reported abuses than in previous years.

Approximately 85 percent of the country's population of 7.6 million were engaged in subsistence agriculture. More than 80 percent of export earnings came from mining, particularly bauxite, gold, and diamonds. Economic growth lagged in recent years following a period of modest growth between 1996 and 1999, which was attributable in part to substantial assistance from international financial institutions and bilateral donors. Since 1999 government collaboration with donors has been complicated by additional defense spending, widespread corruption, particularly at the port and customs offices, and limited transparency in the Government, which has blocked efforts at economic and fiscal reform.

The Government's human rights record remained poor; although there were improvements in several areas, serious problems remained. The Government's tight control of the electoral process, its refusal to create an independent electoral oversight mechanism, and its prohibition of nongovernmental broadcast media, effectively restricted citizens' right to change their government. There were three unlawful killings by security forces during the year, and there were no reports of disappearances. Civilian and military security forces beat and otherwise abused civilians. Members of the security forces committed abuses, often with impunity. Prison conditions were inhumane and life threatening. Arbitrary arrest and prolonged pre-

trial detention were problems. The Government maintained the executive branch's influence over the judicial system and the electoral process, and infringed on citizens' privacy rights. The Government restricted freedom of speech and of the press, although the private press criticized the Government freely. The Government restricted freedom of assembly and association and infringed on freedom of movement. Violence and societal discrimination against women, prostitution of young girls, female genital mutilation (FGM), ethnic discrimination and interethnic violence, child labor, and reports of trafficking of women and children continued.

Unlike in the previous year, there were no reports of crossborder attacks by Revolutionary United Front (RUF) rebels from Sierra Leone and armed attackers from Liberia.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—In past years, security forces killed numerous persons, and there were reports of deaths in custody due to torture and abuse. There were three confirmed reports of security forces killing persons during the year. In July a military patrol shot a young man following a dispute; there were no reports of any arrests. In August a drunken gendarme shot and killed a young man in Conakry. The gendarme was arrested and jailed the following day, after the young man's family and neighbors protested. Gendarme officials also paid compensation to the family. In November army troops beat to death an individual in Kouroussa; there were no reports of any arrests.

There were no reports of student killings during the year. No action has been taken, nor is any likely to be, against the bodyguards of the prefect of Koundara who killed and injured students during the November 2001 protests.

Unlike in the previous year, there were no reported deaths in custody due to inhumane prison conditions and inadequate medical treatment (*see* Section 1.c.). No action was taken against prison officials who mistreated refugees in 2001. Guinean prisoners, acting on orders from prison officials, reportedly also killed a number of Sierra Leonean refugees in 2001.

No action was taken, nor is any likely to be, against the security forces in the following 2000 cases: The killing of six persons in Conakry in November and the case of a prisoner allegedly tortured to death. There was no investigation, nor is there likely to be, into the clashes between security forces, ruling party militants, and opposition party supporters during the 2000 municipal elections, which resulted in the deaths of eight persons and injuries to several others.

Between January and April 2001, the army crossed into northern Sierra Leone on a number of occasions in pursuit of RUF rebels and other attackers from Sierra Leone and Liberia. During these actions, security forces killed a number of civilians and destroyed numerous houses and other structures in RUF-occupied villages; however, no statistics were available. Since the May 2001 shelling of a group of RUF rebels at a disarmament site, which killed at least one civilian, there have been no reports of the Guinean military mounting crossborder operations into Sierra Leone or Liberia.

Government authorities continued to block efforts by human rights groups and nongovernmental organizations (NGOs) to investigate political killings that took place in the 1970s under then-President Sekou Toure. Following visits during 2001 to Camp Boiro, where political prisoners were held during the Sekou Toure regime, human rights groups and NGOs suggested that an intentional lack of maintenance and upkeep was destroying evidence of the camp's former use. During 2001 the Government did not permit survivors of Camp Boiro to receive funds intended to transform the camp into a memorial; the group did not apply for funds during the year.

There were no crossborder attacks by RUF rebels or other attackers from Sierra Leone and Liberia during the year and no action was taken against those responsible for attacks in previous years.

Many victims of crime feared that they might never receive justice because of judicial corruption and at times resorted to exacting their own form of retribution through vigilante violence. Some suspected criminals, notably thieves and rapists, were beaten to death or burned by their victims or others after being soaked with a flammable liquid. In August 2001, two criminals reportedly were killed; there were no reports of any punishment for those who killed criminals.

c. Disappearance.—Unlike in previous years, there were no reports of politically motivated disappearances. There also were no reports that refugees, Sierra Leonean citizens, or RUF rebels were abducted during the year.

d. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Penal Code and the Constitution prohibit torture and cruel, inhuman, or degrading treatment; however, both civilian and military security forces beat and otherwise abused civilians. There also were reports that security forces used torture and beatings to extract confessions and employed other forms of brutality, including holding prisoners incommunicado without charges under inhumane conditions. There were no reported judicial proceedings against officers suspected of committing abuses. Many citizens viewed the security forces as corrupt, ineffective, and even dangerous. Police ignored legal procedures and extorted money from citizens at roadblocks (*see* Section 2.d.).

Human Rights Watch (HRW) reported that, during the screening of Liberian refugees entering the country during July and August, young male refugees were stripped and searched for tattoos, scarification, or other signs of connection with dissident Guinean or RUF forces. Some of these young men were reported to have been detained in local jails in the Yomou area for up to 1 week, and there were unconfirmed reports that some were beaten and tortured. In June 2001, an NGO reported that army troops amputated the limbs of their RUF prisoners; however, there were no witnesses to confirm these reports, which the Government denied.

There continued to be reports of sexual assaults on refugees (*see* Section 2.d.). HRW reported that over a period of 3 days in August, soldiers gang raped three or four refugee women in the town of Yomou. The soldiers subsequently were arrested and imprisoned by their commanding officer. There also were reports that refugees were beaten, stripped, and searched at roadblocks while in detention (*see* Section 1.d.).

The Organisation Guinéenne de Defense des Droits de L'Homme et du Cityoyen (OGDH) reported that in the spring in the town of Mandiana, a gendarme acting on his own tortured a citizen to extract information about a rifle stolen from the gendarme. The gendarme was arrested and imprisoned.

No action was taken against trainees responsible for the November 2001 beating of students in Kissidougo or the security forces who in November and December 2001 forcibly dispersed demonstrations and beat students.

No action was taken, nor is any likely to be, in the following cases from 2000: Security forces who shot, beat, and raped civilians, and pillaged personal property during the June elections; the soldiers, police, and civilian militia groups who detained, beat, and raped refugees from Sierra Leone and Liberia in September; and the case of defendants in the Alpha Conde trial who reported that they were tortured, starved, and neglected during their detention.

Prison conditions were inhumane and life threatening. While officials provide a basic diet for prisoners, most inmates relied on supplemental assistance from families or friends to maintain their health. Guards often demanded bribes in exchange for allowing delivery of food to those incarcerated. Standards of sanitation remained poor, which have resulted in several dozen deaths due to malnutrition and disease in previous years; there were no confirmed reports of deaths during the year (*see* Section 1.a.). Some prisoners have reported sleeping on their knees because their cells were so small. Prisoners reported threats, beatings, and harassment by guards, and some reported being denied food and a place to lie down. The independent press, a local human rights organization, and a former prisoner reported in previous years that inmates routinely were beaten and subjected to other forms of abuse at the prison in Koundara in the north.

The OGDH determined that prisoners in at least one major prison in N^oZerekore had suffered more from neglect and lack of resources than from mistreatment. According to the OGDH, the N^oZerekore prison was a converted grain warehouse with no electricity or running water. Built in 1932 for 70 prisoners, it housed 120 in 2001. Although the Minister of Justice has criticized inhumane prison conditions during televised visits to prison facilities in 2001, no concrete action was taken to improve conditions by year's end.

There were credible reports from prisoners that female inmates were subject to harassment and sexual assault by guards. Men and women were housed separately, but juveniles generally were housed with adults. Pretrial detainees were not separated from convicted prisoners, and the prison system often was unable to track pretrial detainees after arrest. At times detainees remained in prison for up to 2 years without trial. Although the Government claimed that it did not have political prisoners, prisoners of political importance usually were held in the main prison in Conakry with the general prison population; however, they were housed in separate cells.

The Government permitted prison visits by the International Committee of the Red Cross (ICRC) and other local humanitarian and religious organizations, which offered medical care and food for those in severe need. A former prisoner reported

that without this assistance, those who did not have families or friends would have starved to death.

The ICRC reported that it had been allowed regular access to all 33 official detention facilities in the country during the year due to a signed agreement with the Government. According to the ICRC, authorities were cooperative, and the ICRC has been encouraged by the response of the prison and security authorities to ICRC initiatives in improving prison facilities in Conakry and Kankan.

d. Arbitrary Arrest, Detention, or Exile.—Security forces regularly used arbitrary arrest and detention, despite procedural provisions in the Penal Code designed to safeguard detainees. In practice administrative controls over the police were ineffective, and security forces rarely followed the Penal Code. The Code of Penal Procedure permits only the Gendarmerie to make arrests, but the army, the Presidential Guard (Red Berets), and the state police often detained persons as well.

The Penal Code requires that the Government issue a warrant before an arrest can be made and that detainees be charged before a magistrate within 72 hours; however, many detainees were incarcerated for longer periods before being charged. After being charged, the accused may be held until the conclusion of the case, including a period of appeal. The Constitution proscribes incommunicado detention; however, at times it occurred in practice. The law provides for access by attorneys to their clients, but authorities frequently did not respect this provision. Release on bail was at the discretion of the magistrate who had jurisdiction.

The Penal Code strictly forbids the detention of civilians at military camps; however, this provision largely was ignored.

There were no reports of politically motivated arrests prior to the June legislative elections; however, the OGDH reported that an undetermined number of opposition members were arrested in Dalaba on election day and later were released after paying a \$50 fine (100,000 FG francs).

In September police detained three Union of Republican Forces (UFR) officials at their headquarters on suspicion of conspiracy against the Government. The three officials were released after a search of the building.

Authorities arrested journalists (*see* Section 2.a.).

Security forces frequently detained persons at roadblocks and extorted money from them (*see* Section 2.d.). The army and the Gendarmerie continued to detain refugees during the year. In September the U.N. High Commission for Refugees (UNHCR) reported that 89 of the total refugee population of 180,000 were in detention throughout the country. In June 2001, authorities arrested 52 persons reportedly after refugees in the Telikoro camp attacked a group of gendarmes inside the camp. The protection office of the UNHCR reported that 33 persons remained in custody in the Kissidougou prison after being tried and convicted on a variety of charges. HRW confirmed that refugees died during the year while in detention because of poor prison conditions and abuse (*see* Sections 1.a., 1.c., and 2.d.).

There was no further information, nor is there likely to be, on the following incidents from 2000: The whereabouts of 3 of 5 refugees detained at the Guekedou refugee camp and the detention by the police of approximately 30 students who were protesting poor conditions in schools.

Bar Association attorneys, the independent press, and government sources described in past years a parallel and covert system of justice run by unidentified uniformed personnel who conducted midnight arrests, detained suspects, and used torture in secret prisons to obtain confessions before transferring detainees to prosecutors (*see* Section 1.c.). Unlike in previous years, there were no reports of specific incidents involving a parallel justice system. In previous years, a variety of witnesses, including former prisoners and those accused in the coup-plotting trial of Alpha Conde, had reported that the Government imprisoned for political reasons persons considered a threat to state security at the Kassa prison, allegedly located on an island off Conakry. The Government denied the existence of the Kassa Island prison and stated that prisoners identified as political detainees have been incarcerated for criminal acts and were housed in other prisons. There have been no new reports of the existence of the Kassa facility since 2000.

The Government does not practice forced exile, although several soldiers who fled the country in 1996 after a mutiny attempt remained in self-imposed exile, according to their families. There were credible reports that these soldiers were engaged in the armed attacks on the country in conjunction with RUF rebels from Sierra Leone and Liberian forces in 2001 and 2000 (*see* Section 1.a.).

e. Denial of Fair Public Trial.—The Constitution provides for the judiciary's independence; however, judicial authorities routinely deferred to executive authorities in politically sensitive cases. Magistrates were civil servants with no assurance of tenure. Because of corruption and nepotism in the judiciary, relatives of influential

members of the Government often were, in effect, above the law. Judges often did not act independently, and their verdicts were subject to outside interference. Influential persons often intervened on behalf of their relatives to affect the disposition of a case.

The judiciary includes courts of first instance, the two Courts of Appeal, and the Supreme Court, which is the court of final appeal. A military tribunal prepares and adjudicates charges against accused military personnel, to whom the Penal Code does not apply. Civilians were not subject to military tribunals. The Government announced in 1996 the creation of a Discipline Council for dealing with civil servants who abuse their positions as government employees; however, the Council still had not prosecuted any cases by year's end.

The judicial system was plagued by numerous problems, including a shortage of qualified lawyers and magistrates and an outdated and restrictive penal code. The Penal Code provides for the presumption of innocence of accused persons, the independence of judges, the equality of citizens before the law, the right of the accused to counsel, and the right to appeal a judicial decision. Although in principle the Government was responsible for funding legal defense costs in serious criminal cases, in practice it rarely disbursed funds for this purpose. The attorney for the defense frequently received no payment. In 2000 the Minister of Justice introduced a system for tracking cases of pretrial detainees to follow up on those that did not reach the courts in a timely manner; however, a lack of information technology and training rendered the system ineffective. No improvements were made to this system during the year.

In January the Minister of Justice attempted to dissolve the Bar Association and arrest its president for not following the Ministry's recommendations. Negative publicity and pressure from President Conte forced the Minister to reverse his position.

The State Security Court is comprised of magistrates directly appointed by the President, and the verdict is open only to an appeal on a point of law, not for the reexamination of evidence. In 2000 the State Security Court tried presidential candidate Alpha Conde and his codefendants.

Alpha Conde was arrested with three others in 1998 and charged with the following: Illegal use of military force; undermining the authority of the state and the integrity of the national territory; use of violence against a state security officer; wrongful possession and transfer of foreign currency; and an illegal attempt to cross the border. In September 2000, Conde was found guilty and was sentenced to 5 years in prison in a flawed trial. Most of Conde's codefendants were found innocent and released, while all of the others were sentenced to time served. In May 2001, President Conte pardoned Conde. Conte previously was reported to have restored all of Conde's political and civil rights; however, Conde's right to vote and run for political office in the country have not been restored.

Many citizens wary of judicial corruption preferred to rely on traditional systems of justice at the village or urban neighborhood level. Litigants presented their civil cases before a village chief, a neighborhood leader, or a council of wise men. The dividing line between the formal and informal justice systems was vague, and authorities may refer a case from the formal to the traditional system to ensure compliance by all parties. Similarly if a case cannot be resolved to the satisfaction of all parties in the traditional system, it may be referred to the formal system for adjudication. The traditional system discriminated against women in that evidence given by women carries less weight, in accordance with Islamic precepts and customary law (*see* Section 5).

There were no claims during the year that the Government held political prisoners. According to the Rally of the Guinean People party (RPG), approximately 20 party members were detained during 2001 by the prefecture authorities in Beyla, Kerouane, and Macenta on unspecified charges. All 20 were released in 2001.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of the home, and judicial search warrants are required by law; however, police and paramilitary police often ignored legal procedures in the pursuit of criminals. Police and the military frequently detained persons at nighttime roadblocks for purposes of security but also to extort money or goods.

Security officials were believed widely to monitor the mail. Local businesses, including foreign companies, often complained of intimidation and harassment by public officials and authorities.

During the year, authorities relocated thousands of refugees from border areas to camps in the country's interior; the relocation was voluntary (*see* Section 2.d.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression, subject to certain limitations; however, despite government statements in support of free speech and a free press, the Government broadly restricted these rights. The Government prohibited talk or chants in public that it considered seditious, established defamation and slander as criminal offenses, and prohibited communications that insulted the President; incited violence, discrimination, or hatred; or disturbed the public peace. Sanctions included fines, revocation of press cards, imprisonment, and banishment.

In December a journalist was arrested and tried in Conakry for the defamation of a public official. The journalist was sentenced to 1-year imprisonment but subsequently was pardoned by President Conte.

In July 2001, police in Conakry closed the offices of the UFR, whose leader vocally opposed the Government's campaign to extend the President's term in office. The office reopened during 2001 and the UFR continued to function as an opponent of the administration.

The Government published an official newspaper, the daily *Horoya*, and operated the official television and radio (ORTG) stations. The state-owned media provided extensive and favorable coverage of the Government and ruling party, while providing little coverage of opposition party activities. For example, the Government and the PUP used the state-owned media to campaign for constitutional changes to allow a third term for President Conte (see Section 3). Journalists for the official press practiced self-censorship and avoided reporting on politically controversial issues. However, some younger broadcast journalists for the official press reported critically about the Government.

There was a vocal private press that criticized the President and the Government. For example, the weekly satirical newspaper *Le Lynx* published front-page cartoons lampooning the President and senior government officials. Seven private newspapers (*Le Lynx*, *La Lance*, *L'Oeil*, *Le Democrat*, *L'Independant*, *La Nouvelle Tribune*, and *L'Observateur*) were published weekly in Conakry, and up to 10 other publications appeared sporadically, although technical difficulties and high operating impeded regular publication. *Le Lynx* and *La Lance*, under the same management, had Internet web sites. One newspaper, *L'Espoir*, was affiliated with the governing political party, and several other newspapers were affiliated with opposition parties. Other newspapers offered news and criticism of both the Government and the opposition. However, because the literacy rate was only approximately 35 percent of the total population and the price of newspapers was beyond the reach of the average citizen, print media had a limited audience. Despite the limited reach of the print media, the Government still occasionally criticized and harassed print journalists.

In December the Government suspended three newspapers—*Croisade*, *Diplomate*, and *Defi*—for unspecified reasons.

The Government-controlled press promoted ruling party candidates during the June legislative elections. Opposition parties were allowed 5 minutes on government television and radio per party per night during the final month leading up to the election.

Political tracts occasionally circulated in Conakry and other urban areas. Some tracts supported the Government, while others specifically criticized senior officials. Foreign publications, some of which criticized the Government, often were available.

In July an army officer detained the editor of the newspaper *L'Aurore* and then released him the following day.

The trial of the journalist arrested in July 2000 for publishing an article about the electric company *Sogel* still was pending at year's end, although he had been released.

The Government owned and operated all domestic broadcast media including radio, which was the most important source of information for the public. Although the law permits private electronic media, the Government never has approved license requests for private radio and television stations, on the grounds of national security and stability. Many citizens listened regularly to foreign-origin shortwave radio. The Government did not restrict access to or distribution of foreign television programming via satellite or cable; although relatively few citizens could afford these services.

The Government did not restrict access to the Internet. At year's end, there were four domestic service providers, three private and one affiliated with SOTELGUI, the joint venture telephone company (owned by the Government and a Malaysian telecommunications firm), which held a monopoly on international telephone lines. Storefront operations offering Internet access were common throughout downtown

Conakry; however, a lack of reliable telephone lines restricted home access, even for the few who could afford it.

The Ministry of National Education and Scientific Research exercised limited control over academic freedom through its influence on faculty hiring and control over the curriculum. In general teachers were not subject to classroom censorship.

Police broke up student protests in Dubreka, Fria, Boke, Kamsar, Kindia, and Kankan during the year. In all of these cases, students had been protesting for better classroom conditions.

b. Freedom of Peaceful Assembly and Association.—The law restricts freedom of assembly, and the Government exercises its power to restrict unwanted political activity. The Penal Code bans any meeting that has an ethnic or racial character or any gathering “whose nature threatens national unity.” The Government requires 72-hour advance notification of public gatherings, otherwise the events are considered illegal.

The Government banned all street marches except funerals. The law permits local authorities to cancel a demonstration or meeting if they believed that it posed a threat to public order. They could hold event organizers criminally liable if violence or destruction of property ensued. In December 2000, the Governor of Conakry announced that written permission from his office was required for all public meetings of all associations, NGOs, groups, cooperatives, and political parties. Police and gendarmes dispersed several unauthorized demonstrations during the year, including several student protests and protests against price increases in Kamsar and Conakry (see Section 2.a.).

No action was taken against security forces who forcibly dispersed demonstrators in 2001.

No action was taken against security forces who killed six persons, including a university professor, who were meeting to plan a demonstration against the Government’s policy in the forest region in late 2000.

The law provides for freedom of association; however, the Government restricted this right in practice. The Government imposed cumbersome requirements to obtain official recognition for public social, cultural, religious, or political associations. Most of the restrictions focused on political associations as opposed to nonpolitical associations. For example, political parties had to provide information on their founding members and produce internal statutes and political platforms consistent with the Constitution before the Government recognized them.

c. Freedom of Religion.—The Constitution provides for freedom of religion and permits religious communities to govern themselves without state interference, and the Government generally respected these rights in practice.

The Government-sponsored National Islamic League (NIL) represented the country’s Sunni Muslim majority, which comprised 85 percent of the population. The Government requires that all recognized Christian churches join the Association of Churches and Missions in order to benefit from certain government privileges, such as tax exemptions and energy subsidies. Missionary groups were required to make a declaration of their aims and activities to the Ministry of Interior or to the NIL.

Government support of the powerful, semi-official NIL led some non-Muslims to complain that the Government uses its influence to favor Muslims over non-Muslims, although non-Muslims were represented in the Cabinet, administrative bureaucracy, and the armed forces. The Government refrained from appointing non-Muslims to important administrative positions in certain parts of the country, in deference to the particularly strong social dominance of Islam in these regions.

Relations among the various religions generally were amicable; however, in some parts of the country, Islam’s dominance was such that there was strong social pressure that discouraged non-Muslims from practicing their religion openly.

For a more detailed discussion see the 20002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides citizens with the right to travel freely within the country and to change their place of residence and work; however, authorities at times infringed on these rights. The Government requires all citizens to carry national identification cards, which they must present on demand at security checkpoints. Police and security forces frequently detained persons, particularly late at night, at military roadblocks and extorted money from them. The private press and local NGOs reported that travelers often were pressured to pay bribes to allow passage. Government officials stated that a few rogue soldiers were corrupt; however, abuse at official checkpoints was systemic. Unlike in the previous year, the Government did not require armed escorts in the forest region due to the presence of Liberian dissidents in the border area.

The border with Liberia remained closed officially during the year; however, the Government continued to accept refugees. HRW reported that at some border crossings security forces were turning away young Liberian men who were suspected of being combatants in the conflict in northern Liberia. There also were confirmed reports that government soldiers at some border crossing points were cooperating with the Liberian dissident movement Liberians United for Reconciliation and Democracy (LURD) to screen refugees for forced recruitment (*see* Section 1.f.).

The border with Sierra Leone remained officially closed during the year. Local commercial and personal travel between the countries was permitted, and Sierra Leonean refugees residing in the country officially were allowed to return to Sierra Leone both on their own and under the auspices of UNHCR.

According to the Government, as of early in the year, there were 82,000 internally displaced persons (IDPs) remaining in the country as a result of the 2000 and 2001 border attacks by RUF rebels from Sierra Leone and by Liberian forces.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the UNHCR, the World Food Program, other humanitarian organizations, and donor countries to assist refugees. The Government provides first asylum in accordance with U.N. and Organization of African Unity conventions. The UNHCR stated that as of September more than 150,000 Liberian and Sierra Leonean refugees resided in the country. Of these refugees, 92,546 (50,895 Liberians and 41,641 Sierra Leoneans) were under UNHCR protection in camps, with the remainder living in Conakry or villages and towns in the forest region. As of July 17, 56,390 Sierra Leoneans had repatriated voluntarily since 2001.

Operations to move Liberian refugees away from the border began in August 2001 but were halted in July due to increasing arrivals of new Liberian refugees.

In the past, the Government generally was hospitable toward refugees; however, as crossborder raids by RUF rebels from Sierra Leone and by Liberian forces intensified in 2000 and 2001, the Government increasingly became less tolerant toward refugees. Unlike in the previous year, there were neither border crossings by the army into northern Sierra Leone nor by RUF rebels from Sierra Leone and Liberian forces into the country during the year.

There were some reports that refugees were forced to pay bribes to get past many of the checkpoints. Security forces continued to arrest suspected rebels at the border as they tried to enter the country. Security forces, searching for tattoos and other marks identifying rebels, searched and stripped refugees in public during the year (*see* Sections 1.c. and 1.d.).

While allegations surfaced during the year that U.N. employees sexually abused or exploited refugees, a subsequent investigation failed to corroborate any of the charges from the initial report. Nonetheless, U.N. officials reportedly took steps to increase security for refugees in the country.

There were reports from NGOs and UNHCR that the LURD forcibly recruited refugees at camps in Guinea. For example, on August 26, members of LURD entered Kouankan refugee camp and attempted to recruit 10 refugees to return to Liberia to fight against the Liberian government. The LURD members eventually returned to Liberia with two refugees who they claimed were former combatants. Government authorities made no attempt to deny LURD combatants access to the Kouankan refugee camp.

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

The 1990 Constitution provides for a popularly elected President and National Assembly; however, the ability of citizens to exercise this provision effectively was restricted. The Government's tight control of the electoral process and lack of an independent electoral oversight mechanism called into serious doubt the ability of citizens to change their government peacefully.

From June through November 2001, the Government and ruling party campaigned to amend the Constitution's mandated limit of two 5-year presidential terms. This campaign included the use of government-controlled media and official events in order to create the impression that there was widespread popular support for the amendment. In November 2001, a nationwide referendum was held on constitutional changes to allow the President to run for an unlimited number of terms, and to extend the presidential term from 5 to 7 years. The Government reported 91 percent participation in the referendum, and more than 98 percent of the votes in favor of the changes; however, impartial observers stated that turnout appeared to be no more than 25 percent.

The Government continued to dominate the electoral process. The Government continued to refuse to establish an independent national election commission. The

Government retained exclusive control of all registration and election procedures, including the casting and counting of votes. The Government controlled both the 1993 and the 1998 multiparty presidential elections and the multiparty legislative elections in 1995 and June, limiting the opposition to a subordinate role. There were approximately 46 legally recognized political parties; deputies of 5 different parties were represented in the National Assembly elected in June.

According to the Government's tabulation of results, President Conte was elected in 1998 to a second 5-year term, receiving 56 percent of the 2.7 million votes cast. The election was marred by violence and disruption of opposition campaigning before the polling, by civil unrest after the polling, by widespread irregularities that tended to favor the incumbent, and by the arrest and detention of major opposition candidates during the vote-counting process.

Opposition party officials charged that security forces arrested and detained more than 100 opposition pollwatchers on election day, manipulated voting procedures in some areas, and overlooked irregularities in voter registration and in ballot-counting procedures. Members of the armed forces were required to vote on the military installations to which they were posted and were subject to strong pressures to vote for President Conte.

Observers from various organizations, affiliated chiefly with developing countries, issued a statement that found no fault with the casting of ballots on election day; however, observers from European and other credible foreign organizations did not endorse that statement, which was issued before the election results were announced and that did not address registration, campaigning, and the counting of votes.

Legislative elections originally scheduled for 1999 were rescheduled for December 2001; however, they were postponed again due to logistical and timing problems and pressure from the international community. Members of the National Assembly met in April 2001 and conducted normal business; however, some observers have questioned the legality of the session as the members' terms expired in 2000. In June legislative elections were held, and observers judged the results to be questionable due to a lack of transparency and neutrality in the electoral process.

The President continued to hold the power to appoint the governors, prefects, and their deputies to administer regions and subregions respectively. Most of these officials were members of the PUP or of parties allied with it. Local governments generally had limited autonomy. Although they had some financial resources with which to fund local programs, most of their funds were controlled by the central government.

There were 19 female deputies in the 114-member National Assembly elected on June 30. Three women held seats in the 26-member Cabinet: The Minister of Commerce; the Minister of Tourism; and the Minister of Social Affairs and Promotion of Women. There were few women at senior levels below minister, and there were no women in the senior ranks of the armed forces. Women played a minor role in the leadership of the major political parties.

The Cabinet and armed forces leadership included representatives of all major ethnic groups. However, a disproportionate number of senior military officers were Soussou, the President's ethnic group.

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

There were a number of local NGOs primarily interested in human rights problems. Government officials generally were cooperative and responsive to their views; however, some local organizations alleged that government officials tried to intimidate them, and that they often met resistance when trying to investigate abuses or engage in civil education. Various government officials blocked private efforts to memorialize victims of the Sekou Toure regime that ruled the country from independence until 1984. Following a series of crossborder raids by rebels in 2001 and 2000, several NGOs suspended activities due to insecurity and instability in the border region. NGOs resumed operation in the forest region during the year, although most took extra precautions due to the ongoing conflict across the borders in both Liberia and Cote d'Ivoire.

A human rights office within the Ministry of Defense, the Office of International Humanitarian Rights, has conducted more than 100 human rights seminars since 1994 to teach military personnel about human rights recognized by international and regional agreements. Seminars were conducted by military and civilian trainers from the ICRC during the year under the auspices of this human rights office.

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

The Constitution states that all persons are equal before the law regardless of gender, race, ethnicity, language, beliefs, political opinions, philosophy, or creed; however, the Government did not enforce these provisions uniformly.

Women.—Domestic violence against women was common, although estimates differed as to the extent of the problem. Wife beating is a criminal offense and constitutes grounds for divorce under civil law; however, police rarely intervened in domestic disputes. The social stigma attached to rape prevented most victims from reporting it. Marital rape goes unreported, because most women and men view it as the husband's right. Several local NGOs were working to increase public awareness of the nature of these crimes and to promote increased reporting. The Government did not pursue vigorously criminal investigations of alleged sexual crimes.

FGM was practiced widely in all regions and among all religious and ethnic groups. FGM is illegal under the Penal Code, and senior officials and both the official and private press have spoken against the practice; however, there have been no prosecutions. FGM was performed on girls and women between the ages of 4 and 70, but exact figures on this procedure were difficult to establish. The Coordinating Committee on Traditional Practices Affecting Women's and Children's Health (CPTAFE), a local NGO dedicated to eradicating FGM and ritual scarring, cited a recent decline in the percentage of women and girls subjected to FGM. CPTAFE estimated the figure to be between 65 and 75 percent; however, expert estimates varied between 65 and 90 percent. The lower figure, if accurate, would represent a decline over recent years due to education of the population by women's rights groups about the health risks associated with the practice. However, infibulation, the most dangerous form of FGM, still was performed in the forest region, but less frequently than in previous years. Despite diseases resulting from crude and unsanitary surgical instruments and deaths resulting from the practice, the tradition continued, seriously affecting many women's lives. FGM also increased the risk of HIV infection since unsterilized instruments were shared among participants.

The Government made efforts to educate health workers on the dangers of this procedure, and it supported the CPTAFE's efforts. The CPTAFE reported high rates of infant mortality and maternal mortality due to FGM. In 1997 the Government, in collaboration with the World Health Organization, initiated a 20-year program to eradicate FGM. As a result, government ministers, health officials, and the media have discussed FGM more frequently; however, there were no statistics evaluating the success of the program.

A growing number of men and women opposed FGM. Urban, educated families were opting increasingly to perform only a slight symbolic incision on a girl's genitals rather than the complete procedure. During the year, CPTAFE held large public ceremonies celebrating the "laying down of the excision knife" in which some traditional practitioners of FGM pledged to discontinue the practice; however, most of those who performed FGM opposed its eradication since the practice was lucrative.

There were reports that women were trafficked for the sex trade and illegal labor (see Section 6.f.).

Although the Government made regular statements in the media against sexual harassment, women working in the formal sector in urban areas complained of frequent sexual harassment.

The Constitution provides for equal treatment of men and women, and the Ministry of Social Affairs and Women's Promotion worked to advance such equality; however, women faced discrimination throughout society. Women faced discrimination particularly in rural areas where opportunities were limited by custom and the demands of childrearing and subsistence farming. Women were not denied access to land, credit, or businesses, but inheritance laws favored male heirs over females. Government officials acknowledged that polygyny was a common practice. Divorce laws generally tended to favor men in awarding custody and dividing communal assets. Legal evidence given by women carried less weight than testimony by men (see Section 1.e.). The Government affirmed the principle of equal pay for equal work; however, in practice women received lower pay than men.

Children.—The Constitution provides that the Government has a particular obligation to protect and nurture the nation's youth, and the Government allocated a significant percentage of the budget to primary education; however, the Government did not spend the allocated funds. A Minister of Youth was charged by the President with defending women's and children's rights, and a permanent committee dedicated to defending the rights of the child, with members chosen from different ministries, NGOs, and other sectors, was established in 2000.

The Government provided free, compulsory primary school education for 6 years; however, enrollment rates were low due to school fees and lax enforcement of laws

mandating school attendance. Approximately 51 percent of all eligible students were enrolled in primary school, including 66 percent of eligible boys compared with 37 percent of eligible girls. Girls often were taken out of school and sent to work to help pay for their brothers' education.

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

The legal age for marriage is 21 years for men and 17 years for women; however, underage marriage was a problem. The CPTAFE, in conjunction with the Government, local journalists, and international NGOs, promoted an education campaign to discourage underage marriage. Although such marriages are prohibited by law, parents contract marriages for girls as young as 11 years of age in the forest region.

There were reports that girls were trafficked for prostitution and other labor (see Section 6.f.).

Persons with Disabilities.—The Constitution provides that all persons are equal before the law. There are no special constitutional provisions for persons with disabilities. The Government has not mandated accessibility for persons with disabilities, and few persons with disabilities worked, although some developed opportunities in the informal sector in small family-run businesses.

National/Racial/Ethnic Minorities.—The country's population was ethnically and regionally diverse. No single ethnic group constituted a majority nationwide. The largest ethnic groups were the Puhlar, also called Peuhl or Fulani (approximately 40 percent of the population), the Malinke (approximately 30 percent), and the Soussou (approximately 20 percent). Each group spoke a distinct primary language and was concentrated in a distinct region: The Soussou in lower Guinea; the Puhlar in middle Guinea; and the Malinke in upper Guinea.

While the Constitution and the Penal Code prohibit racial or ethnic discrimination, ethnic identification was strong. Mutual suspicion affected relations across ethnic lines, in and out of the Government. Widespread societal ethnic discrimination by members of all major ethnic groups was evident in private sector hiring patterns, in the ethnic segregation of urban neighborhoods, and in the relatively low levels of interethnic marriage. The proportion of public sector positions occupied by Soussous, particularly at senior levels, was perceived widely as exceeding their share of the national population.

The ruling PUP party, although generally supported by Soussous, has transcended ethnic boundaries more effectively than the major opposition parties, which have readily identifiable ethnic and regional bases; the UNR's main base was the Puhlar, while the RPG's main base was the Malinke. Soussou preeminence in the public sector and Malinke migration into the traditional homelands of smaller ethnic groups in the forest region have been major sources of political tensions that sometimes have erupted into violence.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of employees to form independent labor unions and prohibits discrimination based on union affiliation. The Government generally respected this right in practice. Approximately 160,000 workers were reported as unionized, although inadequate labor statistics make it difficult to estimate the exact percentage of workers in unions. Approximately 52,000 were government workers and thus automatically members of the Government union. The rest were engaged in private, mixed, and informal sectors. The largest independent union, Union of Workers of Guinea (USTG), claimed 64,000 members, 18,000 of which were women.

The Labor Code states that all workers, except military and paramilitary personnel, have the right to create and participate in organizations that defend and develop their individual and collective rights as workers. The Labor Code requires elected worker representatives for any enterprise employing 25 or more salaried workers.

There were several trade unions and labor confederations; the National Confederation of Guinean Workers (CNTG) remained the largest confederation. CNTG was an umbrella organization for 16 individual unions of government employees, each of which was affiliated with a government ministry. The CNTG was funded indirectly by the Government, although dissident members sought to increase the Confederation's freedom from government control. Independent unions and confederations have gained popularity, such as the Free Union of Teachers and Researchers of Guinea, the Professional Union Federation for Education, and the National Organization for Free Trade Unions of Guinea.

The Code also prohibits antiunion discrimination. Union delegates represented individual and collective claims and grievances with management. However, at regional and prefecture levels, unionized labor faced strong opposition from govern-

ment officials. Union officials were selected on the basis of nepotism and patronage; these individuals were not sensitized to the rights of workers, and often viewed unions as an enemy of the Government. As a result, union activities in the interior of the country faced harassment and interference from many governors and prefects. Union activities in Conakry faced less harassment and interference. Individual workers threatened with dismissal or other sanctions had the right to a hearing before management with a union representative present and, if necessary, to take the complaint to the Conakry Labor Court, which convened weekly to hear such cases. In the interior, civil courts heard labor cases.

The Government continued to pay the travel and lodging expenses of CNTG representatives to International Labor Organization (ILO) conferences. Other independent unions had to fund their own attendance at ILO conferences.

Unions affiliated freely with international labor groups such as the ILO.

b. The Right to Organize and Bargain Collectively.—Under the Labor Code, representative workers' unions or union groups may organize in the workplace and negotiate with employers or employer organizations. The law protects the right to bargain collectively concerning wages and salaries without government interference. Employers established rules and hours of work in consultation with union delegates.

The Labor Code grants salaried workers, including public sector civilian employees, the right to strike 10 days after their representative union makes known its intention to strike. It prohibits strikes in sectors providing "essential services," which includes hospitals, radio and television, army, police, communications, and transport services.

Strikes were sometimes met with intimidation from security forces and, as a result, often did not take place. In September 2001, the Government did not interfere with a weeklong strike called by the Bar Association protesting the threatened arrest of one of its members. The strike ended following negotiations with government officials. In January the Independent Union of Guinean Teachers and Researchers and the Federation of Professional Educators called a strike, which was settled peacefully after the Government agreed to meet most of the unions' demands.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Labor Code specifically forbids forced or bonded labor, including by children; however, there were reports that it occurred (*see* Section 6.f.).

The law prohibits the exploitation of vulnerable persons for unpaid or underpaid labor, which carries a penalty of 6 months to 5 years imprisonment and a fine of approximately \$25 to \$150 (36,400 to 218,400 GF francs). Submitting a vulnerable or dependent person to inhumane working or living conditions carries a sentence of 1 month to 5 years imprisonment and a fine of approximately \$25 to \$250 (36,400 to 364,000 GF francs).

The Government did not enforce these provisions of the law in practice.

d. Status of Child Labor Practices and Minimum Age for Employment.—According to the Labor Code, the minimum age for employment is 16 years. Apprentices may start to work at 14 years of age. Workers and apprentices under the age of 18 were not permitted to work at night, for more than 10 consecutive hours, or on Sundays. The Labor Code also stipulates that the Minister of Labor and Social Affairs must maintain a list of occupations in which women and youth under the age of 18 cannot be employed. In practice enforcement by ministry inspectors was limited to large firms in the modern sector of the economy. Overall approximately 48 percent of children under age 15 were employed, accounting for approximately 20 percent of the total working population and 26 percent of agricultural workers. Child labor in factories was not prevalent because of the low level of manufacturing. Working children were found mostly in the informal sector areas of subsistence farming, and small-scale commerce and mining. Girls as young as age 14 engaged in prostitution (*see* Section 6.f.).

The Government has spoken out against child labor, but lacked the resources, enforcement mechanism, and the legislative will to combat the problem. As a result, child laborers did not have access to education or health care; they suffered from chronic malnutrition, traumatic stress, and depression.

Many young Muslim children sent to live with a Koranic master for instruction in Arabic, Islam, and the Koran worked for the teacher as payment. Children often were sent from rural areas to Conakry to live with family members while they attended school. However, if the host family was unwilling or unable to pay school fees, the children sold water or shined shoes on the streets, and the host family took the money in exchange for their room and board (*see* Section 6.f.).

The Government signed and ratified the ILO Convention 182 during the year. The worst forms of child labor were found in the artisanal mining sector where children hauled granite and sand for little or no money.

There were reports that forced and bonded child labor occurred (*see* Section 6.f.).

e. Acceptable Conditions of Work.—The Labor Code allows the Government to set a minimum hourly wage; however, the Government has not exercised this provision nor does it promote a standard wage. Prevailing wages often were inadequate to provide a decent standard of living for a worker and family. There also were provisions in the code for overtime and night wages, which were fixed percentages of the regular wage.

The Labor Code mandates that regular work not to exceed 10-hour days or 48-hour weeks, and a period of at least 24 consecutive hours of rest each week, usually on Sunday. Every salaried worker has the legal right to an annual paid vacation, accumulated at the rate of at least 2 workdays per month of work. In practice the authorities enforced these rules only in the relatively small modern urban sector.

The Labor Code contains provisions of a general nature regarding occupational safety and health, but the Government has not elaborated a set of practical workplace health and safety standards. Moreover, it has not issued any of the ministerial orders laying out the specific requirements for certain occupations and for certain methods of work that are called for in the Labor Code. The Ministry of Labor and Social Affairs was responsible for enforcing labor standards, and its inspectors were empowered to suspend work immediately in situations hazardous to health; however, enforcement efforts were sporadic. Labor inspectors acknowledged that they could not cover even Conakry, much less the entire country, with their small staff and meager budget.

Under the Labor Code, workers have the right to refuse to work under unsafe conditions without penalty. Nevertheless, many workers fear retaliation should they refuse to work under unsafe conditions. Employees in high-risk professions, such as night guards, drivers, and police, have protested poor working conditions without result. There were no reports of such protests during the year.

The law applies to all workers in the country, regardless of nationality; however, the law does not define whether it applies to persons working in the country illegally.

f. Trafficking in Persons.—The law prohibits trafficking in persons and carries a penalty of 5 to 10 years imprisonment and confiscation of any money or property received as a result of trafficking activities; however, some NGOs in the past reported that women and children were trafficked within the country, as well as internationally, for the sex trade and illegal labor. Trafficking in persons from rural areas to urban centers increasingly was recognized as a problem (*see* Section 6.c.). Accurate statistics are difficult to obtain, because victims do not report the crime for fear for their personal safety.

Several government agencies, particularly the Ministry of Social Affairs and the Promotion of Women and Children, were involved in antitrafficking efforts.

In February 2001, the Children's Protection Division and UNICEF reported that trafficking of children was a problem among the Sierra Leonean and Liberian refugee populations in the prefectures of Guekedou, Macenta, N'Zerekore, and Forecariah; girls were exploited for domestic labor, and boys were exploited as street sellers and agricultural workers. The International Rescue Committee and UNICEF reported that children living in foster families often did not receive adequate food, shelter and clothing, and were compelled to work in the streets, sometimes as prostitutes, for their subsistence.

There were no specific reports of trafficking in persons in the country this year. In July 2001, authorities arrested 51 Nigerians in Conakry for trafficking in persons. The authorities released 33 young girls, who were destined for Europe, to the Nigerian Embassy. The remaining 17 were adult males extradited back to Nigeria to be prosecuted for trafficking in persons.

Prostitution existed in the informal economic sector and employed girls as young as 14 years of age. The Government did not take action when prostitution of minors was brought to its attention, and it did not monitor actively child or adult prostitution.

GUINEA-BISSAU¹

Guinea-Bissau's transition to a multiparty democracy was slowed by the domination of President Koumba Yala of the Partido de Renovacao Social (PRS), who was elected in January 2000 with a 72 percent electoral majority in a runoff election. In the 1999 legislative elections, the PRS won 38 of 102 National Assembly seats, and ended the 26-year domination of the African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC). Local and international observers considered both elections to be generally free and fair, although there were reports of some irregularities in the 1999 election. During the year, the country was characterized by continuing political and economic instability. A new constitution, approved by the National Assembly in April 2001, was neither vetoed nor promulgated by the President, and the resulting ambiguity undermined the rule of law. Impulsive presidential interventions in ministerial operations continued to hamper effective governance. On November 14, the President dismissed the Government of Prime Minister Alamaro Nhasse, dissolved the National Assembly, and called for legislative elections. On November 16, the President appointed Prime Minister Mario Pires to lead a caretaker government. The Government was controlled by presidential decree at year's end. The Constitution provides for an independent judiciary; however, it was subject to political influence and corruption, and was undermined when the President replaced the President of the Supreme Court on two occasions during the year.

The police, under the direction of the Ministry of the Interior, have primary responsibility for the country's internal security; however, a lack of resources and training continued to hamper their effectiveness. The armed forces are responsible for external security and can be called upon to assist the police in internal emergencies. In August the Government, with funding from international donors, began a comprehensive program designed to restructure the armed forces and improve military living conditions with the demobilization of approximately 4,000 active duty military personnel. The reinsertion and reintegration phases of the program were not implemented by year's end. The military remained loyal to the President and generally was under his control and responsive to him. In September when tensions arose between the President, Prime Minister Nhasse, and members of the ruling party, the military publicly stated its commitment to defending the Constitution. In December 2001, some members of the military allegedly attempted a coup d'etat; 28 officers were arrested and detained. In May a second coup attempt allegedly took place. All alleged coup plotters were released following an amnesty announced by the President in June. Members of the security forces committed serious human rights abuses.

The population of approximately 1.3 million relies largely upon subsistence agriculture and the export of cashew nuts in a market economy. In 2001 the country suffered a substantial slowdown in economic activity, with real GDP growth estimated at 0.2 percent, as a result of significantly lower levels of foreign assistance and a drop in cashew prices in the international market of approximately 30 percent. The country remained burdened by heavy external debt and pervasive underemployment.

The Government's human rights record remained poor, and it continued to commit serious abuses. Members of the security forces continued to use beatings and physical mistreatment to abuse persons. The Government did not punish members of the security forces responsible for such abuses. Arbitrary arrest and detention, including of journalists and human rights activists were problems. The Government at times used incommunicado detention. Prison conditions remained poor. The judiciary was subject to political influence, corruption, and executive intimidation. The Government infringed on citizens' privacy rights. The Government restricted freedom of speech and the press, and journalists practiced self-censorship. The Government limited freedom of movement. Violence and discrimination against women were problems. Female genital mutilation (FGM) was practiced widely. Child labor, including some forced child labor, was a problem.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings; however, on July 15, police killed one youth and injured others while re-

¹On June 14, 1998, the United States Embassy suspended operations in the midst of heavy fighting in Guinea-Bissau and all official personnel in the country were evacuated. This report is based on information obtained by U.S. embassies in neighboring countries and from other sources.

solving a hostage situation that involved a policeman kidnaped by a group of youths performing circumcision rites.

There was no action taken, nor is any likely, in the 2001 death in custody of an officer allegedly connected to a December 2001 coup attempt; and the death in custody of a soldier allegedly connected to the 2000 coup attempt.

Unlike the previous year, there were no reported deaths from landmine explosions during the year (*see* Section 1.c.).

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and evidence obtained through torture or coercion is invalid; however, the Government often ignored these provisions, and security forces beat, mistreated, and otherwise abused persons. Unlike in the previous year, human rights observers did not note repeated instances of police and members of the armed forces beating and abusing civilians for minor social or legal infractions. Several journalists reported abuse while in detention. Security and police authorities historically have employed abusive interrogation methods, usually in the form of severe beatings. The Government rarely enforced provisions for punishment of members of security forces who committed abuses.

On September 24, Rui Ferreira, a National Assembly Deputy belonging to the opposition Resistencia Guinea Bissau Party (RGB/MB) arrived late at a National Day event where the President was giving a speech. Presidential bodyguards severely beat Ferreira to prevent him from entering the site. Ferreira was hospitalized and later released. There were no reports of a government investigation into the incident by year's end.

There were no further developments in the case of Fernando Gomes who security forces beat on a number of occasions while he was in incommunicado detention in May 2000.

No action was taken, nor is any likely, to investigate or prosecute members of the security forces for abuses committed after the November 2000 coup attempt (*see* Section 1.d.).

On September 24, during his National Day speech to the National Assembly, President Yala singled out Democratic Alliance M.P. Victor Mandinga, an outspoken critic of the President, after Mandinga rose to quit the chamber in protest of the President's speech. Using a racial slur, Yala told Mandinga, whose father originally came from Sao Tome, that he should "go back where he came from." On October 1, Mandinga claimed that two bullets struck his house, with one lodging in the ceiling of his office. In an official statement following an October 1 press conference held by Mandinga, Prime Minister Nhasse asked the Interior Ministry to investigate the incident, but accused the opposition of trying to "destabilize the Government and denigrate the image of the President."

In October 2001, the British Broadcasting Corporation (BBC) news reported that President Yala had threatened to shoot any politician trying to enter a military barracks in order to use the army against him; however, there were no reports that this threat ever was carried out.

Although reliable statistics were not available, during the year, a landmine explosion injured at least one person in the city of Bissau.

Prison conditions remained poor, but generally they were not life threatening. The country does not have formal prisons. Most prisoners were detained in makeshift detention facilities on military bases in Bissau and neighboring cities. Unlike in the previous year, beatings were not used as a means of coercion. The Government at times used incommunicado detention. Places of detention generally lacked running water or adequate sanitation. Detainees' diets were poor and medical care was virtually nonexistent. Men and women were held in separate facilities, and juveniles were held separately from adults. Pretrial detainees were not held separately from convicted prisoners.

The Human Rights League was given access to most prisoners and detainees during the year. The office of the Representative of the U.N. Secretary General (UNOGBIS) visited high profile prisoners during the year, and was instrumental in assuring their well being and providing them with food and medical care. During the year, the International Committee of the Red Cross (ICRC) also was given access to prisoners.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, security forces arbitrarily arrested and detained persons, including journalists and human rights activists. Unlike in the previous year, security forces did not arrest members of the Supreme Court.

The law provides for procedural rights, such as the right to counsel, the right to release if no timely indictment is brought, and the right to a speedy trial; however,

in practice the judicial system generally failed to provide these rights (*see* Section 1.e.).

Police detained suspects without judicial authority or warrants.

During the year, the Government arrested and detained numerous journalists and other members of the media (*see* Section 2.a.).

On January 26 and February 2 respectively, the Vice-President and former President of the Guinean Human Rights League (LGDH) were arrested on charges of misappropriating funds donated to the LGDH by a foreign NGO in 1999 (*see* Section 4).

On June 28, former Prime Minister Faustino Imbali was arrested on charges of embezzling public funds during his tenure as Prime Minister, which ended December 2001. After being held for 24 hours, Imbali was released, and was recalled for questioning on July 4. A second attempt to arrest him, ordered by Attorney General Caetano Intchama, reportedly was countermanded by the Prime Minister and Imbali's release was ordered. President Yala confirmed the order for his release, and on August 16, the President dismissed Intchama.

On October 25, security forces summoned and questioned former President Malam Bacai Sanha after he met with the Foreign Minister of Mozambique during the latter's visit. Sanha was released without charge.

During the week of December 2, several members of the military were arrested following an alleged coup attempt that same week. At year's end, they had not been visited by human rights officials.

In November 2001, President Yala ordered Emiliano Nosolini, President of the Supreme Court, his deputy, and a senior accounting official to be arrested and detained (*see* Section 1.e.). They were charged with corruption following an audit of Supreme Court finances. On February 14, the three were released and charges in all three cases were pending at year's end.

In December 2001, authorities arrested and detained 28 members of the military following an alleged coup attempt on December 3. The Government did not release publicly any evidence linking the 28 detainees to the reported coup. Early in the year, U.N. officials and representatives of the ICRC were permitted to visit these prisoners. On June 11, all prisoners were released after President Kumba Yala announced a general amnesty for those implicated in the alleged coup attempt and in another coup attempt that allegedly took place in May.

In 2000 the Government arrested approximately 400 citizens and soldiers immediately following an attempted coup by General Mane. Inacio Tavares, the president of the LGDH, accused the military of physical abuse, torture, and persecution of the families of suspects. In February 2001, Amnesty International (AI) reported that 124 military and security officers remained in detention without formal charges, in "appalling conditions." One detainee already had died and others were in serious condition. By October 2001, the remainder was released, with some 30 among them released on bail. In June and July, a civil court tried and convicted 13 of the 30 accused, handing down sentences varying from 3 to 10 years. All were released pending the outcome of their appeals to the Supreme Court. Trials were pending for the remaining 17 accused.

At year's end, several opposition politicians arrested in 2000 remained under house arrest (*see* Section 2.d.).

The Government did not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, judges were poorly trained and paid and sometimes were subject to political pressure and corruption. The Supreme Court was especially vulnerable to political pressure, because its members were appointed by the President and often were replaced. In previous years, there was some evidence that the judiciary retained a degree of independence; however, the judiciary was subject to executive influence and control. In 2000 the President of the Supreme Court was elected democratically by his colleagues and officially installed in December 2000; the President did not appoint him. When the Supreme Court declared unconstitutional President Yala's ban on the Islamic group Ahmadiya and the expulsion of its members from the country in August 2001, President Yala dismissed the Supreme Court President, Emiliano Nosolini, and four other justices on charges of corruption (*see* Section 1.d.). The National Assembly strongly criticized the dismissals and supported the Court's decision. The President replaced Nosolini with his former political adviser, Mario Lopes. The failure of the President to promulgate the amended constitution, which addressed the question of presidential authority to choose Supreme Court justices, heightened confusion surrounding the Supreme Court.

Civilian courts conduct trials involving state security. Under the Code of Military Justice, military courts only try crimes committed by armed forces personnel. In December 2001, President Yala appointed a Supreme Military Tribunal to try the sol-

diers in detention for involvement in the alleged December 3 coup attempt (see Section 1.d.); however, in May and June, a civil court undertook the trials. The Supreme Court was the final court of appeal for both military and civilian cases. The President had the authority to grant pardons and reduce sentences.

Citizens who could not afford an attorney had the right to a court-appointed lawyer.

Traditional law still prevailed in most rural areas, and persons who lived in urban areas often brought judicial disputes to traditional counselors to avoid the costs and bureaucratic impediments of the official system. The police often resolved disputes.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Home, or Correspondence.—The Constitution prohibits such actions; however, the Government did not always respect these prohibitions in practice. The police did not always use judicial warrants. There were unconfirmed reports that police searched the mail.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, during the year, in many instances the Government restricted these rights. Opposition politicians had little or no access to government-controlled media. In March 2001, the Vice-Procurator General advised the domestic media to practice “self-censorship”; journalists still practiced self-censorship.

During the year, the Government harassed or arrested NGO members who criticized the Government on radio programs (see Section 4). In addition, during the year, the Government ordered all media organizations to cease publication of information relating to the LGDH (see Section 4).

The privately owned *Correio Guinea-Bissau* was published several times a week during the year; other newspapers, including *Gazeta de Noticias*, *Fraskera*, and the Government-owned *No Pintcha*, were weeklies. All of the newspapers published only sporadically during the year due to financial constraints and dependence on the state-owned printing house. The national printing press, the only facility for publishing newspapers in the country, often lacked the raw materials to publish them.

The daily newspaper *Diario de Bissau*, closed in October 2001 by the Attorney General for causing “irreparable damage” to the independence of the nation and operating without a license, reopened during the year. The *Diario*’s publisher later ceased publishing the daily *Diario* and commenced publication of the weekly paper *Correio Guinea-Bissau*. The daily newspaper *Gazeta de Noticias*, also closed in October 2001, did not open during the year due to high operating costs.

Journalists were arrested during the year for criticizing the Government. For example, on June 17, Joao de Barros, publisher and editor of the independent newspaper *Correio de Bissau* was arrested following his appearance on a talk show on the independent *Radio Bombolom*. During the talk show, Barros stated that recent rumors of a coup plot against the Government were designed to divert attention away from government corruption and described the President’s military threats against neighboring Gambia as “pathetic.” Barros was released after 48 hours.

On June 20, a journalist, Nilson Mendonca, was arrested and detained for 24 hours following a news report in which he claimed that President Yala was to apologize to Gambian authorities for having accused them of supporting insurgents in the country.

On August 7, Carlos Vamain, a prominent lawyer, was fined by a court for allegedly “threatening national unity” with remarks made during a radio broadcast. Vamain reportedly accused President Yala of “tribalizing” the administration by allegedly packing the Government and military with members of his Balanta ethnic group.

The 2001 detention case against Adolfo Palma, a correspondent of the Portuguese news agency *Lusa*, was pending at year’s end.

Bacar Tchernon Dole, a journalist for the national radio and the weekly newspaper *No Pintcha*, who was arrested and held without charge in January 2001 for a report on an attack in the Sao Domingos area of the country by Casamancais rebels no longer was in detention at year’s end.

The June 2001 case in which authorities arrested newspaper owner Joao de Barros and journalist Athizar Mendes after they published an article linking President Yala to corruption was dropped during the year.

In 2000 the independent stations *Radio Pidjiguiti* and *Radio Mavegro* resumed broadcasting. National television broadcasts from 7 p.m. to midnight on weekdays and 5 p.m. to midnight on weekends. Reportedly the Government-controlled stations practiced self-censorship. Opposition politicians have little or no access to government-controlled media.

On December 2, the Ministry of Information summoned for questioning the local representative of Radio/TV Portugal (RTP) following a television broadcast in which Amnesty International urged authorities to investigate the November 2000 death of military leader Ansumane Mane. On December 4, the Government announced it had suspended RTP's Africa license to broadcast in the country, and on December 6, the Government declared the RTP delegate, Joao Pereira da Silva, persona non grata and gave him 48 hours to leave the country. At year's end, RTP broadcasts had resumed, and da Silva had not returned to the country.

The Internet was available in the country, and the Government did not restrict its use.

The Government did not restrict academic freedom.

c. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedoms of assembly and association, and the Government generally respected these rights in practice. Permits were required for all assemblies and demonstrations. There were reports that at times the Government banned assemblies.

On October 11, the Government banned a Resistencia da Guine-Bissau (RGB) party congress led by RGB Deputy Helder Vaz, citing a Supreme Court ruling that declared Vaz was not the legitimate RGB leader. The party congress later was held at a different location, where the participants elected Vaz as the leader. Two senior RGB leaders subsequently were charged with civil disobedience and required to appear before authorities once a week; the cases were pending at year's end. Authorities also requested the National Assembly to remove Vaz's parliamentary immunity so that he could be charged. On December 13, following a rival RGB congress at which Tchongo was elected RGB leader, the Attorney General declared Tchongo the legitimate leader of the RGB.

All private associations were required to register with the Government. There were no reports that any associations were denied registration.

d. Freedom of Religion.—The Constitution provides for freedom of religion; however, the Government did not respect this right when in August 2001 President Yala abruptly expelled the Ahmadiya, an Islamic religious group, from the country (see Section 2.d.). The Supreme Court declared the expulsion unconstitutional; however, the Ahmadiya was not permitted to return by year's end.

Although the Government must license religious groups, there were no reports that any applications were refused.

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

e. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government limited them in practice.

Unlike in previous years, there were no checkpoints or police harassment during the year. There were no travel restrictions in the country during the year.

The Minister of the Interior issues passports. In 2000 President Yala invalidated the passports of several politicians and placed them under house arrest in Bissau. At year's end, some still were under travel restrictions. Fernando Gomes and Agnelo Regala (director of Bombolon Radio) still were not issued passports and were required to report to the Public Ministry twice a week.

Citizens have the right to return to the country and were not subject to revocation of their citizenship.

In August 2001, the President banned the Islamic group Ahmadiya (see Section 2.c.), and 11 members (all citizens of Pakistan) were expelled to Senegal.

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 has provided asylum to refugees from the conflicts in Liberia, Sierra Leone, and the Casamance region of Senegal. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. During the year, the UNHCR reported that approximately 7,700 refugees, mostly Senegalese citizens, were in the country. More than 6,000 of these refugees lived in villages along the country's northern border where they were integrated into the local economy and largely self-sufficient. Another 1,000 Senegalese refugees lived in camps and received assistance from UNHCR. There also were approximately 500 Senegalese, Liberian, and Sierra Leonean urban refugees. The UNHCR reported that the Government was tolerant of these refugees and permitted them to engage in economic activities to support themselves; however, on May 22, two Sierra Leonean refugees reportedly were arrested on the premises of the Adventist Mission in Bissau after having requested assistance.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. However, on November 14, President Yala, citing both the internal and external lack of confidence in the Government, dissolved the National Assembly, dismissed the Government and called for early legislative elections. On November 16, the President appointed Prime Minister Mario Pires to lead a caretaker government until the legislative elections, and the country remained under rule by presidential decree at year's end.

In January 2000, voters elected President Koumba Yala with a 72 percent electoral majority in a runoff election following multiparty elections in 1999. Yala defeated interim president Malam Bacai Sanha of the PAIGC. International observers, foreign diplomats, and local NGOs considered both elections, which included candidates from 13 parties as well as several independents, to be generally free and fair. Yala's party, the PRS, won 38 of 102 National Assembly seats. The victory of the PRS ended the 26-year domination by the PAIGC. The PAIGC, the country's only legal party from 1974 to 1991, and the majority party in the National Assembly until the 1999 elections, won 24 of the 102 seats in the National Assembly, while opposition parties gained a majority. In addition to the 38 seats won by the PRS, the RGB won 29 seats, and 4 other parties split the remaining 11 seats.

Local elections have not yet been held in the country.

In April 2001, the National Assembly voted with the required majority to amend the constitution and the draft, which limited certain presidential powers, notably the authority to name and dismiss armed forces service chiefs and ambassadors, and passed it to the President for promulgation. At year's end, the President had neither promulgated nor vetoed the Constitution, and the issue remained a point of contention between the legislature and the executive. Controversy over the President's authority to appoint and dismiss Supreme Court judges was ongoing and had its basis in the ambiguity created by the stalemate over the Constitution (*see* Section 1.e.).

The President reshuffled his cabinet several times during the year. Following these changes, on August 25, Prime Minister Nhasse gave an interview on Radio Bombolom during which he accused President Yala of unilateralism, abuse of power, and causing instability in the country. The tension between the President and Prime Minister (who also is the President of the ruling PRS party) appeared to have been resolved in September; however, on November 14, President Yala dissolved the National Assembly, dismissed the Government, and called for legislative elections. No date had been set for the elections by year's end.

Prior to the dissolution of the National Assembly, there were 10 women among the 102 members. There were two female ministers in the caretaker government that was appointed in November.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views; however, the Government harassed and arrested NGO members for criticizing the Government in the media.

On January 4, following a January 3 radio broadcast in which authorities were called on to present evidence of an alleged coup attempt in December 2001, senior government officials accused representatives of the LGDH of subversive and destabilizing behavior. Later the same day, police officers visited the LGDH Vice President, Joao Vaz Mane, at his home and demanded the recording of the radio broadcast. On January 16, Mane received a letter from the Attorney General's office instructing him to appear to answer questions relating to the radio broadcast. On January 26, Mane was arrested and on February 2, former LGDH president and opposition politician Fernando Gomes was also arrested. Both were charged with misappropriation of funds donated to the LGDH by a foreign NGO in 1999. AI and the International Federation of Human Rights severely criticized the arrests. On February 1, Mane was released and on February 10, Gomes was released. Both were required to report weekly to the Attorney General's office and Gomes' passport was confiscated. On December 3, the Regional Tribunal of Bissau handed down a 2-

month suspended sentence for Gomes and fined Vaz approximately \$450 (FCFA 290,000).

According to AI, on February 4, Carlos Schwarz, director of the local NGO Aid and Development (AD) and Agnello Regala, owner and director of Radio Bombolom, appeared before the Attorney General to answer questions related, respectively, to the functioning and statutes of a community radio, Voz de Quelele, sponsored by AD, and Radio Bombolom.

On March 24, the LGDH council voted to suspend its President, Inacio Tavares, accusing him of having fabricated charges against Mane and Gomes. On March 29, police locked LGDH headquarters. Following media coverage of the lockout, on April 6, the Attorney General ordered all media organizations to cease publication of information relating to the LGDH. The LGDH was denied access to its headquarters by authorities until August 22.

AI recommended that the Government investigate various human rights abuses committed since November 2000, including General Mane's death, to further encourage reconciliation efforts.

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

The Constitution and law prohibit discrimination on the basis of sex, and race; however, in practice the Government did not enforce these provisions effectively.

Women.—Domestic violence, including wife beating, was an accepted means of settling domestic disputes. Although police intervened in domestic disputes if requested, the Government had not undertaken specific measures to counter social pressure against reporting domestic violence, rape, incest, and other mistreatment of women.

Female genital mutilation (FGM) was practiced widely within certain ethnic groups, especially the Fulas and the Mandinkas. The practice was increasing as the Muslim population has grown and was being performed not only on adolescent girls, but also on babies as young as 4 months old. The Government has not outlawed the practice; however, a national committee continued to conduct a nationwide education campaign to discourage FGM. International NGOs, including the Swedish group Radda Barnen and Plan International, as well as several domestic NGOs, such as Friends of Children and Sinim Mira Nasseque, continued working through the national committee to eliminate FGM.

The law prohibits prostitution, and there was no evidence that it was a problem. Traditional and Islamic law do not govern the status of women, and men and women were treated equally under the law.

Official discrimination against women is prohibited by law; however, it persists. Women are responsible for most work on subsistence farms and have limited access to education, especially in rural areas. Adult illiteracy is 66 percent for men and 82 percent for women. Women do not have equal access to employment. Among certain ethnic groups, women cannot own or manage land or inherit property.

Children.—The Government allocated only limited resources for children's welfare and education. According to a November 2000 study by an international agency, enrollment in basic education rose from 42 percent in 1993 to 62 percent in 2000 (enrollment of girls increased from 32 percent to 45 percent, while the rate for boys increased from 55 percent to 79 percent). However, in 1998 10 percent of rural schools offered only the first grade, and 23 percent offered only the first and second grades.

FGM was performed commonly on young girls and sometimes even infants (*see* Section 5, Women).

The law provides for compulsory military service for persons between 18 and 25 years old; however, boys under the age of 16 could volunteer for military service with the consent of their parents or tutors. Children were used as soldiers during the civil war; however, all remaining child soldiers were demobilized during the year.

Persons with Disabilities.—The law does not prohibit specifically discrimination against persons with disabilities, and the Government does not ensure equal access to employment and education; however, there were no reports of overt societal discrimination. The Government has made some efforts to assist veterans with disabilities through pension programs, but these programs do not address adequately veterans' health, housing, and food needs. There were no reports of funds for special programs for persons with disabilities. There was no law mandating accessibility.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides all civilian workers with the freedom to form and join independent trade unions. However, the vast majority

of the population worked in subsistence agriculture. Most union members were government or parastatal employees; only a small percentage of workers were in the wage sector and were organized.

The Government registers all labor unions. There were 21 labor unions registered and operating in the country. All unions officially were independent of the Government, but 15 unions were affiliated with the National Workers Union of Guinea-Bissau (UNTGB), which retained close informal ties with the PAIGC. The law does not favor UNTGB-affiliated unions over others. Six other unions were affiliated with the General Confederation of Independent Unions (CGSI), established in 2000.

The Government's provisions for the protection of workers against antiunion discrimination have very little effect due to low union membership. Although there were no laws providing sanctions against employers practicing such discrimination, no workers have alleged antiunion discrimination, and the practice was not believed to be widespread.

The International Labor Organization (ILO) Committee of Experts made seven direct requests of the Government during the year, and the Government responded to all seven requests.

All unions were able to affiliate freely with national confederations and international labor organizations of their choice. The UNTGB was affiliated with the International Confederation of Free Trade Unions. Individual unions belonged to International Trade Secretariats.

b. The Right to Organize and Bargain Collectively.—The Constitution does not provide for or protect the right to bargain collectively; however, in March 2001, a tripartite National Council for Social Consultation (CNCS) including the Government, workers, and employers was established legally and began functioning. The Council conducts collective consultations on salary issues and draft legislation concerning labor issues. Most wages were established in bilateral negotiations between workers and employers, taking into consideration the minimum salaries set annually by the Government's Council of Ministers (*see* Section 6.e.).

The Constitution provides for the right to strike and protection for workers from retribution for strike activities. The only legal restriction on strike activity was the requirement for prior notice. During the year, health workers, teachers, and television workers organized strikes to protest poor working conditions and unpaid salaries, with no government retribution against the strikers.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, children in cities often worked in street trading, and those in rural communities did domestic and fieldwork without pay. The Government did not take action to combat such practices by year's end.

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age was 14 years for general factory labor and 18 years for heavy or dangerous labor, including all labor in mines. These minimum age requirements generally were followed in the small formal sector, but the Ministry of Justice and the Ministry of Civil Service and Labor did not enforce these requirements in other sectors.

The Government had not ratified ILO Convention 182 on the Worst Forms of Child Labor by year's end.

The law prohibits forced and bonded child labor; however, forced child labor was a problem (*see* Section 6.c.).

e. Acceptable Conditions of Work.—The Government's Council of Ministers annually establishes minimum wage rates for all categories of work; however, it does not enforce them. The lowest monthly wage was approximately \$20 (14,800 CFA francs) per month plus a bag of rice. This wage was insufficient to provide a decent standard of living for a worker and family, and workers must supplement their income through other work, reliance on the extended family, and subsistence agriculture.

The maximum number of hours permitted in a normal workweek without further compensation is 45, but the Government does not enforce this provision. With the breakdown of the formal economy in 1998, most of the country returned to barter, and both the Government and private sector lacked the funds to pay salaries. Since 2000 the Government has failed to pay on a regular basis its teachers, civil servants, and medical practitioners.

With the cooperation of the unions, the Ministry of Justice and Labor establishes legal health and safety standards for workers, which then are adopted into law by the National Assembly. However, these standards were not enforced, and many persons worked under conditions that endanger their health and safety. Workers do not have the right to remove themselves from unsafe working conditions without losing

their jobs. In view of the high unemployment rate, a worker who left for such reasons could be replaced easily.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

KENYA

Kenya is a republic dominated by a strong presidency. On December 27, Mwai Kibaki of the opposition National Rainbow Coalition (NARC) was elected as the country's third president winning 61 percent of the vote, and was sworn in on December 30. Former President Daniel Arap Moi, who led the former ruling Kenya African National Union (KANU) and served as President since 1978, stepped down in December at the end of his constitutionally mandated term. Five presidential candidates contested the elections, but the main contestants were KANU candidate Uhuru Kenyatta and Kibaki, a former Vice-President and Minister of Finance in the Moi government. NARC is a coalition of more than a dozen political parties, including former members of KANU who defected from that party late in the year. There were incidents of violence in the preelection period and on election day; however, the elections generally were peaceful. Since independence in 1963, KANU had controlled both the Presidency and the Parliament continuously; other parties were illegal only from 1982 to 1991. During the December general elections, KANU lost its majority in parliament to NARC, in addition to losing the presidency. Observers concluded that the elections broadly reflected the popular will and were free and fair. At year's end, NARC held 133 parliamentary seats and KANU held 67 seats in the 222-seat unicameral National Assembly. In addition to his role as President, Kibaki is the commander-in-chief of the armed forces. The judiciary suffered from corruption and was subject to executive branch influence.

In addition to the armed forces, there was a large internal security apparatus that included the police's Criminal Investigation Department (CID), the National Security Intelligence Service (NSIS), the National Police, the Administration Police, and the paramilitary General Services Unit (GSU), which detailed members on a rotating basis to staff the 700-person Presidential Escort. The CID investigated criminal activity and the NSIS collected intelligence and monitored persons who the State considered subversive. To improve the accountability of investigative services, arrest authority was removed from the NSIS and the organization was separated from the CID. While civilian authorities generally maintained effective control of the security forces, there were some instances in which the security forces acted independent of government authority. Members of the security forces, especially the police, continued to commit numerous, serious human rights abuses.

The economy is market-based and the large agricultural sector employed more than 70 percent of the country's population of approximately 30 million. Estimates for the unemployment rate range from the official 25 percent to more than 50 percent. Although many sectors continued to be dominated by state-owned monopolies, the nonagricultural economy includes large privately owned light manufacturing, commercial, and financial sectors. Tea was the largest source of foreign exchange earnings. Major international financial institutions continued their suspension of financial assistance following the cancellation of anticorruption measures. Annual per capita gross domestic product for 2001 was officially reported as \$300, with approximately 57 percent of the population living at or below the poverty level, on less than \$1 per day. The spread of HIV/AIDS, estimated to have infected approximately 13 percent of the population between the ages of 14 and 49, had increasingly adverse effects on the country's wage-earners, including teachers and other professionals. A weakened infrastructure—unreliable power and telecommunication systems and roads in disrepair—exacerbated economic problems and disinvestment. Also fueling disinvestment were concerns over personal security and uncertainty related to the outcome of the general elections and the associated political transition.

The Government's human rights record remained poor, and it continued to commit numerous, serious abuses. Citizens' ability to change their government peacefully was demonstrated with the inauguration of a new president following the December general elections. Security forces, particularly the police, continued to commit extrajudicial killings, torture and beat detainees, use excessive force, rape, and otherwise abuse persons. Prison conditions remained life threatening. Police harassed and arbitrarily arrested and detained persons, including journalists, politicians, and political activists. The Government arrested and prosecuted a number of police officers for abuses; however, most police who committed abuses were neither

investigated nor punished. Lengthy pretrial detention was a problem, and the judiciary was subject to executive branch influence. The authorities infringed on citizens' privacy rights. The Government limited freedom of speech and of the press, and harassed and intimidated newspapers that often were critical of the Government. The Government repeatedly restricted freedom of assembly, and the police disrupted public meetings and forcibly dispersed demonstrators and protesters. The Government restricted freedom of association. Political intimidation and violence worsened prior to the December general elections. The Government continued to limit the independence of its Standing Committee on Human Rights (SCHR), and the President continued to criticize nongovernmental human rights organizations (NGOs) for their alleged involvement in partisan politics. Violence and discrimination against women and abuse of children remained serious problems. Female genital mutilation (FGM) remained widespread, child prostitution remained a problem, and the spread of HIV/AIDS has orphaned many children. There was some discrimination against persons with disabilities. The Government continued to exacerbate ethnic tensions by discriminating against many ethnic groups; interethnic tensions, often spurred by political competition, continued and resulted in numerous violent conflicts and some deaths. Unlike in previous years, there were no reports of ritual murders associated with aspects of traditional indigenous religious rites. The Government continued to limit some worker rights, including summarily dismissing striking public employees. Child labor remained a problem, and there were instances of forced child labor. Violence by mobs and by nongovernmental armed groups also resulted in many deaths.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Security forces, especially members of the police, the GSU, and the CID, continued to use lethal force and committed a number of extrajudicial killings. The SCHR, the Governmental body charged with addressing human rights issues, noted the “widespread use of lethal, excessive, and unnecessary force on civilians by police” in its April general report. The Kenya Human Rights Commission (KHRC), a leading human rights NGO, reported that it has documented more than a thousand cases of extrajudicial killings in the last decade. According to government figures, police killed 117 suspected criminals, and another 11 suspects and detainees died while in police custody during the year. The KHRC reported that police killed 85 persons between January and September. Police often were not restrained in the use of lethal force, especially when confronting armed criminal suspects, and the Government generally failed to take appropriate action against members of the security forces accused of unlawful or arbitrary killings.

Law enforcement officials maintained that security forces were justified in their use of deadly force because of the heavily armed, violent criminals they often encountered. According to the Government, 22 police officers were killed in the line of duty during the year. Police claimed that the increased use of sophisticated weapons by criminals had increased the risks faced by police in performing their duties. In responding to continuing high levels of crime, some police used excessive and deadly force, sometimes without apparent provocation.

On March 12, the KHRC reported that Administration Police officers shot and killed Jacob Odero Ogolla at a bar in Kayole when he was approached by the security agents demanding to know the whereabouts of two persons they said he was seen with at the bar. The officers allegedly shot Ogolla four times in the chest and later dumped his body along the road. No arrests or investigations have been made in this case.

There were incidents in which police killed bystanders. On September 22, police and suspected robbers in Bungoma engaged in a gun battle that resulted in the death of six persons, including two bystanders.

Persons died from torture while in custody (*see* Section 1.c.).

There were some internal police investigations into the many killings of civilians by members of the security forces and some prosecutions; however, few were effective. The authorities sometimes attributed the absence of an investigation into an alleged extrajudicial killing to the failure of citizens to file official complaints. However, the form required for filing complaints was available only at police stations, which often lacked the forms or were not forthcoming in providing them. There also was considerable public skepticism of a process that assigned the investigation of police abuse to the police themselves. The Police Department reported that 49 police officers were indicted during the year for various offenses, including murder, assault causing bodily harm, and corruption; however, the Government did not provide de-

tails on how many of these indicted police officers were tried, acquitted, convicted, or imprisoned.

In January two police officers had their charges reduced to manslaughter in the case of the February 2001 killing of University of Nairobi student Allan Mbiti by three police officers. The other officer was sentenced in December 2001 to 10 years in prison. The case still was pending at year's end.

The investigation into two Administration Police officers accused of the March 2001 killing of Francis Kiraha Kibugi was completed and they were charged with murder; however, it was unknown whether a trial had begun by year's end.

An inquest determined that there was no one to charge for the January 2001 alleged torture and killing of Abdillahi Mohamed Mashuhuri. A police officer was charged for the March 2001 killing of Geoffrey Ngoima Mbugua.

There was no action taken against members of the security forces in the July 2001 killing of seven suspected bank robbers, and the July 2001 killing of a primary school teacher during a fight between Kisii and Maasai youths.

The following cases were pending at year's end: The trial of a police officer in the 1997 killing of Catholic lay brother Larry Timmons; the trial of two police officers charged with manslaughter in 2001 for the May 2000 killings of two suspected carjackers; an inquest into the March 2000 killings of eight suspected carjackers; and an investigation into the January 2000 killing of 5-year-old Chesortich.

Hundreds of prisoners died in custody due to life-threatening prison conditions, including inadequate food and medical treatment (*see* Section 1.c.). The Government recorded 536 deaths in prisons during the year, and the chief causes of death were attributed to pulmonary tuberculosis, gastroenteritis, pneumonia, and malaria.

In March Mungiki clashed with a rival gang in Nairobi's Kariobangi district where 23 persons were killed. The Mungiki is a small, controversial, cultural, and political movement based in part on Kikuyu ethnic traditions. Its origins may have been rooted in traditional religious and cultural beliefs, but more recently they were perceived widely to be a vigilante group. The Mungiki were involved in or implicated in a number of violent attacks against political or ethnic rivals during the year. On September 22, members of the Mungiki attacked several individuals leaving a rally organized by dissident KANU officials of the "Rainbow Alliance" in Nairobi; two persons reportedly were killed.

Mob violence continued at high levels during the year, which observers believe may have been associated with a continuing high crime rate. According to the Government 95 persons were killed in mob violence during the year. The KHRC reports that it has documented 719 deaths from mob violence in the last 6 years. Human rights observers attributed mob violence to a lack of public confidence in the police and the judicial process. The great majority of mob violence victims, who died by lynching, beating, or burning, were persons suspected of criminal activities, including robbery, cattle rustling, and membership in terror gangs. Most perpetrators of mob violence went unpunished. In addition, the social acceptability of mob violence also provided cover for apparent personal vengeance under the guise of "mob justice."

There were several occurrences of mob violence during the year. For example, on January 5, two individuals suspected of stealing cows were stoned and beaten to death in a village at Njoro in Nakuru. No one was arrested for the crime.

On March 30, a mob killed three brothers for allegedly being involved in multiple incidents of theft and robbery in Limuru, an area on the outskirts of Nairobi. The KHRC reports that a mob-operated court, convened earlier in the day at a shopping center, found the brothers guilty of several crimes. The brothers, taken from their sister's home, were beaten unconscious, doused with gasoline, and burnt alive. No arrests were made in the case.

No known action was taken in the following mob violence cases: The April 2001 deaths of nine persons in a Nairobi slum during clashes between residents and gang members, and the May 2001 stoning death of a person in Kericho District in the Rift Valley.

Occasionally mobs killed members of their communities on suspicion that they practiced witchcraft (*see* Section 2.c.).

Interethnic violence continued to cause numerous deaths (*see* Section 5). Some of these disputes spilled over into the country from neighboring countries (*see* Section 2.d.).

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution states that "no one shall be subject to torture or degrading punishment or other treatment"; however, security forces continued to use torture and physical violence during interrogation and to punish both pretrial detainees and

convicted prisoners. Although authorities periodically issued directives against the use of torture by police, the problem persisted. Human rights organizations, churches, and the press highlighted and criticized numerous cases of torture and several cases of indiscriminate beating of groups of persons by police during the year. Common methods of torture practiced by police included hanging persons upside down for long periods, genital mutilation, electric shocks, and deprivation of air by submersion of the head in water. There were numerous allegations of police use of excessive force and torture. The KHRC believed police brutality was widespread and estimated that there were hundreds of cases during the year. However, detainees routinely claimed that they had been tortured, making it difficult to separate real from fabricated incidents.

The KHRC reported 49 torture-related deaths in 2001, and People against Torture (PAT) reported 70 cases of death by torture and 238 total cases of torture in 2001.

On February 9, Councilor Amos Korichir died from head injuries allegedly inflicted during torture. According to reports from the KHRC, Korichir was taken into police custody following an argument he had with a local trader who reported the incident to the authorities. Two police officers reportedly tortured him for several hours until he became unconscious and then later dumped his body on the roadside where he was discovered and taken to a hospital. The Eastern Provincial Police Officer maintained that Korichir had been released from police custody in good health and died from unknown causes. An inquest was ordered into Korichir's death, and a hearing was pending at year's end.

On March 31, according to NGOs, Paul Kimani Wambiru died after being tortured at the Nyeri Police Station. Wambiru was arrested on March 25 on allegations of stealing approximately \$384; he reportedly was held until March 31, exceeding the 48-hour limit that a person can be held without charge. Wambiru's death was discovered after his father visited the police station on March 31 and was informed by attending officers that his son had died earlier that day after being released from custody for lack of evidence. A postmortem examination revealed that Wambiru died from multiple internal and external injuries, including a ruptured bladder and small intestines. According to the Government, five police officers were charged with Wambiru's murder and the case still was pending in court at year's end.

Police beat journalists during the year (*see* Section 2.a.).

Police repeatedly used excessive force and beat persons when breaking up demonstrations, student protests, and opposition political party rallies (*see* Section 2.b.).

In 2000 former President Moi was quoted widely in the press as calling for action against the Mungiki; police forcibly disrupted several of the group's meetings 2001, injuring a number of persons. The Government arrested some Mungiki members during the year (*see* Section 1.d.).

Security forces continued to commit numerous human rights abuses, often with impunity. According to the SCHR in its 2002 general report, ". . . disciplinary sanction imposed on officers found guilty of brutality were frequently inadequate. Officers were rarely prosecuted for using excessive force. Investigations by SCHR of numerous cases alleging torture revealed that there was a "Code of Silence" under which officers failed to report brutality, destroyed evidence, or threatened witnesses in an effort to cover-up abuses commanded widespread loyalty, contributing to a climate of impunity." Public officials at times made pronouncements calling on security forces to discharge their duties responsibly and to use restraint; however, such pronouncements had little effect on police behavior.

During the year, the Government investigated some allegations of police use of excessive force and torture, and prosecuted several police officers; some officers were charged, convicted, and sentenced for killings (*see* Section 1.a.). The Government did not provide information on the number of cases of torture that occurred during the year.

An inquest was pending at year's end into the January injuring of Arwings Odera.

There was no action taken in the 2001 report that prison wardens from King'ong'o prison pulled a murder suspect from his hospital bed and returned him to the prison, where they allegedly beat him unconscious then returned him to the hospital. The Government denied that such an incident occurred.

According to organizations that work with street children, police also beat and abused street children (*see* Section 5). In June Mombasa police officers Mwingo Chula and Peter Ndwiga, who were arrested for raping a 13-year-old street girl in May 1999, were acquitted.

In February police officers Charles King'ori and Wilson Kinyanjui from the Makeni Police Station were acquitted of assault in the case of Charles Muteti Mulwa.

Margaret Njeri claimed that police tortured her to extract a confession; police officers allegedly beat her until she bled and sexually abused her. In 2000 Njeri filed

a formal complaint to police and said that she intended to sue police for damages; there was no further information on the case at year's end.

In September 2000, a magistrate in Nakuru granted the request of six army officers, Nahashoon Kili, Moses Kiprotich, John Masai, Joseph Tanui, Henry Buienei, and Tito Rono, to pursue charges of torture against members of the 66th Artillery Battalion; the six had been held for 6 months in 2000 on suspicion of mutiny. On February 3 in Eldoret, four of the six officers told journalists that while under military detention, they had their testicles pricked with needles, were beaten, were deprived of food for days, and were doused with cold water while naked. The officers said they were tortured into falsely confessing to having planned a mutiny. In 2001 the Chief Magistrate dismissed the case against the members of the 66th Artillery Battalion for procedural reasons. The army officers appealed the decision; however, there was no further information on the case by year's end.

No known action was taken in the following 2000 cases: The January case of William Tanui; the February beating of Mohammed Sheikh; and the February case of police firing at suspected robbers who were fleeing from police and seriously injuring a teenaged boy.

No known action was taken during the year against police who reportedly used excessive force when breaking up demonstrations, student riots or Mungiki meetings in 2000.

Caning continued to be used as punishment in cases such as rape (*see* Section 5).

Acts of violence, including rape, banditry, and shootings, occurred frequently near refugee camps (*see* Sections 2.d. and 5).

There were some violent incidents between progovernment supporters and opposition supporters during the year, mostly during opposition rallies (*see* Section 2.b.).

Prison conditions were harsh and life threatening, due both to a lack of resources and to the Government's unwillingness to address deficiencies in the penal system. Prisoners were subjected to severe overcrowding, deficient health care, and received inadequate water, diet, and bedding. Police and prison guards subjected prisoners to torture and inhuman treatment (*see* Section 1.a.). Rape of both male and female inmates, primarily by fellow inmates, was a serious problem, as was the increasing incidence of HIV/AIDS. Prisoners were detained in unsanitary conditions and have inadequate access to medical treatment. As a result, disease was widespread in prisons, and the death rate was high. Only one prison health facility had a resident doctor. The others were staffed by clinical officers or nurses posted from the nearest government hospital. Prisoners sometimes were kept in solitary confinement far longer than the maximum 90 days allowed by law. Prisoners and detainees frequently were denied the right to contact relatives or lawyers. A 2001 Nation newspaper investigative report on prisons nationwide highlighted the difficulty family members had in visiting prisoners, including numerous bureaucratic and physical obstacles, each requiring a bribe.

According to the Government, the country's prisons reportedly held twice their estimated capacity of 16,886 inmates. The Government reported that there were 35,157 prisoners during the year of which nearly 33 percent—13,497 prisoners—were pretrial detainees. The SCHR, the only domestic human rights body allowed such access, produced a special report during the year on its comprehensive investigation into the country's prison system. It asserted that while the prison population has increased steadily over the last several years, prison facilities had not. According to the Government, there were 89 prison facilities. Overcrowding led to health-related problems arising from the sharing of amenities, encouraged the spread of infectious diseases, and resulted in food and water shortages. There was little access to health care and medicine. According to the Government, 536 prisoners died in jails during the year, compared with 464 in 2001. During the year, deaths were due chiefly to tuberculosis, gastroenteritis, pneumonia, and malaria; dysentery, anemia, malaria, heart attack, typhoid fever, and HIV/AIDS were also common causes of death among prisoners.

The SCHR concluded in its 2002 special report on prisons that "Conditions of prison facilities do not meet the minimum accepted standards for the treatment of prisoners. Inmates' human rights and dignity was compromised and eroded in prisons. . . Torture, cruel, inhuman, and degrading treatment was prevalent in prisons." The SCHR documented numerous cases of human rights abuses alleged by inmates during its investigations. This included reports of prisoners being tortured through the application of electrical shocks to genitalia, inhumane treatment such as subjecting inmates to artificial light from a 150 watt bulb continuously for up to 24 hours, and female inmates being stripped and placed in solitary confinement in a flooded cell for up to a week. In March 2001, the KHRC hosted a public meeting at which former prisoners discussed their experiences while in prison. The former prisoners described prisons as filled with disease, death, corruption, and brutality with guards

demanding bribes for the most basic amenities. Press reports continued to highlight the substandard prison conditions.

By most accounts, prisoners received three meals per day; however, the SCHR found that inmates sometimes were given half rations as punishment and at times for the “slightest offence.” Most prisoners it interviewed had expressed concerns about both the quantity and quality of food they were given, that it was insufficient and inadequate. According to the SCHR, prison diet consisted “almost entirely of ugali (maize meal), beans, and occasionally cabbages or kale... portions of meat were served in some prisons once or twice a week but in grossly inadequate rations.” The SCHR also found water shortages to be a problem in some prisons, particularly at the Kakemaga prison where they have not had running water for the last 5 years. There were no reports during the year of food shortages or that prisoners died from hunger.

Men, women, and children officially were kept in separate cells, and there were no reports that men and women were placed in the same cells. Women sometimes lacked access to sanitary napkins and often had only one change of clothes, leaving them naked during the washing of their laundry. Young teenagers frequently were kept in cells with adults in overcrowded prisons and detention centers. Youth detention centers were understaffed, overcrowded, and inmates had minimal social and exercise time. The SCHR reported in its 2002 special report on juvenile detention centers that it encountered major overcrowding at all of the centers it investigated and found that one in particular, the Nairobi Juvenile Remand Home, held more than 4 times its capacity of 100 detainees. Some young inmates remained in the centers for years, as their cases awaited resolution. Juvenile detainees were subjected to corporal punishment, which has been banned in the schools system. According to the SCHR’s 2002 special report on the state of juvenile detention centers, a majority of juveniles in remand were actually “children who have been arrested from the streets as victims of neglect or children in need of care and discipline.” The SCHR reported that in 2001, 797 out of 1016 juveniles in detention fell into this category and expressed concern about the cohabitation of such children with juveniles held in detention for more serious offenses. Overall, the SCHR found that the juvenile detention system did not meet the minimum human rights standards for accommodation, facilities, food, or the separation of juveniles based on the offenses they have committed and that no adequate medical care existed in any of the institutions it visited.

Nearly all prisoners serving more than 6 months in prison worked in the prison industries and farms. Men worked in printing services, car repair, tailoring, metal work, and leather and upholstery work. Women were taught sewing, knitting, dress-making, rug making, basket weaving, jewelry making, and other crafts. The Government reported that prisoners can earn \$0.62 (approximately 48 Kenyan Shillings) per year. Prisoners on good conduct can, with permission, work beyond the 8-hour day to produce goods, from which they earn two-thirds of the profits. Prisons were unable to invest these sizable profits in the prisons because income generated from the sale of prison products was sent directly into the Government Consolidated Fund. Some observers alleged that prison officials used the free prison labor for personal profit and prisoners have complained of being overworked; however, many inmates leave prison with a valid trade certificate.

The courts partly were responsible for overcrowding, as the backlog of cases in the judicial system continued to fill the prison detention cells (*see* Sections 1.d. and 1.e.). Many detainees spend more than 3 years in prison before their trials were completed, often because they cannot afford even the lowest bail. Very few can afford attorneys.

The Government did not permit consistent independent monitoring of prison conditions. In general the Government did not permit domestic NGOs to visit prisons; however, some independent NGOs worked with the Government in evaluating torture cases and performing autopsies on deceased prisoners. The SCHR had the authority to inspect prison facilities on demand at any time and, during the year, published two reports that examined the state of prisons and juvenile detention centers.

d. Arbitrary Arrest, Detention, or Exile.—Despite constitutional protections, police continued to arrest and detain citizens arbitrarily. The Constitution provides that persons arrested or detained be brought before a court within 24 hours in noncapital offenses and within 14 days in capital cases. The Penal Code specifically excludes weekends and holidays from this 14-day period. The law does not stipulate the period within which the trial of a charged suspect must begin. Indicted suspects often were held for months or years before being brought to court. The Government has acknowledged cases in which persons have been held in pretrial detention for several years. Police from the arresting location were responsible for serving court summons and for picking up detainees from the prison each time the courts heard their

cases. Police often failed to show up or lacked the means to transport the detainees, who then must await the next hearing of their case.

The law provides that families and attorneys of persons arrested and charged are allowed access to them, although this right often was not honored (*see* Section 1.c.). Family members and attorneys may visit prisoners only at the discretion of the authorities. This privilege often was denied. For those who were charged, it often was possible to be released on bail with a bond or other assurance of the suspect's return.

Prison overcrowding was a problem, and the backlog of cases in the judicial system continued to fill the detention sections of prisons (*see* Section 1.c.).

In 2000 the Government instituted the Community Service Order (CSO), a program whereby petty offenders perform community service rather than serve a custodial sentence. According to the Home Affairs Permanent Secretary, the Government spent \$250,000 (20 million Kenyan shillings) on the CSO in 2000 and \$500,000 (40 million Kenyan shillings) in 2001. According to a March press report, more than 67,000 prisoners were serving sentences under the program, engaged in such activities as building bridges, schools, and hospitals. This was significantly higher than in 2001 when there reportedly were 11,000 petty offenders participating in the program. In May the chairman of the National Committee on Community Service Order, Justice Samuel Oguk, said that magistrates were not fully utilizing CSO as an alternative to custodial sentences for petty offenders, which led to the further congestion of prisons. The program eventually could help alleviate overcrowding; however, there was no indication of any relief by year's end.

Citizens frequently accused police officers of soliciting bribes during searches or falsely arresting individuals to extract bribes (*see* Section 1.f.). The police continued conduct massive searches ("sweeps") for illegal immigrants and firearms (*see* Section 1.f.). In June the Nairobi police engaged in several days of sweeps reportedly to ensure that the "city was free of criminals," according to Simeon Kipkeu, the Officer Commanding of the Kasarani Police Division. According to press reports, the operation was a joint General Service Unit and Administration Police effort leading to the arrest of more than 1,000 foreign nationals; however, the Government reported that 835 foreign nationals actually were arrested and that 511 were verified to be in the country illegally and were arraigned in court. The remaining 324 persons were handed over to the U.N. High Commissioner for Refugees (UNHCR). There was no information on whether those arraigned were detained at year's end. The sweeps were conducted primarily in Nairobi's Eastleigh area, home to a large Somali community; residents accused the police of using excessive force and robbing them of cash and other valuables.

On August 21, heavily armed police entered the home of the chairman of the Kenya Employers Federation (KFE), Walter Mukuria, and took him into custody for 4 hours. Mukuria's arrest reportedly was precipitated by an inquiry he made into the ownership of a bank to which a questionable transfer of a substantial amount of worker funds had been made. The transfer was made without the approval of the National Social Security Fund trustees, and Mukuria's inquiry implicated the involvement of a prominent government official. The KFE alleged that Mukuria was denied legal representation following his arrest and was forced to sign a seven-page statement. There was no pending case against Mukuria at year's end.

According to MUHURI, police allegedly detained five colleagues of Abdillahi Mohamed Mashuhuri whom they arrested on narcotics charges after raiding Mashuhuri's house in January 2001. The five were tried and acquitted in March.

The Government at times arrested civil society leaders and opposition politicians and charged them with participating in illegal gatherings (*see* Sections 2.b. and 4).

In 2001 police beat and arrested James Orengo when he and others went to a proposed rally site in Kisii to notify police of their intent to hold an MWM rally, as required by law. Police prevented Orengo's lawyers from seeing him. Orengo was charged with taking part in an illegal assembly and resisting arrest; he subsequently was released, but his case remained pending before the court at year's end. Orengo has been arrested on questionable charges more than eight times since 1997; many of these cases against Orengo, including one from January 2000, remained pending at year's end.

In February 2001, police forcibly prevented a MWM rally and arrested numerous persons. Also in February 2001, police arrested another opposition M.P., Peter Anyang' Nyong'o, and four opposition supporters in Kisumu, where MWM also attempted to hold a rally. Anyang' Nyong'o was released; however, it was not known whether the others were released or whether there were any charges pending against Nyong'o and the opposition supporters at year's end.

Unlike in the previous years, there were no reports of Muungano wa Mageuzi (MWM) rallies. The movement since has ceased to exist.

Following an opposition rally in April 2001 that police earlier had attempted to cancel for “security concerns,” police arrested two Democratic Party (DP) M.P.s, Maina Kamanda and David Manyara (*see* Section 2.a.). Kamanda was charged with treason for allegedly threatening the life of President Moi during a speech at the meeting. Kamanda later was released and the treason charge was dropped; however, he was charged with the lesser offense of “incitement,” the same charge on which Manyara was arrested a few days later for a speech he gave at the same rally. The Attorney General dropped the prosecution and ended the case against Kamanda by year’s end.

In April 2001, police forcibly dispersed a march by Mungiki members; six persons reportedly were arrested, and numerous persons were injured. They were charged, found guilty, and sentenced to pay a fine of \$129 (approximately 10,000 Kenyan shillings) or serve 1 year in prison.

In November 2001, more than 70 members of the Mungiki and Kamjesh groups were arrested for extortion and for seizure of the routes used by privately owned public transportation vehicles, known as matatus. Also in November 2001, police arrested Mungiki leader Ibrahim Waruinge, who previously had announced that Mungiki planned to take over the management of the routes of privately owned transportation vehicles; he was charged with promoting “warlike” activities during a July 2001 clash between Mungiki members and matatu drivers that resulted in five deaths. Waruinge was released on bond. During the year, elements of his group were considered to be in collaboration with the ruling party KANU following the public demonstration some of its members held in Nairobi on August 20 in support of presidential aspirant and Moi protege Uhuru Kenyatta. A number of Mungiki members were arrested following their involvement in the March massacre of residents in a Nairobi slum; 28 members were arrested in Kiambu in July for allegedly circulating pamphlets threatening to circumcise forcibly women; 35 Mungiki suspects were arrested in April following an attack by men believed to be Mungiki at a Nakuru bus terminal that critically injured seven persons, including two police officers; and four Mungiki members were arrested in September for allegedly forcing residents in Laikipia District to take oaths binding them to Mungiki and to support Uhuru Kenyatta, the KANU presidential candidate.

Student protests and riots continued during the year; however, unlike in the previous year, there were no reports that students were arrested as a result.

During the year, police arrested some journalists (*see* Section 2.a.).

No updates were available in the following 2001 cases: The January case of Arwings Odera, a freelance journalist, charged with publishing false information (*see* Section 2.a.), and the April case against the owner of Citizen Radio and Television (CITIZEN).

There was no information available in the following cases from 2000: The April arrests of Joseph Kirangathi Njoroge, Esther Wamucii, John Gitonga, and Mwangi Gachie Kamau; the July arrests of 10 Mungiki members; and the December arrest of several journalists during an MWM rally.

Pretrial detention remained a problem. On February 14, after being held in detention since March 2000, Margaret Wanjiku Mugo and her five children were charged with the killing of their husband and father. The family had been scheduled to stand trial in March 2001, but their file went missing. They finally were charged on February 14; the case was pending at year’s end. In its 2002 report, the SCHR highlighted numerous cases of lengthy delays in the prosecution of cases against inmates held in remand and noted that “there were unnecessary delays in prosecution of cases,” adding that “remand inmates constitute a large percentage of the prison population thereby overstretching the limited resources available to prisons. . .”

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the judiciary often was corrupt and subject to strong influence from the executive branch. The President has extensive powers over appointments, including those of the Attorney General, the Chief Justice, and Appeal and High Court judges. The President also can dismiss judges and the Attorney General upon the recommendation of a special tribunal appointed by the President. Although judges have life tenure (except for the very few foreign judges who were hired by contract), the President has extensive authority over transfers.

In previous years, judges who ruled against the Government sometimes were punished with transfer or nonrenewal of their contracts; however, no known retaliatory action against judges was reported during the year. Judges occasionally demonstrated independence.

The court system consisted of a Court of Appeals, a High Court, and two levels of magistrate courts, where most criminal and civil cases originated. The Chief Justice was a member of both the Court of Appeals and the High Court, thus undercutting the principle of judicial review. Military personnel were tried by military

courts-martial, and verdicts may be appealed through military court channels. The Chief Justice appointed attorneys for military personnel on a case-by-case basis.

The country has Islamic courts that resolve disputes, adjudicate inheritance questions and marital issues, and handle other civil matters where all parties were Muslim and accept the court's jurisdiction. The Constitution provides for these courts, and states that "jurisdiction of a Kadhi's court shall extend to the determination of questions of Muslim law relating to personal status, marriage, divorce, or inheritance in proceedings in which all the parties profess the Muslim religion." The Islamic courts have functioned in the country for many years. There were no other customary or traditional courts in the country. However, the national courts used the customary law of an ethnic group as a guide in civil matters so long as it did not conflict with statutory law. This was done most often in cases that involved marriage, death, and inheritance issues and in which there was an original contract founded in customary law. For example, if a couple married under national law, then their divorce was adjudicated under national law, but if they married under customary law, then their divorce was adjudicated under customary law. Citizens may choose between national and customary law when they enter into marriage or other contracts; however, thereafter the courts determine which kind of law governs the enforcement of the contract. Some women's organizations sought to eliminate customary law because they felt it was biased in favor of men (*see* Section 5).

Civilians are tried publicly, although some testimony may be given in closed session. The law provides for a presumption of innocence, and for defendants to have the right to attend their trial, to confront witnesses, and to present witnesses and evidence. Civilians also can appeal a verdict to the High Court and ultimately to the Court of Appeals. Judges heard all cases. In treason and murder cases, the deputy registrar of the High Court can appoint three assessors to sit with the High Court judge. The assessors were taken from all walks of life and receive a sitting allowance for the case. Although the assessors render a verdict, their judgment was not binding. Lawyers can object to the appointments of specific assessors.

Defendants do not have the right to government-provided legal counsel, except in capital cases. For lesser charges, free legal aid rarely was available, and then only in Nairobi and other major cities. As a result, poor persons may be convicted for lack of an adequate defense. Although defendants have access to an attorney in advance of trial, defense lawyers do not always have access to government-held evidence. The Government can plead the State Security Secrets Clause as a basis for withholding evidence, and local officials sometimes classified documents to hide the guilt of government officials. Court fees for filing and hearing cases were high for ordinary citizens. The daily rate of at least \$25 (2,000 Kenyan shillings) for arguing a civil case before a judge was beyond the reach of most citizens.

Critics of the Government—politicians, journalists, lawyers, and students—have been harassed through abuse of the legal process. Authorities continued to arrest opposition M.P.s and journalists during the year (*see* Sections 1.d. and 2.a.), and a number of opposition M.P.s, student leaders, and human rights activists still had one or more court cases pending during the year.

Several cases involving opposition M.P.s have been pending for years, with the courts repeatedly postponing the hearings, thereby requiring the M.P.s to appear periodically in court or risk fines or imprisonment.

The Attorney General's constitutional power to discontinue proceedings in private prosecution cases was a problem. Arguing that citizens must first notify his office before initiating private prosecution, Attorney General Amos Wako has used this authority on a number of occasions to terminate cases against government officials.

There were no reports of political prisoners. However, some NGOs alleged that political and human rights activists were arrested and jailed on spurious charges during the year to curb their activities. The Kenya Human Rights Network (KHRN) reported that on May 19 two human rights activists from Makueni District, Nicodemus Mutuku and Alois Mwaiwa Muia, were arrested on murder charges following mob violence that left one person dead. KHRN maintained that the two men, who reportedly were engaged actively in land rights issues, were targeted for their activism and wrongfully accused. The Network claimed that the detention of Mutuku and Muia amounted to "detention without trial," since a person accused of murder was not eligible for bond and can be held in prison for up to 6 years while evidence was gathered against them before being brought to trial. KHRN argued that if the Government "is intent on putting someone away for political reasons, all they need to do was to successfully frame him/her up for murder and take years preparing the committal bundle (gathered evidence and other documentation)." Mutuku and Muia were acquitted during the year; however, an appeal of the decision was filed by year's end.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—At times authorities infringed on citizens' privacy rights. Although the Constitution provides that "no person shall be subjected to the search of his person or his property or the entry by others on his premises," it permits searches without warrants "to promote the public benefit." The Police Act permits police to enter a home forcibly if the time required to obtain a search warrant would "prejudice" their investigation. Although security officers generally obtained search warrants, they occasionally conducted searches without warrants to apprehend suspected criminals or to seize property believed to be stolen. Citizens frequently accused police officers of soliciting bribes during searches or of falsely arresting individuals to extract bribes. Unlike in previous years, there were no reports that Nairobi police searched offices of the media without warrants.

On August 21, heavily armed police entered the home of the chairman of the Kenya Employers Federation, Walter Mukuria, and took him into custody for 4 hours (see Section 1.d.).

The police continued to conduct massive warrantless searches ("sweeps") for illegal immigrants and firearms in residential neighborhoods of major cities (see Section 1.d.). Residents complained that police who entered homes on the pretense of searching for weapons often asked for radio, television, and video receipts and permits, then demanded bribes to refrain from confiscating those items in the absence of such documents. In January the police reportedly arrested more than a 100 persons in a sweep of street families and children in Nairobi; their status was unknown at year's end.

Security forces monitored closely the activities of dissidents, following or otherwise harassing them. They employed various means of surveillance, including a network of informants to monitor the activities of opposition politicians and human rights advocates. Some opposition leaders, students, journalists, and others continued to report that the Government subjected them to surveillance and telephone wiretaps; however, there were no reports of interference with written correspondence during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government restricted these rights in practice. The Government broadly interpreted existing laws to restrict free expression. The Government continued to harass, beat, and arrest members of the media during the year (see Sections 1.d.). The print media has been relatively independent for decades; there was further liberalization of the electronic media during the year, including radio, television, and Internet communications. The regulatory framework for broadcast media allowed abuse and manipulation in the issuance, withholding, and revoking of broadcast permits and frequencies. Police repeatedly dispersed demonstrators to prevent criticism of the Government, and journalists covering such events often were present during the dispersal (see Section 2.b.). In spite of these pressures, the press, civic organizations, and opposition parties continued to present their views to the public, particularly in the print media. Government pressure led some journalists to practice self-censorship.

In October three police officers were fired for reportedly holding a private political discussion in which it was suggested that the KANU presidential candidate would lose the December elections to the opposition. The officers' comments reportedly were taped and given to senior officers who brought the three before a police disciplinary tribunal. They were found guilty of violating a provision of the Police Act that prohibits affiliating with a political party or group and compromising their political neutrality. The firings were criticized widely as an infringement on the freedom of expression and as an unjust application of the law. Many local officials and other public servants openly affiliated with then ruling KANU and freely attended public rallies and other political functions in support of the party without fear of punishment. In response to negative public reaction following the incident, Police Commissioner Philemon Abong'o told the media that the officers could appeal their dismissal.

In April 2001, President Moi ordered the police to monitor and record all public speeches by politicians at political rallies. The order was regarded widely as an attempt to restrict political speech by threatening to arrest those whose speech could be interpreted by the Government as inflammatory. The order did not appear to be enforced actively during the year.

The Constitution prohibits debates on issues under consideration by the courts, and in conjunction with a ruling by the Speaker of the Assembly that some aspects of the President's conduct were inappropriate topics for parliamentary debate, has limited the scope of deliberation on a number of political issues.

In April 2001, police arrested two DP M.P.s, Maina Kamanda and David Manyara (*see* Section 1.d.). Kamanda was charged with treason for allegedly threatening the life of President Moi during a speech at the meeting. The Government-controlled Kenya Broadcasting Corporation (KBC) broadcast a video that showed Kamanda saying that President Moi should be shot if he did not leave office after his current term ended; however, a Kenya Television Network (KTN) news video of the same event indicated that the tape shown on KBC had excluded three words. Kamanda actually had said that Kamanda himself should be shot if he (Kamanda) were to agree to another term for Moi.

Public officials used libel laws to attack publications directly critical of actions by government officials. In 2000 a ruling in a libel case involving a government minister ordered that printers and distributors were to be held equally responsible with publishers and authors for libelous content in publications and books. Further interpretation of libel laws and related legislation also has made retail stores equally liable should the material in question be found libelous.

On March 22, Minister for Trade and Industry Nicholas Biwott won a libel suit against *The People Daily* in the amount of \$250,000 (20 million Kenyan shillings) for implicating him in alleged corrupt dealings involving a hydroelectric project. In June 2001, President Moi and Biwott sued a former U.S. Ambassador accredited to the country and a bookstore that carried the Ambassador's book for libel over allegations in the publication that the President and Biwott were involved in the 1991 murder of Foreign Minister Robert Ouko. In June Biwott won a libel suit against a bookstore for selling the book. The courts granted him \$96,100 (7.5 million Kenyan shillings) in damages and ordered the bookstore's apology printed on the back pages of two of the country's most prominent newspapers. Moi's libel suit against the former Ambassador still was pending in court.

In general the print media remained candid and independent. The mainstream print media included four daily newspapers that reported on national politics. The largest newspaper, the *Nation*, was independent and often published articles critical of government policies. The second largest newspaper, the *East African Standard*, was controlled by an investment group with close ties to the Government and the ruling KANU party. It generally, although not automatically, was supportive of the Government. The third daily newspaper, the *People Daily*, formerly a weekly, was owned by an opposition politician and was highly critical of the Government. The fourth daily, the *Kenya Times*, which has a small circulation, reflected KANU party views. There also were numerous independent tabloid or "gutter" periodicals, which appeared irregularly and were highly critical of the Government. Reporting in these tabloids ranged from revealing insider reports to unsubstantiated rumor mongering.

On May 8, Parliament passed a controversial bill regulating the media. Under the act, commonly known as the "Media Bill," publishers were required to purchase a bond of \$12,800 (1 million Kenyan shillings) before printing any publication, then they must deposit copies of their newspapers and books with a registrar within 2 weeks of publication. The new bond amount was a 100-fold increase over the previous bond amount of \$128 (10,000 Kenyan shillings). The new law makes it a crime to sell or distribute publications not deposited or bonded, under penalty of a fine of \$256 (20,000 Kenyan shillings) or 6 months imprisonment. Many observers viewed the law primarily as an effort to rein in the tabloid or "gutter" press, which will jeopardize the survival of many financially marginal publications. However, some observers also considered it a measure to intimidate and curb the legitimate press prior to the December 27 general elections.

While all newspapers suffered financially to varying degrees because of the prolonged economic and business downturn, the Government no longer openly pressured businesses against advertising with opposition media during the year.

While there was no overt official government pressure on journalists, individual journalists reported that they were pressured by government officials and other influential persons to avoid reporting on issues that could harm the interests of these persons or expose their alleged wrongdoings. Some editors and journalists reportedly practiced self-censorship because of government pressure or bribes; there also were credible reports of journalists accepting payments to report or withhold certain stories, some of which were fabricated.

The Government attempted to intimidate the pro-opposition press with arrests and pressure, and by selective prosecution of journalists under a colonial-era section of the Penal Code that criminalizes the publication of information likely to cause fear or alarm.

Journalists were arrested, harassed, and otherwise intimidated during the year. For example, on March 15, supporters of the now defunct National Development Party reportedly attacked *Nation* journalist Odhiambo Orlale at the party's headquarters during a party executive committee meeting. An Assistant Minister present

reportedly warned Orlale against writing stories about the party that he deemed negative. Before the party leader Raila Ódinga reportedly intervened to rescue the journalist, Orlale was beaten with clubs. The police reportedly took no action when the incident was reported nor have they taken any by year's end.

On April 11, city council guards beat People Daily photographer Collins Kweyu in Nairobi when he took pictures of city hawkers being arrested by the guards and Administration Police. Four Administration Police reportedly watched without intervening as the guards attacked Kweyu for allegedly operating without a license. Kweyu's camera was confiscated. The Inspectorate Department reportedly was investigating this case at year's end.

On September 22, persons attending a political rally organized by the opposition "Rainbow Alliance" beat a television crew with the private news production company, Picasso Communications. The crew reportedly was mistaken for a KBC news crew, which allegedly prompted the attack. There were no reports of any arrests by year's end.

On September 23, journalists George Omonso of the Daily Nation and John Wanddeto of the People Daily were arrested allegedly for inciting striking teachers who were demonstrating in Kitale. The two journalists later were released.

Arwings Odera, a freelance journalist who had published a series of articles alleging corruption in government-backed projects, remained outside the country for fear of his life at year's end.

The Government continued to loosen its control over electronic broadcast media in and around Nairobi, while maintaining its dominance of broadcast services to regional towns and rural areas, where the majority of the country's population live.

KBC is the oldest broadcaster and the only one with a national network of broadcast and cable television, AM and FM radio, and short-wave broadcasts. KBC remained the only domestic source of current information for most persons outside the Nairobi area; stations operated by other media companies, including 12 radio stations, operated primarily in Nairobi and its outlying areas.

The Government controlled KBC, and KBC's monopoly on national broadcasting continued to limit severely the ability of opposition leaders and other critics of the Government to communicate with the electorate outside the capital. KBC stations did not criticize the Government and give a large share of news time to government or KANU party functions and little coverage to opposition activities. During the year, KBC news coverage remained biased in favor of KANU and President Moi. In addition, the KBC's limited coverage of the opposition generally was negative, compared with uniformly positive coverage of KANU. In September KBC granted the KANU presidential aspirant unprecedented radio and television airtime, covering live his political rally in Nakuru for several hours. No similar coverage was given to any of the opposition candidates during the campaign period; however, at the end of the campaign KBC provided small amounts of free airtime to all parties.

KTN, a subsidiary of the East African Standard group of newspapers that was owned by KANU supporters, aired news programs with more balanced political coverage than KBC. KTN broadcasts in Nairobi and Mombasa. During the year, KTN also began broadcasting in Nakuru as part of an expansion program to reach the entire country. Stellavision also was owned by KANU supporters and operates in collaboration with TV Africa and SKY TV of London. Stellavision did not air local news, relying instead on rebroadcasts of SKY TV and British Broadcasting Corporation (BBC) world news; it broadcasts in Kisumu, Mombasa, and Nairobi. Other TV stations in operation in Nairobi were Nation-TV, associated with the Nation newspaper group, and Family, a Christian-oriented broadcaster. Citizen TV and Citizen Radio, which broadcast generally objective news programs, ceased operations for a time in 2001. However, Citizen Radio and Citizen TV resumed broadcasts by the end of 2001. Family TV and Radio broadcasts in the Nairobi metropolitan area; Nation Television also broadcasts in Mombasa, providing independent media coverage.

The following radio stations also broadcast in Nairobi: Nation, Kameme, BBC, Voice of America (VOA), Capital, Family, Kiss, Iqra, Metro East, and Sounds Asia. In addition to KBC, Sauti ya Rehema, a nondenominational religious radio station broadcasting in Kiswahili, English, and other local languages in Eldoret, and the Mombasa-based Christian-oriented Baraka FM radio broadcasting in Kiswahili and English transmit outside of Nairobi. In August Sauti ya Rehema launched a television station in Eldoret that broadcast, in English and Kiswahili, local and international Christian programs reaching a large segment of the Rift Valley and parts of Uganda. The Nation Media Group broadcasts radio and television transmissions to Nairobi and received authorization for radio broadcasts in Mombasa, Kisumu, and Nakuru. Iqra, a radio station run by the Supreme Council of Kenyan Muslims (SUPKEM) provided information, educational programming, and entertainment for Muslim audiences in Nairobi. VOA programming was broadcast on FM radio in

Nairobi; however, a VOA request for similar broadcast access to Mombasa was not approved.

The Government, through the Communication Commission of Kenya (CCK, continued to delay action on a number of radio and television license applications on the grounds that it was reorganizing and regularizing its licensing procedures. The Ministry of Information, Transport, and Communication continued to argue that it was waiting for the recommendations on media liberalization from the Attorney General's Task Force on Press Law. That Task Force made its initial report in 1998; however, it still had several outstanding issues to resolve, including the manner of selection of the 13-member Media Commission, which would act as an independent body issuing broadcast licenses. In April 2001, the Government announced that a policy on broadcast licensing would be issued to ensure transparency in licensing procedures; however, no such policy was issued by year's end. The CCK regulated frequency allocations, while the Ministry of Transport and Communications issued licenses. The Ministry has licensed 33 organizations (6 of which were KBC companies) to broadcast, and the CCK has allocated frequencies to a total of 9 television and 18 radio stations, although some were not broadcasting at year's end. Nation Media sued the Government for permission to broadcast radio and television nationwide, but the case still was before the courts at year's end. In June 2001, the Government announced that it would not issue any more licenses to broadcast in Nairobi until new policies were in place. According to the Ministry, there were 120 applications for Radio/TV licenses pending at the end of 2001.

Private organizations that have been issued frequencies to broadcast but had not yet done so included the Pentecostal Church, Pete Aviation, and Maritime Media Services. During the year, Daystar University was granted a broadcasting license and planned to serve Nairobi, Machakos, and Kijiado once it was allocated frequencies. Daystar intends to utilize the low-powered radio station to train journalism students. The Catholic Church, which reportedly has been allocated radio and television frequencies for Nairobi, had not begun broadcasting by year's end. It reportedly wanted a nation-wide frequency, while the Government insisted on region-by-region allocation of locally based broadcasters. The Catholic Church reportedly also was seeking frequencies in Mombasa, Nyeri, and Kisumu. The Government also licensed and provided frequencies to the East African Television Network (EATN), the only recipient of a national frequency other than KBC; however, a dispute arose with the Government after EATN formed a partnership with Nation Media. The Government blocked EATN from using the frequencies and the case was pending in the courts at year's end.

In January 2001, the CCK ordered the shutdown of Citizen broadcasts for unpaid licensing fees and improper use of communications equipment. Citizen claimed that the shutdown, which only affected its operations outside Nairobi, was motivated politically. Citizen, which began broadcasting in 1999, appealed the order in the courts and continued broadcasting in Nairobi; however, in 2001 the court upheld the CCK's order and Citizen again appealed to the Court of Appeal. In April 2001, after Citizen moved its broadcast equipment from borrowed space on government-controlled towers to a new location on the outskirts of Nairobi, the CCK sealed Citizen's offices, confiscated equipment, and detained its owner, who later was released. Citizen appealed the Government's action, and the court ruled that the CCK had acted properly in seizing equipment. The CCK subsequently stripped Royal Media, the parent company of Citizen, of its broadcast licenses. Citizen's owner appealed that ruling. In February criminal charges accusing him of illegally setting up a radio communication station in Nairobi were dropped. However, Citizen's owner still was seeking the return of confiscated broadcasting equipment at year's end.

Representatives of the international media remained free to operate; 120 international correspondents worked in the country, and approximately 100 media organizations reported out of Nairobi without official interference.

Sedition was not grounds for censorship of publications; however, the Prohibited Publications Review Board reviewed publication bans. A number of publications remained banned, including such works as "The Quotations of Chairman Mao Zedong" and Salman Rushdie's "Satanic Verses."

In March police banned the staging of the play, *Ngoma Cia Aka* (the Whirlwind) by playwright Wahome "Whispers" Mutahi in Nyeri. The police claimed that the play was immoral and posed a security threat.

The Government did not restrict access to the Internet. There were approximately 20 domestic Internet service providers (ISP's) that generally were privately owned. Internet access was limited only by economic and infrastructural factors, and was fairly widespread in urban areas. Although liberalization of Internet communications continued, Internet access in the country continued to be limited by Telkom, the communications parastatal. All ISP's were required to use the communications

parastatal to connect to the Internet. There were no reports of Telkom interfering with the content of Internet transmissions. Telkom was slated for privatization in 2001; however, no action was taken by year's end.

The Government and school administrators continued to limit academic freedom. There were six private universities and six universities owned, subsidized, and administered by the Government. Most post-secondary students attended government-run institutions, partly because of their lower fees. President Moi, as chancellor of all state universities, appointed the vice chancellors who managed the institutions under the supervision of the Ministry of Education. A number of student activists have been expelled from universities in recent years because of political activities, and most have been refused readmission. Students claimed that the Government interfered in student elections to ensure sympathetic student leaders.

Student protests and riots occurred sporadically during the year, and police forcibly dispersed several protests after they became violent, which resulted in injuries (*see* Section 2.b.).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. Organizers must notify the local police in advance of planned public meetings; however, authorities continued to disrupt public demonstrations and meetings about which the police had been informed in advance, often characterizing them as “illegal” gatherings. In 2000 President Moi repeated his 1999 statements that government officials should deny “permits” (for public demonstrations) to politicians who use public rallies to abuse other leaders; however, officials have legal authority to cancel planned public gatherings only if there were simultaneous meetings previously scheduled for the same venue, or if there were specific security threats. The President's 2000 statement barring MWM from holding public meetings was aggressively enforced in 2001, although there was no apparent legal basis for this policy (*see* Section 1.d.). With the exception of a controversial march through downtown Nairobi in support of the KANU presidential candidate for the December general elections (*see* Section 1.d.), the Mungiki did not hold rallies during the year. Moi said that licenses would only be given to registered political parties, and that the Government would ban events by any “lobby groups, some religious organizations, and nongovernmental organizations whose aims and operations were sinister.” government and opposition politicians often warned political opponents not to attend or organize gatherings in certain constituencies, and during the year such warnings were more pronounced prior to the December 27 general elections. Also during the year, a number of opposition rallies and meetings were disrupted by organized youth and police, often violently.

Police forcibly disrupted public assemblies, including some political rallies and meetings (*see* Section 1.d.). The Government at times arrested civil society leaders and opposition politicians and charged them with participating in illegal actions. For example, on March 3, a chief in Bungoma reportedly cancelled a civic education meeting organized by the Community Empowerment and Development Forum on the grounds that the organizers were sympathetic to opposition parties.

On May 12, M.P. Kipruto Arap Kirwa and 13 others were arrested and their vehicles confiscated for holding an “unlawful” meeting in Nandi District after they attempted to hold a political meeting at Keteng Primary School. Kirwa, who reportedly was beaten at the time of the arrest, was held for 24 hours and released without charge while 13 others held with him were released on bond on May 16.

On August 15, police disrupted a meeting organized by the Coast Civil Society Forum in Mombasa that they described as illegal. The group of approximately 100 persons were meeting to elect officials to the Forum. The Mombasa police chief Gerald Oluoch said that the meeting was blocked because it had not been authorized.

On September 9, police disrupted a meeting to elect officials of the Social Democratic Party (SDP). The SDP is a member of the umbrella party the National Alliance Party of Kenya (NAK); a NAK official, Kiraitu Murungi, accused the police of systematically harassing NAK members.

On September 19, 15 councilors from Tharaka District were reportedly arrested at a restaurant for holding an “illegal” meeting. They later were released following the intervention of the area District Commissioner. The civic leaders maintained that they were meeting in order to plan for the nomination of delegates to the constitutional review conference, which was canceled once Parliament was dissolved in October prior to the December general elections. The conference required the participation of M.P.s and could not proceed without them.

During the year, several meetings and rallies organized by Ford People, whose presidential candidate was former Finance Minister Simeone Nyachae, were the targets of physical attacks and forced cancellations.

In May Ford People was forced to cancel a meeting in Malindi under pressure from the police. The Malindi police chief Charles Ontita reportedly said that the meeting had been canceled because of "the high political temperature, which might lead to violence and injuries."

Following an opposition rally in April 2001, that police earlier had attempted to cancel for "security concerns," police arrested two DP M.P.s, Maina Kamanda and David Manyara (*see* Section 1.d.).

Some civil society activities, including demonstrations, were disrupted during the year. For example, on February 20, antiriot police armed with teargas and batons disrupted a peaceful demonstration organized by the Center for Human Rights and Civic Education in Mwingi District to protest the alleged land grabbing by a cabinet minister. Several demonstrators reportedly were injured and arrested. Four of the arrested activists later were released, and the case still was under investigation at year's end.

In March President Moi called for the Mungiki and a number of other vigilante groups, to be "banned" following the group's involvement in a clash in Kariobangi, a Nairobi neighborhood, in which 23 persons were killed (*see* Section 1.a.). However, in August, members of Mungiki were allowed to demonstrate through downtown Nairobi in support of KANU presidential aspirant and Moi protege Uhuru Kenyatta without interference from security forces, suggesting that the ban on this group was enforced selectively. No action was taken against the police who forcibly dispersed a march by Mungiki members and beat them in April 2001. Some Mungiki members may have been in custody at year's end; however, Mungiki leader Ibrahim Waruinge was released by year's end.

University student protests occurred sporadically during the year, and at times they became violent. On July 19, University of Nairobi students protested the shooting death by a police officer of a fellow student, who was part of a group assaulting a police station to free another student. The protest lasted 2 days, and student threw stones, blockaded roads, burned tires, and destroyed property in downtown Nairobi. Police responded with tear gas and rubber bullets; however, no injuries were reported. On September 16, students from the same university engaged the police in running battles and threw stones in downtown Nairobi after a police officer shot and killed a university student who they suspected of using or selling drugs. After several hours of trying to quell the riot, police officers responded with live ammunition; however, no injuries or deaths were reported.

Violent incidents continued between progovernment supporters and opposition supporters during the year; political parties reportedly used gangs of young followers to harass other parties and to prevent them from holding meetings or events. In April armed youth in Butere constituency attacked Ford People officials, including the national chairman Kimani wa Nyoike, as they attempted to open party offices. The group was attacked with stones and other objects, shattering windows of the vehicles carrying Nyoike and another official. The attacks followed on MP Amukoa Anangwe's warning to Ford People officials not to tour his constituency. The Ford People officials fled and were unable to address their supporters. The armed youth announced that no opposition politician would be welcome to campaign in the Butere constituency.

The Government continued to use the Societies Act to restrict freedom of association. The act requires that every association be registered or exempted from registration by the Registrar of Societies. Since 1997 the Government has acted on some long-pending applications for political party registration, increasing the number of registered political parties from 23 to 40. However, the Government continued to refuse to reverse its 1994 denial of registration of the Islamic Party of Kenya.

Unlike in the previous year, former President Moi did not attack repeatedly NGOs in public speeches, saying they were in the pay of foreigners intent on destabilizing the country; however, government officials, including Moi, did accuse international NGOs and some segments of the donor community of supporting the opposition in the period prior to the December general elections but offered no evidence to back these charges.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, while groups generally were allowed to worship freely, the Government at times interfered with other activities by religious groups.

The Government required religious organizations to register with the Registrar of Societies, which reported to the Office of the Attorney General. The Government allowed traditional indigenous religious organizations to register, although many chose not to do so. Once registered religious organizations enjoyed tax-free status, and clergy were not subject to duty on purchased goods. Religious organizations generally received equal treatment from the Government; however, some small splinter

groups have found it difficult to register due to their inability to define their status as more than an offshoot of a larger religious organization. The Government has not granted registration to the Tent of the Living God, a small Kikuyu religious group banned during the single party-era; however, with the arrival of a multiparty system in 1992, membership in the Tent of the Living God has diminished greatly. Some members of the group were believed to have joined the Mungiki. On April 30, police arrested 39 members of the Tent of the Living God for holding an illegal meeting after the group led a march through downtown Nairobi. On May 7, all 39 were released on condition that they hold no illegal meetings or processions in the future.

Following the discovery of "cult" killings in Uganda in 2000, William Ruto, then Assistant Minister in the Office of the President, said that the Government would crack down on religious groups that endanger the safety of their adherents. In January M.P. Odeny Ngure called on the Government and mainstream churches to cooperate in formulating policies to eliminate cults from the country; however, no action was taken by the end of the year. Also in January, district officials in Gigil stopped a religious meeting at the Emmanuel Church of God during a 2-week crusade after community residents complained of continual wailing and screaming coming from the church. Residents charged that the group was a cult and that its members had sold their property to prepare for the return of Jesus Christ; the church denied the allegations.

In June in Busia, a district officer, who was a Seventh-Day Adventist, was suspended for refusing to perform his official duties on Madaraka Day, which fell on a Saturday. Also in June in Nandi, the Board of Governors suspended 10 high school students, who were Seventh-Day Adventists, for refusing to take a test on a Saturday. Supporters of the students challenged the Board's decision, arguing that the school did not have the constitutional right to deny individuals the right to observe their religious practices. There was no information on the status of the case at year's end.

The Government historically has been unsympathetic to tribal religious groups that have engendered protest movements. The Government frequently harassed and periodically arrested and detained members of the Mungiki, a small, controversial, cultural and political movement based in part on Kikuyu ethnic traditions. Mungiki espoused political views and cultural practices that were controversial to mainstream society; however, many observers characterized the Mungiki as a vigilante group or gang because of the criminal activities of some of its members as well as their reported harassment and intimidation of residents in areas where the group was active (*see* Sections 1.a. and 2.b.). While religion may have played a role in the formation of the group, observers believed that it was not a key characteristic of the group. The Mungiki did not adhere to any single religion and members were free to choose their own religion; the group included Muslims and Christians. The number of Mungiki members was unknown, but the group has a significant following among the unemployed and other marginalized segments of society. The debate over the rights of the Mungiki to practice their cultural traditions and advance their political agenda was ongoing; however, during the year, certain elements of this group were supporting ruling party presidential aspirant Uhuru Kenyatta (though he has repudiated them) and no longer were viewed to be targets of government harassment. In addition, the Mungiki were involved in or implicated in a number of violent attacks against political or ethnic rivals during the year (*see* Section 1.a.).

Practicing witchcraft reportedly was a criminal offense under colonial-era laws; however, persons generally were prosecuted for this offense only in conjunction with some other offense, such as murder. Witchcraft traditionally has been a common explanation for diseases for which the causes were unknown. The practice of witchcraft was understood widely to encompass attempts to harm others not only by magic, but also by conventional means such as poisons. Although many traditional indigenous religions included or accommodated belief in the efficacy of witchcraft, they generally approved of harmful witchcraft only for defensive or retaliatory purposes and purported to offer protection against it.

In January in Nyamira, police arrested two persons for possession of witchcraft supplies, including snake skin, tortoise shell, and powders, and for practicing witchcraft. According to the police, a pastor from Butere Mumias Deliverance Church claimed that the two persons had caused the mysterious illness of a man.

Muslim leaders continued to charge that the Government was hostile toward Muslims. Muslims complained that non-Muslims received better treatment when requesting citizenship documents. According to Muslim leaders, government authorities scrutinized more rigorously the identification cards of persons with Muslim surnames and required them to present additional documentation of their citizenship (i.e., birth certificates of parents and, sometimes, grandparents). The Government

has singled out the overwhelmingly Muslim ethnic Somalis as the only group whose members were required to carry an additional form of identification to prove citizenship. Ethnic Somalis must produce upon demand their Kenyan identification card and a second identification card verifying screening; both cards were required to apply for a passport. This heightened scrutiny appeared to be due to an attempt to deter illegal immigration, rather than due to the religious affiliation of ethnic Somalis. Since 2001 the immigration office in the predominately Muslim city of Mombasa has required that applicants for birth certificates or passports had to include their grandparents' national documents with their applications. Sheikh Mohammed Dor, the Secretary General of the Council of Imams and Preachers, criticized the action as imposing "outrageous restrictions" on the country's Muslims.

On March 28, government authorities charged Wanjiru Nduhiu, the leader of an unregistered Kikuyu group, with urging her followers to renounce Christianity and revert to traditional beliefs and practices, such as FGM; she remained in detention at year's end.

In late August 2001, Marsden Madoka, former Minister for Internal Security, reportedly stated that the Government intended to take more than 341 schools, which were mainly under the control of the Presbyterian, Anglican, and Catholic churches, and transfer control to the African Independent Pentecostal Church of Africa (AIPCA). On January 25, President Moi directed district education boards to return those schools to the AIPCA that it had operated prior to the country's independence; however, Moi ordered that AIPCA schools already sponsored by other churches to remain under such sponsorship. The British Colonial government seized the AIPCA schools because of the church's support of the anticolonial Mau Mau movement. AIPCA began to repossess its schools during the year.

There was no new information in the August 2000 case of Father John Anthony Kaiser, a Catholic priest working in the country for more than 30 years, who was found dead near Naivasha town. A FBI report, released in April 2001, concluded that the evidence collected was most consistent with suicide, and that it was unlikely that Father Kaiser had been murdered. The Attorney General has stated that he would reopen the case only if new evidence were presented.

There generally was a great deal of tolerance among religious groups; however, there were a few instances of violence between Christian and Muslim groups, and Muslims continued to perceive themselves treated as second-class citizens in a predominantly Christian country.

There were several disputes over land ownership during the period covered by this report; some resulted in violence. In January approximately 500 squatters in Nyeri district forcibly dispersed members of the Othaya Presbyterian Church of East Africa from the church compound in which the worshippers had assembled for open-air services; several persons were injured. Both the worshippers and the squatters claimed ownership of the church property, which is located on government land. An investigation into the incident was ongoing at year's end. Also in January in Marakwet district, several persons, including a Pentecostal Assemblies of God (PAG) minister, were injured during a land dispute between members of a Catholic church and the PAG. The dispute reportedly began when Catholic worshippers accused PAG members of making too much noise while praying in a building adjacent to the Catholic church.

On January 27, Egerton University officials barred approximately 300 worshippers from the African Inland Church (AIC) from conducting services in the Lord Egerton Castle, which has been the subject of a longstanding property dispute between the University and the AIC. According to the AIC, President Moi allocated the castle and the 50 adjacent acres to the Church in 1995; according to records at the Ministry of Lands, the property belongs to the chaplain of the University and two other individuals. President Moi issued a statement indicating that the castle and surrounding property belonged to the University; however, AIC leaders urged their followers to ignore the statement. The dispute was ongoing at year's end.

In March progovernment youths forcibly dispersed persons worshipping at a church in Nairobi, scattered church property out of the building, and locked worshippers outside the church. The youths charged that the church was located on land belonging to KANU and that the police had failed to assist them in reclaiming the land. No known action was taken against the youths by year's end.

Occasionally mobs killed members of their communities on suspicion that they practiced witchcraft; however, there were no statistics available on the number of such deaths during the year. For example, on January 14, 80-year-old Rosalina Owuode, suspected of being a sorcerer, was stoned to death by a mob in Nyabiswa village in Migori district. On February 9, a married couple, Nyakundi and Josephine Makori were beaten and burnt to death by a mob in Kitutu Masaba in Nyamira district for allegedly practicing witchcraft. In April villagers killed a man in Gucha

on suspicion of being a sorcerer and for allegedly bewitching a neighbor who had recently died. No arrests were reported in any of these cases by year's end.

For years Muslims and Christians have held an open debate over their respective places in society. Each group claimed to have a larger number of adherents than was plausible, and some Muslim groups believed that the Government and business communities deliberately impeded development in predominantly Muslim areas. Some Muslim leaders claimed that discrimination against Muslims has resulted in a greater incidence of poverty among Muslims than among other religious groups; however, there was no statistical evidence to support this claim.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—By law citizens may travel freely within the country, and there were no reported violations of this right. However, police routinely stopped vehicles and checked vehicle safety and driver documents on roads throughout the country. Police often demanded bribes at such checkpoints. Ethnic Somalis must produce upon demand their Kenyan identification card and a second identification card verifying screening; both cards were required to apply for a passport (*see* Section 2.c.).

The Government did not restrict foreign travel or emigration; however, the law requires a woman to obtain her husband's or father's permission to obtain a passport (*see* Section 5). In practice adult women often were able to circumvent this restriction by claiming to be unmarried. Civil servants and M.P.s must get government permission for international travel, which generally was granted routinely. Unlike in the previous year, the Government did not deny permission to some government ministers to travel.

Unlike in the previous year, the Government did not close the border with Somalia during the year.

The majority of the estimated 400,000 persons displaced or forced to relocate during the early 1990's because of ethnic violence were believed to have returned to their homes or moved elsewhere; however, some still were waiting to return home at year's end. Many of the rural residents displaced by the violent ethnic clashes in Rift Valley between 1991 and 1993 still have not returned to their homes and remain displaced in urban areas. Some of the several thousand persons displaced by ethnic clashes since then also have not returned to their homes due to fear of renewed violence (*see* Section 5).

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, in 1991 the Government drafted legislation to establish a mechanism for granting refugee or asylum status. The drafting committee submitted the legislation to the Attorney General's office for review in 2000; and by year's end, the Attorney General's office reported that the relevant Ministry could forward the legislation to the Cabinet for discussion and approval before its publication and enactment. The UNHCR granted refugee status to Somali refugees at the Dadaab camps and to Sudanese refugees arriving at the Kakuma camp. A UNHCR eligibility committee in Nairobi performed a similar function for individuals of other nationalities.

The Government offered first asylum and provided it to the approximately 200,000 refugees registered by UNHCR who lived in official UNHCR camps. An undetermined number of refugees lived outside the camps in cities and rural areas. Somalis accounted for approximately 64 percent of the total refugee population, followed by large numbers of Sudanese and a scattered number of other nationalities from across the region. In April an estimated 10,000 Somalis fled to Mandera in the northeastern part of the country after fighting erupted at Bula Hawa on the Somali side of the border. Three refugees were killed by stray ammunition from warring factions. The Government threatened to return the refugees to Somalia if UNHCR did not resettle them. Under international pressure, the Government moved refugees to relative safety, away from the border. By year's end, most of the refugees either had returned to Somalia or were resettled in Daadab.

Police performed nighttime sweeps in urban areas to round up illegal immigrants and refugees (*see* Sections 1.d. and 1.f.).

The Government required that all refugees reside at designated camps, most of which were located near the Somali and Sudanese borders, unless granted permission to live elsewhere in the country, primarily to attend higher education institutions, undergo medical treatment, or avoid security threats at the camps. However, many refugees lived illegally outside the camps, especially in Nairobi.

Incidents of rape of women and girls in refugee camps continued to occur (*see* Sections 1.c. and 5). Many rapes occurred when women and girls collected firewood and

building materials outside the camps; however, reported rapes continued to decline during the year.

Acts of violence, including banditry and shootings, occurred frequently near the camps. Refugees have been mistreated and abused by citizens and by residents of different refugee camps because of ethnic and religious differences. Interclan violence frequently erupted among rival Somali clans at the camps (*see* Section 5); Somali refugees who marry non-Muslims also may be subjected to abuse by family members.

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

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

The Constitution provides citizens with the right to change their government through free and fair multiparty elections; however, this right was realized fully only in December when citizens chose a new president through an election for the first time since President Moi came to power in 1978. The December 27 multi-party general elections were the country's third for presidential, parliamentary, and civic seats. Five presidential candidates contested the elections, but the main contestants were KANU candidate Uhuru Kenyatta and NARC candidate Mwai Kibaki, a former Vice-President and Minister of Finance in former President Moi's government. NARC is a coalition of more than a dozen political parties, including former members of KANU who defected from that party during the year. This coalition formed a united front to contest the December general elections. Since independence in 1963, KANU had controlled continuously both the presidency and the national legislature.

During the year, citizens prepared for the December presidential, parliamentary, and civic elections. There were active political campaigns throughout the year, some of which were marred by violence. The Government continued to use physical beatings, arbitrary arrest, and prosecution to harass and intimidate opposition M.P.s, and political violence and intimidation, often with ethnic undertones, increased during the run up to the elections; however, the level of election-related violence was substantially less than in the previous two general elections. The freedoms of assembly and of speech often were restricted during the year as opposition leaders complained their activities were being targeted and their views were not being covered sufficiently by KBC. The Government's domination of domestic broadcast media, especially outside major urban centers, continued to restrict severely the ability of opposition politicians to communicate with citizens (*see* Section 2.a.). Police or organized youth gangs disrupted or forced the cancellation of a number of opposition meetings and rallies (*see* Section 2.b.). Politicians and public servants routinely warned political rivals against campaigning in their areas.

At the local level, the President exercised sweeping power over the administrative structure. The President appointed both the powerful provincial and district commissioners as well as numerous district and village officials. In elections many local officials actively assisted the ruling KANU.

At the national level, the Constitution authorizes the President to dissolve the legislature and prohibits debate on issues under consideration by the courts. This prohibition, in conjunction with a ruling by the Speaker of the Assembly that some aspects of the President's conduct were inappropriate topics for parliamentary debate, has limited the scope of deliberation on a number of political issues. M.P.s were entitled to introduce legislation, but in practice it generally was the Attorney General who did so. The President significantly influenced the legislative agenda. However, the National Assembly had the power to hire its own staff and to vote its own budget, despite President Moi's long-expressed opposition to it doing so. In 2000 the National Assembly passed implementing legislation to establish the Parliamentary Service Commission, which exercised fully its power to hire staff and establish a budget by year's end. In August 2001, opposition M.P.s in the National Assembly successfully blocked a constitutional amendment to establish an independent anticorruption authority, which was backed by KANU and the President. The opposition claimed that the legislation did not give the proposed authority sufficient independence and objected to an amnesty provision in the legislation.

During the year, the President Moi fired a number of government officials, including the Vice President, after they became affiliated with the "Rainbow Alliance," a grouping of KANU dissidents and their supporters who opposed what they considered to be preferential treatment being given to presidential candidate Uhuru Kenyatta in KANU's nomination process.

In 2000 President Moi, acting as chairman of KANU, suspended six M.P.s for dissent, including Jimmy Angwenyi, Kipkalya Kones, Anthony Kimeto, Cyrus Jirongo,

and former Finance Minister Simeon Nyachae. The suspension prevented the M.P.s from bringing any motions sponsored by their party to Parliament; however, they still could submit motions on their own and participate in all Parliament activities.

In 1998 a constitutional review commission was created under the Constitution of Kenya Review Act to recommend changes in the Constitution that would reduce the power of the Presidency. After the process stalled in 1999, the National Assembly created a Parliamentary Select Committee to revise the existing act and form a review commission; the Ufungamano Initiative, a church-led group, formed the next day, creating a parallel process. During 2001 the Constitution of Kenya Review Commission (CKRC), created by Parliament in 2000, expanded following months of political wrangling and stalled efforts; in May 2001, the Ufungamano process merged with the parliamentary process. In June 2001, the newly created Constitutional Review Commission began work. During the year, the new Commission faced a number of obstacles, including efforts by the judiciary to block it from preparing a draft constitution and several delays in the process leading to requests to extend the Commission's mandate. However, the CKRC completed a draft constitution in September, which was expected to be submitted to Parliament for debate after a national convention. Some had called for holding the December general elections under the new constitution, but delays in the process made this impossible.

In July 2001, at the start of the CKRC hearings, the President declared that NGOs and churches should not be involved in the review process and should not engage in civic education. However, this directive was ignored; the CKRC accredited several NGOs to conduct civic education on the process and these groups were engaged in civic education activities during the year.

Elected local councils existed, but the executive branch of the central government had not granted them adequate funding and had restricted their functions. Although rural and municipal councils were authorized by law to provide a wide range of health, education, and infrastructure services, in practice their functions were reduced to partial oversight of schools, secondary and tertiary roads, markets, and natural resources such as forests. Most councils lacked sufficient financial autonomy and revenues to perform adequately even these limited functions.

Although there were no legal restrictions, traditional attitudes circumscribed the role of women in politics. There were only 9 female M.P.s (4 elected and 5 nominated) in the 222-seat National Assembly prior to the December general elections. There only was one female member of the Cabinet. The December elections increased the number of women in Parliament to nine elected and six nominated.

There was one nominated M.P. who was of Asian origin in the former Parliament. Although the President Moi's Cabinet included persons from many ethnic groups, approximately one-third of the ministers were either Kalenjin or Luhya.

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

A number of domestic and human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views; however, there were some reports that less established NGOs, particularly those in rural areas, were subjected to interference from provincial administrators and security forces, and government officials intimidated and threatened to disrupt the activities of human rights and other organizations and NGOs.

The number of human rights organizations continued to grow. These included NGOs such as the KHRC, the Kenya Anti-Rape Organization, Coalition on Violence Against Women, The Center for Human Rights and Democracy, Muslims For Human Rights, the Legal Advice Center, the Catholic Justice and Peace Commission, the National Council of Churches of Kenya, the Center for Governance and Development, People Against Torture, the Independent Medico-Legal Unit (IMLU), and the Release Political Prisoners pressure group. An array of legal organizations, including the International Commission of Jurists-Kenya, the International Federation of Women Lawyers (FIDA), the Law Society of Kenya, and the Public Law Institute, advocated human rights.

Several NGOs maintained comprehensive files on human rights abuses. A number of attorneys represented the indigent and human rights advocates without compensation, although they could handle only a small percentage of those who needed assistance, and were concentrated chiefly in Nairobi and other large cities.

The Government continued to criticize publicly and to intimidate NGOs, many of which it accused of being "subversive" and of working with the opposition to replace the KANU government. The Government NGO Coordination Board under the NGO Act registers NGOs. The Government used this structure to put pressure on the nongovernmental National NGO Council. Since 1999 the Office of the President in-

structed all district governments to monitor NGOs within their districts with a view to ensuring that NGOs either advance government-approved objectives or cease to operate; however, NGOs did not report an increase in government monitoring during the year.

Some civil society activities were disrupted during the year (*see* Sections 2.a. and 2.b.). For example, on January 4, police disrupted a civic education play performed by a theatre group in conjunction with an NGO in Keiyo District. The police characterized the gathering as “illegal.” The previous day, a similar play being performed in the same district, and launched by M.P. Tabitha Seii, also was disrupted.

Less than 2 weeks after the October 18 release of the Akiwumi Report (*see* Section 5), police raided two local NGOs—Muslims for Human Rights (MUHURI) and Human Resettlement and Disaster Care (HUREDICA)—during which documents reportedly containing evidence against the Government were seized. Both NGOs had done work related to the ethnic and political violence surrounding the 1992 and 1997 general elections that led to a number of deaths and displaced persons. Three of HUREDICA’s principal staff also were arrested during the raid and later released after 6 hours of interrogation. The questioning reportedly included inquires on who funded their organization and whether they had plans to sue President Moi over the ethnic clashes.

The Government allowed human rights organizations to witness some autopsies of persons who died in police custody. The Attorney General’s Office generally responded in detail to foreign embassies’ human rights inquiries; however, some local human rights NGOs complained the Attorney General’s office and other government offices often were not responsive to their inquiries.

The KHRC produces a “Quarterly Human Rights Report” (formerly the “Quarterly Repression Report”) that cataloged the human rights situation in the country, as well as special reports on pressing human rights problems. The Institute for Education in Democracy and other NGOs monitored elections in cooperation with the Electoral Commission and diplomatic missions.

The 10-member SCHR established in 1996 was empowered to “investigate alleged violations of constitutional freedoms,” including abuse of power by public officials. It was tasked with drafting recommendations on human rights problems and providing these to the Government agencies under whose purview the problems fall. However, it was subordinate to the Office of the President and it had received sufficient funds to fill only 20 of its 27 authorized staff positions; the positions were filled mostly with staff on secondment from the Government. Although it had been accused of being relatively inactive in the past, in June 2001, the SCHR produced a thorough report on the death of six prisoners from King’ong’o prison in Nyeri (*see* Section 1.a.). The SCHR also produced a frank report on the harsh conditions faced by detainees in prisons and juvenile detention centers. In June Parliament passed a bill creating a more autonomous and independent national human rights commission—the Kenya National Commission on Human Rights—that is expected to replace the SCHR. President Moi assented to the bill in October. The legislation was drafted by the Attorney General and the SCHR with the help of NGOs and civil society. Since Parliament was dissolved in October, the commission had not been established by year’s end; it is the duty of the Parliamentary Speaker to invite applications to the Commission.

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

The Constitution prohibits discrimination on the basis of a person’s “race, tribe, place of origin or residence or other local connection, political opinions, color, or creed”; however, government authorities did not enforce effectively many of these provisions. There was credible evidence that the Government sponsored large-scale ethnic violence during the early 1990’s, and there were some indications that some government officials at least have tolerated and in some instances instigated ethnic violence on a smaller scale since that time. The SCHR stated in its 2002 general report that “many undisputed reports . . . indicate that leaders and senior public servants have continued to mismanage their freedom of expression by making inflammatory and inciting statements with far reaching consequences.” The report also noted that “The Committee believes . . . that incitement has played and continues to play a very significant role in the genesis, escalation and recurrence of ethnic conflicts . . .”

Women.—Domestic violence against women was a serious and widespread problem. Press accounts of such violence, sometimes resulting in the death of a woman, were reported frequently. According to the Government, 1,199 cases of rape were reported to the police in Nairobi during 2001, compared with 1,148 in 2000. The available statistics probably underreport the number of incidents, as social mores discouraged women from going outside their families or ethnic groups to report sexual

abuse. According to a study by The Center for Human Rights and Democracy in Eldoret, 60 percent of rape cases in the North Rift region were not reported because women feared unfair treatment by police. A 2001 study by Kangemi Women Empowerment Centre, a small group based in one of Nairobi's largest low-income communities, claimed that three out of five women in the community were victims of domestic violence, and that one-third of the women had suffered sexual abuse in 2001. The study noted that the abused women rarely reported the violations, because they believed perpetrators would not be punished, and no protective or remedial action would be taken. Although the validity of these two studies was unproven, the basic figures supported other published figures as well as numerous press accounts and anecdotal evidence.

Since 1994 FIDA has collaborated with the police to stop domestic violence. Police typically viewed violence against women as a family matter, not a crime. FIDA has trained more than 500 police officers about gender issues. The organization, as part of its ongoing police sensitization project, also had developed a curriculum on dealing with gender-based violence that was to be included in the training of new police recruits.

The law carries penalties of up to life imprisonment for rape, although actual sentences usually were no more than 10 years. The rate of prosecution remained low because of cultural inhibitions against publicly discussing sex, fear of retribution, disinclination of police to intervene in domestic disputes, and unavailability of doctors who otherwise might provide the necessary evidence for conviction. Moreover, wife beating was prevalent and largely condoned by much of society. Traditional culture permitted a man to discipline his wife by physical means and was ambivalent about the seriousness of spousal rape. There was no law specifically prohibiting spousal rape. The media continued to report extensively on the prevalence of spousal and domestic abuse.

There continued to be incidents of rape of refugee Somali women at the Dadaab refugee camps (*see* Section 2.d.). According to the UNHCR, refugee women reported 70 rapes during the first 11 months of 2001, compared with 82 rapes in 2000.

FGM, also referred to as "female genital cutting," was practiced by certain ethnic groups and remained widespread, particularly in rural areas. The press reported severe injuries to several girls from the practice of FGM. On June 7, the Daily Nation reported that a 28-year-old woman was forcibly circumcised in Meru by her in-laws, leaving her seriously injured. Two of her in-laws were arrested and charged, but the woman who performed the excision escaped. According to a December 2001 report by the Government and UNICEF, 38 percent of women nationwide have undergone FGM. According to the women's rights organization Maendeleo Ya Wanawake ("Development of Women" in Swahili), the percentage of girls undergoing the procedure was as high as 80 to 90 percent in some districts of Eastern, Nyanza, and Rift Valley provinces. FGM usually was performed at an early age. President Moi has issued two presidential decrees banning FGM, and the Government prohibited government-controlled hospitals and clinics from practicing it. In December 2001, the Children's Bill, which bans FGM on girls under the age of 18, was passed and signed into law. Various communities have instituted "no cut" initiation rites for girls as an alternative to FGM. Family Planning Association of Kenya (FPAK) established such a rite called Ntanira na Kithomo (initiate me through education) in Nyambene in Meru and some Marakwet and Maasai communities also have instituted similar rites of passage. According to the FPAK, its program contributed to a 13 percent decline in the prevalence of FGM in Meru North District. However, despite the December 2001 ban on the practice and the emergence of alternative rites of passage, FGM still was practiced widely across the country. In April 16 girls sought refuge at the Centre for Human Rights and Democracy (CHRD) in Eldoret to escape undergoing FGM. They were among a group of 350 girls who had participated in an alternative rite of passage in December 2001 and now were being threatened by family members with FGM. CHRD secured a court injunction against the girls' parents preventing them from forcing the girls to undergo FGM. The executive director of CHRD, Ken Wafula, said that 1,300 girls underwent FGM in Marakwet in December 2001. This statistic was in sharp contrast to those compiled in 1999, when only 169 girls were subjected to FGM in the same district.

Prostitution is illegal; however, it was a problem and was perpetuated by poverty. Prostitution has contributed to the spread of HIV/AIDS, which affected approximately 13 percent of the population. In June the U.N. Program on HIV/AIDS (UNAIDS) reported that 30 percent of pregnant women in Embu District in Eastern Province were HIV-positive, making it the area with the highest rate of infection in the country.

Women experienced a wide range of discriminatory practices, limiting their political and economic rights and relegating them to second-class citizenship. The Con-

stitution extends equal protection of rights and freedoms to men and women, but only in 1997 was the Constitution amended to include a specific prohibition of discrimination on grounds of gender. However, constitutional provisions allow only males to transmit automatically citizenship to their children. The Government has not passed enabling legislation to implement domestically international conventions on women's rights; however, the Attorney General submitted to Parliament three bills designed to protect women's rights—The Domestic Violence (Family Protection) Bill; The National Commission on Gender and Development Bill; and The Equality Bill—all were debated but were pending at year's end. The Task Force on Laws Relating to Women, established by the Attorney General in 1993, produced a draft report; however, it was not published by year's end.

Women continued to face both legal and de facto discrimination in other areas. For example, a married woman legally was required to obtain the consent of her husband before obtaining a national identity card or a passport (*see* Section 2.d.).

The Law of Succession, which governs inheritance rights, provides for equal consideration of male and female children; however, in practice most inheritance problems did not come before the courts. Women often were excluded from inheritance settlements, particularly if married, or given smaller shares than male claimants were given. Moreover, a widow cannot be the sole administrator of her husband's estate unless she has her children's consent. Most customary law disadvantages women, particularly in property rights and inheritance. For example, under the customary law of most ethnic groups, a woman cannot inherit land and must live on the land as a guest of males who were relatives by blood or marriage. Wife inheritance was practiced in some communities, which restricted a woman's right to choose her mate and placed her at risk of contracting a sexually transmitted disease such as HIV/AIDS.

Women made up approximately 75 percent of the agricultural work force and had become active in urban small businesses. Nonetheless, the average monthly income of women was approximately two-thirds that of men, and women held only an estimated 5 percent of land titles. Women had difficulty moving into nontraditional fields, were promoted more slowly than men, and were laid off more. Societal discrimination was most apparent in rural areas.

Maendeleo Ya Wanawake, the nation's best-known women's rights and welfare organization, was established as a nonpolitical NGO during the colonial era, but was aligned closely with the ruling KANU party and consequently suffered diminished credibility as an independent body. A growing number of women's organizations were active in the field of women's rights, including FIDA, the National Council of Women of Kenya, the National Commission on the Status of Women, the Education Center for Women in Democracy, and the League of Kenyan Women Voters.

The Women's Political Caucus, formed in 1997, continued to lobby over matters of concern to women and to increase the influence of women on government policy. A bill was introduced in 2000 to create a number of parliamentary seats reserved for women; however, no action was taken on the legislation by year's end.

Children.—The system of free education in the early years of the country's independence gave way to a "cost-sharing" education system in which students paid both tuition and other costs. These were a heavy burden on most families, and at year's end the newly elected government promised to eliminate tuition fees for primary education. Although the law mandates that schooling be available for all children up through grade 12 and that it be compulsory, there was a very high dropout rate in part because of large educational expenses. The East African Standard newspaper reported in March 2001 that 8,000 girls dropped out of school each year due to pregnancy. There were an estimated 4 million children between 6 and 14 years of age who were out of school. On September 25, while initiating the National Council for Children's Services, Minister for Home Affairs William Ruto declared that "Three million children who should be in school were not and 8.6 million more do not have access to basic needs." The legally mandated universal schooling also did not occur in practice because of a shortage of schools. Levels of education for boys and girls differed widely. Although the number of boys and girls in school roughly was equal at the primary level, boys substantially outnumbered girls in higher education. Rural families were more reluctant to invest in educating girls than in educating boys, especially at the higher levels. Seventy percent of illiterate persons in the country were female.

Corporal punishment of students was banned formally in 2001; however, it did not cease completely in practice. On February 25, a teacher beat a 13-year-old student to death at Nyamarambe Primary School, Kehancha Division for failing a math test. The teacher fled the scene and was not located by year's end. In March a teacher at Tabaka Boys Boarding School, in Gucha district, beat a student unconscious, re-

portedly for not cutting his hair. The teacher was detained after turning himself into police.

The health care system for school children, which once provided periodic medical checkups and free milk, was defunct. In December 2001, Parliament passed the Children's Bill, which has provisions to ensure children's welfare and provide them with basic rights; however, these provisions were not implemented by year's end.

FGM was practiced commonly on young girls by certain ethnic groups, particularly in rural areas (*see* Section 5, Women).

Economic displacement and the spread of HIV/AIDS continued to affect the problem of homeless street children. The number of Nairobi's street children was more than 60,000 in 2000, an estimated 20 percent increase from 1999. In January the East African Standard reported on the growing problem of "street families" where entire nuclear families were living on the street due to a failing economy. The Standard also reported that there were an estimated 250,000 children living on the streets of the country's urban areas—primarily Nairobi, Mombasa, Kisumu and Nakuru—a figure that it said was a conservative estimate. These children often were involved in theft, drug trafficking, assault, trespassing, and property damage. Street children faced harassment as well as physical and sexual abuse from the police and within the juvenile justice system. They were held in extremely harsh conditions in crowded police station cells, often without toilets or bedding, with little food, and inadequate supplies. They often were incarcerated with adults and frequently beaten by police (*see* Section 1.c.).

Child rape and molestation continued. There were frequent press reports of rapes of young girls by middle-aged or older rapists. There were repeated reports of molestation or rape of children by schoolteachers, mostly in rural areas. Legally, a man does not "rape" a girl under age 14 if he has sexual intercourse with her against her will; he commits the lesser offense of "defilement." The penalty for the felony of rape can be life imprisonment, while the penalty for defilement was up to 5 years' imprisonment. Men convicted of rape normally received prison sentences of between 5 and 20 years, plus several strokes of the cane. Child marriages were a problem, and the issue frequently was highlighted in newspapers.

Child prostitution was a major problem (*see* Section 6.f.).

Persons with Disabilities.—Government policies do not discriminate against persons with disabilities in employment, education, or in the provision of other state services; however, persons with disabilities frequently were denied drivers' licenses. There were no mandated provisions of accessibility for persons with disabilities to public buildings or transportation. KTN broadcast some news programs in sign language. A bill to address problems faced by persons with disabilities was pending before Parliament prior to its October dissolution; at year's end, it was unclear whether it would be taken up by the new Parliament. The bill aims to outlaw discrimination against persons with disabilities and to assist them through new requirements such as mandatory education for children with disabilities.

In August 2001, the African Medical Research Foundation of Kenya (AMREF) released a study entitled "Sexual Abuse of People with Learning Disabilities." According to the study, there was a high prevalence of rape of persons with disabilities.

National/Racial/Ethnic Minorities.—The country's population was divided into more than 40 ethnic groups, among which there were frequent and credible allegations of discrimination, as well as frequent interethnic violence. In general each ethnic group has a distinct primary language and was concentrated in a distinct region; however, the languages of some groups were very similar to the languages of related ethnic groups. In private business and in the public sector, members of virtually all ethnic groups commonly discriminated in favor of other members of the same group when able to do so. Neighborhoods in large cities tended to be segregated ethnically, although interethnic marriage has become fairly common in urban areas. Political cleavages tended to correlate with ethnic cleavages (*see* Section 3).

Unofficial results of the 1999 census indicated that the Kikuyu constitute 21 percent of the population, and the Luhya were estimated to constitute 16 percent, the Kalenjin 12 percent, the Luo 11 percent, and the Kamba 10 percent of the population.

Ethnic-regional differences continued to pose obstacles to political and economic liberalization. Members of President Moi's Kalenjin ethnic group (a coalition of nine small ethnic groups) and other traditionally pastoral Nilotic ethnic groups were represented disproportionately and held key positions in the Government, the ruling KANU party, the GSU, and the Presidential Escort. Many members of these groups appeared to believe that economic and political liberalization would likely harm their groups, and to favor other groups. The Kikuyu and the closely related Kamba, Meru, and Embu groups make up more than one-third of the country's population;

members of these groups also dominated much of private commerce and industry and have tended to support opposition parties since they were legalized in 1992. The Kikuyu, the largest, best-educated, and most prosperous ethnic group, dominated the country under its first president, Jomo Kenyatta, a Kikuyu.

Members of the coastal Bajuni, Mijikenda, and Digo communities accused the Government of denying them their rights to land, and of favoring members of inland “up-country” ethnic groups, who migrated to the coast largely during the period when Kenyatta was president.

On October 18, under judicial pressure, the Government released the “Akiwumi Report” on ethnic clashes between 1991 and 1998. The report indicted public officials from petty policemen to senior officials and cite political factors as the primary cause of ethnic violence that resulted in more than a 1,000 deaths during the 1990’s, disrupted two general elections, and displaced hundreds of thousands of persons. The report detailed a pattern of local authorities failing to act on warnings of impending violence, failing to intervene to stop violence while it was occurring, and failing to pursue known perpetrators. It also accused senior officials of giving inflammatory speeches in volatile areas and in some cases, financing persons responsible for violence. The Attorney General claimed that the report was biased, and some opposition leaders claimed it had been changed to obscure the role of the State House; however, the report largely was recognized as a significant document.

Attacks and revenge counterattacks continued between ethnic groups throughout the country, resulting in an average of 50 to 75 deaths per month. Significant conflict occurred between ethnic Pokots and Marakwets, between Pokots and Turkanas, between Turkanas and Samburus, between Maasais and Kisiis, between Orma and Pokomos, between Boranas and Somalis, and among various Somali clans. Many factors contributed to interethnic conflicts, including the proliferation of guns, the commercialization of traditional cattle rustling, the weakening of state authority, the emergence of local militia leaders, the development of a modern warrior/bandit culture (distinct from the traditional culture), irresponsible local political leadership, shrinking economic prospects for affected groups, a regional drought, and the inability or unwillingness of security forces to stem the violence.

A number of persons were killed during ethnic fighting between the Kisii and Maasai communities in the southwestern part of the country. In April five persons were killed a result of cattle rustling along the Gucha/Tans Mara border. Government officials in the region reportedly banned the carrying of weapons such as arrows and machetes following the incident; however, on October 6, suspected Maasai youth raided several homesteads for cattle in Gucha again near the Gucha/Trans Mara border, killing three Kisii men in the process. They reportedly were armed with homemade guns and other weapons. A number of other residents were injured and several villagers fled their homes fearing renewed attacks. It was not known whether the perpetrators of the attack were apprehended by year’s end.

There were also numerous violent clashes between other ethnic groups in various regions of the country during the year. On February 16, armed cattle rustlers reportedly from Turkana district killed four Pokot herdsmen in Nasolot village of West Pokot district. Two ethnic Borana were killed by Samburu raiders who made off with 800 head of cattle on April 18. The attackers reportedly raided four villages in the Merti Division of Isiolo district. In September ethnic Turkanas and Boranas clashed and more than 20 persons were killed. There were no known arrests made in any of these cases by year’s end.

There was no known action taken in the following 2001 cases: The May raid in which Maasai raiders shot and killed four Kisii youths; the May killing of six Kisii in attacks that some residents claimed were instigated by the police; and the July killing by security officers of a primary school teacher during a fight between Kisii and Maasai youths (*see* Section 1.a.).

Clashes in 2001 between the Orma and Pokomo communities in Tana River District in Coast Province also claimed many lives. In March 2001, 20 schools were closed after 13 persons were killed in 2 weeks of fighting between the communities. The schools have resumed classes; however, it was unknown whether any action had been taken against perpetrators of the violence by year’s end.

The Government has singled out the overwhelmingly Muslim ethnic Somalis as the only group whose members were required to carry an additional form of identification to prove that they were citizens. The continued presence of and at times criminal activities by Somali refugees have exacerbated the problems faced by citizens of Somali ethnicity (*see* Sections 2.c. and 2.d.).

There was widespread resentment among citizens of African ethnicity toward Asians living in the country. The Asian community constituted between 0.5 and 1 percent of the total population and consisted of second and third generation Asians with full citizenship and a smaller body of recent immigrants. Many persons of Afri-

can descent resented those of Asian descent for their affluence, and for their reluctance to assimilate African culture and to employ blacks, particularly in management positions. They also saw Asians as taking jobs and commercial opportunities away from Africans. The involvement of some Asians in corrupt activities along with government officials further fueled popular resentment. Politicians, both opposition and ruling party, from time to time appealed to majority prejudices by attacking Asian citizens, accusing them of exploiting and usurping the natural inheritance of African citizens.

Section 6. Worker Rights

a. The Right of Association.—The law provides that all workers are free to join unions of their choice; however, the Police Act prohibits members of the national police force from joining unions. Workers employed in export processing zone (EPZ) firms had the right to organize and bargain collectively; however, those who worked in many small firms in the EPZs face dismissal if they joined unions. In December 2001, the Labor Commissioner registered the Union of Kenya Civil Servants (UKCS), which granted civil servants the right to join unions for the first time since 1980; however, laid-off civil servants did not receive the full severance package promised them by the Government. The law provides that as few as seven workers may establish a union, so long as the objectives of the union do not contravene the law and no union was representing the employees in question already.

Unions must apply to and be granted registration by the Government. The Government also may deregister a union, but the Registrar of Trade Unions must give the union 60 days to challenge the deregistration notice. An appeal of the Registrar's final decision may be brought before the High Court.

There were 41 unions representing approximately 600,000 workers, approximately one-third of the country's formal-sector work force. All but 5 of these unions, representing approximately 250,000 workers, were affiliated with the one approved national federation—the Central Organization of Trade Unions (COTU). The largest non-COTU union was the 240,000-member Kenya National Union of Teachers (KNUT). The COTU leadership generally did not pursue workers' rights vigorously; however, most affiliates chose to remain rather than give up its even minimal support. As a result, most union activity took place at the shop steward level and not at the industrial level where most labor-related decisions were made. This placed the average worker at a disadvantage in disputes with management.

The Government created COTU in 1965 as the successor to the Kenya Federation of Labor and the Kenya African Workers' Congress. COTU's constitution gave the President the power to remove COTU's three senior leaders from office and grants nonvoting membership on the executive board to representatives of the Ministry of Labor and of KANU. Although the board was composed of the leadership of affiliated unions, it was common for political parties, especially KANU, to provide funding and other support for the election of senior union officials.

In August 2001, Frances Atwoli, the leader of the Agriculture and Plantation Workers Union, was elected Secretary General of COTU. Atwoli, who replaced the incumbent of 15 years, pledged to end corruption within the union and to remove the provisions in COTU's constitution that grant seats on COTU's board to government and ruling party officials.

Workers' rights groups continued to raise the general problem of the Government's harshness towards labor with the International Labor Organization's (ILO) Committee on Freedom of Association. In June 2001, a tripartite Kenyan Task Force on Labor Law Reform was established and was committed to revising the labor law. In August 2001, members agreed that the legal loophole that allowed the practice of barring union organizers from EPZ factory premises must be closed; however, it was not submitted to Parliament for action by year's end.

The law prohibits employers from intimidating workers but antiunion discrimination existed. Employees wrongfully dismissed for union activities can take their cases to the Industrial Court, and many have been awarded damages in the form of back pay—reinstatement was not a common remedy. More often aggrieved workers have found alternative employment in the lengthy period prior to the hearing of their cases.

The COTU was affiliated internationally with both the Organization of African Trade Union Unity and the International Confederation of Free Trade Unions. Many of its affiliates were linked to international trade secretariats.

b. The Right to Organize and Bargain Collectively.—While not having the force of law, the Industrial Relations Charter, executed by the Government, COTU, and the Federation of Kenya Employers, gives workers the right to engage in legitimate trade union organizational activities. Both the Trade Disputes Act and the charter authorize collective bargaining between unions and employers. Wages and condi-

tions of employment were established in negotiations between unions and management. The Government permits wage increases of up to 100 percent and renegotiation of collective agreements; however, the law allows employers in ailing industries to dismiss workers regardless of the provisions of their collective bargaining agreements. Collective bargaining agreements must be registered with the Industrial Court in order to ensure adherence to these guidelines. In 2001 the UKCS, banned in 1980, was reregistered, which resolved a longstanding International Labor Organization (ILO) complaint against the country. In theory the UKCS had the right to negotiate the terms and conditions of civil service employment; however, it has not done so. It could be difficult for the UKCS to renegotiate conditions of employment because the interim national union officials were not civil servants.

The law permits workers to strike; however, this right was restricted. For example, 21 days must elapse following the submission of a letter to the Minister of Labor before a strike can occur. Members of the military services, police, prison guards, and the National Youth Service are prohibited from striking. Other civil servants, like their private sector counterparts, can strike following the 21-day notice period (28 days if it was an essential service, such as water, health, education, or air traffic control). During this 21-day period, the Minister may mediate the dispute, nominate an arbitrator, or refer the matter to the Industrial Court, a body of five judges appointed by the President, for binding arbitration. Once a dispute is referred to mediation, fact-finding, or arbitration, any subsequent strike is illegal. Moreover, the act gives the Minister of Labor broad discretionary power to determine the legality of any strike.

In past years, the Minister used this power to declare strikes by bank workers and teachers illegal, although the required notice had been given. During the year, the Ministry of Labor declared a number of strikes illegal, including a strike by air traffic controllers, a strike by the Kenya National Union of Teachers (KNUT), and a nurses strike. In 1997 the KNUT called a nationwide strike, which the Government quickly settled with pay increases of more than 200 percent spread over more than 5 years, rather than risk antagonizing the influential teachers before the election. The Government's failure to implement the second of the promised pay hikes resulted in a 1998 KNUT strike, which the Government declared illegal. The strike ended after 15 days when the Government refused to renegotiate. In 2000 Dr. Gitu, the Ministry of Labor's Permanent Secretary, admitted that the Government should not have agreed to pay the 1997 salary package for teachers; he was subsequently fired. The Government and the KNUT remained in sporadic negotiation regarding the implementation of the agreed-upon salaries; however, by September the contracted pay hikes were not paid, prompting KNUT to strike again. In response to the strike, the Government took steps to rescind the 1997 pay increase, withhold teacher salaries, and cancel union members' automatic contributions to KNUT. The KNUT remained resolute in their demands, and COTU threatened a nationwide general strike if the Government failed to pay the teachers. The High Court temporarily blocked the Government's reportedly illegal revocation of the 1997 salary agreement pending a full hearing on the dispute. The strike ended on October 20, when KNUT leaders and the Government agreed to postpone negotiations for the benefit of students who were to sit for their national exams on October 22. A new agreement on the implementation or revision of the 1997 salary package was not expected until 2003. The agreement with KNUT committed the Government to pay the remaining four phases of the salary increase and arrears of 150 to 200 percent by July 1, 2003, but only after a subcommittee was appointed to work out the payment schedule. The committee finalized its report in November, and the Minister of Education officially published it in December. The agreement also committed the Government not to persecute teachers for taking part in the strike and rescinded the cancellation of the check-off system for payment of union dues.

In 2001, the last year for which statistics were available, there were 21 strikes involving 4,640 workers and resulting in the loss of 12,828 cumulative days of work. Most strikes were due to unpaid wage arrears and involved local government and manufacturing workers. Some of these strikes involved violence on the part of the strikers, usually in an attempt to keep other workers off the job. In some instances, strikers also were dispersed forcibly by the Government. During the year, there were a number of strikes in which the Government responded forcibly against both associations and unions during threatened or actual strikes. The Government fired and replaced striking air traffic controllers, ordered striking nurses back to work, and skirmished with the striking KNUT.

With the exception of the Factories Act, all labor laws, including the right to organize and bargain collectively, apply in the EPZs (*see* Section 6.e.). However, the EPZ Authority and the Government grant many exemptions to applicable laws. For example, the Government waived aspects of the law that prevent women from working

in industrial activities at night. In practice workers in EPZ firms may face dismissal if they join unions (*see* Section 6.a.). In August 2001, the Textile and Tailors Union alleged widespread intimidation of workers seeking to unionize at a foreign-owned EPZ firm. The employer stated that the union had forged the signatures of workers supporting unionization, and the leader of the union was arrested. More than 1 year later the case still was pending before the court and was not expected to be heard until 2003.

c. Prohibition of Forced or Bonded Labor.—The Constitution proscribes slavery, servitude, and forced and bonded labor, including by children; however, under the Chiefs' Authority Act, a local authority can require persons to perform community services in an emergency. The ILO Committee of Experts has found that these and other provisions of the law contravene ILO Conventions 29 and 105 concerning forced labor. The law remains in effect; however, the Government overruled attempts by chiefs to institute arbitrary community service during the year. Some observers alleged that prison officials used free prison labor for personal profit (*see* Section 1.c.). During the year, there were reports, especially in rural areas, of children being loaned out as workers to pay off family debts.

d. Status of Child Labor Practices and Minimum Age for Employment.—The employment in industry of children under the age of 16 is illegal; however, the law does not apply to the agricultural sector, where approximately 70 percent of the labor force was employed, nor to children serving as apprentices under the terms of the Industrial Training Act. Ministry of Labor officers nominally enforced the minimum age statute, and the Government was making efforts to eliminate child labor, working closely with the COTU and the ILO's International Program for the Elimination of Child Labor. According to a survey by the Central Bureau of Statistics, there were 1.9 million children who worked in the country (primarily in the agricultural sector) 1.3 million of whom were employed full time and 600,000 of whom worked while attending school; however, the number of child laborers could be as high as 5 million. The Central Bureau of Statistics also estimated that 18 percent of working children had no formal education. The problem has received considerable media attention for several years.

Children often worked as domestic servants in private homes. There were many instances of children working in the informal sector, mostly in family businesses. Children usually assisted parents on family plots rather than seek employment on their own. However, deteriorating economic conditions and the effects of the HIV/AIDS pandemic have given rise to more child labor in the informal sector, which was difficult to monitor and control. During the year, there were reports of abuse of children serving as domestic employees. A significant number of workers on tea, coffee, sugar, and rice plantations were children, who usually worked in family units. In addition, a large number of underage children were active in the sex industry (*see* Section 6.f.) and in the salt harvesting industry along the coast. In view of the high levels of adult unemployment and underemployment, the employment of children in the formal industrial wage sector in violation of the Employment Act was less common but not unknown.

The Government took several meaningful steps in 2001 to combat the worst forms of child labor, including the establishment of a Child Labor Division in the Ministry of Labor in September and the enactment of the Children's Act in December. A draft strategic plan to implement the Act was prepared and the focus has been on sensitization of employers but not investigative and law enforcement. An ILO-sponsored COTU program has facilitated the return of 562 child laborers to school and trained 1,100 shop stewards on the prevention of child labor since 1997. Many NGOs also were active in this area; an NGO working with COTU and the Agriculture and Plantation Workers Union has facilitated the return of another 962 child laborers to school since 1999.

Forced labor by children occurred (*see* Section 6.c.).

e. Acceptable Conditions of Work.—The legal minimum wage for blue-collar workers in the wage sector has 12 separate scales, varying by location, age, and skill level; however, in many industries the minimum wage equaled the maximum wage. The lowest minimum wage was \$42 (3,288 Kenyan shillings) per month in the largest urban areas and \$25 (1,535 Kenyan shillings) in rural areas. Workers covered by a collective bargaining agreement generally received a better wage and benefit package than those not covered, including an average of \$110 (8,646 Kenyan shillings) per month, a mandated housing allowance of approximately \$20 (1,595 Kenyan shillings), and traditional benefits such as a transport allowance or a "house owner occupier" allowance.

The minimum wage was insufficient to provide a decent standard of living for a worker and family. Most workers relied on second jobs, subsistence farming, informal sector opportunities, or the extended family for additional support.

The law limits the normal workweek to 52 hours, although nighttime employees may be employed for up to 60 hours per week. Some categories of workers have a shorter workweek. As was the case with respect to minimum wage limitations, the law specifically excludes agricultural workers. An employee in the nonagricultural sector was entitled to 1 rest day per week. There also were provisions for 21 days of annual leave and sick leave. The law also provides that the total hours worked (regular time plus overtime) in any 2-week period for night workers not exceed 144 hours; the limit was 120 hours for other workers. The Ministry of Labor was responsible for enforcing these regulations, and there were few reports of violations. Workers in some enterprises claimed that employers forced them to work extra hours without overtime pay.

The Factories Act sets forth detailed health and safety standards; however, a 1990 decree by the Minister of Finance excludes EPZs from the Act's provisions (*see* Section 6.b.). The Ministry of Labor's Directorate of Occupational Health and Safety Services (DOHSS) has the authority to inspect factories and work sites; however, the DOHSS lacked statutory authority to inspect factories in the EPZs. The Kenyan Task Force on Labor Law Reform noted in an August 2001 workshop that the 1991 notice should be revoked, and the Permanent Secretaries for Labor and Finance have begun the revocation process. Labor and NGOs continued to criticize health and safety conditions in the EPZs. For example, during the year, NGOs have highlighted problems in the cut flower farming sector. The KHRC sponsored a national "Flower Week" to call attention to problems on flower farms. They alleged serious violations of worker rights, including use of hazardous pesticides and fertilizers without adequate protection, low wages, and casualization (hiring long term "seasonal workers" without providing any benefits or job security.)

The 65 DOHSS health and safety inspectors may issue notices enjoining employers from practices or activities that involved a risk of serious personal injury. Such notices can be appealed to the Factories Appeals Court, a body of four members, one of whom must be a High Court judge. The number of factory inspections has increased significantly since 1992. The law stipulates that factories that employ at least 20 persons have a health and safety committee with representation from workers. However, according to the Government, less than half of even the very largest factories had instituted health and safety committees. Workers were not forced by law to remain in hazardous conditions; however, many would be reluctant to remove themselves because of the high unemployment problem and the resulting risk of loss of their job.

Foreign workers were covered by the same legislation and work rules as citizens. The law protects both legal and illegal foreign workers.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were reports that persons were trafficked to, from, or within the country.

Child prostitution was a major problem in Nairobi and Mombasa, often connected with the tourist trade. Child prostitution has grown considerably due both to economic contraction and to the increase in the number of children orphaned because of the spread of HIV/AIDS. During the year, the ILO reported that 30,000 girls under the age of 19 years were engaged in prostitution in the country.

In January 2001, authorities arrested and deported six Sudanese on suspicion of running an operation to smuggle Kenyans to the Middle East for work. In previous years, there were unverified reports that citizens were trafficked to Saudi Arabia under the guise of employment opportunities, and that South Asians were trafficked into the country to work in sweatshops. In 1999 the *People* newspaper published an article about the experiences of several Kenyan women who had been misled into accepting jobs in the Middle East, only to work in what they described as "modern slavery."

The Government did not have any programs that specifically targeted trafficking; however, several NGOs provided services that could benefit persons who were victims of trafficking.

LESOTHO

Lesotho is a constitutional monarchy with King Letsie III as Head of State. Under the Constitution, the King filled a ceremonial role, had no executive authority, and was proscribed from actively taking part in political initiatives. In May Prime Minister Pakalitha Mosisili, the leader of the Lesotho Congress for Democracy (LCD)

party, won reelection and was the Head of government. In the May elections, the LCD won 77 of the 80 constituency based seats and the opposition Lesotho People's Congress (LPC) won 1 constituency-based seat. The remaining 2 constituency based seats were won by the LCD in by-elections held in August. The 40 proportionally based seats were divided among 9 opposition parties, including 21 seats for the main opposition party, the Basotho National Party (BNP). The Government welcomed international and independent domestic observers; all observers were allowed to perform their work without hindrance. The campaign and the elections were completely free from any violence or intimidation. Domestic and international observers concluded that the election was free, fair, peaceful, lawful, and transparent. In the past, the judiciary at times was subject to government and chieftainship influence; however, there were no reports of the use of such influence during the year.

The security forces consisted of the Lesotho Defense Force (LDF), the Lesotho Police Service (LPS), and the National Security Service (NSS). The Prime Minister was the Minister of Defense, with direct authority over the LDF and the NSS. The police force was under the authority of the Minister of Home Affairs. The 1996 Lesotho Defense Act, the 1997 Regulations for Military Justice, and the 1996 and 1997 amendments to the Royal Lesotho Mounted Police Force Act brought these services under direct civilian control. The security forces had a history of intervening in the country's politics and government; however, they did not do so since an abortive army mutiny in 1998. The LDF continued to be the subject of a national debate on the structure, size, and role of the armed forces. The NSS and the LPS also were undergoing comprehensive restructuring. Some members of the security forces committed human rights abuses.

The country, which has a population of approximately 2.15 million, is landlocked and surrounded by South Africa. It was almost entirely dependent on its sole neighbor for access to the outside world. Approximately 13 percent of the adult male work force worked in mines in South Africa. Per capita GDP rose 0.9 percent in local currency terms in 2000 to approximately \$400 (3,785 maloti). State-owned enterprises predominated in the agroindustrial and agribusiness sectors, but private sector activity dominated in the small manufacturing and construction sectors. Under the traditional chieftainship structure, land use and tenure were controlled by the traditional chiefs and formally owned by the Kingdom (i.e., "crown lands").

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were unconfirmed allegations of torture by security forces and credible reports that the police at times used excessive force against detainees. Prison conditions were poor, and lengthy pretrial detention was a problem. There were long delays in trials. Domestic violence was common, and women's rights continued to be restricted severely in some areas. Societal discrimination against persons with disabilities was common. Some worker rights were restricted. Child labor was a problem in traditional agriculture and the informal sector. Lesotho was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

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

In 1999 the Government began investigating the 1994 palace coup and the alleged involvement of military personnel in the killing of the Deputy Prime Minister; 25 members of the LDF were arrested and charged with involvement in the killing. Four of the soldiers were convicted in courts-martial for their role in the 1998 army mutiny. The trials for the killing of the Deputy Prime Minister were scheduled to resume in February; however, they were postponed at the request of the defendants and had not resumed by year's end.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution expressly prohibits such practices, and the Government generally respected these provisions; however, there were unconfirmed allegations of torture by security forces and credible reports that the police at times used excessive force against detainees.

Prison conditions were poor. Prison facilities were overcrowded and in disrepair.

Women were housed separately from men, and juveniles were housed separately from adults. Rape in prison reportedly was not a problem. Pretrial detainees often were held with convicted prisoners.

Prison regulations provide for visiting committees that were made up of principal chiefs, church ministers, representatives of the business community, advocates of the High Court, and other citizens. These committees may visit any prison without the prior knowledge of the prison director, and generally were allowed to do so. The committee reports its findings to the prison director after every inspection. The International Committee of the Red Cross (ICRC), through its regional office in Botswana, monitored prison conditions in the country during visits in February, July, and September.

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

Pretrial detainees were a significant portion of the prison population. Because of serious backlogs of the court caseloads, the period of pretrial remand for some suspects could last months or even years.

The Government did not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in the past, magistrates appeared at times to be subject to government and chieftainship influence. There were no reports of such influence during the year.

The judiciary consisted of the Court of Appeal (which meets semi-annually), the High Court, magistrates courts, and customary or traditional courts, which existed largely in rural areas to administer customary law.

The High Court also provided procedural and substantive advice and guidance on matters of law and procedure to military tribunals; however, it did not participate in judgments. Military tribunals operating under the 1996 Defense Act have jurisdiction over military cases only. Decisions by military tribunals can be appealed only to a special court-martial appeal court, which was composed of two judges from the High Court, one retired military officer with a legal background, and the registrar of the High Court.

Persons detained or arrested in criminal cases and defendants in civil cases had the right to legal counsel; however, there was no system to provide public defenders. The Ministry of Justice and the NGO community maintained a few legal aid clinics. The authorities generally respected court decisions and rulings. There was no trial by jury. Criminal trials normally were adjudicated by a single High Court judge who presided, with two assessors that served in an advisory capacity. In civil cases, judges normally heard cases alone. The law provides for granting bail, which the authorities granted regularly and generally fairly. There was a large case backlog, which led to lengthy delays in trials (*see* Section 1.d.).

In civil courts, women and men were accorded equal rights; however, in traditional and customary courts certain rights and privileges accorded to men were denied to women (*see* Section 5). When traditional law and custom were invoked in a court case, a male plaintiff could opt for customary judgments by a principal chief rather than a civil court, and the judgment was binding legally. This system greatly disadvantaged women.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law does not protect fully citizens' privacy rights; however, there were no reports that authorities infringed on citizens' privacy rights during the year. Although search warrants were required under normal circumstances, the law provided police with wide powers to stop and search persons and vehicles and to enter homes and other places without a warrant. There are some prohibitions against monitoring telephone conversations. Unlike in previous years, there were no allegations that security forces monitored the telephone conversations of citizens and foreigners during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. There were several independent newspapers—including one controlled by the Roman Catholic Church, one controlled by the Lesotho Evangelical Church, and four English-language weeklies—that routinely criticized the Government. The official state-owned or state-controlled media consisted of one radio station, a 1½ hour daily newscast on a local television channel, and two weekly newspapers. All faithfully reflected official positions of the ruling party. There were four private radio stations, but no private local television station. South African and global satellite television and radio broadcasts were available widely.

There was a lack of free access to government information, which often was described as a limitation on the free press; however, there were no other barriers that affect press coverage of government activities.

Internet services were freely available from a number of private Internet service providers.

The Government did not restrict academic freedom. Although the Government owned and administered the country's only university, the academic staff represented the full political spectrum and was free to express its views.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedom of assembly and association, and the Government generally respected these rights in practice. A public meeting, rally, or march did not require prior police permission, only advance notification. Political party meetings and rallies were held regularly and without hindrance from the Government. In addition to the LCD, the Basotho Congress Party (BCP), and the BNP, there were 16 smaller, registered political parties.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The majority of the members of the Government were Christians, which reflected the religious composition of the country.

There generally was mutual understanding and cooperation between Christians and Muslims. Unlike in previous years, there were no reports of tensions between Christians and Muslims during the year.

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

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

The law provides for the granting asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In 1994 the Government allowed approximately 25 refugees from Somalia and Uganda registered with the U.N. High Commissioner for Refugees to study in the country. They were expected to return to their countries of first asylum after completing their studies but had not done so by year's end. Other than these students, there was no resident refugee population. The Government has provided first asylum; however, the issue did not arise during the year.

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

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

The Constitution provides citizens with the right to change their government peacefully, which was respected in the May elections. As in 1998, the Government freely allowed international observers into the country and these observers concluded that the election was free, fair, peaceful, and lawful. In the May elections, the LCD won 77 of the 80 constituency based seats and the opposition Lesotho People's Congress (LPC) won 1 constituency-based seat. The remaining 2 constituency based seats were won by the LCD in by-elections held in August. The 40 proportionally based seats were divided among 9 opposition parties, including 21 seats for the main opposition party, the Basotho National Party (BNP). The campaign and the election were completely free from any violence or intimidation. Unlike the elections of 1998 and 1993, the opposition has accepted the results and has refrained from any violent and extraconstitutional attempts to overthrow the elected government. Instead, the BNP initiated a legal action alleging fraud, which was pending in the courts at year's end.

The Parliament was made up of 120 members, 80 constituency based members, decided by plurality vote, and 40 proportionally selected members. In the May elections, the LCD won 77 of the 80 constituency based seats and the LPC won 1. The remaining two constituency-based seats were won by the LCD in by-elections held in August to replace candidates who died during the campaigning period. The 40 proportionally based seats were divided among 9 opposition parties, including 21 seats for the main opposition party, the BNP.

Countrywide voter registration was held between August 13 and September 30, 2001 to prepare updated voter rolls. The period was extended by 2 weeks at the request of opposition parties, particularly the BNP. The Government welcomed independent domestic and international observers during this process, which, according to the observers, was carried out in an orderly, peaceful, and lawful manner. The May 25 election and the process leading up to it were free from violence or intimidation.

tion. Independent domestic and international delegations concluded that the election was free, fair, peaceful, lawful, and transparent.

There were 12 women in the 80-member National Assembly, and there were 12 women in the 33-member Senate. Four women were government ministers, and two women were assistant ministers. In June the Parliament unanimously re-elected the first female Speaker of the National Assembly.

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

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

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

The Constitution prohibits discrimination based on race, color, sex, language, political or other opinion, national or social origin, birth, or other status, and the Government generally respected these prohibitions in practice; however, the Constitution also recognizes customary law as a parallel legal system, and women's inheritance and property rights were restricted severely under the traditional chieftainship system.

Women.—Domestic violence against women occurred frequently, and, although dependable statistics were not available, it was believed to be widespread. In Basotho tradition, a wife may return to her "maiden home" if physically abused by her husband. Under common law, wife beating is a criminal offense and defined as assault; however, few domestic violence cases were brought to trial. Beatings and violence against women perpetrated by husbands or other male relatives occurred frequently; however, increasingly it was considered socially unacceptable behavior. A 1998 national conference on the empowerment of women noted that of 100 cases of human rights abuses, 90 involved women who were victims of domestic violence, rape, or sexual harassment.

The law prohibits rape, which is punishable by a minimum sentence of 5 years' imprisonment, with no option for a fine. The law also prohibits sexual harassment; however, in most cases, it was difficult to prove. Prostitution is illegal; however, it was difficult to police or prosecute, and it was a problem.

Both law and custom under the traditional chieftainship system severely limited the rights of women in areas such as property rights, inheritance, and contracts. Women have the legal and customary right to make a will and sue for divorce; however, under customary law, a married woman is considered a minor during the lifetime of her husband. She cannot enter into legally binding contracts, whether for employment, commerce, or education, without her husband's consent. A woman married under customary law has no standing in civil court and may not sue or be sued without her husband's permission. Government officials have criticized publicly this customary practice. The tradition of paying a bride price (lobola) was common. Polygyny was practiced by a very small percentage of the population.

Women's rights organizations have taken a leading role in educating women about their rights under customary and common law, highlighting the importance of women participating in the democratic process. In 1998 the Government created the Ministry of Gender and Youth Affairs. The Ministry funded, with small financial grants and the use of facilities, efforts by women's groups to sensitize women and society in general to the status and rights of women.

Children.—The Government devoted substantial resources to primary and secondary education. Education was not compulsory even at the primary levels, and a substantial number of children did not attend school, particularly in rural areas where there were few schools, where children were involved in subsistence activities in support of their family's welfare, or where families could not afford the costs associated with school attendance, such as, fees for the purchase of uniforms, books, and materials. The problem of school nonattendance affected boys disproportionately more than girls. In traditional rural Basotho society, livestock herding by young boys was a prerequisite to manhood in the community, and this frequently interfered with their school enrollment. The Government began implementation of a program that provided free public education through the primary grades (1 through 6). The program commenced in all schools in the first grade during 2000, and it covered the costs of school fees, books, and one meal per day. Expansion of the program to the third grade occurred during the year, and the program was scheduled to expand to the fourth grade in 2003.

There was no pattern of societal abuse against children. However, familial stress, poverty, the spread of HIV/AIDS, and divorce led to a rise in child homelessness and abandonment, creating a growing number of street children.

Child prostitution was a problem. Young girls reportedly move to urban areas to work as prostitutes. The prevalence of commercialized child prostitution was low; however, both the Government and UNICEF agreed it was a growing problem, largely driven by poverty (*see* Section 6.f.).

Persons with Disabilities.—Discrimination against persons with physical disabilities in employment, education, or provision of other government services is unlawful; however, societal discrimination was common. The Government has not legislated or mandated accessibility to public buildings for persons with disabilities. The Minister of Justice, Human Rights, Rehabilitation, Law, and Constitutional Affairs is blind; he was appointed to this position in 2001.

National/Racial/Ethnic Minorities.—Most citizens spoke a common language and shared common historical and cultural traditions. Small numbers of Asians (primarily ethnic Chinese and Indians) and South African whites were active in the country's commercial life. Economic and racial tension between the Chinese business community and the Basotho remained a problem. Unlike in previous years, there were no reports that civil unrest or riots targeted persons of Asian descent during the year.

Section 6. Worker Rights

a. The Right of Association.—Under the law, workers have the right to join and form trade unions without prior government authorization. The Labor Code prohibits civil servants from joining or forming unions. The Government regarded all work by civil servants as essential. The law prohibits public employees from becoming members of trade unions established under the Labor Code; however, the law allows them to form staff associations. In response to a 2001 request by the International Labor Organization (ILO), the Government was reviewing the law in order to address concerns related to freedom of association without compromising its responsibility to provide essential services; however, there were no developments by year's end.

Under the Labor Code, prepared with the assistance of the ILO, all trade union federations must register with the Government. There were 43 trade unions and employee organizations registered with the Registrar of Trade Unions. There were four small trade union federations that rarely cooperated with one another: The Lesotho Trade Union Congress; the Lesotho Federation of Democratic Unions; the Worker's Congress of Trade Unions, and the Congress of Lesotho Trade Unions. Unions were not affiliated formally with political parties; however, the former head of the largest garment workers union was elected to Parliament as a member of the Lesotho Workers Party with substantial union support.

The labor and trade union movement was very weak and fragmented. There were several small unions in the public and industrial sectors, but there was no unified trade union congress. There were cases of unions competitively organizing small numbers of workers in the same sector.

Overall unionized workers represented approximately 10 percent of the work force. Approximately 13 percent of the male labor force worked in the coal and gold mines of South Africa, and the majority of those who did not were engaged primarily in traditional agriculture. A majority of Basotho mine workers were members of the South African National Union of Mineworkers (NUM); however, as a foreign organization, the NUM was not allowed to engage in union activities in the country.

There was credible evidence that some employers prevented union organizers from access to factory premises to organize workers or to represent them in disputes with owners or managers. There were reports that some employers harassed union organizers, intimidated members, and frequently fired union activists. The Commission of Labor, which operated as part of the Labor Ministry, was charged with investigating allegations of labor law violations (*see* Section 6.e.).

There were no instances of governmental restrictions on international affiliations or contacts by unions or their members. There were no instances of governmental restrictions on the rights of workers or union members to form political parties or associations. The Lesotho Workers' Party was formed during the year and succeeded in winning one of the 40 proportional seats in Parliament.

b. The Right to Organize and Bargain Collectively.—In principle all legally recognized trade unions enjoy the right to organize and bargain collectively, and the Government generally respected these rights; however, some employers tried to restrict these rights in practice. Employers usually were cooperative; however, some employees were threatened with expulsion and loss of employment if they join unions.

There was credible evidence that most employers in the textile and garment sector used blacklists to deny employment to workers who have been fired by another employer within that sector. There were reports that some employers harassed union organizers.

Following the threat of strike action over the minimum wages published by the Government in 2001, members of the Association of Lesotho Employers met with the main textile union, Lesotho Clothing and Allied Workers Union (LECAWU), and negotiated a 10 percent increase instead of the 6 percent that had been set by the Government. LECAWU and the Employers Association also agreed to meet annually to negotiate wages independent of the minimum set by the Government. Employee grievances reportedly were handled promptly by the Labor Commission, and there were no significant backlogs of cases during the year.

The law provides for the right to strike; however, no legally authorized strike has occurred since independence in 1966. Because civil servants generally were not allowed to strike, all public sector industrial actions were by definition unauthorized. In the private sector, the Labor Code requires an escalating series of procedures to be followed by workers and employers before strike action is authorized. In past years, some small unions and their members have undertaken wildcat strikes or spontaneous industrial actions without following the procedures for dispute resolution; however, there were no reported strikes during the year. Legal protection for strikers from retribution has not been enforced always in cases of illegal strikes. There were no violent strike-related incidents during the year.

The Labor Code was amended in 2000 to establish a Directorate of Dispute Prevention and Resolution within the Ministry of Employment and Labor. The Directorate started hearing cases in January and has won praise from the union movement for prompt disposition of cases brought before it.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age for employment in commercial or industrial enterprises is 15 years, and legal minimum age for hazardous employment is 18 years; however, children under 14 years of age reportedly were employed in family-owned businesses. Many urban street children work in the informal sector. Most of the jobs in which children find themselves were gender-specific: Boys (as young as ages 4 and 5) were livestock herders; girls were domestic servants; boys carry packages for shoppers, wash cars, and collect fares for minibus taxis; teenage girls (and a few boys) were involved in prostitution; and both boys and girls work as street vendors. Although there were allegations of child labor in the textile and garment sector, investigations by UNICEF, the ILO, and the Labor Commission found no evidence to support the charges.

There are statutory prohibitions against the employment of minors in commercial, industrial, or nonfamily enterprises involving hazardous or dangerous working conditions, and although enforcement of prohibitions was very lax in previous years, the Ministry of Labor and Employment's Inspectorate was staffed adequately and conducted quarterly inspections during the year. Children under 18 years of age may not be recruited for employment outside of the country. In traditional society, rigorous and occasionally dangerous working conditions for the country's young livestock herdboys were considered a prerequisite to manhood, essential to the livelihood of families, and a fundamental feature of local culture beyond the reach of labor laws. The emphasis on traditional socialization methods to the exclusion of formal education continued the cycle of poverty for most youth. Child labor laws covered all sectors except for the agricultural sector.

e. Acceptable Conditions of Work.—In general wages were low. A national minimum wage is determined annually by the Wage Advisory Board, a tripartite entity, consisting of government, trade unions, and employers. The monthly minimum wage for unskilled laborers was \$80 (648 maloti), and \$140 (1,129 maloti) for heavy vehicle operators. Minimum wages for workers in lower skilled jobs were insufficient to ensure a decent standard of living for a worker and family. Most wage earners supplemented their income through subsistence agriculture or remittances from relatives employed in South Africa. Many private employers paid more than minimum wages to attract and retain motivated employees. However, there also was reason to believe that some employers, especially in export sectors, treated the minimum wage as a maximum wage.

The Labor Code provides for basic worker rights, including a maximum 45-hour workweek, a weekly rest period of at least 24 hours, 12 days of paid leave per year, and paid sick and public holidays; however, employers did not always respect these

rights in practice. Required overtime was legal so long as overtime wages were paid for work in excess of the legally mandated 45-hour workweek. Inspections by both buyer's representatives and the Labor Department have ensured that workers were paid the proper overtime rate for any overtime hours worked.

There were allegations in 2001 that some companies paid below minimum wage, enforced long hours sometimes by locking in workers, and deducted wages when employees were found talking or taking more than one break a day. Some employers, particularly small businesses, allegedly refused sick-pay leave and engaged in unfair dismissal practices. The majority of complaints dealing with these issues were brought to the Directorate of Dispute Prevention and Resolution, where they were resolved within weeks. Only 10 percent of the complaints filed with the Directorate concerned the textile sector.

A second judge has been appointed to the Labor Court, which transferred its pending unfair dismissal cases to the Directorate of Dispute Prevention and Resolution, thus eliminating the court's former case backlog. The Labor Commission was staffed adequately and handled most complaints within a 1-month period; it cooperated closely with the ILO in establishing inspection regimes. Labor inspectors generally conducted unannounced inspections in factories four times per year. The Labor Commission was authorized to order the reinstatement of wrongfully dismissed employees and the payment of back wages, but it did not have the authority to impose criminal fines.

The Labor Code requires employers to provide adequate light, ventilation, and sanitary facilities for employees and to install and maintain machinery in a manner designed to minimize the risk of injury, and in practice employers generally follow these regulations. The law provides for a compensation system for industrial injuries and diseases arising out of and in the course of employment. The Labor Code also empowers the Minister of Labor to make regulations pertaining to work safety in specific areas. There are regulations in force concerning welding and cutting, noise, and spray painting. Regulations on construction and chemical safety were being promulgated. The Labor Code does not protect explicitly the right of workers to remove themselves from hazardous situations without prejudice to employment; however, Labor Code sections on safety in the workplace and dismissal implied that dismissal in such circumstances would be illegal. The Labor Code protects both legal and illegal foreign workers, unless the workers signed contracts that specified differently.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were reports of trafficking.

The Government and the local UNICEF office recognized that poverty and the high incidence of HIV/AIDS has led to a growing problem of transactional sex practiced by under aged girls who were in many cases orphans. A recent UNICEF assessment concluded that child prostitution in the country was a poverty-driven phenomenon rather than a commercial enterprise and that the financial arrangements were casual and not the product of organized criminal syndicates. However, UNICEF and the Government agreed, that while the numbers remained small, the trend toward commercial prostitution by children under age 18 was a growing problem in the country. The Minister of Home Affairs asked UNICEF for financial support and technical assistance to establish a child protection unit within the police force, similar to programs that have been established in South Africa and Namibia with UNICEF support. At present, there is little capability within either the police force or the Department of Social Welfare to address the needs of children likely to engage in prostitution.

There was a report that illegal immigrant smugglers, primarily from South and East Asia, continued to take advantage of the country's undersupervised borders to pass persons temporarily through the country to transportation hubs in South Africa for onward movement to Europe and North America. There was no clear evidence that these movements included women or children, or that these organizations were recruiting or transporting persons illegally for involuntary servitude, slavery, or forced or bonded labor. It was suspected that most of the persons who were moved by these criminal organizations were primarily economic immigrants seeking employment in other countries. There were no reports or evidence of forced or bonded labor or servitude in the country resulting from these activities.

The Government took no specific action to address trafficking in persons during the year.

LIBERIA

Liberia is a centralized republic dominated by a strong presidency. The Constitution provides for three branches of government, but there was no effective system of checks and balances, and presidents traditionally have wielded extraordinary power. Charles G. Taylor, who is of both indigenous and Americo-Liberian ancestry, has led the Government since 1996, when forces under his command emerged dominant after a 7-year civil war. President Taylor used intimidation, patronage, and corruption to maintain power. In 1997 Taylor won the presidential election, and his National Patriotic Party (NPP) won three-quarters of the seats in the legislature. The elections were administratively free and transparent, but were conducted in an atmosphere of intimidation, because most voters believed that Taylor's forces would have resumed fighting if he had lost. Other leaders of the former warring factions subsequently left the country. From February 8 until September 14, the Government operated under a state of emergency that suspended some civil liberties such as peaceful assembly in response to the armed insurgency of a rebel group, Liberians United for Reconciliation and Democracy (LURD). The Government used the provisions of the state of emergency to stop all support for rebel goals, real or imagined. The bicameral legislature exercised little independence from the executive branch. The judiciary was subject to political influence, economic pressure, and corruption.

The regular security forces include: The Armed Forces of Liberia (AFL); the Liberia National Police (LNP), which has primary responsibility for internal security; the Antiterrorist Unit (ATU), composed of an elite special forces group consisting predominately of foreign nationals from Burkina Faso and The Gambia, as well as former Revolutionary United Front (RUF) combatants from Sierra Leone; and the Special Security Service (SSS), a large, heavily armed executive protective force. The ATU absorbed Taylor's most experienced civil war fighters, including undisciplined and untrained loyalists. There also were numerous irregular security services attached to certain key ministries and parastatal corporations, the responsibilities of which appeared to be defined poorly. National Police Director Paul Mulbah headed the police force; however, former National Patriotic Front of Liberia (NPFL) officials within the police service wielded considerable power. The national army, which fought against Taylor's faction during the civil war, has yet to be downsized and restructured as required by the 1996 Economic Community of West African States (ECOWAS)-brokered Abuja Peace Accords. Several thousand troops deployed in northern counties were fighting armed dissidents; however, there were few troops deployed to maintain security in other rural areas of the country. Fighting between the security forces and the LURD rebels intensified and spread towards Monrovia during the first half of the year; however, government forces regained lost territory by the year's end. The Government offered a general amnesty to LURD fighters that several dozen accepted. Security forces frequently acted independently of government authority, particularly in rural areas. Members of the security forces committed numerous, serious human rights abuses.

Liberia, with a population of approximately 3.1 million (UNDP estimate), was a very poor country with a market-based economy that has yet to recover from the ravages of the civil war. Few statistics were available, but real growth probably was negative. Average per capita income was estimated at less than \$170. An estimated 80 percent of the population lives on less than \$1 per day. The country had an unemployment rate of at least 70 percent and only a 30 percent literacy rate. The internal displacement of civilians in Lofa, Bong, and Nimba Counties and the absence of infrastructure throughout the country continued to depress the economy, despite the country's rich natural resources and potential self-sufficiency in food. Government officials continued to exploit the country's natural resources for personal profit. Extortion was widespread in all levels of society.

The Government's human rights record remained poor, and it continued to commit numerous, serious abuses. The security forces committed many unlawful killings, and they were accused of the disappearances of numerous persons, especially ethnic Mandingos suspected of antigovernment sympathies. Security forces frequently tortured, beat, and otherwise abused or humiliated citizens. The Government investigated some of the alleged abuses by the security forces; however, abusers rarely were charged or disciplined. Prison conditions remained harsh and sometimes life threatening. Security forces continued to use arbitrary arrest and detention, and lengthy pretrial detention remained common. The judicial system, hampered by political influence, economic pressure, inefficiency, corruption, and a lack of resources, was unable to ensure citizens' rights to due process and a fair trial. In some rural areas where the judiciary had not been reestablished, clan chieftains administered criminal justice through the traditional practice of trial-by-ordeal; au-

thorities tacitly condoned this practice. Political prisoners held from previous years were released; however, numerous persons during the state of emergency were denied habeas corpus and held indefinitely as “illegal combatants,” often without access to lawyers or international humanitarian organizations. Security forces violated citizens’ privacy rights. The Government restricted freedom of speech and of the press; it detained, threatened, and intimidated journalists. The Government banned political gatherings during the state of emergency. Security forces restricted freedom of movement. Security forces frequently harassed human rights monitors. Violence and discrimination against women remained problems. The welfare of children widely remained neglected, and female genital mutilation (FGM) continued to be practiced. Societal ethnic discrimination remained widespread, ethnic differences continued to generate violence and political tensions, and the Government continued to discriminate against groups that had opposed Taylor in the civil war, especially the Mandingo and the Krahn ethnic groups. Forced labor persisted in rural areas. Child labor remained widespread, and there were reports of forced child labor. Ritualistic killings also persisted.

Rebels fighting in the northwest also committed serious human rights abuses. The absence of independent observers in rebel-controlled areas made documentation of such abuses difficult.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Security forces continued to commit extrajudicial killings. Human rights organizations estimated that such killings increased during the year as hundreds of civilians died in the fighting which occurred in Lofa and Gbarpolu Counties. Fighting between government forces and LURD insurgents spread from the border areas towards Monrovia during the first half of the year and culminated in several pitched battles for key towns; however, by October the Government reoccupied most of the country’s territory. No perpetrators were arrested or convicted for any killings connected to the conflict.

There were many unlawful killings during the year. For example, on June 19, an ATU officer and presidential guards opened fire on a taxicab in Monrovia and killed a 6-year-old child and critically injured his mother and the driver. President Taylor ordered an investigation of the incident, which was ongoing at year’s end.

On July 3, police shot, killed, and publicly displayed in Monrovia the body of Kennedy Kessely, thought to be an armed robber. There was no investigation, and no action was taken against the responsible members of the police.

In September Lt. Issac Gono, a driver attached to ATU chief Charles Taylor Jr.’s command, was beaten to death by his colleagues as a disciplinary measure for denting a vehicle. Two soldiers were arrested and held for court martial. The trial was opened; however, it later was suspended for unknown reasons, and the case was pending at year’s end.

On September 22, Special Operations Division (SOD) policemen killed John B. Toe after he allegedly had been involved in an armed robbery. There were no reports of an investigation, and none of the responsible members of the security forces were disciplined or charged by year’s end.

There were no developments in the July 2001 case of three SOD officers arrested and detained for killing an immigration officer in Bong County; the July 2001 case of the commander of the Kakata town police and another man arrested and detained for murder and armed robbery; and the August 2001 case of the killing by unknown persons of the Chief Financial Officer of the Police Training Academy outside of Monrovia.

Former Deputy Minister of Labor Bedell Fahn and four members of the ATU arrested for torturing two Nigerian men to death in October 2001 were tried during the year. Fahn was sentenced to 10 months in prison; however, in September he was released. Two ATU members were acquitted and the other two were sentenced to life imprisonment.

The police commander of Gbarnga who shot and killed a fourth grade boy in December 2001 was dismissed from the police force. He remained in detention pending trial at year’s end.

In October the Catholic Church established a four-person commission to investigate the five American nuns who allegedly were killed by NPFL rebels in 1992 in Monrovia.

No action was known to have been taken, or is any likely to be, against the police officers responsible for the killing of Nyanqui Luoh in 2000.

In March unknown persons killed Henry Cooper, chairman of the Unity Party Bong County Branch under unexplained circumstances. No one was arrested for the

crime by year's end; however, residents believed the killing was politically motivated.

There continued to be reports that rival security personnel clashed violently during the year. For example, in June four persons were killed during a fight between AFL soldiers and progovernment militia in Sanoyea, Bong County.

As fighting with the LURD rebels spread and moved south, there were credible reports that government forces, especially the ATU, as well as members of the Lorma ethnic group continued to harass, intimidate, detain, and kill members of the Mandingo ethnic group and other suspected LURD sympathizers (*see* Section 1.d.). During the year, uncontrolled government security forces killed large numbers of civilians who were suspected of being rebel sympathizers by shooting them, burning them alive, or cutting their throats; some soldiers killed civilians while looting their villages. Human rights monitors reported that abuses included torture and rape (*see* Section 1.c.). Minister of Information Reginald Goodridge denied that security forces committed abuses.

In September several attacks on villages and customs posts along the Guinea border resulted in approximately a dozen deaths. It was not clear whether the perpetrators were government forces, Guinean villagers, Guinean rebels, or LURD rebels.

Rebel forces fighting the Government in the northwest killed, tortured, and raped civilians. For example, on June 17, LURD rebels opened fire on civilians at a market in the town of Gbah and killed at least four persons. LURD rebels also commandeered food, shelter, and persons for forced labor.

On June 20, LURD rebels attacked Sinje, the site of a refugee camp on the border of Sierra Leone, and killed one civilian and two government soldiers; government soldiers killed one LURD rebel during the attack (*see* Section 2.d.).

There were no reported developments in the 2000 case of 12 men arrested for the burning of a mosque and other buildings and the death of 4 persons in a property dispute in Nimba County; the 12 men reportedly remained in detention pending a trial at year's end.

There were no further developments in the 2000 attacks reportedly in northeastern Nimba that resulted in numerous deaths.

There were no developments in the January 2001 attack by a Guinean helicopter gunship on Solumba that killed at least 10 persons.

Incidents of ritualistic killings, in which human body parts used in traditional rituals were removed from the victim, continued to be reported (*see* Section 2.c.). There were no reported developments, nor were any likely, in the 2000 case of two suspects charged with killing and mutilating a 10-year-old girl.

b. Disappearance.—Security forces were responsible for numerous disappearances. For example, in May security forces allegedly abducted several ethnic Mandingos during a LURD rebel attack near Monrovia. The Mandingos remained missing at year's end.

There was no resolution or further information about the May 2001 case of 24 persons taken into custody by the ATU and transported to Gbatala military base in Bong County. The whereabouts of seven refugees who were arrested upon their return from Guinea in 2000 remained unknown.

During the year, rebels were responsible for abductions. For example, LURD rebels abducted 60 blind refugees, along with a British priest. In July all of the refugees were released; however, one elderly man was killed during fighting in June.

In June LURD rebels abducted five nurses from a refugee camp; in September they were released (*see* Section 2.d.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, government police and security forces frequently tortured, beat, and otherwise abused and humiliated citizens. Detainees continued to charge that they were tortured while in detention, especially at a security-training base in Gbatala. Victims and witnesses reported beatings, torture, killings, and sexual abuse at the base. Despite calls by human rights organizations for the closure of the base, the base remained opened at year's end. The Government also resisted efforts by human rights monitors to visit the detention facilities at Gbatala. The use of torture reportedly was widespread in interrogating LURD captives in conflict zones.

On April 24, lawyer and critic of the Government, Tiawan Gongole, was arrested under the terms of the state of emergency after the independent newspaper *The Analyst* published a speech in which Gongole exhorted civil society to work for peace and criticized the Liberian Marketing Association for being a "cheerleader" for the Government. Police stripped naked and severely beat Gongole while he was in detention at the Central Police Station; he had to be hospitalized after his release. His

request for habeas corpus was denied repeatedly, past the 48 hour constitutional limit. On May 6, the Government dropped the case against Gongole. Members of the security forces, David Moore and James Kollie, were charged with assault in the case of Gongole, and their trial was pending at year's end.

In July Dixon Gbalh, the director of the nongovernmental organization (NGO) Liberia Prisons Watch, was arrested and beaten for allegedly spreading false information. He fled from the country after his release.

Law enforcement personnel, including the security forces, were implicated in numerous reports of harassment, intimidation, and looting (*see* Section 1.f.). For example, on March 10, six armed AFL soldiers harassed and robbed civilians at an agricultural project in Clean Town, Bomi County. The soldiers also captured the project's Agricultural Manager, John Nizan, whom they forced into 3 weeks of menial labor. Nizan escaped when LURD dissidents attacked the town. Clean Town subsequently vacated and its residents became internally displaced persons (IDPs).

On several occasions, government security personnel harassed, assaulted, and arrested journalists (*see* Section 2.a.).

Security forces targeted and abused critics of the Government, including students and human rights activists (*see* Sections 1.d. and 1.f.).

There were credible reports that government forces as well as members of the Lorma ethnic group continued to harass, intimidate, detain, and, on occasion, kill members of the Mandingo ethnic group in Lofa County (*see* Sections 1.a. and 1.d.).

21 There was no action taken against the responsible members of the security forces who fired on vehicles at roadblocks in May and June 2001, or in the August 2001 beating of Congresswoman Ellen King and Senator Armah Jalluh.

The six officials who in October 2001 tortured to death two Nigerian men accused of theft were tried and convicted of the killings (*see* Section 1.a.).

There was no known action taken, nor is any likely to be taken, against the members of the security forces responsible for shooting, harassing, injuring, assaulting, or otherwise abusing persons in the following cases from 2000: The February assault on a foreign diplomat; the February shooting of an LNP officer; the March beating of a local embassy security guard; and the June assault on a local embassy employee.

Despite official demands to improve training in 2001, the behavior of ATU personnel at checkpoints did not improve substantially during the year. There were many credible reports that security forces harassed returning refugees and displaced persons, especially in border areas. No police officers responsible for abuses were disciplined during the year.

In August President Taylor announced that government soldiers convicted of rape on the war front would be executed; however, there were no reports this punishment was carried out. The SSS and the Forces Operation Division also committed rapes.

In December 2001, soldiers reportedly attacked the northern town of Kolahun and gang-raped six women and girls, one of whom was 12 years old.

A panel appointed by University of Liberia (UL) officials completed an investigation into the March 2001 beatings of students by police when they forcibly dispersed a student demonstration. The panel suspended or expelled several students for their part in the confrontation; however, the panel recommended no actions against members of the security forces.

Violent clashes among rival security personnel at times resulted in civilian injuries (*see* Section 1.a.). For example, in September security forces shot and injured civilians during a battle over control of expropriated fuel near the port of Monrovia.

Clan chieftains continued to use the traditional practice of trial-by-ordeal to resolve criminal cases in rural areas. The Supreme Court ruled that trial-by-ordeal—commonly the placement of a heated metal object on a suspect's body in an attempt to determine whether the defendant is telling the truth—is unconstitutional; however, the practice continued under an executive order. A domestic human rights group urged that trial-by-ordeal be abolished throughout the country; however, no action was taken by year's end.

Prison conditions remained harsh and in some cases life threatening. There were credible reports of unofficial detention facilities, including one at the Executive Mansion, in which detainees were held without charge and in some cases tortured. The Government did not provide detainees or prisoners with adequate food or medical care. The National Human Rights Center reported on the "de-humanizing and deplorable conditions" detainees experienced at the Central Police Station. The Center reported that detainees sometimes were fed only a spoonful of rice per day and that police permitted prisoners to torture, humiliate, and flog detainees. Cells at Monrovia Central Prison were overcrowded, mostly with detainees awaiting trial. Only approximately 10 percent of the total prison population was convicted of criminal offenses. Similar conditions existed in the Barclay Training Center military

stockade. In some counties, the structure that serves as a jail is a container with bars at one end. There also were reports that local officials forced prisoners to work for them.

Women, who constituted approximately 5 percent of the prison population, were held in separate cells. Their conditions were comparable to those of the male prisoners and detainees. There were no separate facilities for juvenile offenders. Women and particularly juveniles were subject to abuse by guards or other inmates. Convicted prisoners and detainees awaiting trial were not held in separate facilities.

In September Minister of Justice Leveli Korbo Johnson identified 141 persons held in prisons, many for offenses that did not merit incarceration, and ordered them released. In a number of cases, human rights groups and interested persons obtained the release of detainees and prisoners; however, for the most part, these cases tended to be nonpolitical in nature.

The Government generally permitted the independent monitoring of prison conditions by local human rights groups, the media, and the International Committee of the Red Cross (ICRC). Although visits to unofficial detention centers often were denied, in June 2001, the Government allowed members of the U.N. Security Council Expert Panel on Liberia to visit Gbatata base, where victims have been detained and tortured. The Panel did not include any findings from Gbatata in its report. The ICRC often was allowed to visit persons held in prison facilities and police detention centers without third parties present and to make regular repeat visits; however, despite repeated requests the ICRC was not granted access to Gbatata Camp.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, security forces continued to arrest and detain persons arbitrarily. In September Justice Minister Kobo Johnson reported 141 persons unlawfully detained in prisons. Persons were abused and sometimes tortured while in detention (see Section 1.c.).

The Constitution provides for the rights of the accused, including warrants for arrests and the right of detainees either to be charged or released within 48 hours. Although the Government generally adhered to these standards, warrants were not always based on sufficient evidence, and detainees, especially those without the means to hire a lawyer, often were held for more than 48 hours without charge. The Constitution provides for the right of a person who is charged to receive an expeditious trial; however, lengthy pretrial and prearrest detention remained serious problems. In some cases, the length of the pretrial detention equaled or exceeded the length of sentence for the crime.

Security forces at times refused to produce suspects being held in detention without charge even after the courts issued writs of habeas corpus on the application of human rights organizations. Their disappearances often were the result of prolonged illegal detention at the Gbatata base (see Section 1.c.). In some cases, persons were detained secretly at unofficial detention centers, including one at the Executive Mansion (see Section 1.c.). In April as a result of the efforts of the NGO National Human Rights Center to file writs of habeas corpus on their behalf, the Government released 24 persons—some were detained as long as 4 years without charge.

In April police released 24 detainees who had been held without charge since February, when they were arrested during security sweeps against suspected “dissident collaborators.”

On June 24, security officials detained and held incommunicado Hassan Bility, the editor-in-chief of *The Analyst*, Abubakar Kamara, Mohamed Kamara, and Asumana Kamara reportedly on suspicion of links to LURD rebels. Although a civil court judge approved a writ of habeas corpus for the four individuals, it was refused by the Government and overturned by a higher court. The Government alleged that the four detainees were not civil prisoners entitled to constitutional rights, but rather “illegal combatants.” The Military Court Martial Board filed a second writ of habeas corpus, requesting that Bility and the others appear before a military court by August 7; however, the Ministry of National Defense declared the writ void, arguing that it had been filed “improperly.” Bility routinely was beaten in prison, sometimes severely, and often held in poor locations, including confinement for several weeks in an underground pit. He was denied access to lawyers, family, and other outside visitors. The other detainees were held at an undisclosed location without access to lawyers, family, or the Red Cross. Family members, who often bribed prison officers to communicate with the detainees, alleged the detainees were abused badly by their captors. On December 7, Bility was released and left the country.

On July 25, Sheikh K.M. Sackor also was detained as an “illegal combatant.” A writ of habeas corpus in favor of Sheikh Sackor was refused on the same grounds, citing the Bility case as precedent. Sackor remained incarcerated and denied all outside contact at year’s end. By year’s end, an unknown number of persons were detained during the state of emergency as “illegal combatants,” frequently without ac-

cess to lawyers or international humanitarian organizations, and denied habeas corpus.

In July and August, in connection with the Bility case, ATU forces seized and arrested alleged LURD conspirators, most of them ethnic Mandingos; they remained detained at unknown locations at year's end (*see* Section 1.b.). Many ethnic Mangingos subsequently fled to neighboring countries, primarily Guinea.

On September 14, Manasuah Kollison, a law student at UL, was arrested and detained at National Bureau of Investigation (NBI) headquarters without charge. The NBI did not respond to a writ of habeas corpus filed on his behalf. The whereabouts of Kollison was unknown at year's end.

Security forces arrested and detained a number of journalists, NGO members, and human rights activists during the year (*see* Sections 2.a., 2.c., and 4).

Government security forces and the LURD detained, tortured, and killed hundreds of civilians during the year (*see* Sections 1.a. and 1.c.).

The police only have limited logistics and forensic capabilities and cannot adequately investigate many crimes, including murder cases. When the courts released known criminals for lack of evidence, police officers often arrested them again on false charges.

On March 19, the Government released senior Ministry of Defense intelligence officer Colonel Aloysius Zayzay, who had been arrested in 2000 on treason charges. Auditor General Raleigh Seekie, also arrested in 2000 on treason charges, was released in December 2001.

The Government did not use forced exile; however, as a result of frequent harassment and threats by the security forces, a number of student activists, opposition figures, and human rights activists fled the country due to fear for their personal safety or that of their families. For example, Minister of Transportation Francis Carboh resigned his post from overseas and stayed in self-imposed exile. In August Mohamed Konneh, President of the Muslim Students Association at UL, feared for his life and fled to another country in the region. Journalist Hassan Bility left the country. Former Deputy Minister of Information and Presidential Media Advisor J. Milton Teahjay; leader of the UL Student Union Alphonse Nimene; prominent NGO Director Commany Wesseh; former president of the interim national government in the 1990s Amos Sawyer; human rights activist James Torh; and Muslim organization leader Lartin Konneh all remained outside the country at year's end.

The existence of the state of emergency deterred many opposition figures who resided abroad from returning to the country. In May Ellen Sirleaf-Johnson, runner-up in the 1997 presidential polls, spent several days in Monrovia. Although invited back in August for the Government-sponsored Reconciliation Conference, she and other overseas citizens declined to attend, citing personal safety concerns.

e. Denial of Fair Public Trial.—Although the Constitution provides for an independent judiciary, judges were subjected to political, social, familial, and financial pressures, and the judiciary was corrupt. Some judges and magistrates were not lawyers. The judiciary has determined that it was not feasible to retire all judicial personnel who were not legally trained but intended to replace those currently sitting with lawyers as they retire. By statute members of the bar must be graduates of a law school and pass the bar examination. The executive branch continued to exert strong influence on the judiciary. For example, the Government's assertion that persons identified as "illegal combatants" have no recourse to the civil courts appeared to have no basis in law; however, writs of habeas corpus for Bility and Sackor were refused on such grounds (*see* Section 1.d.).

The judiciary is divided into four levels, with the Supreme Court at the apex. All levels of the court system in Monrovia, including the Supreme Court, functioned sporadically. The Government's efforts to revitalize the court system outside of Monrovia continued to be hindered by a lack of trained personnel, a lack of infrastructure, and inadequate funding. Although judges were assigned throughout the country, in some cases they were unable to hold court due to lack of supplies and equipment. Traditional forms of justice administered by clan chieftains remained prevalent in some localities (*see* Section 1.c.).

Under the Constitution, defendants have due process rights; however, in practice these rights were not always observed. Defendants have the right to a public trial and timely consultation with an attorney; however, there was no effective system to provide public defenders, especially in rural areas. Some NGOs provided legal services to indigents and others who have no representation.

Courts regularly received bribes or other illegal gifts out of damages that they awarded in civil cases. Defense attorneys often suggested that their clients pay a gratuity to appease judges, prosecutors, and police officers to secure favorable rulings. In 2000 the Chief Justice of the Supreme Court stated publicly that delays in salary payments to judicial personnel contributed to corruption in the judiciary.

There continued to be long delays in deciding cases involving juveniles.

On March 12, President Taylor granted executive clemency to 24 ethnic Krahn political prisoners, including Armah Youlou, Professor Charles Breeze, Brigadier Joseph Jarlee, and Major Alphonso Dubar, who were released on the same day. The group included civilian prisoners convicted of treason and military officers convicted of sedition. All were detained following the 1998 fighting in Monrovia.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the right of privacy and the sanctity of the home; however, authorities regularly infringed on these rights. The Constitution provides that the police must obtain a warrant, or have a reasonable belief that a crime is in progress, or is about to be committed, before entering a private dwelling. In practice police and paramilitary officers frequently entered private homes and churches without warrants to carry out arrests and investigations. Police also raided the offices of newspapers and NGOs during the year, including *The Analyst* newspaper and the human rights group Liberia Prison Watch (see Sections 2.a. and 4).

The security forces harassed and threatened opposition figures and their families by conducting illegal surveillance. In some cases, they entered the homes of opposition figures. For example, on July 18, just prior to the start of the National Reconciliation Conference, the ATU searched the homes of opposition leaders Dr. Togba-Nah Tipoteh and former telecommunications minister Roosevelt Jayjay. Several student leaders remained under surveillance at year's end.

Some journalists and human rights activists resided in the homes of friends or relatives at times due to fear that the security forces might follow through with their threats against them. Incidents of harassment and threats increased with the continuing violence in the northwest.

In April police used so-called security sweeps to search for dissidents in the Paynesville area after LURD rebels allegedly distributed leaflets there, and several persons abandoned their homes and moved in with relatives.

In rural areas, particularly in remote parts of Lofa and Gbarpolu Counties, armed security forces illegally entered homes, most often to steal food, money, or other property. Members of the security forces in rural areas generally were paid and provisioned inadequately and often extorted money and goods from citizens. Local communities were compelled to provide food, shelter, and labor for members of the security forces stationed in their villages. Human Rights Watch reported that President Taylor's security services, the SSS and the SOD, both mobilized to combat LURD rebels, consisted of former NPFL rebels who were paid a one-time fee of \$150 (8,200 ld) and were expected to loot and pillage thereafter to support themselves.

On October 29, SOD police raided the home of human rights activist Aloysius Toe after Toe announced a week of solidarity for Hassan Bility and other detainees (see Section 4). Government officials said that e-mail documents were found in Toe's home that linked him with LURD rebels.

ATU members increasingly were involved in criminal activities such as theft, looting, and murder in Monrovia. More than in the past, the perpetrators were apprehended; however, cases against them remained unresolved at year's end. Two ATU members arrested in November 2001 after looting a private residence in Monrovia were released during the year.

Some persons believed that government security personnel monitored e-mail (see Section 2.a.).

There were reports that security forces and rebels forcibly conscripted men and boys to fight in the conflict in Lofa County (see Section 5).

The Government continued the occasional practice of arresting family members in order to persuade a suspect to turn himself in. For example, on October 29, armed police officers entered the house of human rights activist Aloysius Toe and abducted his wife, Vivian Toe. She was released after she contacted her husband and asked him to turn himself in for questioning.

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, particularly during the months when the state of emergency was in force. Security agents threatened, detained, and assaulted journalists and intimidated many journalists into practicing self-censorship. Cabinet ministers periodically objected to critical articles and forced stories to be dropped or modified.

The Government arrested critics of the state of emergency in February, such as Councilor Morris (see Sections 1.d. and 4). In March New Deal Movement Chairman Nigba Wiaplaha was harassed and arrested on charges of "inciting insurrection" for saying that conflict in the northwest arose from the Government's refusal to restruc-

ture the security forces. On April 2, Wiaplah filed a writ of habeas corpus and was released on bail; his trial was pending at year's end.

In Monrovia there were eight newspapers that published during the year; however, some published irregularly. Two were independent dailies and five usually appeared at least once a week. Their political orientation ranged between progovernment and critical of the Government. The Public Affairs Bureau of the Ministry of Information, Culture, and Tourism published one newspaper, and the communications network owned by the President published a weekly newspaper. The ruling party also published a newspaper.

With some notable exceptions, government officials reluctantly tolerated the press; however, they frequently criticized the media publicly for what they considered negative reporting. The Government's media advisory committee created in 2001 to reduce tensions between the Government and the press had little noticeable effect. Requirements for foreign journalists, including a minimum 72-hour advance notice of the intent to enter the country and a 24-hour waiting period for accreditation after arrival remained in force. The Government order that required local journalists to clear reporting on the insurgency prior to publication, generally was obeyed out of fear of government retribution.

Reporting that criticized the Government brought threats of violence, closure, or directives from powerful government officials to advertisers that they should discontinue business with that media outlet.

Newspaper availability fluctuated during the year. Management of the one printing facility capable of producing newspapers was subject to pressure from the Government. To meet the costs of production, the typical newspaper's eight pages included two or three pages of advertisements or paid announcements. Some articles were the result of gifts or money that supplemented reporters' meager salaries. The Press Union of Liberia, an independent association of journalists, secured a license to begin independent press operations, but internal problems prevented the actual start of operations.

In general journalists were outspoken and even provocative. In September the press printed stories alleging that the son of the President, Charles Taylor Jr., was involved in the death of his driver (*see* Section 1.a.). However, journalists also practiced self-censorship, especially in regard to information about the President and his immediate family members.

In March Jerome Dalieh and Bill Jarkloh, editor and news editor, respectively, of *The News* newspaper were detained in connection with a story that Police Director Mulbah deemed to be "anti-reconciliation." The two were released the same day.

In May the ATU detained Emmanuel Mondaye, a reporter of *The Inquirer* newspaper, for allegedly spying for a foreign embassy in the Gbarnga area. Mondaye was released after 4 days.

On April 26, the Government harassed and shut down *The Analyst* newspaper following its publication of a speech by human rights attorney Tiawan Gongole (*see* Section 1.c.). On June 5, *The Analyst* resumed publication. In June the editor-in-chief of *The Analyst*, Hassan Bility, who the Government had harassed for years, was arrested and accused of harboring LURD sympathies (*see* Section 1.d.). The Press Union of Liberia issued several well-publicized calls that demanded Bility be released or publicly charged and tried. Amnesty International (AI) conducted a global letter writing campaign on his behalf during the year.

On December 14, five armed ATU members severely beat Throble Suah, a journalist for the independent newspaper, *The Inquirer*. After being hospitalized for more 3 weeks, Suah was flown out of the country to receive better medical attention.

Security personnel sometimes interpreted criticism as a license to harass, threaten, arrest, and even assault targeted persons; the Government often required arrested journalists to apologize in writing prior to releasing them.

Due to the high price of newspapers, the high rate of illiteracy (estimated at 75 percent), high transportation costs, and the poor state of roads elsewhere in the country, newspaper distribution generally was limited to the Monrovia area. As a result, radio was the primary means of mass communication. There were several FM stations in Monrovia: Two private commercial stations (DC-101); and Radio Veritas, which operated under the Catholic Archdiocese. There also was the state-run national station (ELBC), a FM station operated by President Taylor's private Liberia Communications Network (LCN). ELBC, and Radio Veritas also broadcast on short-wave frequencies strong enough to reach all parts of the country. In 2001 President Taylor closed the short wave frequency of Radio Veritas, citing "illegal operation." In February the Government restored the station's short-wave license, and in April Radio Veritas resumed short-wave broadcasting. There was a French broadcast through the national radio facility, a religious station (with limited short-wave

capacity), and a growing number of small local stations in cities around the country. Media practitioners believed that the ruling party funded many of these stations.

Call-in radio talk shows were popular and frequently a forum for both government and opposition viewpoints. The number of objections and threats from the Government, party leaders, and security agents aimed at radio hosts and station managers regarding inappropriate commentary diminished to some extent. Interviews with prominent persons were broadcast frequently.

Due to the economic situation in the country and the dependence on generators requiring expensive fuel, most stations limited broadcast hours and in some cases ceased operation for short periods.

Television was limited to those who could purchase sets, the generators, and fuel to provide electricity. For those persons and businesses with satellite capability, the CNN was available. There were two television stations: The LCN, owned by President Taylor, and the Ducor Broadcasting Corporation, which was privately owned but assisted by President Taylor's generator.

Several Internet cafes operated in Monrovia, although access was limited by relatively high fees. The Government continued to charge that opponents used the Internet to wage a propaganda war. However, the Ministry of Information also maintained an unofficial website—*allaboutliberia.com*—that promoted a progovernment view of the country. Two Internet Service Providers (ISPs) operated in Monrovia and both were linked to prominent persons. Some people believed that government security personnel monitored the Internet, especially e-mail.

The Government did not restrict academic freedom. Unlike in the previous year, there were no violent demonstrations that resulted in suspensions and expulsions; however, UL did not open for the fall session. Alphonse Nimene, president of the Student Union, 15 student leaders, and numerous other students remained in self-imposed exile at year's end.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly; however, on April 26, Minister of Justice Eddington Varmah announced that all “public gatherings” were banned without prior approval of the Ministry. Requests for exemptions were denied. President Taylor defended the ban by arguing that dissidents might use mass rallies to incite insurrection. The annual May parade by journalists to commemorate World Press Freedom Day was not allowed; however, indoor sessions marking the occasion did take place. On September 14, President Taylor lifted the ban on political gatherings.

While announcing the state of emergency in February, President Taylor warned that antigovernment views would not be tolerated during the crisis.

On October 2, police forcibly dispersed high school students demonstrating before the Ministry of Education in support of striking teachers (*see* Section 6.b.). Dozens of students were flogged and beaten in the confrontation and were taken to police headquarters; however, they were released later that same day.

The Constitution provides for the right of association, and the Government generally respected this right in practice. There were 18 political parties registered by year's end. On July 23, the Election Commission certified the New Democratic Alternative for Liberia (New Deal Movement) as a fully registered political party, which operated freely during the year. Dozens of civil society organizations, organized around themes such as human rights, women's issues, development objectives, poverty alleviation, health concerns, and worker's associations were active.

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

All organizations, including religious groups, must register their articles of incorporation with the Government, along with a statement of the purpose of the organization; however, traditional indigenous religious groups were not required to register, and generally did not register. Registration was routine, and there have been no reports that the registration process was burdensome or discriminatory in its administration.

On December 28, security forces arrested David Kaizolu and Christopher Toe, the Secretary General and Assistant Secretary-General respectively, of the Inter-Religious Council of Liberia (IRC). The IRC is a well-known organization that has tried to coordinate peace efforts between the LURD and the Government. They faced treason charges as LURD collaborators for possessing e-mails written by LURD leaders. After 2 weeks in prison, both were released.

The law prohibits religious discrimination; however, Islamic leaders complained of discrimination against Muslims. Although there were some Muslims in senior government positions, many Muslims believed that they were bypassed for desirable jobs because of their religion. Many Muslim business proprietors believed that the

Government's decision to enforce an old statute prohibiting business on Sunday discriminated against them.

Lartin Konneh, a Muslim activist who fled the country in 2000, remained outside the country at year's end.

Some tensions existed between the major religious communities. The private sector in urban areas, particularly in the capital, gave preference to Christianity in civic ceremonies and observances, and discrimination against followers of other organized religions affected areas of individual opportunity and employment. There was an interfaith council that brought together leaders of the Christian and Islamic faiths.

Tensions continued in Lofa County between the predominantly Muslim Mandingo ethnic group and the Lorma ethnic group. There was no further action regarding the investigation into the burning of five mosques in Lofa County in 2000.

Little reliable information was readily available about traditions associated with ritual killings. Ritual killings, in which body parts used in traditional indigenous rituals were removed from the victim, continued to occur. The number of such killings was difficult to ascertain, since police often described deaths as accidents even when body parts were removed. Deaths that appeared to be natural or accidental sometimes were rumored to be the work of ritual killers. It was believed that practitioners of traditional indigenous religions among the Grebo and Krahn ethnic groups concentrated in the southeastern counties most commonly engaged in ritual killings. The victims were usually members of the religious group performing the ritual. Body parts of a member whom the group believed to be powerful were considered to be the most effective ritually. Body parts most frequently removed include the heart, liver, and genitals. The rituals involved have been reported in some cases to entail eating body parts, and the underlying religious beliefs may be related to incidents during the civil war in which faction leaders sometimes ate (and in which one faction leader had himself filmed eating) body parts of former leaders of rival factions. Removal of body parts for use in traditional rituals is believed to be the motive for ritual killings, rather than an abuse incidental to killings committed for other motives. Ritual murders for the purpose of obtaining body parts traditionally were committed by religious group members called "heart men"; however, since the civil war, common criminals inured to killing also may sell body parts. In 2001 the Government deployed units of the ATU to Maryland County to help stem a wave of ritual killings, which reportedly reduced the incidence of ritualistic killings in the region.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government restricted them in practice. Security forces maintained checkpoints where travelers routinely were subjected to arbitrary searches and petty extortion. Security forces were also accused of beating and robbing IDPs fleeing fighting in the northwest. Security forces also extorted money from returning refugees. From July to September units of the ATU, citing security concerns related to foreign plotting and the National Reconciliation Conference, set up roadblocks that rerouted traffic within the city and prevented visitors to a foreign embassy in Monrovia.

Unlike in the previous year, the Government did not restrict the issuance of passports or require an exit visa; however, in October passport services were suspended due to fraud concerns and subsequent investigations. Passport services remained partially suspended at year's end.

In November relief agencies estimated there were nearly 130,000 IDPs in more than a dozen camps in 5 separate counties. The number of IDPs increased by approximately 70,000 during the year due to conflicts in Lofa, Bong, Bomi, Cape Mount, and Gbarpolu Counties. International and local NGOs had limited funding and resources to assist these IDPs. The U.N. High Commission for Refugees (UNHCR) reported from mid-year estimates that there were approximately 107,000 Liberian refugees in Guinea, 71,000 in Cote d'Ivoire, 38,000 in Sierra Leone, 11,000 in Ghana, and 3,000 in other countries.

On December 14, security forces detained 12 ethnic Krahn refugees on security grounds following their return from Cote d'Ivoire. On December 27, all were released.

AI reported that government radio announcements of impending attacks caused large-scale displacements; however, the places often were not attacked following the announcement, and security forces looted the abandoned homes (*see* Section 1.f.).

The law provides for the granting of asylum and refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government continued to provide first asylum to nearly

20,000 refugees, the vast majority of whom were from Sierra Leone. Approximately 55,000 refugees from Sierra Leone repatriated during the year. The Government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees; however, AFL and ATU units and LURD rebels were responsible for hundreds of cases of abuse against individual refugees (*see* Sections 1.a., 1.b., and 1.c.). In June LURD rebels attacked the camp at Sinje and abducted five Liberian nurses. In September the nurses were released just across the Guinean border. The violence forced 11,000 to 12,000 Sierra Leoneans, 8,000 IDPs, and several thousand Sinje residents to flee. Approximately 1,500 IDPs fled across the border into Sierra Leone.

Government spokesmen said on several occasions that RUF leader Sam Bockarie left the country in 2001. Spokesmen said the Government complied with U.N. sanctions and had severed ties with the RUF; however, it was believed widely that hundreds of RUF personnel remained in the country and had become part of the security forces in the conflicted northwest of the country.

There were allegations of sexual exploitation of refugee and IDP children. The U.N. office in Monrovia said that the reports of sexual exploitation largely were unsubstantiated; however, UNHCR and the humanitarian NGO community made efforts to lessen the problem. One UNHCR contracted worker was dismissed, and all other UNHCR employees were exonerated.

The whereabouts of seven returning refugees arrested in 2000 by security personnel remained unknown.

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

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

The Constitution provides for the right to vote in free and fair elections, and citizens exercised this right in 1997 in elections that international observers deemed administratively free and transparent; however, the elections were conducted in an atmosphere of intimidation, because most voters believed that military forces loyal to Charles Taylor would have resumed the civil war if Taylor lost the election. Since the legislative elections were held on the basis of proportional representation, Taylor's NPP won control of the legislature by the same 75 percent majority that he received in the popular vote for the presidency. The 1997 legislative and presidential elections were held under a special election law in accordance with the terms of the Abuja Peace Process.

On April 26, President Taylor suspended all political activity in line with the February 8 declaration of a state of emergency (*see* Section 2.b.). The suspension hindered party mobilization and awareness in preparation for the October 2003 elections. The ban was lifted on September 14.

The legislature did not exercise genuine independence from the executive branch. There were 16 opposition parties, most of which had little popular support outside of the capital, and opposition legislators, who held only one-quarter of the seats in the House of Representatives and in the Senate, generally were more passive than members of the ruling NPP. Congressional committees failed to develop expertise in their respective areas of responsibility. No major legislation was enacted during the year. In late September, following the death of the incumbent, the Senate elected NPP Senator Grace Minor as President Pro-Tempore of that body. She was the first woman to hold the position, which was fourth in succession to the presidency.

Constitutionally the Senate must approve presidential nominees; however, the confirmation process lagged substantially behind the appointments themselves and often appointees served months in their positions prior to confirmation. Unlike in the previous year, the executive branch did not confirm Ministers that the Senate had rejected.

The State is highly centralized. The President appoints the superintendents (governors) of the 15 counties. Municipalities and chiefdoms were supposed to elect their own officials; however, elections—postponed in 1998 due to lack of funds and disorganization—were scheduled to be held in 2003. Local governments at all levels had no independent revenue base and relied entirely on the central government for funds. Education, health services, and public works were provided by the central government. Local officials served mainly to lobby the central government.

There were no restrictions on the participation of women in politics, and several women held ranking positions in the Government. There were 5 women in the 26-seat Senate and 5 women in the 64-member House of Representatives. There were 3 women ministers in the 20-member Cabinet, including the Minister for Gender and Development. A woman served as Chief Justice of the Supreme Court, and an

other chaired the National Reconciliation Commission. There were no woman's caucuses; however, the ruling party has a woman's organization.

There were 2 Muslims in the 26-seat Senate, and there were 5 Muslims in the 64-seat House of Representatives. There was one Muslim minister in the 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 generally operated without government restriction, investigating and publishing their findings on human rights cases; however, members of the security forces frequently harassed NGO members and democracy and human rights activists.

Domestic human rights organizations were underfunded and understaffed, and their personnel lacked adequate training. There are three coalitions of human rights groups: The National Human Rights Center of Liberia had nine member organizations; eight other groups comprised the Network of Human Rights Chapters; and four belonged to the Federation of Human Rights Organizations. All of these organizations sought to increase public discussion of human rights problems.

Some human rights groups paid regular visits to detainees at police headquarters and prisoners at the Monrovia Central Prison (*see* Section 1.c.). Several domestic human rights organizations established branches outside of the capital and perform similar monitoring functions there. There was no pattern of government interference with these activities.

Members of the security forces frequently harassed members of NGOs and democracy and human rights activists. For example, in February Counselor Francis Johnson Morris, a former justice of the Supreme Court and the head of the Catholic Church's Peace and Justice Commission (JPC) was arrested and taken to Police Headquarters for objecting to the imposition of the state of emergency. She was released the same day.

In March five human rights activists—Tunny Zeogar, Peter Nicholson, John Okai, Sam Nimely, and Aloysius Toe—were detained for protesting the arrest of New Deal Movement leader Nigba Wiaplah. On June 13, the charges against four were dropped and they were released. Toe was held longer but too was released when charges against him were dropped. However, following the October arrest of his wife (*see* Section 1.f.), Toe turned himself in to police and was rearrested and charged with treason for having announced a week of solidarity for Hassan Bility and other detainees. Toe was detained at Monrovia's Central Prison and awaited trial at year's end.

In July two experts with the International Crisis Group were detained briefly and harassed at the airport as they were preparing to depart.

In October police arrested Blamoh Sieh, Director of the National Human Rights Center, and three staff members from the Center for the Protection of Human Rights. They were released after questioning. Following the arrests, the National Human Rights Center closed and its staff went into hiding for fear of being arrested by government security forces.

There were no further developments, nor are any likely, in the prosecution of eight former civil war combatants who were arrested after the 2000 ransacking of the offices of the Center for Democratic Empowerment (CEDE) and the beating of former interim president and human rights defender Amos Sawyer and the organization's executive director, Conmany Wesseh. Both Sawyer and Wessen now reside overseas.

The Government permitted international NGOs and human rights organizations to operate in the country, and a few international organizations did so during the year. Visiting observers and local employees monitored the situation and reported their findings openly. The Government strongly criticized AI's objections to the imposition of the state of emergency in February. The Carter Center still had not received a formal invitation to return to the country by year's end.

The National Human Rights Commission remained inactive during the year. The Government did not fund it, and the Senate still did not act on the appointments of three of its five commissioners.

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

The Constitution prohibits discrimination based on ethnic background, race, sex, creed, place of origin, or political opinion; however, discrimination existed. There were no laws against gender discrimination, ethnic discrimination, or FGM. Differences involving ethnic groups, notably the Krahn and Mandingo ethnic groups, continued to contribute to serious political violence and abuses.

Women.—Domestic violence against women was widespread; however, it was not addressed seriously as a problem by the Government, the courts, or the media. Sev-

eral NGOs in Monrovia and Buchanan continued programs to treat abused women and girls and increase awareness of their rights.

FGM traditionally was performed on young girls in northern, western, and central ethnic groups, particularly in rural areas. Prior to the onset of the civil war in 1989, approximately 50 percent of women in rural areas between the ages of 8 and 18 were subjected to FGM. A local organization, Human Rights Watch Women and Children, launched a campaign in 2001 to eradicate FGM, but no results were reported. The Association of Female Lawyers in Liberia (AFELL) also spoke out against FGM.

Social structures and traditional institutions, such as the secret societies that often performed FGM as an initiation rite, were undermined by the war. While many experts believed that the incidence of FGM dropped to as low as 10 percent by the end of the war, traditional societies were reestablishing themselves throughout the country, and the practice of FGM continued. The most extreme form of FGM, infibulation, was not practiced. The Government took no action against FGM during the year.

The status of women varied by region, ethnic group, and religion. Before the outbreak of the civil war, women held one-fourth of the professional and technical jobs in Monrovia. On the whole, women have not recovered from the setbacks caused by the civil war, when most schools were closed, and they were prevented from carrying out their traditional roles in the production, allocation, and sale of food.

Women married under civil law can inherit land and property; however, women married under traditional laws were considered the properties of their husbands and were not entitled to inherit from their husbands or retain custody of their children if their husbands die. The Government prohibits polygyny; however, traditional laws permit men to have more than one wife. Women's organizations, especially AFELL, continued to press for legislation on behalf of inheritance rights in traditional marriages. There continued to be few programs to help former combatants reintegrate into society, and there were none specifically to benefit former female combatants; however, several women's organizations advanced family welfare issues, helped promote political reconciliation, and assisted in rehabilitating both former female combatants and women who were victims of the civil war. The Liberian chapter of the Mano River Women's Peace Network visited neighboring countries during the year to promote regional peace and stability.

During the year, professional women's groups—including lawyers, market women, and businesswomen—remained vocal about their concerns regarding government corruption, the economy, security abuses, rape, domestic violence, and children's rights. Government officials often responded negatively to public criticism. Outspoken critics such as JPC chief Morris were harassed (see Section 4). In 2001 the Government created the Ministry for Gender and Development, whose mandate included the promotion of the wellbeing of women and girls.

Children.—The Government generally was unable to provide for the education and health of children; however, it intensified the nationwide anti-polio vaccination campaign during the year. Due to the poor condition of government schools, many children, who attended school particularly in Monrovia, went to private institutions. Since many private schools still needed to be refurbished due to wartime damage, school fees remained relatively high, thereby making education unattainable for many school-age children. In both public and private schools, families of children often were asked to provide their own books, pencils, paper, and even desks. In 2001 1.05 million out of an estimated 1.7 million school-age children, less than half of whom were girls, were enrolled in primary and secondary schools. Expenditures on education were estimated at \$2.4 million (167 million ld). In 1995 the literacy rate was 53.9 percent for boys and 22.4 percent for girls.

Young persons were victimized during the civil war of the mid-1990s. An estimated 50,000 children were killed; many more were injured, orphaned, or abandoned. Approximately 100 underfunded orphanages operated in and around Monrovia; however, many orphans lived outside these institutions. The National Military Families Association of Liberia (NAMFA) tried to provide for orphaned military children; it registered hundreds of street children. These institutions did not receive any government funding, but relied on private donations. Nearly all youths witnessed terrible atrocities, and some committed atrocities themselves. Approximately 21 percent (4,306) of the combatants who were disarmed under the provisions of the Abuja Peace Accords were child soldiers under the age of 17. Many youths remained traumatized, and some still were addicted to drugs. The number of street children in Monrovia and the number of abandoned infants increased significantly following disarmament. Although pressured by the Government to cease their programs, international NGOs and UNICEF continued retraining and rehabilitation programs

for a limited number of former child fighters. These children were vulnerable to being recruited in subregional conflicts, since most had no other means of support.

The various armed militias continued to recruit forcibly underage soldiers. During the LURD offensive in May, government troops forcefully conscripted several dozen young men from the streets of Monrovia, took them to military camps where they were armed, and sent them to the battle zone. Secondary school boys were targeted for such operations in the Red Light and Duala neighborhoods of the capital. Families in rural areas claimed that their missing sons also returned after several months and reported that they had been seized and forced to fight LURD rebels. There were credible reports that the LURD engaged in similar forced recruitment tactics.

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

Persons with Disabilities.—As a result of the civil war, a large number of persons had permanent disabilities, in addition to those disabled by accident or illness. It is illegal to discriminate against persons with disabilities; however, in practice they did not enjoy equal access to public buildings or government services. No laws mandate accessibility to public buildings or services. Persons with disabilities faced discrimination, particularly in rural areas. Babies with deformities often were abandoned. Some NGOs provided services to persons with disabilities.

National/Racial/Ethnic Minorities.—Although the Constitution bans ethnic discrimination, it also provides that only “persons who are Negroes or of Negro descent” may be citizens or own land. Many persons of Lebanese and Asian descent who were born or have lived most of their lives in the country were denied full rights as a result of this racial distinction.

The country was ethnically diverse. The population was made up of 16 indigenous ethnic groups. The indigenous ethnic groups generally spoke distinct primary languages and were concentrated regionally. No ethnic group constituted a majority of the population.

Many members of the predominantly Muslim Mandingo minority encountered hostility when they sought to return, after the end of the civil war, to their villages in Lofa, Bong, and Nimba counties. Many Mandingos were unable to reoccupy their homes, which had been taken over by squatters. Members of the Lorma, Gio, and Mano minorities generally held all Mandingos responsible for atrocities committed by the ULIMO-K faction during the civil war. The lack of competent security forces and a fully functioning judiciary in these areas prevented many Mandingos from seeking redress. Mandingo citizens faced growing discrimination, arbitrary arrests, and violence based on their ethnicity (*see* Section 1.a.); many ethnic Mandingos sought refuge in Guinea after the Government increased arrests following the detention of journalist Hassan Bility (*see* Section 1.d.).

The LURD was a coalition of ethnic Mandingos and Krahn, although many ethnic Lorma were members of the rebel group as well. The continuing violence in Lofa County exacerbated ethnic tensions between the Mandingos and the Lormas (*see* Section 1.a.).

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides workers, except members of the military and police, the right to associate in trade unions, and workers were allowed to join unions in practice. The Constitution also provides that unions are prohibited from engaging in partisan political activity. However, government interference in union activities, especially union elections and leaderships struggles, was common both before and during the civil war.

Although most economic activity was interrupted by the war, unions proliferated. There were approximately 30 functioning unions organized loosely under two umbrella groups, the Liberian Federation of Labor Unions (LFLU) and the Congress of Liberian Trade Unions (CLTU), with the common objective of protecting the rights of their 60,000 members, who largely were unemployed. The actual power that the unions exercised was extremely limited. Since the country’s work force largely was illiterate, economic activities beyond the subsistence level were very limited, and the labor laws tended to favor management.

During the year, the Government strictly enforced the union registration requirements that fell into disuse during the war. Applicants needed to register at two different ministries, and processing time was arbitrary, taking only a few days for some and never being issued for others.

Labor unions traditionally have been affiliated with international labor groups such as the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—With the exception of civil servants, workers (including employees of public corporations and autonomous agen-

cies) have the right to organize and bargain collectively. In the past, agreements were negotiated freely between workers and their employers without government interference; however, these rights largely were unused during the year because of the lack of economic activity.

Labor laws provide for the right to strike. The laws were nullified by a People's Redemption Council decree in 1984 that outlawed strikes, but that decree has not been enforced for years. Due to the destruction of the economy and the estimated 85 percent unemployment rate, strikes were infrequent; however, in September teachers in the greater Monrovia school system struck and refused to begin the fall term without some salary payment, which was 9 months in arrears. In October the Minister of Education announced that 1 month's salary and a bag of rice would be paid to teachers so that classes could begin. The teachers accepted the offer and returned to work after receiving the promise that all back wages would be paid in January 2003.

On June 10, workers at the Oriental Timber Company (OTC) held the company's legal and labor consultants hostage at a logging camp in River Cess County. The workers complained that they had been fired after they had refused to eat stale lunch food served by the company. The OTC resolved the crisis when it reinstated the workers.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, this prohibition was ignored widely in many parts of the country. In some rural areas, farmers were pressured into providing free labor on "community projects" that often benefited only local leaders. There were allegations that large logging companies in the southeast forcibly recruited workers. There also were reports that local officials forced convicts to work for them. There were reports during the year that local government officials forced persons to work without compensation on President Taylor's farm. During the year, AFL soldiers forced the manager of an agricultural project to do menial labor for 3 weeks (*see* Section 1.c.).

There were reports that commanders of security forces forced persons to dig for diamonds and gold in the west and southeast part of the country.

Some former combatants, including some in the security forces, were accused of forcing children to work in the mining industry. Human rights groups reported instances of forced child labor in some rural areas, particularly in artisanal diamond mining. A child rights advocacy group's report on child labor in the southeastern counties and that of another prominent human rights group contradicted a government report, which concluded that there was no conclusive evidence of forced child labor. Subsequently legislators from three counties sued the child rights advocacy group for defaming the counties' reputations. At year's end, the case still was pending.

There also were reports that LURD rebels forced civilians into service as porters for LURD ammunition and supplies in Lofa and Gbarpolu Counties.

LURD rebels also forcibly conscripted children to fight as child soldiers (*see* Section 5).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children under the age of 16 during school hours in the wage sector, but enforcement was lax. The Ministry of Labor frequently lacked the resources to carry out its mandate. In May it dispatched a team to investigate reported abuses at the OTC in Buchanan; however, the team did not report its findings during the year. Throughout rural areas, particularly where there were no schools, small children continued to assist their parents as vendors in local markets or on the streets, to take care of younger brothers and sisters, and to work on family subsistence farms.

On June 4, President Taylor ratified ILO Convention 182 on the Worst Forms of Child Labor.

There were reports that forced and bonded labor by children occurred (*see* Section 6.c.).

e. Acceptable Conditions of Work.—The law provides for a minimum wage, paid leave, severance benefits, and safety standards, but enforcement was targeted solely against profitable firms that generally observed these standards. Due to the country's continued economic problems, most citizens were forced to accept any work they could find regardless of wages or working conditions. The Ministry of Labor claimed it lacked the resources to monitor compliance with labor laws.

The law requires a minimum wage of approximately \$0.25 (10 ld) per hour not exceeding 8 hours per day, excluding benefits, for unskilled laborers. The law requires that agricultural workers be paid \$1.00 (60 ld) for an 8-hour day, excluding

benefits. Skilled labor has no minimum fixed wage, but industrial workers usually received three or four times the wage paid to agricultural workers. The highly competitive minimum wage jobs provided a minimal standard of living for a worker and family; however, there were very few such jobs. Families dependent on minimum wage incomes also engaged in subsistence farming, small-scale marketing, petty extortion, and begging. By October the Government owed civil servants 10 months of salary arrears. Except for payment of 1 month's salary, no other provisions were undertaken to pay the arrears during the year.

The law provides for a 48-hour, 6-day regular workweek with a 30-minute rest period per 5 hours of work. The 6-day workweek may extend to 56 hours for service occupations and to 72 hours for miners, with overtime pay beyond 48 hours.

There were government-established health and safety standards, enforced theoretically by the Ministry of Labor. Even under the law, workers did not have a specific right to remove themselves from dangerous situations without risking loss of employment.

The law protects legal, but not illegal, foreign workers.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were reports that persons were trafficked within the country. There were reports of forced labor, including by children, and the recruitment of child soldiers (see Sections 5 and 6.c.).

MADAGASCAR

Madagascar is a multiparty democracy in which the President and a bicameral legislature shared power. The country's Constitution was amended in 1996 and 1998. These amendments significantly strengthened the executive, weakened the National Assembly, and gave the President the right to name one-third of the senators. Although 160 political parties were active throughout the country, the ruling President and his party dominated political life, as did former president Didier Ratsiraka and his AREMA party in the previous quarter century. The new President, Marc Ravalomanana, relied on a coalition of political parties, Coalition of Marc Ravalomanana Supporters (KMMR), and his own organization Tiako-i-Madagasikara (TIM), "I love Madagascar" (which became a political party in July), to spearhead his challenge to former President Ratsiraka. Presidential elections were held in December 2001, and the results were disputed. Between January and June, both Ravalomanana in Antananarivo and Ratsiraka in the port city of Toamasina claimed to be the legitimate head of state. There was widespread, politically motivated conflict that led to approximately 100 deaths. In May Ravalomanana was declared President, and by June the Ravalomanana government gained control of the country. The December 15 legislative elections, which international observers judged as generally free and fair, resulted in a substantial majority (124 of 156 deputies) for the TIM (102) and the pro-Ravalomanana National Alliance (22) in the new National Assembly. At year's end, four district elections were expected to be run again following the voiding of results by the High Constitutional Court. The judiciary was subject to executive influence and at times susceptible to corruption.

The Minister for Public Security (formerly a State Secretary at the Ministry of the Interior) headed the national police and was responsible for law and order in urban areas. The Gendarmerie Nationale, part of the Ministry of National Defense, insured security in all other areas of the island. Regular army units and reservists at times assumed law enforcement roles in matters that make large-scale logistical demands, such as cattle theft. Gendarmerie, regular army, and reservist units committed serious human rights abuses.

The country was very poor with a population of 16 million. Although the Government made the consolidation of a market-based economy a priority, the economy remained mixed. Agriculture was the largest sector of the economy, and shrimp and vanilla were the leading exports. More than 70 percent of the population fall below the Government's own poverty level of approximately 45 cents a day in income. In the first half of the year, trade declined by 50 percent and textile exports dropped 90 percent. Inflation was approximately 6 percent in 2001, peaked at a 60 percent annual rate during the political crisis, and fell to 12 percent by the end of the year.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Between January and June, the human rights situation worsened as both Ravalomanana and Ratsiraka fought for control of the Government, and both sides committed serious human rights abuses. After Ravalomanana achieved control of the country, the human rights situation improved; however, problems remained in some areas. Conflict between supporters of

both sides was widespread and led to approximately 100 deaths. There were reports of brutality and abuse by security forces, particularly by armed irregulars (reservists) that the Government had recruited at the height of the conflict. Groups affiliated with both sides of the crisis abducted persons. Police or other security forces physically abused prisoners or detainees. Prison conditions were harsh and life threatening. In some prisons, women experienced physical abuse, including rape. The Government allowed the International Committee of the Red Cross (ICRC) to establish a permanent office in the country and to conduct inspections of detention facilities throughout the island. Arbitrary arrests and detentions of some supporters of the previous government occurred and some high-profile arrests were made months after the resolution of the political crisis. Suspects often were held for periods that exceeded the maximum sentence for the alleged offenses and lengthy pre-trial detention remained a serious problem. Dina (local traditional) authorities imposed summary justice in rural areas where the Government's presence was weak. The Government limited freedom of speech and of the press. Journalists practiced self-censorship. The Government at times partially limited freedom of assembly. During the political crisis, both sides restricted freedom of movement. Women continued to face some societal discrimination. Child labor remained a problem. Workers' rights were limited in the export processing zones (EPZs). There were reports of trafficking in women and girls. Madagascar was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as an observer.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—During the political crisis of the first half of the year, supporters of both Ravalomanana and Ratsiraka committed an estimated 100 politically motivated killings. For example, on February 2, an armed group led by Lt. Col. Assolant Coutiti killed the Director of the BTM-BAO bank, who was a Ravalomanana supporter, in Nosy Be. Coutiti, the security coordinator for the Governor of Antsiranana Province, Jean Robert Gara, and Antsiranana Deputy Soaline were believed to have been responsible for numerous other politically motivated killings in Antsiranana Province. In September government authorities arrested Coutiti; his trial was pending at year's end.

On March 19, a group of 10 men who allegedly were members of the Gendarmerie associated with Ratsiraka killed the Regional Director of the Office of Copyrights, who was a well-known KMMR member in his home in Fianaranstoa Province. There was no investigation or action taken by year's end.

On April 9, security officers assigned to Prime Minister Jacques Sylla arrested Roland Ravalomasoa, a Ratsiraka supporter, in Antananarivo. He died the same day of injuries sustained during interrogations. There was no investigation or action taken by year's end.

During the year, security forces used lethal force to disperse demonstrations (*see* Section 2.b.).

On February 27, a number of Ravalomanana supporters attacked a group of Ratsiraka supporters outside the Palais de la Justice in Antananarivo. In the ensuing fight, one of the Ratsiraka supporters was killed. There was no investigation or action taken by year's end.

In April a Canadian missionary watching a demonstration in Fianarantsoa from his window was killed by gunfire. Circumstantial evidence suggested that pro-Ratsiraka militias targeted the man specifically. There reportedly was an investigation; however, there was no findings released by year's end.

After the crisis ended, there were no reports of unlawful killings; however, at least one prisoner detained on charges related to the political crisis died while in custody due to his poor health and the harsh prison conditions. The Government had not investigated or explained this incident by year's end (*see* Section 1.c.).

During the year, there were several high-profile killings of "Karana" (persons of Indo-Pakistani origin living in the country); however, these killings appeared to have criminal rather than political motives (*see* Section 5). In September the authorities arrested three individuals in connection with one of these killings; however, there was no further action taken by year's end.

b. Disappearance.—There were widespread, credible reports of abductions of persons for political reasons by groups affiliated with both sides during the political crisis; in some cases persons allegedly were tortured. These abductions generally were temporary in nature, the victims were released, and the perpetrators were identified. Supporters of the Ratsiraka government abducted numerous persons for political reasons, particularly in Antsiranana and Toamasina provinces, including sev-

eral officials of the Church of Jesus Christ in Madagascar (FJKM), the Presbyterian Church of which President Ravalomanana is a Vice President and other known supporters of Ravalomanana (see Section 2.c.). Those abducted often were transferred to detention centers in other regions, sometimes using aircraft that belonged to a company owned by President Ratsiraka's son. Evidence provided by the nongovernmental organization (NGO) SOS to Victims of Illegality (SOSVND) indicated that the Pardes military camp in the middle of Antsiranana was the destination for the abductees.

On April 17, in the northern part of the island, Ratsiraka militias acting at the command of the local AREMA party Deputy Madame Soaline abducted an FJKM pastor named Ndriamisaina at his home. At the time of his arrest he was allegedly beaten with rifle butts. After spending 3 days in the Ambolimadinika military camp in the Sambava region of the country, he was transferred by aircraft to the Pardes detention camp in Antsiranana (see Section 2.c.).

In Fianarantsoa, Ravalomanana supporters abducted the state's prosecutor to the Court of Appeals after vandalizing his home and automobile. The Government made no effort to investigate or punish those responsible for the abductions of Ratsiraka supporters by year's end.

There were several kidnappings of members of the Karana community. Despite reports of ethnic friction between Karana and Malagasy citizens, these crimes were not considered to be ethnically motivated but to be caused, in part, by intra-Karana rivalry (see Section 1.a.). In September authorities arrested and charged 17 persons in connection with these crimes.

There were no arrests or other action taken in the following 2001 cases: The kidnaping of a girl in Antananarivo; the February kidnaping of a manager of a large automotive company in Antananarivo; and the August attempted kidnaping and killing of the victim in the Ivandry section of Antananarivo.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution provides for the inviolability of the person; however, there were numerous, credible reports that both sides in the political crisis engaged in torture. The most common form of torture was the severe beating of detainees, usually with rifle butts. Prisoners also were burned with lighted cigarettes. The Ravalomanana government used reservists who operated outside the normal armed forces chain of command and did not respect due process safeguards. Certain NGOs, such as the Association of Families of Persons Detained in the Context of the Political Crisis (OFPACPA), alleged that reservists engaged in numerous acts of violence, theft, and vandalism. For example, in June during their occupation of the city of Mahajanga on the country's west coast, pro-Ravalomanana reservists arrested Doctor Noel Randrianaivojoana, a prominent Ratsiraka supporter. He was publicly forced to walk on his knees over pavement for long distances. He then was incarcerated for several months before being tried on charges of "threatening the internal security of the state." He was acquitted in November.

In March in Diego Suarez, 16 resident members of KMMR were arbitrarily arrested, beaten, and tortured by pro-Ratsiraka militias and security forces. On April 20, pro-Ratsiraka forces arrested at least 10 persons and reportedly tortured some in Sambava. The detainees later were transferred to a military camp in the city of Antsiranana.

The political crisis exacerbated already harsh and life-threatening prison conditions. Prisoners' diets were considered inadequate, and families had to supplement daily rations. Prisoners without relatives went for days without food. Prison cells averaged less than one square yard of space per inmate. Adequate medical care also was a serious concern. These conditions caused a high incidence of malnutrition, malaria, tuberculosis, pneumonia, and a host of infections that resulted in an unknown number of deaths during the year. According to a Catholic Relief Services' (CRS) report, many prison health problems could be alleviated with adequate food. The Government maintained that harsh prison conditions reflected the country's low level of economic development, inadequate infrastructure, and a lack of resources. The Government was candid about the condition of prisons and generally open to requests for independent monitoring.

In the case of former Gendarmerie General Bory, the Ravalomanana government temporarily denied family visitation and necessary medical care.

Prisoners can be used as forced labor, and there were reports that this occurred during the year. The Government was aware of the problem and said it would address it.

Pretrial detainees were not always kept separate from the general prison population. Women in prisons were abused, as were children who sometimes were confined with them. Women were not always held separately from men, and there were reports of rapes committed by other prisoners. Due to severe overcrowding, juveniles

were not always held separately from the adult prison population. The 2002 CRS report indicated that prison facilities for minors adequately accommodated those detained.

In August Amnesty International (AI) visited the country for a “fact-finding and familiarization tour.” AI attributed human rights abuses to both sides during and after the political crisis. AI alleged that in the post-political crisis environment in the country that nearly all of the proceedings for crimes stemming from the political crisis implicated officials or supporters of the former regime and that among those arrested and facing charges were persons arrested “arbitrarily, solely for having expressed, in a nonviolent manner, opinions critical of the current government.” Amnesty also spoke of quasi-systematic arrests of persons associated with the previous regime. Amnesty concluded the Ravalomanana government record on human rights was deficient. Among AI’s recommendations were that all crimes committed during the political crisis be impartially and independently investigated and that those who committed them brought to justice. There also were numerous recommendations touching on procedural issues such as the rights of the accused to be informed of the charges, to the assistance of counsel, and to the setting of reasonable bail. AI also called for reforms and upgrades of the penitentiary system.

Also in August, the Ravalomanana government signed an agreement with the International Committee of the Red Cross (ICRC) that provided the ICRC with permanent offices and access to detention centers throughout the country. It also permitted the ICRC to interview detainees without a third party. The ICRC presented its findings directly to the Government. The ICRC representatives indicated that the Government was meeting its obligations under the agreement (*see* Section 4). In October the CRS presented to Justice Minister Alice Rajonah its Analysis of the Penitentiary System in Madagascar. CRS representatives noted that the Government expressed a desire to improve the conditions in its 97 prisons countrywide.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides for due process for persons accused of crimes and prohibits arbitrary arrest and detention; however, the Government frequently ignored these provisions in practice. The law mandates that a criminal suspect must be charged or released within 48 hours of arrest. Ravalomanana government authorities admitted to detaining persons in connection with the political crisis for whatever length of time necessary for state prosecutors to develop a strong case. The Ravalomanana government used reservists who operated outside the normal armed forces chain of command to make many of the arrests. These forces did not respect due process safeguards and were alleged by certain NGOs to have committed numerous abuses (*see* Section 1.c.).

Arrest warrants may be obtained but are not mandated strictly by law. Often a person was detained and jailed on no more than an accusation by another person. The law provides defendants in criminal cases the right to be informed of the charges against them and the right to a counsel when the charges formally are brought. The State provided counsel only in cases in which indigent defendants faced charges with sentences, if convicted, of greater than 5 years. Detainees, particularly those held in connection with the political crisis, were not always allowed family visitation or access to counsel (*see* Section 1.c.). A system of bail existed; however, in practice it was not extended to defendants accused of crimes related to the political crisis. Rather than grant bail, magistrates sometimes resorted to an instrument known as a retaining writ (*mandat de depot*) by which defendants were held in detention for the entire pretrial period or for periods longer than the maximum sentence on the charges faced.

Poor record keeping, lack of resources, and the difficulty of access to more remote parts of the island made it difficult to monitor pretrial detainees. According to CRS, 67 percent of the approximately 18,370 persons held in custody nationwide were in pretrial detention; however, only a small percentage of these were incarcerated on political crisis-related charges. Despite legal protections, investigative detentions often exceed 1 year. Many detainees spend a longer period in investigative detention than they would have spent incarcerated following a maximum sentence on the charges faced. An August amnesty declared by the Ravalomanana government was a traditional, proforma gesture affecting 400 prisoners that did little to alleviate the problem of overcrowding and harsh conditions in prisons.

On June 24, pro-Ratsiraka militia in Antsiranana detained a group of 73 persons, many of highland origin, and chained them to the gate surrounding the governor’s mansion apparently as a warning sign to approaching Ravalomanana forces that these hostages would be used as human shields in the event of an attack. No attack came, and the hostages were unshackled within a few hours, but some remained in detention until June 29.

The Ravalomanana government used house arrest only in the case of former Prime Minister Tantely Andrianarivo. The former Prime Minister spent more than

5 months under house arrest and in October was relocated to Antanimora prison. He was charged with embezzling public funds, harboring known criminals, compromising national security, and abusing the public trust. The proceedings were mired in disputes over jurisdictional issues. The former Prime Minister's lawyers claimed that his appointment was never officially abrogated, and that he remained Prime Minister and must be tried in a special venue (la Haute Cour de Justice—the High Court of Justice) reserved for ministers, rather than in the court of general jurisdiction. By year's end no trial date had been set.

The Government did not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an autonomous judiciary; however, at all levels, the judiciary was susceptible to the influence of the executive and at times susceptible to corruption.

The judiciary had four levels. Courts of First Instance hear civil cases and criminal cases carrying limited fines and sentences. The Court of Appeals included a criminal court of first instance for more serious cases—those carrying sentences greater than 5 years. The Supreme Court of Appeals heard cases on appeal from the Court of Appeals. The High Constitutional Court (HCC) reviewed the constitutionality of laws, decrees, and ordinances and certified election results. The judiciary also included specialized courts designed to handle specific matters such as cattle theft.

The judiciary was under the control of the Ministry of Justice and, as with many other branches of government, reports of corruption persisted. In its public statements, the Ravalomanana government made the fight against corruption a top priority; however, there were no specific actions taken by year's end. The Constitution provides defendants with the right to a full defense at every stage of the proceedings, and trials were public. Defendants had a right to be present at their trial, to confront witnesses, and to present evidence. The law provides for a presumption of innocence; however, as CRS noted, "there was a large gap between the laws that served to protect the rights of the accused and the implementation of these laws in fact. The human rights of a person accused of a crime were often transgressed."

State prosecutors sought relatively lenient sentences for those convicted of crimes committed during the political crisis; however, some sentences provoked criticism from members of the public who were seeking greater retribution.

The Mayor of Toamasina, Roland Ratsiraka, nephew of former President Ratsiraka, was arrested on seven charges that included: inciting ethnic violence; violation of the Constitution by not accepting Ravalomanana as President of the Republic; firing of three municipal police officers; aiding and abetting militias; ordering the blockade of Toamasina Airport thereby preventing Prime Minister Sylla's visit; neglecting municipal finances; and absconding with \$5 million (approximately 34 billion FMG). The local press widely criticized this action as arbitrary, particularly given Ratsiraka's known opposition to his uncle, his failure to sign the act of secession of Toamasina Province, and his advocacy during the political crisis of dismantling blockades erected throughout the country (see Section 2.d.). In Toamasina Province, his arrest provoked widespread anger, the circulation of petitions, and calls for a general strike. He was released 4 days after his arrest pending a hearing on the charges; however, there were no further developments by year's end.

The right of traditional village institutions to protect property and public order was codified in the Constitution as well as in earlier laws. Local traditional laws called Dina sometimes were used to resolve civil disputes between villages, and on occasion were used in urban areas. Because of the rise in crime, the uneven effectiveness of the judiciary, and the corruption of law enforcement, Dina jurisdiction sometimes was extended to criminal cases. Dina-based punishment could be severe and in the past had included death sentences; however, there were no reports of executions during the year. The less formal Dina process did not ensure internationally recognized standards of due process. Decisions based on Dina were not subject to codified safeguards for the accused; however, in some instances they could be challenged at the Appeals Court level. Cases also could be referred to the Office of the Mediator, which investigated and sought redress through formal judicial authorities.

Military courts were for the trial of military personnel only, were integrated into the civil judicial system, and differed only in the inclusion of military officers on jury panels. Defendants in military cases, as in civil cases, had access to an appeals process that reexamined points of law rather than questions of fact. A civilian magistrate, usually joined on the bench by a panel of military officers, presided over military trials.

The status of prisoners detained for their role in the political crisis was a major concern in the post-crisis period. The Ravalomanana government pursued those associated with the former government and in particular those who were known to

be behind the blockades placed on the roads linking the rest of the country with Antananarivo (see Section 2.d.). Those incarcerated, particularly those who served in the Gendarmerie or the Armed Forces at the time, continued to request, through their families, classification as political prisoners. Most were charged with treason; however, the detainees claimed they could not have committed treason because executive and governmental legitimacy were in question during the period, and they maintained their imprisonment was politically motivated. The NGO OFPACPA claimed the reprisals disproportionately targeted citizens of non-Merina ethnicity and thus added an ethnic factor to the political (see Section 5). Initially the Ravalomanana government did not allow access either by counsel or by families to these prisoners; however, prisoners were allowed visitors and counsel by year's end.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of the individual, his abode, and for the confidentiality of his correspondence; however, these provisions were not always respected. For example, on April 8, Ravalomanana supporters sympathizers looted and burned the homes of Jean Emile Tsaranazy and Gerard Andriamileravoson, respectively, Minister of the Ratsiraka government and Director General (Chief of Staff) in the office of the Presidency.

Militia members also arrested Dr. Roger Randriamihaja, another Ravalomanana supporter, as he emerged from the forest where he sought refuge after abandoning his home for fear of bands of pro-Ratsiraka militias. In these, as in approximately 50 similar cases catalogued by NGOs and foreign missionaries, forces on both sides disregarded constitutional provisions protecting the inviolability of the home and the person.

There were widespread reports that the Ravalomanana government initiated a write-in informer system in Toamasina Province.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, however, both the Ratsiraka and Ravalomanana governments limited those rights. During the early stages of the political crisis, the Ratsiraka government pressured private and state-owned media to curb or alter coverage of certain political developments. Journalists practiced self-censorship. At times the Government pressured the media to curb its coverage of certain events and topics, and there were reports that government personnel intimidated journalists.

There were four privately owned national daily newspapers and many other privately owned national and local news publications that published less frequently; however, in a country with a literacy rate of approximately 54 percent, the influence of print media was minimal.

After the post-crisis period, freedom of expression and critical political expression were permitted. In October the leadership of former president Ratsiraka's AREMA party took out a full-page advertisement in one of the country's main daily newspapers that was critical of President Ravalomanana's decision to dissolve the National Assembly. In August critical opinions of President Ravalomanana's decision to acquire an aircraft for presidential use was disseminated widely in the media, which prompted the Government to provide an official explanation on the decision through the Vice Prime Minister.

During the political crisis, there were widespread, credible reports of intimidation of journalists and employees of media outlets, especially by pro-Ratsiraka militias. For example, in May pro-Ratsiraka militia in Sambava arrested and transferred to the Pardes camp in Antsiranana, Tantelimalala Randriamanantsoa and Vola Julson Rafaralahy, both employees of a radio station called Tiako-I-Andapa (see Section 1.b.). According to SOSVN, each suffered physical abuse. They were charged with "broadcasting false news reports." After detaining the pair for 1 month, the Ratsiraka authorities dropped the charges.

The Government owned the only nationwide television and radio networks. There were more than 175 privately owned radio and television stations at the end of 2001; however, federal regulations restricted them from providing nationwide coverage.

In February the former Minister of Information cut off all transmissions from the state-owned Television Malagasy (TVM) and the state-owned national radio (RNM) after some of their commentators broadcast news of President Ravalomanana's first inauguration. The state-owned media stayed off the air for several weeks and then reopened. Some provincial affiliates preferred not to broadcast for fear of local reprisals.

During the crisis period, a number of private radio stations were ransacked, burned, or forced off the air. The Ravalomanana-owned Madagascar Broadcasting System (MBS) and its regional affiliates were the targets of attacks in Antsiranana

Province and elsewhere. In Antananarivo fires set by a mob forced the pro-Ratsiraka Tsiokavo radio station off the air. It was not clear if the mob was composed of Ravalomanana supporters or Ratsiraka supporters.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government at times limited the right in practice. The Government routinely issued permits for public meetings and demonstrations.

On January 25, a HCC decision calling for a second round of voting led Ravalomanana supporters to call a general strike. Beginning January 28, large crowds (up to several hundred thousand) of peaceful demonstrators gathered daily in Antananarivo for several months. The municipal government that was headed by Marc Ravalomanana permitted these demonstrations.

Despite being largely peaceful, some persons were killed when police used forces to disperse demonstrations. For example, on January 7, police in Antananarivo killed a young child with a tear gas canister they fired to disperse a peaceful pro-Ravalomanana demonstration.

In late February, President Ratsiraka declared a state of national emergency and martial law, which forbade most public gatherings and permitted government monitoring of suspicious individuals and groups; however, the monitoring was not effective in practice.

On March 15, 2 persons were killed and more than 40 injured when a group of Ravalomanana supporters, who accompanied Prime Minister-designate Jacques Sylla's attempt to take over the prime minister's offices in Antananarivo, clashed with elements of the military loyal to President Ratsiraka. There was no investigation or action taken by year's end.

The Constitution provides for the right of association and permits citizens to organize political parties and associations; however, the Constitution also explicitly forbids associations that "call into question the unity of the Nation, and those that advocate totalitarianism or ethnic, tribal, or religious segregation." There were 160 political parties throughout the island.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and both governments of the crisis period and the Ravalomanana government generally respected this right in practice.

Religious groups must register and obtain authorization from the Ministry of Interior; however, there were no reports that any group was denied registration during the year.

President Ravalomanana is a Vice President of the FJKM. The church, along with its Catholic, Anglican, and Lutheran counterparts (collectively known as FFKM) actively supported his candidacy for President and his policies during the political crisis. Members and facilities of the FJKM were frequent targets of pro-Ratsiraka forces (see Section 1.b.).

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, during the political crisis both governments restricted these rights. The fear of crime effectively restricted travel in some areas, especially at night.

During the period of political crisis, militias and provincial governors loyal to President Ratsiraka restricted freedom of movement. In response to rising insecurity during the political crisis, roadblocks were erected and curfews were imposed in the capital. In Antananarivo security forces and citizen supporters of Ravalomanana established nighttime roadblocks to control movement. Curfews and restrictions of movement tied to the state of martial law declared by Ratsiraka never were enforced.

In February student activists, militia, and security forces loyal to President Ratsiraka erected a barricade at Brickaville, a key junction leading to Toamasina, the country's principal port, and effectively blocked the flow of goods and people to and from Antananarivo until early August. Other national arteries similarly were blocked with varying degrees of success. There were reports of restrictions on the inter-provincial travel of vehicles and individuals from certain provinces and ethnic groups.

The country was a signatory to the 1951 U.N. Convention Relating to the Status of Refugees, although the Government has not signed the 1967 Protocol to the Convention. The law does not provide for the granting of asylum or refugee status; however, the Government cooperated closely with the U.N. High Commissioner for Refugees (UNHCR) in processing the small number of refugees or asylum seekers in the

country. The issue of provision of first asylum never has arisen. There were no reports of the forced return of persons to a country where they fear persecution.

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

The Constitution provides citizens the right to change their government peacefully; however, some degree of turmoil accompanied the three changes of government that occurred over the last 12 years.

The country nominally was a multiparty democracy in which power was divided between the executive, a bicameral assembly, an independent judiciary, and six autonomous provinces. Political and business leaders disproportionately influenced the administration of the country. Political parties coalesced around the single most powerful person, usually the President. "Pensee Unique," a national belief in which dissent was viewed as an attack on societal harmony, made a loyal opposition difficult in practice. Representatives of the President's political party usually controlled the National Assembly; however, that was not the case from May to October, and on October 16, the President decided to dissolve the National Assembly. The December 15 legislative elections resulted in a substantial majority (124 of 156) deputies declared elected for the President's TIM party and the pro-Ravalomanana National Alliance. International observer teams from the European Union and La Francophonie found the election process to be transparent and the results credible, despite some organizational and local problems. Elections are scheduled to be held in early 2003 in the four districts in which the HCC voided the December 15 results.

The Constitution stipulates that in a presidential election only a candidate who carries more than 50 percent of the popular vote in the first round may be declared the winner. If no candidate receive a majority, a second round is held between the two leading vote gainers. The candidate receiving the majority of second round votes is declared the winner.

Presidential elections were held in December 2001 amid widespread allegations that voter list tampering prevented a significant number of eligible voters from exercising their right to vote. Prior to the elections former President Ratsiraka reorganized the HCC and packed it with known supporters in a bid to control the outcome of the election.

According to the unofficial tally of the Ministry of the Interior, President Ratsiraka received 40.69 percent of the vote, while his main challenger, Mayor of Antananarivo Marc Ravalomanana received 46.49 percent. Rather than await a second round, the Ravalomanana camp demanded a recount and, with the support of civil society groups, performed a recount the results of which gave Ravalomanana slightly more than the 50 percent required. Amid increasing tensions, particularly in the capital, the HCC made an official recount, and in January the HCC confirmed the unofficial first round results with very slight variation.

Alleging fraud, Ravalomanana immediately disavowed the HCC's official count and called for a general strike. During the following month, the situation deteriorated amid growing demonstrations in the capital and ineffective mediation efforts between the principals. On February 22, Ravalomanana declared himself President and appointed Jacques Sylla as his Prime Minister. Within a week, Sylla announced the composition of his cabinet. In response President Ratsiraka declared martial law in Antananarivo and appointed a military governor for the province. On March 4, the five governors of the country's other provinces announced that the national capital had been transferred to Toamasina. On March 14, the symbolic occupation of the Prime Minister's offices by Jacques Sylla led to an armed clash that left two dead and many injured. Later in March, pro-Ratsiraka forces began a systematic campaign targeting the infrastructure of Antananarivo by destroying a bridge at Fatihita. Roadblocks were erected along all the arteries supplying the city, severely reducing the flow of goods and persons both in and out of the capital with severe economic and serious humanitarian consequences for the entire country (*see* Section 2.d.).

On April 16, the Administrative Chamber of the Supreme Court declared the reorganized HCC was established illegally by President Ratsiraka and ordered its pre-November 2001 members reinstated. This reconstituted HCC was charged with review of the returns from the December 2001 elections.

On April 18, Ravalomanana and Ratsiraka met in Dakar, Senegal, under the auspices of the African Union (AU) and signed the first of two agreements (Dakar I) designed to end the deepening political crisis. The agreement reflected the Administrative Chamber's ruling and called for a recount of first-round ballots. It also outlined, in some detail, a framework to be implemented should, in that recount, neither of the two candidates received the required 50 percent of the popular vote. On April 29, 11 days after Dakar I was signed, the HCC announced the results of it

recount, awarding Marc Ravalomanana 51.46 percent of ballots cast and declared him the first-round winner of the presidential election.

In response to that ruling, President Ratsiraka, with the support of five provincial governors, tightened the blockade of Antananarivo and increased attacks on the bridges leading to the capital and the nation's electrical infrastructure. On May 6, President Ravalomanana was sworn in a second time as President in Mahamasina Stadium in Antananarivo. In June the armed forces and the Gendarmerie Nationale pledged their support to the Ravalomanana government. After a second, failed AU-brokered attempt to resolve the crisis (Dakar II), the Ravalomanana government decided to use force to dismantle the blockades and seize control of the whole country. Within 2 weeks the major coastal cities of Tulear, Mahajanga, and Antsiranana were retaken with only token resistance from President Ratsiraka's forces. On July 8, government forces entered the Ratsiraka stronghold of Toamasina 1 day after President Ratsiraka left the country for France.

There were 11 women in the 150-member National Assembly dissolved in October and 9 women in the 90-member Senate at year's end. There were 8 women in the 160-member National Assembly elected in December.

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

A number of local and international human rights groups, including SOSVN, OFPACPA, the ICRC, and CRS operated without government restrictions, and freely investigated, published, and otherwise disseminated their findings on human rights issues. These organizations reported that Ravalomanana government officials cooperated with their requests and were responsive to their views.

The Constitution requires the Government to create organizations that promote and protect human rights. The National Commission for Human Rights (CNDH) undertook public awareness campaigns and workshops with international NGOs that nevertheless were limited in their overall impact. The CNDH was apolitical and in practice generally remained separate from partisan politics. During the political crisis, the CNDH suspended its work in part because its meetings had become forums for political invective. The CNDH resumed work in the second half of the year and tentatively planned to publish its report in early 2003.

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

The Constitution prohibits all forms of discrimination. No specific government institutions were designated to enforce these antidiscrimination provisions.

Women.—Domestic violence against women was not widespread. Police and legal authorities generally intervened when physical abuse was reported. The prohibition against rape was the only statute specifically to address violence against women. Spouses can be tried for nonrape abuses, generally under civil law. There were reports in media and public acknowledgements of a domestic violence problem, including reports of battered women. In December the Government launched the first national campaign highlighting domestic violence.

Prostitution is not a crime; however, related activities, such as pandering, are criminal. Incitement of minors to debauchery is a crime. The Ratsiraka government acknowledged the existence of sexual tourism and undertook an awareness campaign; however, the political crisis and lack of resources precluded the Ravalomanana government from addressing the problem.

Under the law, wives have an equal voice in selecting the location of the couple's residence, and they generally receive an equitable share of common property on divorce. Widows with children inherit half of joint marital property. A tradition known as "the customary third" occasionally was observed in some areas. Under this custom, the wife had the right only to one third of a couple's joint holdings; however, a widow received a government-provided pension, while a widower did not.

There was relatively little societal discrimination against women in urban areas, where many women owned or managed businesses and held management positions in state-owned companies. The latest information from the Ministry of Labor indicated that women owned 30 percent of formal sector companies and 53 percent of informal sector companies. A number of NGOs focused on the civic education of women and girls and publicized and explained their specific legal protections; however, due to cultural traditions, few women lodged official complaints or sought redress when their legal rights were compromised.

Children.—The Ministry of Health, the Ministry of Education, and the Ministry for Population and the Condition of Women and Children were responsible for various aspects of child welfare. Lack of funds insured that public services in this area remained inadequate. Lack of funding also precluded the compilation of reliable statistics.

The Constitution provides for free public education for all citizen children and makes primary education compulsory for all. According to the Government's Interim Poverty Reduction Strategy Paper (IPRSP) prepared in 2000, only 50 percent of primary school-age children were enrolled (*see* Section 6.d.).

There were no reports of societal patterns of child abuse. There were reports that in 2001 children charged with crimes were incarcerated with the general prison population (*see* Section 1.c.).

Persons with Disabilities.—There was no official discrimination against persons with disabilities in employment, education, or in access to state services. The law broadly defines the rights of persons with disabilities. Handicap International Madagascar, an NGO advocate for persons with disabilities, led the fight for legislation mandating equal access for persons with disabilities and the establishment of the National Commission to Safeguard and Promote the Rights of Disabled Persons.

National/Racial/Ethnic Minorities.—The Malagasy, of mixed Malay-Polynesian, African, and Arab descent, were divided into 18 tribes, a term without pejorative overtones in the country. The vast majority of Malagasy spoke a single Malagasy language, albeit with certain regional idiosyncrasies. None of the 18 tribes constituted a majority and there were large minorities of Indo-Pakistani and Chinese heritage.

A long history of military conquest and political dominance raised the status of highland ethnic groups of Asian origin, particularly the Merina, above that of coastal groups of African ancestry. The imbalance persisted to this day and fueled an undercurrent of tension between Malagasy of highland and coastal descents. Ethnicity, caste, and regional solidarity often were factors in hiring practices.

A significant Indo-Pakistani (Karana) community has been present for over a century. Traditionally engaged in commerce, the Karana numbered approximately 20,000 persons. Few of them held Malagasy citizenship, which was acquired through a native-born Malagasy mother. Indo-Pakistani merchants were mistrusted widely. During the political crisis, Karana businesses were vandalized on numerous occasions, and the authorities generally were slow to respond to these disturbances. In October President Ravalomanana met with Karana business leaders and expressed a willingness to look into citizenship issues raised by their community.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Code provide workers in the public and private sectors with the legal right to establish and join labor unions of their choosing without prior authorization; however, essential service workers, including police and military personnel, may not form unions. Unions were required to register with the Government, and registration was granted routinely. Ministry of Labor statistics indicate that less than 5 percent of workers in export processing zone (EPZ) companies and less than 10 percent of all workers were unionized. There were a number of trade union federations, many of which were affiliated formally with political parties. During the political crisis, union participation was evident in numerous mass demonstrations throughout the country, particularly in those held in Antananarivo in support of President Ravalomanana.

The Labor Code prohibits discrimination by employers against labor organizers, union members, and unions. In the event of antiunion activity, unions or their members may file suit against the employer in civil court. Labor laws apply uniformly throughout the country; however, the Government's enforcement of labor laws and regulations was hampered by a lack of staff and financial resources.

In 2001 the International Labor Organization (ILO) noted a number of instances in which the Government failed to bring law and regulation into conformity with existing conventions or otherwise submit texts for ILO review, including those addressing forced labor, freedom of association, safeguarding of machinery, hygiene in commerce and offices, and weight limits. The political crisis prevented these issues being addressed during the year.

Unions may join international labor organizations and may form federations or confederations.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for the right of workers to bargain collectively. The Labor Code states that either management or labor may initiate collective bargaining. In practice the condition of the economy insured that collective bargaining agreements remained rare. Despite the existence of several public employees unions, few public employees were union members; however, during the year, public employees demonstrated a significant capacity to act in concert, particularly with respect to political matters.

The Constitution provides for the right to strike, within parameters fixed by law. This right extended to the EPZs, where several politically motivated strikes oc-

curred during the year, even in the absence of organized unions. These strikes were primarily driven by political considerations; however, work-related issues emerged, such as demands for wage increases.

Workers in essential services have a recognized but restricted right to strike and exercised this right in the past. The Labor Code calls for workers to exhaust all options including conciliation, mediation, and arbitration before resorting to strikes. These provisions were not always observed. During the year, there was a short, non-disruptive strike over compensation by teachers grading middle school examinations. The strike ended with the examiners receiving a 50 percent—approximately \$7 to \$11 (50,000 to 79,000 FMG)—increase in the compensation they received to grade the exams.

There were reports that union members working in EPZs were mistreated and sometimes fired. Workers had recourse through the Ministry of Civil Service, Labor, and Social Laws' Office of Work for Dismissals and the Office of Social Protection for mistreatment. There were many EPZs that in practice were firms operating under special import and export rules. Such firms were required to follow all pertinent labor laws and regulations, including minimum wage laws; however, the Government allegedly did not enforce its labor laws adequately in the EPZs due to inadequate resources. The EPZs generally used worker representation councils whose members were elected by the employees but were not necessarily union representatives. These representatives frequently were perceived to be subject to pressure from management and to lack autonomy.

c. Prohibition of Forced or Bonded Labor.—The Labor Code prohibits forced or bonded labor, including by children; however, at times the Government did not respect this prohibition. For example, in the past there were reports that prisoners were used in private industry or for domestic functions; however, there were no reports that officials of the Ravalomanana government engaged in these practices.

Some press reports indicated workers at times were compelled under threat of loss of employment to work beyond the legal limits (see Section 6.e.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code defines a child as any person under the age of 18 years. The legal minimum age for employment was 15 years, and work by persons under the age of 18 statutorily was prohibited at sites where there was an apparent and imminent danger to health, safety, or morals. Individuals under 18 years of age also were forbidden from performing night work. The Government enforced child labor laws in the formal economic sector by means of inspectors from the Ministry of Civil Services. Enforcement in the much larger informal sector remained a serious problem. Child labor was a problem. Nearly 20 percent of urban children and 60 percent of rural children between the ages of 7 and 14 were employed. Children in rural areas generally dropped out of school to help on family farms and urban children often worked as domestic laborers and servants. In the agricultural sector, work for children on the family subsistence farm may begin at an even younger age. In cities many children worked in occupations such as transport of goods by rickshaw and petty trading. Effective implementation of the provisions of ILO Convention 182 on the worst forms of child labor was hampered by a lack of financial resources and the political crisis.

e. Acceptable Conditions of Work.—The Labor Code and its implementing legislation prescribe working conditions and wages, which were enforced by the Ministry of Civil Service, Labor, and Social Laws. The law makes separate provisions for agricultural and nonagricultural work.

The Government set the minimum wage at approximately \$25 (180,000 FMG) per month for the nonagricultural private sector. The national minimum wage did not provide a decent standard of living for a worker and family, particularly in urban areas. Although most employees know what the legal minimum wages were, in practice those rates were not always paid. High unemployment and widespread poverty led workers to accept lower wages.

The standard workweek was 40 hours in nonagricultural and service industries and 42½ hours in the agricultural sector. Although labor legislation limits workers to 20 hours of overtime per week, employees often were required to stay on until production targets were met. In some cases, this overtime was unrecorded and unpaid.

The Labor Code sets rules and standards for workers safety and worksite conditions. Women and minors may not work in positions that might endanger their health, safety, or morals. Inspectors from the Ministry of Civil Service, Labor, and Social Laws monitored labor conditions; however, they usually were able to cover only the capital region effectively. In the past, the cost of protective clothing and other safety devices often led firms to forego their use. If violators do not remedy

cited violations within the time allowed, they may be sanctioned legally or assessed administrative penalties. CNAPS, the country's equivalent of the Social Security Administration, published reports on workplace conditions, occupational health hazards, and workplace accident trends. Workers did not have an explicit right to leave a dangerous workplace without jeopardizing their employment. The Labor Code applies to all workers; however, foreign workers must have a valid visa to be protected.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, in the past, there were reports of trafficking in women and girls for prostitution between Madagascar and the neighboring islands of Mauritius and Reunion. The number of persons involved was difficult to determine. There were no reports of arrests for trafficking. While the Government has expressed concern about trafficking, it lacked the resources to address it effectively.

MALAWI

President Bakili Muluzi of the United Democratic Front (UDF) party led the Republic of Malawi, which in 1999 held its second democratic multi-party presidential and parliamentary elections since independence in 1964. Independent observers concluded that the elections were free and substantially fair; however, there was limited opposition access to media and problems in voter registration, and the opposition lost appeals of the results in the courts. The 10 parliamentary by-elections held since 1999 have been marred by increasing violence, allegations of vote fraud, and contested results. Constitutional power was shared between a popularly elected president and the 193-member National Assembly. The UDF had 96 seats in the National Assembly; the Malawi Congress Party (MCP) had 61 seats; Alliance for Democracy (AFORD) had 30 seats; and there were 6 independent members. There was no clear-cut ideological difference among the three political parties. The Government respected the constitutional provisions for an independent judiciary; however, the judicial system was inefficient and lacked resources.

The National Police, headed by the Inspector General of Police under the Ministry of Home Affairs, were responsible for internal security. The police occasionally called on the army for support. Some members of the security forces committed serious human rights abuses.

The country was very poor, with a narrow economic base characterized by a small and highly concentrated industrial sector, low levels of foreign and domestic investment, and few mineral resources. The country's population was estimated to be 10,386,000, and agriculture dominated the economy, employing more than 80 percent of the labor force. The Government continued to move forward with its multi-sector privatization program and endorsed private sector participation in infrastructure. Wealth remained highly concentrated in the hands of a small elite. Annual per capita income was approximately \$178.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. Police use of excessive force or negligence resulted in some unlawful killings, including deaths of detainees while in, or shortly after release from, police custody. The police continued to beat and otherwise abuse detainees and to use excessive force in handling criminal suspects. Prison conditions remained harsh and life threatening and resulted in a large number of deaths. Arbitrary arrest and detention were common, and lengthy pretrial detention was a serious problem. An inefficient, understaffed, and underfunded judicial system limited the ability of defendants to receive a timely, and in some cases, fair trial. Security forces at times infringed on some privacy rights. The Government generally respected freedom of speech and the press; however, there were some exceptions. Limited self-censorship existed. At times police used force against demonstrators. Violence against women was common, and women continued to experience severe societal discrimination. Abuse of children remained a problem. Child labor, including instances of forced child labor, also was a problem. There were reports of trafficking in persons. Mob violence triggered by anger over high levels of common crime resulted in mob executions of alleged criminals. Malawi was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings; however, there were unlawful killings, including deaths of detainees while in, or shortly after release from, police custody. These deaths involved possible use of excessive force or possible negligence. A large number of prisoners died largely due to harsh prison conditions (*see* Section 1.c.). Inquests into deaths in custody were not routine.

In November 2001, Evison Matafale, a popular reggae star who was arrested for allegedly distributing seditious documents, died while in police custody. An investigation by the Human Rights Commission (HRC) concluded that the police were not at fault and that he died of illness; however, his time in prison may have hastened his death.

In December 2001, police forcibly dispersed a student demonstration and shot and killed a student demonstrator in Zomba. The HRC determined that indiscriminate shots fired by police officers led to the death of the student and injury to a bystander. The HRC recommended that the Inspector General of Police prosecute the officers responsible for the shooting; however, it subsequently complained publicly of the lack of cooperation from the Inspector General. In September the student's family initiated a lawsuit against the Attorney General to seek compensation for loss of his life.

In August violent clashes between supporters of the ruling United Democratic Front (UDF) and National Democratic Alliance (NDA) pressure group resulted in the death of a UDF party official (*see* Section 2.b.).

Frustrated by inadequate law enforcement and rising crime, angry mobs sometimes resorted to vigilante justice in beating, stoning, or burning suspected criminals to death. For example, on September 23, an angry mob in Mulanje beat to death a boy for stealing a bicycle. No arrests were made; however, the police were conducting investigations. In March the Minister of Home Affairs acknowledged that reports of mob justice were increasing with the rise in thefts due to the food shortage. Between January and March, citizens in several communities killed more than 80 suspected thieves caught stealing maize. There was no action taken by authorities in these cases by year's end.

No action was likely to be taken against the members of a mob who in March 2001 in the town of Mulanje beat to death a man charged with armed robbery.

There was one person tried, convicted, and sentenced to death for serial killings in 2000; however, the death penalty still had not been carried out by year's end. The President stated publicly that the death penalty would not be used while he was in office.

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

c. Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, police continued to beat and otherwise abuse detainees and to use excessive force in handling criminal suspects. The Inspectorate of Prisons was an investigative body mandated by the Constitution, and the findings of its 2000 report were considered indicative of prison conditions by domestic and international nongovernmental organizations (NGOs). The report noted that techniques used by police included beatings, physical assault, and the use of wire instead of handcuffs to restrain prisoners and to force confessions. Police sometimes hid these abuses by keeping prisoners in police custody until wounds healed before turning them over to the prison system for remand. The mistreatment partly was due to the mistaken belief of many police officers that the law required them to present a case (not just charges) to the court within 48 hours of arrest. Lack of financial resources for appropriate equipment, facilities, and training also contributed to mistreatment.

Police forcibly dispersed demonstrations during the year (*see* Section 2.b.).

Police continued efforts to improve investigative skills and to introduce the concept of victims' rights through workshops and other training exercises, particularly in the areas of sexual abuse and domestic violence (*see* Section 5). While higher-ranking officials demonstrated familiarity with new standards for the humane treatment of prisoners, their subordinates commonly employed unacceptable techniques. The Government continued to seek community involvement in its comprehensive reform of the police. The four pilot programs that provided community service alternative for some offenders and were initiated in 2000 had been introduced to all parts of the country by year's end. A refresher course on community service was conducted for lower ranking magistrates in October.

Prison conditions remained harsh and life threatening. The overcrowding, inadequate nutrition, substandard sanitation, and poor health facilities remained serious problems.

In October inmates at Zomba central prison rioted to protest inadequate food supplies. One inmate was shot and killed and four others were injured. During the year, a total of 29 inmates died in prison, mostly due to HIV/AIDS.

Although women were not kept in separate facilities, they were segregated within the prison compound and watched over by female guards. Although four prisons were supposed to have separate facilities for juveniles, the separation was inadequate in practice. In the other prisons, juveniles were incarcerated with adults. The law requires pretrial detainees to be held separately from convicted prisoners; however, many prisons could not comply with this law due to lack of space and inadequate facilities.

The Inspectorate of Prisons, domestic NGOs, and international NGOs were permitted to make visits to monitor prison conditions without government interference. NGOs reported good collaboration with prison authorities. During the year, NGOs visited many of the prisons; however, unlike in the previous year, there were no formal visits by the Prison Reform Committee.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides the accused the rights to challenge the legality of detention, to have access to legal counsel, and to be released on bail or informed of charges by a court of law within 48 hours; however, these rights seldom were respected in practice. The use of temporary remand warrants was widespread and used to circumvent the 48-hour rule. Police often resorted to beatings to obtain information deemed necessary to their cases (*see* Section 1.c.). In cases where the court determined that a defendant could not afford to supply his own counsel, legal services were provided by the Government. With few persons able to afford legal counsel, the country's seven public defenders could not represent all indigent detainees in a timely manner. Bail frequently was granted to reduce prison overcrowding. Its use often bore only a tenuous relationship to the merits of an individual's situation.

The prison system was meant to accommodate 4,500 inmates; however, during the year, there were 8,784 inmates, of whom 2,608 were pretrial detainees. There were 396 juveniles among the inmates of whom 163 were pretrial detainees. There were 89 women in prison and 39 were pretrial detainees. In July President Muluzi pardoned a woman who gave birth in prison after her story was highlighted in the press. Police were accused of arbitrary arrests due to political motives.

During the year, a priest was arrested for possession of seditious material (*see* Section 2.a.)

In September police arrested the regional governor for the Malawi Forum for Unity and Development (MAFUNDE) opposition party for honking his car horn in protest of a constitutional amendment to allow for three consecutive presidential terms (*see* Section 2.b.).

The Government did not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, the judicial system was inefficient and was handicapped by serious weaknesses, including poor record keeping, a shortage of attorneys and trained personnel, a heavy caseload, and a lack of resources. In August court operations were affected by a judicial support staff strike demanding better working conditions (*see* Section 6.b.). Human rights organizations widely criticized the strike because it increased prison congestion and denied many persons access to the courts.

The Constitution provides for a High Court, a Supreme Court of Appeal, and subordinate magistrate courts. The Chief Justice is appointed by the President and confirmed by the National Assembly. The President appoints other justices, following a recommendation by the Judicial Service Commission. All justices are appointed until the age of 65 and may be removed only for reasons of incompetence or misbehavior, as determined by the President and a majority of the Parliament.

In November 2001, members of the UDF ruling party submitted motions in the National Assembly to impeach three High Court justices on allegations of judicial misconduct and incompetence. The National Assembly curtailed the Judicial Service Commission investigation into the cases and voted in favor of removal of the three justices. In December 2001, the President dropped all charges against one justice and ordered the Judicial Service Commission to reconvene to complete its assessment of the allegations against the remaining two justices. On May 7, President Muluzi pardoned the remaining two justices.

By law defendants have the right to a public trial but not to a trial by jury; however, in murder cases, the High Court used juries of 12 persons from the defendant's

home district. Defendants also were entitled to an attorney, the right to present and challenge evidence and witnesses, and the right of appeal. However, the judiciary's budgetary and administrative problems effectively denied expeditious trials for most defendants. During the year, the Department of Public Prosecutions had 7 prosecuting attorneys and 11 paralegals. The paralegals served as lay prosecutors and prosecuted minor cases in the magistrate courts. Lack of funding and a shortage of attorneys created a backlog mainly in murder cases. In September, with funding from donors, the Director of Public Prosecution (DPP) stated that his office would prosecute 200 murder cases by December, and a total of 103 cases had been completed by year's end.

In April the High Court conducted a weeklong workshop for magistrates on laws related to corrupt practices. In June another training workshop was held on gender sensitization for magistrates and led to the drafting and publication of a manual for use by magistrate courts.

The 2000 amendment to the law provided for an expansion of the civil jurisdiction of magistrates, simplified small claims procedures, and gave magistrate courts jurisdiction over customary marriages. The amended law permitted more cases to be handled by magistrate courts that in the past had been referred to the High Court.

Juvenile offenders have special rights under the Constitution, including the right to be separated in custody from adults, to be treated in a manner that recognizes their age and the possibility for rehabilitation, and to be exempt from the punishment of life imprisonment without the possibility of release. However, the protections they are accorded in principle often were denied in practice, and many juvenile offenders were incarcerated with adults (*see* Section 1.c.).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, the Government at times infringed on these rights. Army and police forces, in carrying out sweeps for illegal weapons, did not always obtain search warrants as required by law.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, there were some exceptions. Limited self-censorship existed.

In September the President publicly criticized two opposition newspapers during a political rally for "irresponsible journalism." He criticized the Daily Times for reporting the comments of a local NGO representative that contradicted statements made by the President. The Chronicle was also criticized for attempting to incite civil unrest after an article was published quoting a letter by a group in the Malawi Muslim community that threatened "jihad" against Christians.

In October a ruling UDF parliamentarian assaulted a journalist on the premises of the National Assembly. The Speaker of the National Assembly announced his office would launch a formal inquiry on the matter; however, there were no results reported by year's end.

There were no further developments since the completion in August 2001 of a 2-year review of the Censorship Act by the Law Commission.

In June a Catholic priest was arrested in Kasungu for possession of seditious material. The priest had documents opposing the constitutional amendment to eliminate presidential term limits that he was translating into the local language. On June 17, he was released on bail, and there was no new information regarding the case by year's end.

In December 2001, a prominent businessman who is a member of "Concerned Citizens of Malawi" and the opposition pressure group NDA was arrested on charges of sedition. He reportedly wrote more than 100 letters criticizing government policy, the President's alleged shortcomings, and deteriorating democratic standards in the country. In April the High Court acquitted the businessman.

A broad spectrum of political and ideological opinion was available in the country's two dozen newspapers and usually without government interference. However, the Government continued to threaten and harass members of the media. For example, on May 20, the then Minister of State Responsible for Presidential Affairs, Dr. Dumbo Lemani, led a march by ruling UDF supporters to the Blantyre Newspapers Company, publishers of the two independent newspapers, The Daily Times and weekly Malawi News. The marchers threatened journalists who had written articles that opposed a bill to amend the Constitution to abolish term limits for the President.

The May 2001 case against a journalist, a printer, and four newspaper vendors who were arrested for distributing an edition of The Dispatch newspaper, which contained articles that the Government stated would "cause public fear and alarm,"

still was pending at year's end. The Dispatch newspaper has not published since the arrests.

The state-owned Malawi Broadcasting Corporation (MBC) dominated the radio market with its two stations, transmitting in major population centers throughout the country. News coverage and editorial content clearly were progovernment. In 2000 four employees of MBC allegedly were suspended due to insufficient loyalty to the ruling party. The Office of the Ombudsman began an investigation of the incident; however, the High Court ruled that the Ombudsman had no jurisdiction on labor related matters. The Ombudsman appealed to the Supreme Court, and in April the Supreme Court ruled in favor of the Ombudsman to proceed with the investigations. The investigation was ongoing at year's end.

There were 10 private radio stations; all broadcasting on FM frequencies with limited coverage and only in urban areas. There were two commercial stations broadcasting in Blantyre. There was a rural community radio station run by local women with the help of the Malawi Media Women's Association. In May 2001, the Malawi Institute of Journalism opened a private training-commercial radio station. Six religious stations broadcast in the capital and other major cities. Government-owned Television Malawi (MBC-TV) was the country's sole television broadcaster.

In violation of the law, the MBC consistently denied opposition candidates equal access to the media during the 1999 presidential and parliamentary election campaigns and the 2000 local government campaigns. In contrast slogans and songs of the ruling UDF party advertising upcoming political rallies were broadcast throughout the year. The Government limited television broadcasting with editorial control similar to that on MBC radio.

The Malawi Communication Regulatory Authority, an independent regulatory body, issued broadcasting licenses for radio, television, and Internet service providers (ISP). The Government split the state-owned Malawi Posts and Telecommunication Corporation into the Malawi Posts Corporation and the Malawi Telecommunications Limited in preparation for the privatization of MTL. There were two cellular telephone service providers and nine ISPs. On September 13, a third cellular telephone license was awarded.

The Government did not restrict academic freedom. In November 2001, police officers searched the home of a Chancellor College Professor on suspicion that he was in possession of documents that were "likely to cause a breach of peace." No documents were found, and no action was taken against the responsible police officers by year's end.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, there were instances in which police limited this right.

Authorities routinely granted official permits, which are required by law for large meetings; however, in August police reportedly refused to grant opposition leaders permission to hold political rallies. Police cancelled the opposition MAFUNDE rallies in the southern region of the country citing potential violence between MAFUNDE and UDF party supporters. There were reports that police also cancelled rallies by the Malawi Congress Party.

In May President Muluzi issued a ban on all demonstrations related to a constitutional amendment bill to abolish presidential term limits. In June armed police in Blantyre stopped a public debate about the bill. On September 15, President Muluzi renewed the ban; however, on September 24, ruling UDF supporters demonstrated in the streets of Blantyre in support of President Muluzi's third-term bid despite the ban. No police action was taken against the demonstrators. On September 17, a member of MAFUNDE was arrested in Mzuzu for sounding his car horn in opposition to the constitutional amendment bill. He was charged with "conduct likely to cause breach of peace." On September 19, he was granted bail; however, when his trial began on October 29, the charges had been amended to a traffic violation for "excessive use of a car horn." He was acquitted of all charges on November 21. On October 22, the High Court ruled the President's ban on demonstrations unconstitutional.

In November police used tear gas to disperse forcibly a demonstration in Blantyre organized by the Forum for the Defense of the Constitution (FDC) to protest a constitutional amendment to allow for three consecutive presidential terms. Violence erupted when members of the ruling UDF party attacked the FDC demonstrators.

In August violent clashes between supporters of the UDF and NDA resulted in the death of a UDF party official. On August 28, the Government issued an ultimatum to the NDA to register as a political party or risk an official government ban as an organization that promotes violence and subversion under section 64 of the Penal Code. The NDA contested the constitutionality of ultimatum in the High Court, and on September 15, the President extended the deadline for complying

with the ultimatum to December. The High Court would not rule on the case until the deadline for registration had been missed by the NDA, and NDA representatives have publicly said that they plan to register the NDA as a party in January 2003.

In December 2001, police forcibly dispersed a student demonstration at Chancellor College in Zomba, which resulted in one death and one injury. The Joint Commission established by police and college representatives in December 2001 investigated the incident and in January referred a report to the University of Malawi's central office for review. No further actions were reported by year's end.

The Constitution provides for freedom of association, and the Government respected this right in practice. The Government required organizations, including political parties, to register with the Registrar General in the Ministry of Justice. Although no political party has been denied registration, the Government threatened to deregister the Malawi Forum for Unity and Development for using Malawi in its official name, which is a protected word under the law. However, on September 2, the Government granted approval of the use of Malawi in the party's name.

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

There were no separate requirements for the recognition of religions, but religious groups must register with the Government. There were no reports that the Government refused to register any religious group during the year.

Some opposition politicians and clerics have raised Islam as a political issue. Citing the President's adherence to Islam, his contact with Islamic countries such as Libya, Iran, and Sudan, and the building of new mosques, some opposition politicians and clerics have accused the UDF of attempting to "Islamicize" the country.

Foreign Christian missionaries experienced occasional delays in renewing employment permits; however, this appeared to be the result of bureaucratic inefficiency rather than a deliberate government policy against foreign missionaries. Missionaries and charitable workers pay lower fees for employment permits than do other professionals.

There were generally amicable relations between the various religious communities; however, there were a small number of reports of clashes between Muslims and Christians.

In February the Muslim Association of Malawi (MAM) filed a complaint with the Religious Affairs Coordinator for the Office of President and Cabinet regarding the activities of a Christian missionary group in Mangochi district. The MAM accused the Christian group of entering mosques to convert Muslims to Christianity and of disseminating inflammatory publications about Islam. On February 22, the Religious Affairs Coordinator attempted to convene a forum with MAM, the Malawi Council of Churches, and leaders of the missionary group to discuss a peaceful resolution to the problem; however, the meeting was cancelled due to a lack of funding. In April the same missionary group contacted the Religious Affairs Coordinator, the Deputy Inspector General of Police, and the local Mangochi district police to report that they heard that the Muslim community in Mangochi district planned to harm them; however, there were no reports that any violence occurred.

On December 18, police arrested four members of the Seventh-Day Apostolic Church in Blantyre for allegedly instigating a clash with local Muslims. On December 15, a violent dispute occurred when church members began comparing Christianity and Jesus with Islam and Mohammed in a market square. Three persons were injured and property was damaged in the clash; however, there was no further action taken by year's end."

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected 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; however, there were long delays in the process. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) in providing protection and assistance to refugees. According to the UNHCR, the country hosted 9,674 refugees, primarily from the Democratic Republic of the Congo, Rwanda, and Burundi, at the country's refugee center in Dowa. The majority of refugees resided at the Dzaleka camp, and the UNHCR estimated that approximately 200 new refugees arrived each month. Although the Government granted refugee status, the law does not accept refugees for permanent resettlement and does not permit them to work or study; however, while no legal framework existed, the Government allowed refugees to seek both employment and educational opportunities. UNHCR, NGOs,

and the Government collaborated to provide children in refugee camps with access to education. A new school was completed at the Dowa refugee camp in 2001.

The country has provided first asylum to numerous refugees and continued to provide first asylum to new refugees as required. Asylum applicants were granted hearings to make their case for asylum status. The Government denied asylum to many of the Rwandans and Congolese who either had requested asylum in another country or had the opportunity to do so.

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 exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage for citizens 18 years of age and older. International election observers found the 1999 presidential and parliamentary elections to be free and substantially fair; however, the electoral process was flawed, as opposition access to the broadcast media was limited; there were voter registration problems in some areas of the country; and the Electoral Commission at times displayed bias in favor of the ruling party. President Muluzi was reelected to serve a second 5-year term, defeating Gwanda Chakuamba, the joint presidential candidate of the two leading opposition parties, the MCP and AFORD. The opposition challenged the outcome of the presidential vote, and in May 2000, the High Court ruled in favor of the President. In October 2000, the Supreme Court of Appeal upheld the High Court ruling in favor of the President.

President Muluzi, First Vice President Justin Malewezi, and a 38-member cabinet exercise executive authority. The second vice-presidency remained vacant. The executive exerted considerable influence over the legislature; the legislature followed a hybrid parliamentary system, and consequently a number of Cabinet ministers also sit as Members of Parliament (M.P.'s).

On August 27, senior UDF officials stated that a constitutional amendment bill to allow the President to seek three consecutive terms would be introduced in the October session of Parliament. On September 6, the Government announced officially that it would introduce the bill in Parliament; however, the bill was neither introduced nor withdrawn in its entirety, and there was no action taken on the bill by year's end. President Muluzi banned all demonstrations relating to this amendment (*see* Section 2.b.).

Local government elections to select councilors and mayors, as mandated under the law, were held in November 2000, and were conducted in an open and transparent manner according to local and international observers; however, they were marked by low voter turnout, allegations of voter and candidate intimidation, and unequal access to the media. The ruling UDF won more than 70 percent of the seats; opposition parties and some NGOs criticized the Government for manipulating the process.

Although the Government did not prevent the operation of opposition political parties, the parties continued to allege that the Government used bribery and other inducements, including violence, to encourage opposition party divisions and defections of key personnel to the ruling party. In July the Anti-Corruption Bureau (ACB) began investigations of some opposition M.P.'s who allegedly were bribed to vote in favor of the constitutional amendment bill to abolish presidential term limits. The investigations were ongoing, and no indictments had been made against any political figures at year's end.

During the year, the authorities were accused of refusing to grant opposition leaders permission to hold political rallies (*see* Section 2.b.).

There were no laws that restricted the participation of women or ethnic minorities in the political process. There were 17 women in the 193-seat National Assembly, and there were 8 women in the 38-member Cabinet. Women were approximately 25 percent of the civil service. There were 2 women justices among the 22 Supreme and High Court justices. During the 1999 presidential and parliamentary elections, approximately 55 percent of registered voters were women.

A citizen of European origin, several citizens of mixed ethnicity, and one citizen of Asian origin were members of the National Assembly.

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

A wide variety of domestic and international human rights groups operated without government restriction, training civic educators, advocating changes to existing laws and cultural practices, and investigating and publishing their findings on

human rights cases. Government officials generally were cooperative and responsive to their views.

The Ombudsman was mandated by the Constitution to investigate and take legal action against government officials responsible for human rights violations and other abuses. The Ombudsman's freedom of action was circumscribed by legislation that requires a warrant and a 3-day waiting period to gain access to certain government records. The activities of the Ombudsman were subject to judicial review, and in a 2000 case involving MBC employees allegedly dismissed on political grounds, the Supreme Court upheld a constitutional provision that granted the Ombudsman discretionary authority to investigate any and all cases where it was alleged that a person has suffered injustices, except when there was a judicial remedy available (*see* Section 2.a.).

The Constitution provides for a National Compensation Tribunal (NCT) to adjudicate claims of criminal and civil liability against the former government. As of September, the NCT had registered more than 23,000 claims, of which 600 had been compensated fully and 7,000 had been awarded interim compensation payments. The NCT's original constitutional mandate did not permit the registration of new claimants after December 31, 2001 deadline; however, during the year, the registration deadline was extended until July 13, 2003. The extension of the deadline for registration could impact seriously NCT's estimated \$300 million (MK 24 billion) budget to cover 16,000 claims for 10 years. The NCT's lack of funds limited its ability to settle claims.

The constitutionally mandated HRC was charged to monitor, audit, and promote human rights provided for under the Constitution, and to carry out investigations regarding violations of any human rights. Despite limited resources, in September 2001, the HRC issued its 2000 Human Rights Report, which described 172 complaints of human rights violations such as overcrowding and poor sanitation in prisons, lack of proper medical attention to sick prisoners, political violence during the Kasungu by-elections, long periods of pretrial detention, and the lack of opposition access to the media during elections. The Government has refuted publicly the report's findings. In August and September, HRC conducted public hearings in major cities on political and religious intolerance. Both human rights groups and political leaders acknowledged that political violence had increased during the year. The 2001 HRC report was still in draft form at year's end.

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

The Constitution specifically provides for equal rights for women, forbids discrimination based on language or culture, and provides for equality and recognition before the law for every citizen; however, in practice the capacity of government institutions to assure equal rights for all citizens was limited.

Women.—Domestic violence, especially wife beating, was common. Society has begun to take the problem of violence against women seriously. The press published frequent accounts of rape and abuse, and the judiciary continued to impose heavier penalties on those convicted of rape. However, domestic violence seldom was discussed openly by women. In April 2001, an NGO in Lilongwe established the country's first confidential shelter for women who were victims of physical or sexual abuse. Between April and December 2001, 72 women sought protection at the shelter. Police did not normally intervene in domestic disputes.

Press coverage of domestic violence increased substantially following a November 2001 conference called "Sixteen Days of Activism" sponsored by NGOs in cooperation with the Ministry of Gender and Community Service. NGOs sponsored subsequent workshops to inform local tribal leaders and journalists of the importance of legislation against domestic violence with a specific focus on spousal rape.

There was anecdotal evidence that a few small ethnic groups practiced female genital mutilation (FGM).

Trafficking in women and girls was a problem (*see* Section 6.f.).

Under the Constitution, women have the right to full and equal protection by law and may not be discriminated against on the basis of gender or marital status; however, in practice discrimination against women was pervasive, and women did not have opportunities equal to those available to men. Women had significantly lower levels of literacy, education, formal and nontraditional employment opportunities, and access to resources to increase agricultural productivity. The literacy rate among women between the ages of 15 and 45 was less than 37 percent. Male literacy in the same age group was approximately 45 percent.

Women often had less access to legal and financial assistance, and wives often were victims of discriminatory inheritance practices in which the majority of the estate was taken unlawfully by the deceased husband's family. Women usually were at a disadvantage in marriage, family, and property rights, but they have begun to

speak out against abuse and discrimination. Households headed by women were represented disproportionately in the lowest quarter of income distribution. In a country where 85 percent of the population was rural, the majority of farmers were women; 70 percent of the rural female population farm full time. Typically women worked more hours than men to complete the same farm tasks because they rarely had comparable tools and equipment, and they remained responsible for all household tasks. Women had limited access to agricultural extension services, training, and credit. Some progress has been made in all of these areas with gender training for agricultural extension workers and the gradual introduction of rural credit programs for women. The participation of women in the limited formal labor market was particularly constrained; they constituted less than 5 percent of managerial and administrative staff.

The law provides for a minimum level of child support, widows' rights, and the right to maternity leave; however, only individuals who utilized the formal legal system benefited from these legal protections.

In 2000 women joined the army for the first time in noncombatant positions as a result of a 1994 revision in the Government directive that previously had prohibited women from military service. The Government commissioned a female officer in August 2001, and during the year, there were new recruit classes of women, who were serving both as officers and as enlisted personnel in the armed forces. Female soldiers may only be deployed in combat as support personnel, such as in the communications field.

The Government addressed women's concerns through the Ministry of Gender and Community Services.

Children.—The Constitution provides for equal treatment of children under the law, and during the year, the Government continued a high level of spending on children's health and welfare. The Government provided free primary education for all children, although education was not compulsory. Girls dropped out of school more frequently than boys did, and in the final year of primary school, 42 percent of students were girls. Despite recent significant gains in girls' access to education, large gaps remained between girls' and boys' achievement levels. Girls, especially in rural areas, historically had been unable to complete even a primary education and were therefore at a serious disadvantage in finding employment. Accepted economic and social practice hampered the ability of women and girls to gain an education. However, there were signs of improvement in education for girls. The 2002 Malawi Demographic Household and Education Data Survey's preliminary report indicated that there was not a large gender gap in primary school attendance between boys and girls; however, in secondary school the boys were more likely to attend than girls.

Well over half of the country's children live in poverty, mostly in rural areas. Children in rural households headed by women were among the poorest. Only one-third of children had easy access to safe drinking water. Infant mortality was high, and child malnutrition was a serious problem. A few charitable organizations attempted to reduce the number of child beggars in urban areas and find alternative care for them. The problem of street children worsened as the number of orphans whose parents died from HIV/AIDS increased. According to the National Statistic Office's Demographic and Health Survey of 2000, only 60 percent of children under age 15 lived with both of their biological parents; 23 percent of children under age 15 lived with only one parent, while 16 percent were orphans. Extended family members normally cared for such children and other orphans.

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

There were societal patterns of abuse of children. The media also reported on the sexual abuse of children, especially in relation to traditional practices of initiation. While rites to initiate girls into their future adult roles still were secret, information suggested that abusive practices were widespread and quite damaging.

Child prostitution occurred (*see* Section 6.f.).

Persons with Disabilities.—The Government has not mandated accessibility to buildings and services for persons with disabilities, but one of the national goals in the Constitution is to support persons with disabilities through greater access to public places, fair opportunities in employment, and full participation in all spheres of society. There were both public and privately supported schools and training centers, which assisted persons with disabilities. There also were several self-supporting businesses run by and for persons with disabilities. The Minister of State responsible for persons with disabilities was a cabinet-level position, which was held by a person with disabilities.

In December 2001, the Ministry responsible for persons with disabilities held a consultative workshop with representatives from NGOs and U.N. agencies to create

a taskforce for the formulation of a new National Disability Policy (NDP). The draft NDP incorporated the views of interested parties and was awaiting review by various government ministries. The taskforce was charged with the development of a new NDP that addressed issues of equal opportunity and access for persons with disabilities.

Section 6. Worker Rights

a. The Right of Association.—The law governs labor-management relations. Workers have the legal right to form and join trade unions; however, union membership was low due to the small percentage of the work force in the formal sector, the lack of awareness of worker rights and benefits, and a resistance on the part of many employees to join unions. Army personnel and police could not belong to trade unions, but other civil servants were allowed to form unions. Union leaders estimated that 12 percent of the formal sector workforce belonged to unions; however, accurate statistics on the numbers of union members were not available. Trade union rights have existed for 9 years, and labor relations still were evolving. Employers, labor unions, and the Government lacked sufficient knowledge of their legitimate roles in labor relations and disputes, which limited the effectiveness in the implementation and enforcement of the law; however the International Confederation of Free Trade Unions (ICFTU) charged that trade union rights were also limited by the resistance of some employers, including the Government, to respect these rights.

Unions must register with the Registrar of Trade Unions and Employers' Organizations in the Ministry of Labor and Vocational Training (MOLVT). At year's end, 22 unions were registered. There were no unusually difficult registration procedures. Unions were independent of the Government, parties, and other political forces.

The law prohibits antiunion discrimination by employers and requires that employers reinstate workers dismissed because of union activities. However, the ICFTU 2002 Annual Survey stated that District Education Officers were fired for their membership in the Teachers' Union of Malawi. The same survey said companies in the export processing zones (EPZs) were also resistant to union activity and that unions said they have little access to workers in the zones. Enforcement of legislation protecting the freedom of association by the Ministry of Labor was ineffective.

Unions may form or join federations and have the right to affiliate with and participate in international workers' organizations, with the permission of the Government. There were no restrictions on the number of union federations. There were two federations in the country: The Malawi Congress of Trade Unions (MCTU), with 19 affiliates; and the Congress of Malawi Trade Unions (COMATU), with 3 affiliates.

b. The Right to Organize and Bargain Collectively.—Unions have the right to organize and bargain collectively. The law requires that at least 20 percent of employees (excluding senior managerial staff) belong to a union before such a union can engage in collective bargaining at the enterprise level. The law requires at least 15 percent union membership for collective bargaining at the sector level. The law provides for the establishment of industrial councils in the absence of collective agreements for sector-level bargaining. Industrial council functions included wage negotiation, dispute resolution, and industry-specific labor policy development. The law was not implemented effectively in practice due to the lack of sufficient knowledge of the law by employers, trade unions, and government officials (*see* Section 6.a.). In 2001 the National Bank of Malawi unilaterally abrogated an agreement with the Commercial, Industrial and Allied Workers' Union. Collective agreements were binding legally, and both parties must deposit them with the Registrar of Trade Unions.

The law allows members of a registered union to strike or go through a formal mediation process overseen by the MOLVT. A registered union must attempt to resolve the issue through mediation. A strike can only occur after all settlement procedures established in a collective agreement (an understanding, not necessarily signed, reached by both parties to attempt mediation) and conciliation efforts have failed. The law requires a notice in writing to the employer and the MOLVT at least 7 days before a strike. The law also forbids the temporary replacement of labor and allows peaceful picketing during strikes. Members of a registered union in "essential services" only have a limited right to strike. Essential services were specified as services whose interruption would endanger the life, health, or personal safety of the whole or part of the population; they were determined by the Industrial Relations Court (IRC) upon application by the Minister of Labor. The law provides similar procedures for lockouts. Laws do not prohibit specifically retaliation against

strikers. There was no prohibition on actions against unions that were not registered legally. Arbitration rulings were enforceable legally. However, due to the lack of funding and 2-year case backlog, the IRC could not monitor cases and enforce the laws in practice adequately. During the year, the IRC conducted several sensitization workshops on labor laws. The IRC also established complaint centers throughout the country to facilitate access to its services.

In August judiciary support staff began a general strike that lasted 5 weeks. The strikers called for salary and benefits increases approved by Parliament in 2000. In September an interim agreement was reached between the support staff and the judiciary to end the strike; however, negotiations between the Judiciary and Treasury were ongoing on how to fund the agreement at year's end.

In May 2001, workers at the Lilongwe Water Board went on strike over pay and management corruption. Since water is an essential service, the Government could legally requisition a core workforce to maintain service; however, the Government declared the strike illegal and instructed the Water Board to fire all 350 employees. To be reinstated, workers were required to sign a statement saying they would not strike again and to accept their existing pay and working conditions. By August 2001, most of the employees had been reinstated; however, all the elected officers of the Water Employees Trade Union of Malawi remained suspended. The employer also stopped the allotment.

In September 2001, medical workers from Queen Elizabeth Central Hospital in Blantyre went on strike after the hospital failed to grant salary increases that it promised to begin in July 2001. The hospital negotiated an initial settlement for a risk premium increase, and the 28 leaders of the strike were suspended and restricted from travel outside the country pending prosecution for endangering the health and welfare of patients. During the year, a total of 15 employees were indicted for conducting an illegal strike. In May the Office of the Ombudsman intervened in the case, and the case concluded in November when 10 employees were terminated for an illegal strike while 5 were permitted to return to their previous positions. All travel restrictions were lifted.

In October 2001, teachers began a series of sporadic strikes and work stoppages because of the differences between rural and urban salaries and benefits. During the year, differences in allowances were corrected. In January the Minister of Education threatened to punish any teacher who instigated a strike since the Government implemented the new allowances. There were reports that up to 50,000 teachers participated in the 2001 strikes in the rural areas.

At year's end, 20 firms held licenses to operate under EPZ status, and all were operational. The full range of labor regulations applied to the EPZs; however union organizers said they had little access to workers in the zones. According to the ICFTU, workers in EPZs were not able to exercise their trade union rights.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, there were allegations that some large agricultural estates engaged in the practice, and one local NGO reported that in urban areas, it was common to find young girls working outside of their family as domestic servants, receiving little or no wages, and living in a state of indentured servitude (see Section 6.d.). According to the ICFTU, bonded labor involving entire families was widespread on tobacco plantations. Tobacco tenants have exclusive arrangements, often unwritten with the estate owners to sell their crop and to buy inputs such as fertilizer, seed, and often food. These costs, in addition to rent charges, often were greater the artificially low price received for the tobacco crop, leading to a situation of debt and bonded labor to repay the input and other costs.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution defines children as persons under 16 years of age, and the law prohibits the employment of persons less than 14 years of age. It also prohibits the employment of children less than 18 years of age in work that was hazardous, harmful, or interferes with their education. Significant child labor in agricultural work and domestic service occurred largely as a result of extreme poverty and longstanding cultural traditions. Budgetary constraints largely precluded minimum work age and child labor law enforcement by police and MOLVT inspectors. There was significant child labor on tobacco and tea farms, subsistence farms, and in domestic service. There was no special legal restriction on children's work hours.

In 2000 the Ministry of Labor began a 12-month International Labor Organization (ILO) funded study to establish the magnitude of child labor and to use the results as a basis for drafting an action plan to implement ILO Convention 182 on the worst forms of child labor. In 2001 MOLVT conducted a pilot study and trained evaluators for the full study, which started in May. The study was expected to be finished by the first quarter of 2003.

During the year, there was at least one report of forced child labor.

e. Acceptable Conditions of Work.—The MOLVT set separate urban and rural minimum wage rates based on recommendations of the Tripartite Wage Advisory Board (TWAB) composed of representatives of labor, government, and the private sector. However, the TWAB encountered problems due to inefficient organizational structure and inadequate funding, which hindered timely and accurate revision of the wage rate recommendations. The urban minimum wage amounted to approximately \$0.70 (MK 56) per day; in all other areas, it was approximately \$0.50 (MK 40) per day. Although minimum wage rates were raised in 2000, they did not provide a worker and family with a decent standard of living. Wage earners tended to supplement their incomes through farming activities. The MOLVT lacked the resources to enforce the minimum wage effectively. However, the minimum wage largely was irrelevant for the great majority of citizens, who earned their livelihood outside the formal wage sector.

The maximum legal workweek was 48 hours, with a mandatory weekly 24-hour rest period. The laws require payment for overtime work and prohibit compulsory overtime. In practice employers frequently violated statutory time restrictions.

The law includes extensive occupational health and safety standards. Enforcement of these standards by the MOLVT was erratic. Workers—particularly in industrial jobs—often worked without basic safety clothing and equipment. Workers dismissed for filing complaints about workplace conditions have the right to file a complaint at the labor office or sue the employer for wrongful dismissal. Workers have the right to remove themselves from dangerous work situations without jeopardy to continued employment; however, given the low level of education of most workers and the high level of unemployment, they were unlikely to exercise this right.

Mechanisms for protecting internationally recognized worker rights were weak. There were serious manpower shortages at the Ministry of Labor; as a result, there were almost no labor standards inspections.

The law protects foreign workers in correct legal status. Illegal foreign workers were subject to deportation.

According to the Government “policy statement and new guidelines” for the issuance and renewal of employment permits (the temporary employment permit or “TEP”), foreign investors may employ foreign personnel in areas where there was a shortage of “suitable and qualified” citizens. The guidelines also mandated that processing times for TEP applications shall not exceed 40 working days. Although the TEP program appeared to function smoothly, the press reported delays in application processing for at least one major company.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons specifically, and there were reports of trafficking. The Penal Code contains several provisions relating to prostitution and indecency that could be used to prosecute traffickers; however, there were no arrests or prosecutions of suspected traffickers during the year.

Although the age of sexual consent is 14, there was no age specified for the protection of minors from sexual exploitation, child prostitution, or child pornography. The belief that children were unlikely to be HIV positive and the widespread belief that sexual intercourse with virgins can cleanse an individual of sexually transmitted diseases, including HIV/AIDS, contributed to the sexual exploitation of minors. Child prostitution occurred, but it was not considered a significant problem.

In October 2001, a bill was introduced in the National Assembly that proposed 14-year sentences for anyone convicted of promoting, managing, or transporting any person into or out of the country with the purpose of engaging that person in prostitution. The National Assembly deferred the bill during the October session for further review.

It was believed that Malawian women were trafficked to South Africa and Europe. For example, in 2001 the Ministry of Gender, Youth, and Community Services, the lead ministry on trafficking issues, reported seven cases of women being trafficked to South Africa and Netherlands to engage in prostitution after being lured by false job offers. Efforts to repatriate the seven women were unsuccessful due to a lack of resources. There was no indication of any police investigation of trafficking cases during the year.

The extent of the trafficking problem was undocumented, and neither the Government nor NGOs viewed it as a significant problem. There was scant media attention, and there was only one NGO focusing education campaigns on the problem of trafficking during the year. The police and the Ministry of Gender and Community Services handled any cases that arose.

There was no government funding for NGO services to victims of trafficking, and there was no training for government officials on how to provide assistance to trafficking victims.

MALI

Mali is a constitutional democracy that continued to implement a decentralized form of government. In May General Amadou Toumani Toure, former head of state during the 1991 to 1992 transition government, was elected to a 5-year term as President. The presidential and legislative elections were judged generally free and fair by international and domestic observers; however, there were some administrative irregularities. The former ruling party, Alliance for Democracy in Mali (ADEMA), lost its majority in the National Assembly, and no party held a clear majority. The Constitution provides for an independent judiciary; however, in practice the executive branch continued to influence the judiciary.

Security forces were composed of the army, air force, Gendarmerie, the National Guard, and the police. While civilian authorities generally maintained effective control of the security forces, there were a few instances in which elements of the security forces acted independently of government authority. The army and air force were under the control of the civilian Minister of Defense, as were the Gendarmerie and the National Guard. The police were under the Ministry of Internal Security and Civil Protection. The police and gendarmes shared responsibility for internal security; the police were in charge of urban areas only. There were no reports that security forces committed human rights abuses.

The country was very poor with a market-based economy, and its population was approximately 11 million. Most of the work force was employed in the agricultural sector, particularly farming and animal husbandry. The gross national product was approximately \$300 per capita, which provided most of the population with a low standard of living, although there was a sizable middle class. The economy depended heavily upon foreign assistance. Desertification, deforestation, soil degradation, and social limitations, including a current estimated literacy rate of approximately 30 percent (48 percent for men and 12 percent for women) and a high population growth rate (2.4 percent), contributed to poverty. The inflation rate remained low, and public sector wages were adjusted to keep pace with inflation. Poor infrastructure, minimal foreign investment, administrative inefficiency, and corruption also were important factors in limiting economic growth.

The Government generally respected its citizens' human rights; however, there were problems in some areas. Prison conditions remained poor. Occasionally police arbitrarily arrested and detained persons. Prolonged pretrial detention was a problem. The judicial system's large case backlog resulted in long periods of pretrial detention and lengthy delays in trials. The judiciary continued to be subject to executive influence, and there were reports of corruption in the courts. Domestic violence against women was widespread. Discrimination against women persisted, and social and cultural factors continued to limit sharply economic and educational opportunities for most women. Female genital mutilation (FGM) was widespread, although educational campaigns against FGM were ongoing. Hereditary servitude relationships continued to link different ethnic groups. Child labor was common in the agricultural and domestic help sectors. Children were trafficked into forced labor in Cote d'Ivoire; the Government returned a number of these children to their families during the year. Mali was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

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

No action was taken, nor was any likely to be taken, against the soldiers accused of the torture and killing of two persons suspected in the 2000 killing of three tourists. The three other suspects remained in detention at year's end, and the investigation continued.

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

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

There were no new developments in the following 2001 incidents: The January attack on the Gendarmerie Headquarters in Tarkint in which two gendarmes were injured; and the June death of a bus driver, who fell or jumped to his death from a bridge while being pursued by the police.

Prison conditions were poor. Prisons continued to be overcrowded, medical facilities were inadequate, and food supplies were limited. In 2001 a new prison facility for women and juveniles was built in Bamako. The new prison allowed for some separation of prison populations in Bamako; however, the situation remained unchanged outside the capital, where men and women were housed in the same building but in separate cells. In Bamako juvenile offenders usually were held in the same prison as adult offenders, but they were kept in separate cells. There were no reports that women or juveniles were abused by other inmates or by guards. Pretrial detainees were held with convicted prisoners.

The Government permitted prison visits by human rights monitors. Several organizations, including the Malian Association of Human Rights, the Malian Association of Women Lawyers, and other nongovernmental organizations (NGOs) visited prisoners and worked with women and juvenile prisoners to improve their conditions. The International Committee of the Red Cross (ICRC) continued to visit former President Traore and his wife Mariam until they were pardoned and released in June (see Section 1.e.).

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions; however, on occasion police arrested and detained persons arbitrarily.

Judicial warrants were required for arrest. The normal procedure was for the complainant to deliver the warrant, which stipulated when the person was to appear at the police station. In some cases, the police served the warrant. This normally was done at the request of a relative or in the event of a bribe. Frequently in cases where money was involved, the arrested person agreed to resolve the case at the police precinct, and the police received a portion of the recovered money.

The Constitution provides that suspects must be charged or released within 48 hours and that they are entitled to counsel; however, in practice detainees were not always charged within the 48-hour period.

Limited rights of bail or the granting of conditional liberty existed, particularly for minor crimes and civil matters. On occasion the authorities released defendants on their own recognizance.

One of the 36 Pakistani preachers who the police arrested and detained in October 2001 for allegedly entering the country illegally remained in custody at year's end. The Government did not release a report on the Pakistani preachers by year's end.

Administrative backlogs and insufficient lawyers, judges, and courts often caused lengthy delays in bringing persons to trial. In extreme cases, individuals remained in prison for several years before coming to trial. Local lawyers estimated that approximately half of prison inmates were pretrial detainees.

The Government did not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the executive branch continued to exert influence over the judicial system. The Ministry of Justice appointed and had the power to suspend judges; it supervised both law enforcement and judicial functions. The President headed the Superior Judicial Council, which oversaw judicial activity. Domestic human rights groups alleged that there were instances of bribery and influence peddling in the courts. In 2000 the Government launched a campaign against corruption that led to the detention of many senior civil servants, businessmen, and political leaders from all parties. They subsequently were released; however, they were not permitted to leave the country and still were under investigation at year's end.

The Supreme Court has both judicial and administrative powers. The Constitution provides for a separate Constitutional Court that oversees issues of constitutionality and acts as an election arbiter. The Constitution also provides for the convening of a High Court of Justice with the power to try senior government officials in cases of treason.

Except in the case of minors, trials were public, and defendants had the right to be present and have an attorney of their choice. Defendants and attorneys had access to government evidence relevant to their cases. Defendants were presumed innocent and had the right to confront witnesses and to appeal decisions to the Supreme Court. Court-appointed attorneys were provided for the indigent without charge. The village chief, in consultation with the elders, decided the majority of disputes in rural areas. If these decisions were challenged in court, only those found to have legal merit were upheld.

In June President Konare pardoned and released former President Traore and his wife, Mariam, who were the last members of the Traore regime still in prison. They remained in the country at year's end.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. Police searches were infrequent and required judicial warrants. However, security forces maintained physical and technical surveillance of individuals and groups believed to be threats to internal security, including surveillance of telephone and written correspondence of individuals deemed by a magistrate to be a threat to national security. There were no reports of such government surveillance during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

The Superior Council of Communication's (CSC) primary function was to regulate the media, both protecting and controlling journalists. The Committee of Equal Access to State Media was activated during election campaigns. Mandated by the Constitution, it oversaw equal access to the Government-controlled media for all political parties.

There were more than 30 private newspapers and journals in French, Arabic, and local languages throughout the country, and there were as many as 20 newspapers in Bamako. There were 10 or more daily newspapers and many others were biweeklies; 6 were privately owned of which one, *Les Echos*, was allied with the former ruling party and one was government-controlled *L'Essor*. All newspapers were required to register with the Ministry of Communications; however, registration was not complicated and could be completed quickly.

The law regulates the press and provides for substantial criminal penalties, including imprisonment, for libel and for public injury to the Head of State, other officials, and foreign diplomats; these laws leave injury undefined and subject to judicial interpretation. However, the Government never has prosecuted journalists on criminal libel charges. No journalists were arrested on libel charges during the year.

The Minister of Territorial Administration and Local Collectivities could prohibit religious publications that he concluded defamed another religion; however, there were no reports of instances in which publications were prohibited.

The Government controlled the only television station and 1 of more than 130 radio stations; however, all presented a wide range of views, including those critical of the Government, the President, the Prime Minister, and other politicians. The relative expense of newspapers and television, coupled with a low literacy rate, made radio the most prevalent medium of mass information and communication. There were as many as 15 private radio stations in Bamako, and there were approximately 117 additional stations throughout the country. In addition to commercial radio stations, private or community radio broadcasters included those run by associations and others directed toward smaller villages (the latter two radio services enjoyed special tax advantages).

A number of foreign broadcasters operated in Bamako through local media. These included Radio France Internationale, Africa No. 1, and the British Broadcasting Corporation; all had frequency modulation (FM) frequencies. Voice of America had a local FM affiliate.

Domestic reception and distribution of foreign satellite and cable television were permitted and fairly widespread, especially in Bamako. There were no private television stations that broadcast domestically produced programs.

There were 30 domestic servers providing access to the Internet. Licenses to operate Internet servers were granted freely and were not prohibitively expensive.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice. The law requires groups that wish to hold public meetings to obtain the mayor's permission; however, such permission was granted routinely during the year.

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

The Government required that all public associations, including religious associations, register with the Government. However, registration conferred no tax preference and no other legal benefits, and failure to register was not penalized in prac-

tice. The registration process was routine and was not burdensome. Traditional indigenous religions were not required to register.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. Police routinely stopped and checked both citizens and foreigners to restrict the movement of contraband and to verify vehicle registrations. Some police and gendarmes used the occasion to extort bribes.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. A national committee in charge of refugees operated with institutional assistance from the office of the U.N. High Commissioner for Refugees (UNHCR). The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees. The Government provided first asylum for refugees.

According to both UNHCR and government estimates, there were approximately 11,000 Mauritanian refugees, mostly Fulani herders, living in the Kayes region in the western part of the country at year's end. However, the UNHCR, the Government of Mauritania, and the Government of Mali never have agreed on recognition of the refugee status of these persons, who have lived in the country for more than a decade; members of these pastoralist border groups historically have made cross-border migrations. Mauritians could register for refugee status, although few actually did.

At year's end, the country hosted approximately 1,900 urban refugees: 80 percent were from Sierra Leone, and 90 percent were living in Bamako. The Government had a transit center located 120 miles from Bamako, where it hosted approximately 100 of the most vulnerable refugee and asylum applicants. The center had a capacity of approximately 300 persons and could be expanded to hold 900.

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 exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Under the Constitution, the President is Chief of State and Commander in Chief of the armed forces and is elected for a term of 5 years with a limit of two terms. The President appoints the Prime Minister. Additionally, the President appoints other members of the Government and sets limits on their powers. He names civil servants (national directors, regional government delegates, and others) and high military officers as mandated by the Constitution. The President promulgates laws within 15 days, following transmission to the Council of Ministers of a final adopted text. He can veto and return legislation to the National Assembly for reconsideration. There is no provision for the National Assembly to override a presidential veto. The President may submit any question of national interest to a referendum after consultation with the Constitutional Court. He exercises the power of pardon and can grant amnesty. The President may dissolve the National Assembly and call for new elections, although not in the year following legislative elections. Theoretically the President can declare a state of emergency and rule by decree, although no president has ever done so since the fall of the Traore regime.

In May presidential elections were held, and General Amadou Toumani Toure, former Head of State during the 1991 to 1992 transition, won more than 60 percent of the vote even without the support of a political party. Independent international and domestic observers judged the elections to be generally free and fair and without evident fraud; however, there were some administrative irregularities. There were reports of abuses of the proxy voting system, problems in verifying identification of some voters, and efforts to influence some voters. Voter turnout reportedly was 30 to 35 percent. Unlike the 1997 elections, none of the opposition parties boycotted the election. The Government and opposition parties reviewed and revised the electoral lists during 2001, and new electoral lists were released early in the year.

In July legislative elections were held that most independent observers considered to be generally free and without evident fraud; however, there were some administrative irregularities. Voter turnout was 20 to 25 percent, lower than for the presidential elections. The former majority party ADEMA and its allies held 56 of 147 seats in the National Assembly; Rally for Mali (RPM) and its allies held 65; and the remaining 26 seats were held by other smaller political parties and independents. No one party or coalition held a majority.

Governing authority was shared between elected mayors in the 701 communes (including the 19 cities) and appointed officials (“commissaires du gouvernement”) who were the representatives of the central government in the District of Bamako, the regions, and the cercles (districts roughly equivalent to counties). Local governments benefited from central government subsidies, but they also were able to collect local taxes to support their operations. Decentralization still was a controversial issue. The process has changed traditional power relationships between government and the governed and has relieved formerly powerful civil servants of their authority. The new administrators often were inexperienced and undereducated. Administrators lacked adequate funding to govern effectively.

The process of amending the Constitution, the electoral law, and other texts began during a National Political Forum in 2000 that involved political parties, civil society, and the Government. In August 2000, the National Assembly approved changes to the Constitution and to the electoral law; however, the constitutional and electoral revisions did not become law because they were not approved by referendum. A referendum scheduled for December 2001 was postponed indefinitely in November 2001, due to increasing criticism and opposition from civil society and opposition parties and a failure to achieve an acceptable consensus. The referendum was not rescheduled by year’s end.

There were no restrictions, legal or otherwise, on voting or running for office by women or minorities. A total of 13 women held seats in the 147-member National Assembly. There were 4 female cabinet members of a total of 28. Five women served on the Supreme Court out of 33 justices, and 3 women served on the Constitutional Court out of 9 justices.

Members of historically marginalized pastoralist ethnic minorities, including the Fulani and the Tuaregs, occupied seats in both the Cabinet and National Assembly. The Prime Minister was Tuareg.

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

Several independent domestic human rights organizations, such as the Malian Association for Human Rights (AMDH), a smaller Malian League of Human Rights, and a local chapter of Amnesty International, generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. The ICRC had offices in Bamako, Tombouctou, and Gao.

From 1994 to 2001, the Government held an annual Democracy and Human Rights Forum at which citizens voiced publicly their discontent and grievances against the Government in the presence of the media and international human rights observers. Each year before the Forum, the Government published a report to assess implementation of the previous year’s Forum recommendations; the Forum then convened to review the previous year’s work and to make recommendations to the Government. The topics for discussion during the 2001 Forum included women’s rights, access to government services, and judicial reform. The events were well attended by local citizens, and discussion was free and open. The 2001 Forum called on the Government to make these issues a priority in 2002. The Government cancelled the 2002 Forum and replaced it with a meeting intended to restructure the Forum in response to its decreasing attendance over the years; there was no information available on the outcome of the meeting.

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

The Constitution prohibits discrimination based on social origin, color, language, sex, or race, and the Government generally respected these provisions in practice; however, social and cultural factors gave men a dominant role.

Women.—Domestic violence against women, including spousal abuse, was tolerated and common; however, no statistics were available on the extent of the problem. Assault in marriage was a crime; however, police were reluctant to enforce laws against or intervene in cases of domestic violence. Many women in turn were reluctant to file complaints against their husbands because they were unable to support themselves financially.

FGM was common, especially in rural areas, and was performed on girls at an early age. According to domestic NGOs, approximately 95 percent of adult women had undergone FGM. The practice was widespread among most regions and ethnic groups, was not subject to class boundaries, and was not religiously based. There were no laws against FGM, and the Government did not propose legislation prohibiting FGM. The Government pursued a program of public awareness rather than legal prosecution of women involved in the practice. It supported educational efforts to eliminate the practice through seminars and conferences and provided media ac-

cess to proponents of its elimination. The National Committee Against Violence Towards Women linked all the NGOs active in preventing FGM. During the year, various NGOs campaigned against FGM. In 1999 the Government instituted a two-phased plan to eliminate all forms of FGM by 2008. The first phase, scheduled for 1999–2004, is intended to be one of education and dissemination of information. There was some public dissemination of information in urban areas, but the program continued to develop slowly.

Women had very limited access to legal services due to their lack of education and information, and because family law favored men. Women particularly were vulnerable in cases of divorce, child custody, and inheritance rights, as well as in the general protection of civil rights.

Despite legislation giving women equal rights regarding property, traditional practice and ignorance of the law prevented women from taking full advantage of the law. Prospective spouses chose between polygynous and monogamous marriages; a marriage could not take place without both parties' consent. However, when no preference was specified in the marriage certificate, judges assumed that the marriage was polygynous. A community property marriage had to be specified in the marriage contract. Traditional practice discriminated against women in inheritance matters. For example, men inherited most of the family wealth, and women received a much smaller portion of estates.

Women's access to employment in the professions and government, and to economic and educational opportunities, was limited. A 1995–96 national demographic and health survey found that 81 percent of women (compared with 69.3 percent of men) between the ages of 15 and 49 received no education. A 1998 report indicated that the national literacy rate was 12 percent for women more than 15 years of age. Women constituted approximately 15 percent of the labor force. The Government, the country's major employer, paid women the same as men for similar work. Women often lived under harsh conditions, especially in rural areas, where they performed difficult farm work and did most of the childrearing.

The first 4-year national plan of action for the promotion of women was completed in 2001; however, the results of the plan were not available by year's end. The plan, financed by national, regional, and local community budgets, sought to reduce inequalities between men and women in six target areas, including education, health, and legal rights. The Ministry for the Promotion of Women, Children, and the Family started on a second 4-year action plan that was intended to continue programs started during the first action plan.

There were numerous active women's groups that promoted the rights of women and children.

Children.—Education was free and, in principle, open to all, although the majority of students left school by the age of 12. Students had to provide their own uniforms and school supplies to attend public schools. While primary school was compulsory up to the age of 12, only 56 percent of children (46 percent of girls) received a basic education owing to a lack of primary schools, especially in rural areas where 80 percent of the population lived; shortages of teachers and materials; poverty; and cultural tendencies to place less emphasis on education of girls. Literacy rates among girls remained significantly lower than for boys.

On June 5, the Government enacted a new ordinance enumerating the rights of children and establishing new government positions in each region, that of child "delegates," whose role would be to safeguard the rights and interests of children. The new law also created special courts for children and specified protections for children in the legal system. There was no juvenile court system. The Social Services Department investigated and intervened in cases of reported child abuse or neglect. According to local human rights organizations, reported cases were rare; however, statistics were unreliable.

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

There were credible reports that children were sold and trafficked into forced labor in Cote d'Ivoire (*see* Section 6.f.).

Persons with Disabilities.—There was no specific legislation protecting the rights of persons with physical or mental disabilities or mandating accessibility. The Government did not discriminate against persons with physical disabilities in regard to employment, education, and other state services; however, the Government has not made provision for persons with disabilities in these areas. There was no societal discrimination against persons with disabilities; however, in view of the high unemployment rate, persons with physical disabilities often were unable to find work.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Code specifically provide for the freedom of workers to form or join unions and protect freedom of association. Only the military, the Gendarmerie, and the National Guard were excluded from forming unions. Virtually all salaried employees were organized. Workers have established independent unions for teachers, magistrates, health workers, and senior civil servants, and most were affiliated with the National Union of Malian Workers (UNTM) federation. The UNTM has maintained its autonomy from the Government. There were two major labor federations, the UNTM and the Syndicated Confederation of Malian Workers.

Neither the Constitution nor the Labor Code prohibits antiunion discrimination, but there were no reports or complaints of antiunion behavior or activities during the year. If the parties could not come to agreement, the dispute went to the Labor Court for decision.

Unions were free to associate with and participate in international bodies. The union representing salaried employees regularly participated in programs sponsored by French labor unions. Other unions participated in training programs on worker's rights.

b. The Right to Organize and Bargain Collectively.—The growth of independent unions led to more direct bargaining between these unions and their employers. However, wages and salaries for workers belonging to the UNTM unions were set by tripartite negotiations between the Ministry of Labor, labor unions, and representatives of the federation of employers of the sector to which the wages applied. Civil service salary levels were pegged nationally to an index established by the Government. These negotiations usually set the pattern for unions outside the UNTM. The Ministry of Labor acted as a mediator in labor disputes.

The Constitution provides for the right to strike, although there were restrictions in some areas. For example, civil servants and workers in state-owned enterprises were required to give 2 weeks' notice of a planned strike and enter into mediation and negotiations with the employer and a third party, usually the Ministry of Labor. The Labor Code prohibits retribution against strikers, and the Government respected this requirement in practice.

During the year, two teachers' strikes occurred, one by university teachers and another by elementary teachers. These strikes were settled within a few days.

In 2001 the Government negotiated with all labor unions a social pact intended to encourage more discussions between workers and employers, thus lessening the risk of strikes.

In 2000 the International Labor Organization (ILO) requested that the Government amend Section 229 of the 1992 Labor Code to restrict the Minister of Labor's authority to impose arbitration to end strikes that were liable to cause an acute national crisis. The Government noted in its report to the ILO that it was undertaking an in-depth, tripartite discussion on Section 229 to make the legislation fully consistent with the principles of freedom of association; at year's end, the review was ongoing.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred.

The law prohibits the contractual use of persons without their consent; penalties included a fine and hard labor. The penalties increased significantly if a minor, defined as someone under 15 years of age, was involved.

There were some reports that the de facto slavery long reported to have existed in northern salt mining communities has evolved to wage labor in recent years; however, reliable current evidence about labor conditions in those remote facilities remained unavailable. Hereditary servitude relationships continued to link different ethnic groups, particularly in the north. For example, there was a hereditary service relationship between members of the Bellah ethnic group and other Tuareg populations.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code has specific policies that pertain to child labor; however, these regulations often were ignored in practice. The Labor Code permits children between the ages of 12 and 14 to work up to 2 hours per day during school vacations with parental approval. Children between the ages of 14 and 16 may work up to 4½ hours per day with the permission of a labor inspector, but not during nights, on Sundays, or on holidays. Children between the ages of 16 and 18 could work in jobs that physically were not demanding; boys could work up to 8 hours per day and girls up to 6 hours per day.

The Labor Code had no effect on the vast number of children who worked in rural areas, helping with family farms and herds, and on those who worked in the informal sector, for example, as street vendors. These children were not protected by laws against unjust compensation, excessive hours, or capricious discharge.

Child labor predominated in the agricultural and domestic help sectors and, to a lesser degree, in craft and trade apprenticeships, and cottage industries. Apprenticeship, often in a family member's or a parent's vocation, began at an early age, especially for children unable to attend school.

The authorities enforced the Labor Code provisions through the use of labor inspectors from the Ministry of Employment and Civil Service, who conducted surprise inspections and complaint-based inspections; however, resource limitations restricted the frequency and effectiveness of oversight by the Labor Inspection Service, and the Service operated only in the modern sector.

The National Campaign against Child Labor in Mali (Programme National de Lutte contre le Travail des Enfants au Mali), led by the International Program for the Elimination of Child Labor (IPEC)-Mali, was responsible for investigating abusive forms of child labor. IPEC relied on labor inspectors appointed by the Government in Bamako and in regional offices throughout the country. IPEC also was assisted by NGOs combating child labor and by government regional offices in charge of the promotion of women and children. Government resources included inspectors, NGOs, and IPEC funding. There was no predetermined number of inspections per year; however, investigations were held when information was provided by NGOs or the media that there was an instance of abusive child labor.

There were reports that children were kidnaped, sold into effective slavery, and made to work on coffee and cocoa plantations in Cote d'Ivoire. Some children were sold into forced labor by their parents; reportedly the children were beaten if they tried to escape. In August 2001, the Government introduced travel passes for children to try to prevent their being taken abroad to work illegally; however, the measure was criticized for leading to interference with legitimate travel.

e. Acceptable Conditions of Work.—The Labor Code specifies conditions of employment, including hours, wages, and social security; however, in practice many employers either ignored or did not comply completely with the regulations. The national minimum wage rate, set in 1994, was approximately \$42 (26,000 CFA francs) per month. Workers had to be paid overtime for additional hours. The minimum wage did not provide a decent standard of living for a worker and family. The minimum wage was supplemented by a required package of benefits, including social security and health care. While this total package could provide a minimum standard of living for one person, in practice most wage earners supported large extended families and supplemented their income by subsistence farming or employment in the informal sector.

The normal legal workweek was 40 hours (45 hours for agricultural employees), with a requirement for at least one 24-hour rest period. The Social Security Code provides a broad range of legal protections against hazards in the workplace, and workers' groups brought pressure on employers to respect parts of the regulations, particularly those affecting personal hygiene. However, with high unemployment, workers often were reluctant to report violations of occupational safety regulations. The Labor Inspection Service of the Ministry of Labor oversaw these standards but limited enforcement to the modern, formal sector. It was not effective in investigating and enforcing workers' safety and was funded insufficiently for its responsibilities. Workers had the right to remove themselves from dangerous work situations and request an investigation by the Social Security Department, which was responsible for recommending remedial action where deemed necessary; it was not known if any worker had done so.

The law protects legal and illegal foreign workers. Persons illegally in the country were not allowed to work; however, if they were given a job, they had the same protections as legal workers.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons but does specifically prohibit trafficking in children; however, children were trafficked for forced labor in Cote d'Ivoire. In August 2001, a new law was promulgated that made child trafficking punishable by 5 to 20 years in prison. There also were laws that prohibited the contractual use of persons without their consent.

Penalties for violations of the law prohibiting forced contractual labor included a fine or hard labor. Penalties increased if a minor was involved; however, these penalties were not imposed during the year. The problem of trafficking was handled by both the Ministry for the Promotion of Women, Children, and the Family and the Ministry of Employment and Civil Service. Both ministries, in cooperation with the Ministry of Foreign Affairs and the Ministry of Territorial Administration, have de-

veloped a program to identify and rehabilitate victims, educate the population, and strengthen the legal system with regard to the movement and trafficking of minors. Welcome centers in Mopti, Sikasso, and Bamako assisted child trafficking victims in returning to their families. In 2001 the Ministry of Labor selected a coordinator, Almoustapha Toure, specifically to handle child trafficking issues, as opposed to general child labor issues; however, there was no information available on his efforts by year's end.

An estimated 15,000 Malian children between the ages of 9 and 12 have been sold into forced labor on cotton, coffee, and cocoa farms in northern Cote d'Ivoire over the past few years; an even greater number were forced into domestic service. Organized networks of traffickers deceived the children and their families into believing that they would be given paid jobs outside of their villages. They then were sold to plantation owners for sums ranging between \$20 and \$40 (14,500 and 29,000 CFA francs). The children reportedly were forced to work 12 hours per day without pay, and often they were abused physically.

The Government took some steps to halt child trafficking and repatriate children to the country from Cote d'Ivoire; however, there was no estimate of the number of children in Cote d'Ivoire. In 2001 more than 300 children were returned to their families from Cote d'Ivoire. This figure represented the number of children who were assisted at the Malian welcome centers; children who returned home without first going through a welcome center were not counted. At year's end, approximately 10 traffickers arrested in Sikasso in 2001 had been charged, but no information on trial dates was available.

MAURITANIA

Mauritania is a highly centralized Islamic Republic dominated by a strong presidency. The Constitution provides for a civilian government composed of a dominant executive branch, a senate, and a national assembly. President Maaouya Ould Sid'Ahmed Taya has governed since 1984, first as head of a military junta, and since 1992 as head of an elected civilian government. The President heads the ruling Republican Social Democrat (PRDS) party. Taya was reelected President with more than 90 percent of the vote in 1997 elections widely regarded as fraudulent. The next presidential elections are scheduled for 2003. The banning of two opposition parties during the year diminished the opposition's gains in the 2001 municipal and National Assembly elections, considered generally fair and transparent following the introduction of hard-to-falsify voter identification cards and published, revised voter lists. Under the Constitution's indirect electoral process, one opposition candidate succeeded in the April Senate elections. The Constitution provides for an independent judiciary; however, the judiciary was subject to significant pressure from the executive through its ability to influence judges.

The civilian authorities maintained effective control of the security forces, which included the regular armed forces, the National Guard, the Gendarmerie, and the police. The Ministry of Defense directed the armed forces and Gendarmerie; the Ministry of Interior directed the National Guard and police. The armed forces were responsible for national defense. The National Guard performed police functions throughout the country in areas in which city police were not present. The Gendarmerie was a specialized paramilitary group responsible for maintenance of civil order in and outside metropolitan areas. Some members of the security forces committed human rights abuses.

The country had an estimated population of 2.7 million and had a market-oriented economy. Drought, desertification, and insect infestation have contributed to rapid urbanization, extensive unemployment, pervasive poverty, and a burdensome foreign debt. The Government was slow in implementing social programs identified in a 2000 Poverty Reduction Strategy Paper, which set targets for using debt relief proceeds to generate private sector development and improved access to education and health care for all segments of society in all parts of the country. The concentration of much of the country's wealth in the hands of a small elite, including the President's tribe and related Moor tribes, as well as a lack of transparency and accountability in certain areas of governance, impeded economic growth. The country received foreign assistance from bilateral and multilateral sources.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Democratic institutions remained rudimentary, and the Government circumscribed citizens' ability to change their government. There were fewer reports that police used undue force in controlling crowds or demonstrations. Some members of the security forces used excessive force, beat, or otherwise abused detainees, and used arbitrary arrest and de-

tention and illegal searches; however, there were no reports of killing by security forces. The Government failed to bring to justice officials who committed abuses, and impunity remained a problem. Prison conditions were harsh. Pretrial detention continued; however, the length of pretrial detentions was shorter due to improved organization of the courts. The Government continued its program of judicial reform and training; however, the right to a fair trial was not always realized. At times the Government restricted freedom of speech and of the press. The Government restricted freedom of assembly, and limited the freedoms of association and religion. The Government banned two political parties. The Government continued to refuse to recognize officially some nongovernmental organizations (NGOs) and human rights organizations. Discrimination against women continued, and female genital mutilation (FGM) remained a serious problem despite government efforts to halt the practice. Ethnic tensions continued to ease, but the largely southern-based ethnic groups, including the Halpulaar (also called Fulani or Peuhl), Soninke, and Wolof, remained underrepresented in political life and some of their members felt excluded from effective political representation. Child labor in the informal sector was common. There continued to be reports that slavery in the form of forced and involuntary servitude persisted in some isolated areas, that unofficial, voluntary servitude persisted, and that former slaves continued to work for former masters or others.

RESPECT FOR HUMAN RIGHTS

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

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

There was no development in the case of the 2001 killing of a Senegalese fisherman.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and other forms of cruel or inhuman punishment; however, there were reports that police beat criminal suspects in custody. There were fewer reports that police used undue force in controlling public crowds or breaking up demonstrations that took place (*see* Section 2.b.).

In April police detained for several days, but eventually released uncharged Mohamed Baba Ould Said, Bechir Ould Moulaye El Hassen, Mohamed Fall Ould Oumer, and Mohamed Salem Ould Ahlou Ould Sidi Yaaraf primarily for conducting activities on behalf of the overseas-based organization “Conscience and Resistance” that opposed the Government. In June Ould Said filed a complaint in French courts alleging police tortured him during his detention. Within days of release Ould Sidi Yaaraf, in a conversation with leader of the NGO SOS Esclaves, Boubacar Ould Messaoud, and others alleged that police had tortured him. Ould Messaoud publicized the allegation and was arrested but released unharmed (*see* Section 1.d.). The Government produced a document Yaaraf signed denying the allegation; however, reliable reports indicated that Yaaraf signed the document under duress. Based on the document and a doctor’s statement, the Government denied torturing Yaaraf; however, it did not conduct an investigation by year’s end.

There were no developments in the July 2001 beating of two persons detained in Aioun.

In October a French court refused a motion to dismiss judicial proceedings that continued in absentia against Captain Ely Ould Dah, a Black Moor charged with torturing in Mauritania in 1990 and 1991 two Halpulaar who later gained political refugee status in France.

Prison conditions remained harsh; however, serious overcrowding in Nouakchott’s prison no longer was a problem. In other prisons, serious overcrowding persisted and sanitation facilities remained inadequate and reportedly contributed to diseases such as tuberculosis, diarrhea, and dermatological ailments. Medical supplies, mainly provided by an international NGO, remained insufficient in all prisons. Prisoners with high-level government connections and families to bring them food, medicines, and reading material fared better than the less privileged or citizens from other countries. Budget allocations to improve food and nutrition, medical services and supplies, and new bedding and cleaning supplies were not sufficient, and there were no improvements to prison food, health, hygiene, and family contacts during the year. New guard force management continued to enforce regulations against beatings and torture; however, there were reports of beatings of detainees at the Commissariat outside the Nouakchott prison. The overall prison capacity was 700 and the prison population was 1,397 in September. The prison population in Nouakchott

was 584 persons. There were 534 men, 26 women, and 24 minors; minors were held in separate facilities.

Female prisoners have separate facilities with a communal garden. Children of female prisoners remained with their mothers or the Ministry of Justice gave temporary custody of the children to another family member. The Noura Foundation, an NGO working in the prison, continued to provide a program of education and microenterprise projects to the female prisoners. UNICEF, in collaboration with the French organization CARITAS, provided increased services, including training and sports in the juvenile detention centers. The Government cooperated with an NGO to provide training for female guards who worked at the women's prison. A doctor and nurse assigned to the men's prison also provided medical care for the women's and children's prison, but the infirmary remained understaffed.

Pretrial detainees generally were held separately from convicted prisoners; however, at times they were held with prisoners.

The Government permitted prison visits by NGOs, diplomats, and international human rights observers. Foreign diplomats visited some prisons during the year. The International Committee of the Red Cross (ICRC) had access to prisons, but did not conduct prison visits during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, police arbitrarily arrested and detained citizens. The application of the constitutional safeguards continued to vary widely from case to case. The law requires that courts review the legality of a person's detention within 48 hours of arrest. The police may extend the period for another 48 hours, and a prosecutor or court can detain persons for up to 30 days in national security cases. Only after the prosecutor submitted charges did a suspect have the right to contact an attorney. There was a provision for granting bail, but it was used rarely.

Security forces continued to use arbitrary arrest, detention, and intimidation against opposition parties and others. In May police detained but released uncharged the leader of the unrecognized NGO SOS Esclaves after he publicized the alleged torture of Mohamed Salem Ould Ahlou Ould Sidi Yaaraf (*see* Section 1.c.).

In November security forces arbitrarily arrested, detained, and released uncharged seven persons who refused to allow a local businessman to drill a well on communal lands near Kaedi.

Unlike in the previous year there were no reports that police arrested members of the banned opposition party Union of Democratic Forces-New Era (UFD-A).

Human rights activists reported that police showed greater respect for legally mandated procedures and that prison administration continued to show improvement; however, pretrial detention after arraignment often was prolonged. An estimated 15 to 20 percent of those in prison had not yet been tried, or were awaiting sentencing following their trials. Some indicted detainees were released before trial without explanation; familial, tribal, or political connections could explain some of these cases.

There is no provision in the law regarding exile; however, there were no reports of forced exile during the year. The Government continued to welcome the return of any citizens who had been expelled or who had fled from 1989–91.

e. Denial of Fair Public Trial.—The Constitution provides for the independence of the judiciary; however, in practice the executive branch exercised significant influence over the judiciary through its ability to appoint and pressure judges. In addition, poorly educated and poorly trained judges who were susceptible to social, financial, tribal, and personal pressures limited the judicial system's fairness.

There was a single system of courts with a modernized legal system that conformed with the principles of Islamic law (Shari'a). Departmental, regional, and labor tribunals were the courts of first instance at the lower level. The 53 departmental tribunals, composed of a president and magistrates with traditional Islamic legal training, heard civil cases involving sums less than \$39 (10,000 ouguiya) and family issues, such as domestic, divorce, and inheritance cases. A total of 13 regional tribunals accepted appeals in commercial and civil matters from the departmental tribunals and heard misdemeanors. Three labor tribunals, composed of a president and two assessors (one who represented labor and one who represented employers), served as final arbiters for labor disputes. At the middle level, three courts of appeal, each with two chambers (a civil and commercial chamber, and a mixed chamber,) heard appeals from the regional courts and had original jurisdiction for felonies.

The Supreme Court nominally was independent and was headed by a magistrate appointed to a 5-year term by the President. The Supreme Court reviewed decisions and rulings made by the courts of appeal to determine their compliance with the law and procedure. Constitutional review was within the purview of a six-member

Constitutional Council, composed of three members named by the President, two by the National Assembly President, and one by the Senate President. Annual review of judicial decisions was undertaken by the Supreme Council of Magistrates, over which the President presided; the president and senior vice president of the Supreme Court, the Minister of Justice, three magistrates, and representatives from the Senate and National Assembly were members of this Council. The annual review was intended to determine whether courts applied the law correctly and followed proper procedures. Reviews also served as a basis for evaluating the reform process and reassigning judges based on their qualifications.

The minimum age for children to be tried was 12. Those between the ages of 12 and 18 were tried and sentenced to the juvenile detention center (*see* Section 1.c.). There was a special court to hear the cases of children under the age of 18. Children appearing before the court received more lenient sentences than did adults, and extenuating circumstances received greater consideration in juvenile cases.

With international assistance, the Government continued a program to improve judicial performance and independence, which consisted of organizing all laws and statutes into a single reference text and training officials throughout the justice system. Separate tribunals for specific types of disputes held court sessions more frequently. The Government continued to hold security officials accountable and prosecuted officials for abuses, which has improved the public perception of the judicial system.

The Constitution provides for due process and the presumption of innocence until proven guilty by an established tribunal. All defendants, regardless of the court or their ability to pay, had the legal right to representation by counsel during the proceedings, which were open to the public. If defendants lacked the ability to pay for counsel, the court appointed an attorney from a list prepared by the National Order of Lawyers, which provided a defense free of charge. The law provides that defendants may confront witnesses, present evidence, and appeal their sentences, and these rights generally were observed in practice.

Shari'a provides the legal principles upon which the law and legal procedure are based, and because of the manner in which Shari'a was implemented in the country, courts did not treat women as the equals of men in all cases (*see* Section 5).

Members of the opposition party FP claimed that party leader Mohamed Lemine Ch'bih Ould Cheikh Malainine was a political prisoner and that his June 2001 conviction for conspiracy was a charade (*see* Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law requires judicial warrants in order to execute home searches; however, the authorities reportedly often ignored this requirement.

Government surveillance of dissidents and the political opposition was believed to continue; however, the extent to which the Government used informants was unknown.

There were a number of reports that some government officials misappropriated land under the land reform system, confiscating the land of southern ethnic groups or the land traditionally held by Haratines and distributing it to their own friends and family (*see* Section 6.c.). The land reform law was to provide land for rural landless persons, including White and Black Moor victims of desertification in the northern and central regions and for returning southerners who had been expelled from 1989 to 1991. The reform aimed to increase the amount of land under cultivation by leasing uncultivated land to those with the means to cultivate it. However, there may have been a net redistribution of land from southerners and Haratines to White Moors under that program, since the south has been affected less by desertification than the more northerly regions historically inhabited by the Moors. Anecdotal evidence suggested that no more than 20 percent have received land.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government continued to restrict these rights through prepublication press censorship by the Interior Ministry. Two daily newspapers, Horizons and Chaab, and all broadcast media (radio and television) were government-owned and operated. NGOs and the privately owned press openly criticized the Government and its leaders. Antigovernment tracts, newsletters, and petitions circulated widely in Nouakchott and other towns.

All newspapers must register with the Ministry of the Interior. There were more than 300 journals and newspapers registered with the Ministry of the Interior, more than 200 of which did not publish regularly, including some that never have published an edition. There only were approximately 25 privately owned newspapers that published on a regular basis. These journals were weeklies and reached limited audiences, printing at most 3,000 copies of any 1 edition. The Government issued

press cards to journalists and required that they show this identification for participation in official press events. Publications were exempt from all taxes on materials used to produce newspapers, journals, or books for the private press.

The Press Law requires publishers to submit copies of newspapers to the Ministries of Interior and Justice before distributing them. The Ministry of the Interior reviewed all newspaper copy prior to publication and usually authorized sales and distribution within 2 to 3 days. However, the Press Law provides that the Minister of the Interior can stop publication of material that discredits Islam or threatens national security. During the year, the authorities seized 11 issues of different journals.

There were no developments in the 2000 cases of the banning of the weekly newspaper *Al Alam* or the Government's suspension of the accreditation of a Middle East Information Agency representative.

Radio was the most important medium in reaching the public, and the official media strongly supported government policies. The Government continued to deny private applications to establish domestic radio stations. During the October 2001 legislative and municipal election campaign, the Government provided all candidates with equal access to its two newspapers and to the electronic media, allowing citizens to hear and read criticism of the Government in these media, as well as in the private press. Opposition parties' access to government radio broadcast facilities at other times was limited.

Using satellite receivers and dish antennas, citizens could receive worldwide television broadcasts.

There were three domestic Internet service providers, which operated without governmental restrictions. Internet connections existed in Nouadhibou, the major commercial center, and ten other regional capitals. Some private newspapers also maintained websites, which the Government did not censor.

The Government did not restrict academic freedom, and there were no cases in which the Government prevented research or publication or censored lectures. The country's one university was government-funded and operated.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. The law requires that all recognized political parties and NGOs apply to the local prefect for permission for large meetings or assemblies. In April the Government temporarily banned all public demonstrations and refused to grant permits to demonstrators in response to widespread demonstrations on the situation in the Middle East.

There was no action taken against authorities who used force to disperse demonstrations in April 2001, July 2001, April 2000, November 2000, and December 2000.

The Constitution provides for freedom of association; however, the Government limited this right in practice and circumscribed the efforts of some groups by denying them official recognition. All political parties must register with the Ministry of the Interior. The number of political parties and labor unions remained the same. At least 15 political parties and a wide array of NGOs, many of them highly critical of the Government, functioned openly, issued public statements, and chose their own leadership; however, the Government has banned or refused to authorize several parties. The Government did not recognize any new NGOs or associations during the year; however, there were more than 600 such organizations in the country. The Government has not yet granted some NGOs official standing but did not prevent them from functioning. Among these were the Mauritanian Association for Human Rights (AMDH) and SOS-Eslaves (an antislavery NGO), which the Government claimed potentially were divisive in that they appealed to specific ethnic groups, namely the southern and Black Moor communities.

In January the Government banned the Action for Change (AC) party, claiming it incited racism and violence and attempted to disrupt national unity; however, the four AC deputies elected in October 2001 retained their seats as independents. In August the Government refused to authorize the new Convention for Change (CC) party, citing constitutional prohibitions against ethnic-based parties; CC organizers asserted the party was not ethnic-based. The UFD-A, the major opposition party remained banned at year's end.

The Taliaa (Vanguard) party also remained banned at year's end because of "cooperation with a foreign party, accepting foreign funds for political propaganda, and carrying out illegal acts."

In June the Government interfered in the election of the head of the National Order of Lawyers by manipulating procedures, exerting influence on certain members of the organization, and using police to restrict access to the organization's meetings.

In October the Government pressured the management of a Nouakchott hotel to deny accommodations for a meeting of opposition parties; the meeting took place at a different location.

In December the Government prevented a lawyer opposed to the Government's interference in these activities from holding a press conference at a Nouakchott hotel.

c. Freedom of Religion.—The Constitution establishes the country as an Islamic republic and decrees that Islam is the religion of its citizens and the State; the Government limited freedom of religion. However, Christians in the foreign community and the few Christian citizens practiced their religion openly and freely.

The Government did not register religious groups; however, NGOs had to register with the Ministry of the Interior (*see* Section 2.b.); this included humanitarian and development NGOs affiliated with religious groups.

Although there is no specific legal prohibition against proselytizing by non-Muslims, in practice the Government prohibited proselytizing by non-Muslims through the use of Article 11 of the Press Act, which bans the publication of any material that is against Islam or contradicts or otherwise threatens Islam. However, there were no reports that the Government punished persons for violating Article 11 during the year. The Government views any attempts by Christians to convert Muslims as undermining society; however, the Government also restricted suspected Islamic extremists. In November and December, the Government attempted to identify the authors of tracts warning possible proselytizers to stop their activities, and halted the circulation of the tracts. There were no known non-Muslim groups engaging in proselytizing, and foreign Christian NGOs limited their activities to humanitarian and development assistance.

Under Article 11, the Government may restrict the importation, printing, or public distribution of Bibles or other non-Islamic religious literature, and in practice Bibles neither were printed nor publicly sold in the country. However, the possession of Bibles and other Christian religious materials in private homes was not illegal, and Bibles and other religious publications were available among the small Christian community.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice; however, in some regions, persons lacking identity cards could not travel freely.

For several years, the Government set up roadblocks where gendarmerie, police, or customs officials checked the papers of travelers and often demanded bribes. During the year, the Government generally maintained fewer roadblocks than in previous years, and reduced the time taken in questioning and conducting vehicle searches. There were fewer reports of more stringent searches in the southern border areas. However, the number of roadblocks throughout the country increased temporarily in December without explanation.

Of the approximately 70,000 members of largely southern-based ethnic groups who were expelled by the Government or fled to Senegal and Mali during the 1989–91 crisis, almost all have returned or resettled in those countries. The Government has stated since 1993 that any citizen outside the country may return; however, the Government, the countries of asylum, and the U.N. High Commissioner for Refugees (UNHCR) have signed no tripartite repatriation agreements. The UNHCR estimated that there were between 15,000 and 20,000 refugees remaining in Senegal, although refugees have continued to return independently in small numbers and have benefited from small-scale agroforestry, health, and sanitation projects continued by NGOs and humanitarian workers.

Cooperation by local authorities in addressing restitution and citizenship matters varied greatly, depending on individual officials and the returnee's region. Repatriation efforts achieved greater results in the Trarza and Brakna regions than in Gorgol and Guidimaka to the east; however, observers noted that the situation in Gorgol improved considerably. Many returnees received their original homes, some property, and all or a portion of their land (*see* Section 1.f.). Timely restoration of identity papers varied, and some of those who returned in 1995 have not yet received identification cards. In some regions, persons lacking identity cards could not travel freely.

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, in practice the Government accepted the UNHCR recommendations on the granting of asylum and refugee status. The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees. In re-

cent years, the Government has provided first asylum to refugees from neighboring countries including Liberia, Sierra Leone, Senegal, Cote d'Ivoire, Mali, and Guinea-Bissau. The Government also has accepted the UNHCR's registration of approximately 200 asylum seekers, mostly from Sierra Leone and Liberia.

The country hosted more than 50,000 nationals of other West African countries who sought refuge and employment, primarily in Nouakchott and Nouadhibou. An estimated 60 percent of the country's small craft fishermen were Senegalese. There was a population of approximately 300 Sierra Leoneans living in Nouakchott. Some arrived more than 10 years ago and were employed fully. Approximately 225 of these have been granted refugee status and received UNHCR assistance.

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

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

The Constitution provides citizens with the right to change their government; however, the Government restricted this right in practice. Although civilians occupied all ministerial-level positions, some members of the Military Council that ruled from 1984 to 1992, in addition to President Taya, remained in positions of power within the executive branch, the National Assembly, the armed forces, and government-owned enterprises.

President Taya won an overwhelming victory in the 1997 presidential election, although his opponents did better in the cities than in the rural areas. The official turnout of 75 percent and the winning percentage of 90 percent were inflated, because many individuals voted more than once. The Government distributed four voter registration cards to some persons, including government employees, instructing them to vote repeatedly for the incumbent. The opposition also distributed multiple voter registration cards to some persons, instructing them to vote repeatedly. The outcome of the election was marred by fraud on all sides, including pervasive government intervention to support candidates from the ruling party. The election was boycotted by a coalition of four opposition parties that had demanded enhanced media access, an opposition role in election preparation, creation of an independent electoral commission, enlargement of the commission charged with revision of the electoral list, and provision of official copies of the voting report from each polling station to representatives of each candidate. During the election campaign, the Government granted the opposition access to the official media, but did not meet the other demands. The next presidential elections are scheduled for 2003.

One-third of the Senate was elected by the indirect balloting of municipal councils every 2 years; the latest elections were held in April for 19 of the 56 seats. The elections generally were well organized; however, international observers noted that government manipulations weakened the chances for opposition candidates. In contrast to the boycotts and limited participation in the 2000 Senate elections, six opposition parties ran candidates, and no parties boycotted the April elections. For the first time, an opposition (Rally for Democracy-RFD) candidate was elected to the Senate. In addition, two women also were elected to the Senate.

In October 2001 legislative and municipal elections, 15 opposition parties presented candidates for election. The Government introduced a hard-to-falsify voter identification card, revised and published all voter registration lists, used transparent ballot boxes, and allowed full access for a representative of each party to observe the entire voting process, including ballot counting, in every precinct. However, due to resource constraints, not all parties sent observers to all polling stations. No visiting international groups observed the elections, but foreign diplomats and local observers noted that the elections generally were fair and transparent with some irregularities, such as voters casting ballots at two different polling stations in a small number of precincts. Security forces avoided involvement in politics; by law members of the military must resign if they wish to participate in partisan politics. Except during the election campaign, the Government denied the political opposition full access to government media or the ability to compete on an equal footing (see Section 2.a.). The FP party, which opposes diplomatic relations between the country and Israel, gained one seat in the legislative elections, and eight municipal council seats either outright or in coalition with other parties.

The country is divided into 13 provinces, including the capital district of Nouakchott; each province is divided into prefectures. The Government appointed the Walis (governors) and Hakems (prefects). Municipal councils were elected by general ballot, and they elected their mayors, usually the lead candidate of the majority party's list. Most government services were provided by the central government. The elected councils were responsible for some public services such as sanita-

tion and had fiscal autonomy and taxing authority. Their administrative staff was independent of the Government. The councils elected the national Senate.

Women have the right to vote and formed the majority of voters in the October 2001 elections. Women occupied some senior government positions: Four cabinet-level posts including the cabinet-level post in charge of information, one secretary-general post, and two senior presidential advisors (including a Haratine). In addition, for women served as senior advisors to ministers. Women were well represented in the Secretariat of Women's Affairs, including a number from minority ethnic groups. There were 4 women in the 81-seat National Assembly and 3 women in the 56-seat Senate. A total of 3 of the 14 members of the Executive Bureau of the ruling PRDS were women, and a woman headed the UDP party, a part of the ruling coalition.

Minorities such as the Haratines, Halpulaars, Soninkes, and Wolofs were underrepresented in senior government positions. Of the Government's 20 ministerial posts, 2 incumbents were Haratine, 2 were Halpulaar, and 1 was Soninke; the remaining 15 were of either White Moor or mixed White Moor/Haratine ethnicity (*see* Section 5). The full 27-member Cabinet, including secretaries of state, had 3 Haratines, 3 Halpulaars, and 1 Soninke. The 56-member Senate had 3 Haratines, 4 Halpulaars, 3 Soninkes, and the remaining 46 were of either White Moor or mixed White Moor/Haratine heritage. The 81-member National Assembly had 9 Haratines, 8 Halpulaars, 2 Soninkes, and 2 Wolof.

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

There were three human rights organizations concerned with overall human rights issues. The oldest was the Mauritanian League for Human Rights (LMDH), an independent, government-recognized body. A second organization, the AMDH, still was unrecognized (*see* Section 2.b.). While not affiliated with the opposition, the AMDH had many opposition members. The AMDH was more critical of the Government than the LMDH, particularly on the unresolved abuses of the 1989–91 period. The International Study and Research Group on Democracy and Economic and Social Development in Africa (GERDDES-Africa) has not been recognized officially. The Government has not responded to the applications of these organizations on the grounds that they were ethnically based organizations that were divisive and in violation of the law; however, the unrecognized organizations continued to carry out their activities unimpeded. The Government was responsive to NGOs.

Other organizations, including 14 unregistered associations, also addressed human rights issues. Two groups, SOS-Esclaves and the National Committee for the Struggle Against the Vestiges of Slavery in Mauritania, focussed their efforts on overcoming the country's vestiges of slavery (*see* Section 6.c.). SOS-Esclaves particularly was active in claiming that slavery remained pervasive and appealing to national and international audiences to contribute to its eradication. SOS-Esclaves leader Boubacar Ould Messaoud and other SOS-Esclaves members traveled abroad freely during the year and made such claims during speaking tours. In November Amnesty International published a report urging the Government to implement more practical measures to counteract the vestiges of slavery.

The Committee of Solidarity with the Victims of Repression in Mauritania was concerned with the plight of the 1989 expellees. The Consultative Group for the Return of the Refugees was founded to promote the return of the remaining refugees in Senegal. The Collective of Worker Victims of the 1989 Events sought redress for government employees who lost their jobs in the events of 1989. The Committee of the Widows and the Collective of Survivors focused on the sufferings of the victims of the 1990–91 military purge and their families. The Collective of Survivors of Political Detention and Torture sought redress for abuses committed during the 1986–87 period. These groups and other groups of individuals with common concerns functioned openly and actively, but their efforts were circumscribed somewhat because they were not recognized officially (*see* Section 2.b.). The Coalition of Human Rights NGOs was an umbrella organization for 12 of these organizations; it represented the group in various forums, including representations to foreign embassies.

The only international association concerned with human rights to visit the country during the year was the ICRC, which makes routine annual visits. The Executive signed the legislation in July 2000 governing the procedures and conditions under which international NGOs could conduct business in the country; however, regulations still were not implemented by year's end. This legislation would facilitate the legal right for NGOs to conduct their work by providing for duty free imports, licensing of vehicles, and other provisions. Some international development NGOs operated under direct agreements with the Government, but most have been working without governing regulations.

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

The Constitution provides for equality before the law for all citizens, regardless of race, national origin, sex, or social status, and prohibits racial or ethnic propaganda. In practice the Government often favored individuals on the basis of ethnic and tribal affiliation, social status, and political ties. Societal discrimination against women, strongly rooted in traditional society, was endemic, although the situation continued to improve.

Women.—Abuse and domestic violence is illegal, and, human rights monitors and female lawyers reported that domestic violence was rare, particularly among the Moor population. The police and judiciary occasionally intervened in domestic abuse cases, but women in traditional society rarely sought legal redress, relying instead upon family and ethnic group members to resolve domestic disputes. Rape, including spousal rape, is illegal, but there were no known arrests or convictions under this law. The incidence of reported rape was low; it occurred, but newspaper accounts of attacks were rare.

Traditional forms of mistreatment of women continued, mostly in isolated rural communities, but these practices appeared to be on the decline. One form of such mistreatment was the forced feeding of adolescent girls (gavage), which was practiced only among the Moors. While there was no law prohibiting gavage, the Government made it a policy to end the practice. Experts previously estimated that between 60 and 70 percent of women experienced gavage but concluded that very few Moor women continued to experience gavage.

FGM was practiced among all ethnic groups except the Wolof. It was performed most often on young girls, often on the 7th day after birth and almost always before the age of 6 months. Among Halpulaar women, more than 95 percent underwent FGM. Results of a foreign-funded study indicated that 66 percent of those who performed FGM recognized that the practice was detrimental to women's health, and 54 percent of imams agreed that the practice was dangerous. Local experts agreed that the least severe form of excision was practiced, and not infibulation, the most severe form of FGM. The practice of FGM has decreased in the modern urban sector.

The Government continued intensive media and educational campaigns against FGM during the year. It was a clear public policy of the Government, through the Secretariat of Women's Affairs, that FGM should be eliminated, and the Government barred hospitals from performing it. Public health workers and NGOs educated women on the dangers of FGM, emphasizing FGM was not a requirement of Islam. According to several women's rights experts, the campaign against FGM appeared to be changing attitudes towards the practice.

Women have legal rights to property and child custody, and, among the more modern and urbanized population, these rights were recognized. By local tradition, a woman's first marriage, but not subsequent marriages, required parental consent. In accordance with Shari'a as applied in the country (*see* Section 1.e.), marriage and divorce did not require the woman's consent, polygyny was allowed, and a woman did not have the right to refuse her husband's wish to marry additional wives. In practice polygyny was very rare among Moors but was common among other ethnic groups. Arranged marriages also increasingly were rare, particularly among the Moor population. Women frequently initiated the termination of a marriage, which most often was done by repudiation of husband or wife rather than divorce. It also was common in Moor society for a woman to obtain, at the time of marriage, a contractual agreement that stipulated that her husband must agree to end their marriage if he chose an additional wife. The rate of divorce among Moors was 37 percent, and the remarriage rate after divorce was 72.5 percent.

Women still faced legal discrimination (*see* Section 1.e.). The testimony of two women was necessary to equal that of one man. In addition to awarding an indemnity to the family of a woman who has been killed, the courts would grant only half the amount that they would award for a man's death. For commercial and other modern issues not addressed specifically by Shari'a, the law and courts treated women and men equally. The Personal Status code provides a framework to regularize the prevailing Shari'a-based family law, which without defining legislation had been applied unfairly. For example, formulas applied to property distribution varied widely from case to case. In addition, the validity of and right to establish prenuptial agreements was not respected always. However, women did not face legal discrimination in areas not addressed specifically by Shari'a. The law provides that men and women receive equal pay for equal work. While not applied universally in practice, the two largest employers, the civil service and the state mining company, respected this law. In the modern wage sector, women also received family benefits, including 3 months of maternity leave.

The Government sought to open new employment opportunities for women in areas that traditionally were filled by men, such as health care, communications, police, and customs services. Women became more involved in the fishing industry and established several women's fishing cooperatives. In 2000 the first female Acting Police Commissioner was appointed in the capital and also began serving as Chief Investigator in the same police station. In 2000 approximately 70 jurists and female lawyers established an association of female jurists.

The Secretariat for Women's Affairs worked with many NGOs and cooperatives to improve the status of women. The Government, women's groups, and national and international NGOs organized meetings, seminars, and workshops throughout the year to publicize women's rights.

Children.—The law makes special provision for the protection of children's welfare, and the Government had programs to care for abandoned children; however, these programs were hampered by inadequate funding. The Government relied on foreign donors in such areas as child immunization.

The Government required attendance at school for 6 years, but full implementation of universal primary education was not scheduled to be completed until at least 2007, primarily because the Government lacked the financial resources to provide educational facilities and teachers throughout the country, especially in remote areas. Education received the largest share of the national budget at 13.5 percent. There only was a slight increase in attendance from the previous year, in which the school enrollment rate was 86.5 percent. There were no legal restrictions on the education of girls. Girls constituted 48.8 percent of all children enrolled in school in 1998. An estimated 84 percent of school-age girls attended elementary school in 1998 and 1999 compared with 88 percent for boys. At the secondary level, female students constituted 37.4 percent of those enrolled. Despite these increases, enrollment in the eastern part of the country, the Brakna, and along the Senegal River remained at a lower level. Female students made up 17 percent of the university's 1998–99 enrollment. Female students also constituted 30.5 percent of students enrolled in technical schools. The literacy rate for women was 36 percent, compared with 50 percent for men. Almost all children, regardless of sex or ethnic group, attended Koranic school between the ages of 5 and 7 and gained at least rudimentary skills in reading and writing Arabic (*see* Section 2.c.).

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

Local NGOs estimated that there were more than 250 street children; however, the Government has implemented a program to assist families with street children and to encourage their school attendance.

Persons with Disabilities.—The law does not provide specifically for persons with disabilities, and the Government does not mandate preference in employment or education or public accessibility for persons with disabilities; however, it did provide some rehabilitation and other assistance for persons with disabilities. NGOs increasingly have become active in raising public awareness of issues affecting persons with disabilities. The school for the deaf and the blind in Nouakchott operated 6 classrooms and enrolled 31 students (18 girls and 13 boys) during the year; however, the school lacked sufficient trained staff.

There was no societal discrimination against persons with disabilities.

National/Racial/Ethnic Minorities.—Ethnic minorities and low-caste individuals—such as members of the blacksmith and musician castes—among all ethnic groups faced societal discrimination. Ethnic and cultural tension and discrimination arose from the geographic and cultural line between traditionally nomadic Arabic-speaking (Hassaniya) Moor herders and Peuhl herders of the Halpulaar group in the north and center, and sedentary cultivators of the Halpulaar (Toucouleur), Soninke, and Wolof ethnic groups in the south. Although culturally homogeneous, the Moors were divided among numerous ethno-linguistic clan groups and were distinguished racially as Beydane and Haratine, or White Moors and Black Moors, although it often was difficult to distinguish between the two groups by skin color. The majority of those known as Black Moors were Haratine, literally meaning “one who has been freed,” although some Black Moor families never were enslaved. “White” Moors, large numbers of whom were dark-skinned after centuries of intermarriage with members of sub-Saharan African groups, dominated positions in government and business. The Haratine have remained politically weak and disorganized; poverty, migrations, and isolation of their communities have prevented the Haratine from realizing the political power inherent in their numbers. The Halpulaar (the largest non-Moor group), the Wolof, and the Soninke ethnic groups were concentrated in the south and were underrepresented in the military and security sectors.

The Constitution designates Arabic, Pulaar, Soninke, and Wolof as the country's national languages; however, successive governments—both civil and military—have

pursued various policies of “Arabization” in the schools and in the workplace. Non-Arabic-speaking ethnic groups have protested this policy, as have Arabic-speaking groups that want their children to obtain a bilingual Arabic-French education.

A number of accounts indicated that redistribution of southern farmland to Moors since the acceleration of desertification in the 1970’s has contributed to tensions between Moors and southern-based ethnic groups. Although much of the Government’s redistribution of land has been from southerners to southerners, some Moors have been resettled in the south (*see* Section 1.f.). Ethnic tensions surfaced dramatically in the mass expulsions of southern-based ethnic groups—mostly Halpulaars—in 1989 and 1990 and the purge of Halpulaars from the military in 1991. An upsurge of Arab nationalism among White Moors during the 1980s contributed to ethnic violence precipitated by a dispute with Senegal during 1989–91; this violence entailed the expulsion or flight of many non-Moors living in the south and occupation of much of their land by Moors, including Black Moors. Interethnic bitterness and hostility persisted, and continued to be aggravated by climatic, land, and population pressures.

Ethnic rivalry significantly contributed to political divisions and tensions. Some political parties tended to have readily identifiable ethnic bases, although political coalitions among them increasingly were important.

A number of accounts suggest that some members of the long-dominant White Moor community, which traditionally enslaved darker skinned groups, may continue to expect or desire servitude on the part of members of the generally darker-skinned Black Moors and southern ethnic groups, and that such attitudes may impede efforts to build a nondiscriminatory society and to eliminate the vestiges of slavery and consequences of slavery, goals to which both the Government and major opposition parties were committed. There were indications that racism on the part of some White Moors may have contributed both to the persistence of such vestiges and consequences of past White Moor enslavement of Black Moors, and to the expulsions and reported dispossession of members of darker southern ethnic groups with no tradition of servitude to the White Moors. However, southern-based ethnic groups and Black Moors have manifested little racial solidarity socially or politically, and racial differences did not contribute either to historical slavery or to the persistence of its vestiges and consequences among southern-based ethnic groups.

The legacy of caste distinctions continued to affect the status and opportunities available to various groups. For example, in some groups, individuals of a higher caste who sought to marry someone of a lower caste could be barred by their families or by the community, and in Soninke communities members of the slave caste could not be buried in the same cemetery as other castes.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association and the right of citizens to join any labor organization. All workers except members of the military and police were free to associate in and establish unions at the local and national levels. The majority of the labor force was in the informal sector, with most workers engaged in subsistence agriculture and animal husbandry; only 25 percent were employed in the wage sector. However, nearly 90 percent of industrial and commercial workers were organized.

The Labor Code does not restrict trade union pluralism, and there were four labor confederations: The Union of Mauritanian Workers (UTM), the General Confederation of Mauritanian Workers (CGTM), the Free Confederation of Mauritanian Workers (CLTM), and the General Union of Mauritanian Workers (UGTM). The UGTM was the newest, founded in September, and was the most closely allied with the ruling PRDS. Many workers still viewed UTM, the oldest confederation, as also closely allied with the Government and the ruling PRDS. It has lost ground to the CGTM and the CLTM. The CGTM was not affiliated with any party, although most of its members tend to favor the opposition. The CLTM was associated with the AC opposition party. There also were four unaffiliated professionally based labor unions.

The Government provides funds to the confederations in proportion to their memberships. All confederations supplied representatives to the country’s four labor tribunals and were included in most government deliberative or consultative bodies. Several independent trade unions, in particular three for teachers at the elementary, secondary, and university levels, also were active.

International trade union activity continued. The Government included CGTM, UTM, and CLTM representatives in its delegation to the International Labor Organization (ILO) in June 2000. The national federations continued to organize training workshops for their memberships throughout the country. In November the CGTM organized ILO-funded training to educate its members on the fundamental rights

of workers, and to reinforce dialog between the Government, trade unions, and employers.

Laws provide workers with protection against antiunion discrimination and employees or employers may bring labor disputes to three-person labor tribunals administered jointly by the Ministries of Justice and Labor with the participation of union and employer representatives.

Unions were free to affiliate internationally. The UTM participated in regional labor organizations. The CGTM and UTM were both members of the International Confederation of Free Trade Unions (ICFTU). The UTM was a member of the Organization of African Trade Union Unity (OATUU), but the CGTM's application was not accepted, as the OATUU only accepts one member federation from each country.

b. The Right to Organize and Bargain Collectively.—The law provides that unions may organize workers freely without government or employer interference, although to be legally recognized a union was required to have the authorization of the Public Prosecutor. General or sector agreements on wages, working conditions, and social and medical benefits were negotiated in tripartite discussion and formalized by government decree. Wages and other benefits also could be negotiated bilaterally between employer and union and the results of such negotiations were filed with the Directorate of Labor. Although the Directorate had the ability to change the negotiated settlement between labor and business, there were no known cases of such action during the year.

The law provides workers with the right to strike. Once all parties agree to arbitration, the tripartite arbitration committee may impose binding arbitration that automatically terminates any strike. Strikes in the private sector had to be preceded by submission of a nonconciliation or negotiation-breakdown report. Some trade union representatives state that there was little social dialog except in response to worker actions in a dispute. In October and November, the CLTM and CGTM supported a strike by stevedores at ports and warehouses. The strike ended after negotiations produced a 45 percent wage increase.

The Government in theory can dissolve a union for what it considered an “illegal” or “politically motivated” strike; however, there were no instances in which the Government did this. No unions were disbanded during the year.

The ILO Committee of Experts noted that compulsory arbitration effectively prohibited strikes and asked the Government to bring its legislation into compliance with the requirements of ILO Convention 87 on Freedom of Association and Protection of the Right to Organize; however, there was no government action by year's end.

There are no export processing zones (EPZs); however, the Investment Code approved by the National Assembly in December 2001 provides for the creation of EPZs.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, the law only applies to the relations between employers and workers, and there were reports that such practices occurred. Although not legal, the country had not yet criminalized slavery, therefore there was no legal remedy to prosecute its occurrence. The ILO Committee of Experts has requested that the Government take measures to extend the prohibition to any form of forced labor and vestiges of forced labor.

Citizens continued to suffer the effects and consequences of the practice of slavery and of caste distinctions over generations including the traditional existence of a slave caste in both Moor and southern (black African) communities. Slavery has been abolished officially; however, widespread slavery also was traditional among ethnic groups of the largely nonpastoralist south, where it had no racial origins or overtones; masters and slaves both were black. The south has suffered less from desertification, and some reports identify it as the region in which vestiges and consequences of slavery persisted most strongly.

A system of officially sanctioned slavery in which government and society joined to force individuals to serve masters did not exist. There has been no open trading in slaves for many years; however, there continued to be unconfirmed reports that slavery in the form of forced and involuntary servitude persisted in some isolated areas. Unofficial voluntary servitude persisted, with some former slaves continuing to work for former masters in exchange for monetary or nonmonetary benefits such as lodging, food, or medical care. Many persons, including some from all ethnic groups, still used the designation of slave in referring to themselves or others. The reasons for the persistence of such practices appeared to be economic, psychological, and religious, although they varied widely between the different ethnic groups. Poverty, persistent drought, and a weak economy provided few economic alternatives for many and left some former slaves vulnerable to exploitation by former masters.

There were reports that some former slaves in some sedentary communities have continued to work for their former masters or others without remuneration in order to retain access to the land they traditionally farmed, although the law provides for distribution of land to the landless, including to former slaves, and this law has been enforced in many cases (*see* Section 1.f.). Deeply embedded psychological and tribal bonds also made it difficult for many individuals who had generations of forebears who were slaves to break their bonds with former masters or their tribes. Some persons continued to link themselves to former masters because of the belief that their slave status had been ordained religiously, and due to fear of religious sanction if that bond was broken.

Adults may not be obliged by law to remain with former masters nor could they be returned if they leave. However, adult females with children faced greater difficulties and could be compelled to remain in a condition of servitude. For example, in some cases, especially where the former master claimed to be the father, former masters refused to allow children to accompany their mothers when the mother left the master. In other cases, the greater economic responsibility of supporting a family may have been the principal impediment to a woman seeking a new life.

Problems related to the vestiges and consequences of slavery usually entered the public domain in judicial cases, most often in the form of child custody and inheritance disputes between former masters and former slaves or their descendants. In most cases involving custody disputes between former masters and former female slaves, the courts have been instructed by the Minister of Justice to rule in favor of the women, and virtually all custody cases that have been tried were decided in favor of the women; however, court adjudication of such cases has been rare. The determination of such cases was problematic because there was polygyny, "secret" marriages, no written records, and divorce by repudiation (*see* Section 5). In some cases involving land tenure, courts reportedly have not upheld the property rights of former slaves.

NGO positions on the existence of slavery were not uniform. The African Union's (AU) African Commission on Human and People's Rights concluded that slavery did not exist as an institution and that the persistence of vestiges of slavery was the more convincing explanation of social relations. Anti-Slavery International has stated that there was insufficient evidence to conclude whether or not slavery existed, and that an in-depth, long-term study was required to determine whether the practice continued; however, such a study has not been conducted or planned.

Three NGOs—SOS-Eslaves, the National Committee for the Struggle Against the Vestiges of Slavery in Mauritania, and the Initiative for the Support of the Activities of the President—focused on issues related to the history of slavery in the country. SOS-Eslaves particularly was active in bringing to public attention cases in which it found the rights of former slaves to have been abridged and in assisting former slaves in their difficulties with former masters. Other human rights and civic action NGOs also followed this issue closely. The independent press, which included journals that were published by Haratines and southern-based ethnic groups who emphasized issues of importance to these ethnic groups, also was quick to report any incident that came to its attention in which the rights of former slaves were not respected.

The Commissariat for Human Rights, Poverty Alleviation, and Integration's focus was to address the vestiges and consequences of slavery. The Government focused on education, literacy, and agrarian reform as the main means to eradicate the vestiges of slavery and address its consequences. Classes were integrated fully, including boys and girls from all social and ethnic groups. In recent years, the Government's record in cases in which an individual's civil rights were affected adversely because of status as a former slave was poor. When complaints were filed with the Government to remedy cases involving detention of individuals against their will, the Government intervened in accordance with the law, although sometimes only after considerable pressure and the passage of time.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law provides that children cannot be employed before the age of 14 in the non-agricultural sector unless the Minister of Labor grants an exception due to local circumstances. The Government had a functional labor inspectorate with the authority to refer violations directly to the appropriate judicial authorities; however, the Government lacked sufficient resources to enforce existing child labor laws.

The law specifies that no child under the age of 13 may be employed in the agricultural sector without the permission of the Minister of Labor. The law states that employed children between the ages of 14 and 16 should receive 70 percent of the minimum wage, and that those between the ages of 17 and 18 should receive 90 percent of the minimum wage. Young children in the countryside commonly were employed in herding, cultivation, fishing, and other significant labor in support of

their families' activities. In keeping with longstanding tradition, many children served apprenticeships in small industries and in the informal sector. There was no child labor in the modern industrial sector.

Children of slave families were allowed to attend school.

e. Acceptable Conditions of Work.—The minimum monthly wage for adults was \$38.71 (9,872 ouguiya). The national minimum monthly wage did not provide a decent standard of living for a worker and family.

The standard, legal, nonagricultural workweek could not exceed either 40 hours or 6 days without overtime compensation, which was paid at rates that were graduated according to the number of supplemental hours worked. Domestic workers and certain other categories worked 56 hours per week. The Labor Directorate of the Ministry of Labor was responsible for enforcement of the labor laws, but in practice inadequate funding limited the effectiveness of the Directorate's enforcement.

The Ministry of Labor also was responsible for enforcing safety standards but did so inconsistently, due to inadequate funding. In principle workers could remove themselves from hazardous conditions without risking loss of employment; however, in practice they could not.

The law protects legal but not illegal foreign workers, and foreign workers could join unions.

f. Trafficking in Persons.—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country.

MAURITIUS

The Republic of Mauritius is a parliamentary democracy governed by a prime minister, a council of ministers, and a national assembly. The President, Karl Offman, who was nominated by the Prime Minister, Sir Anerood Jugnauth, and confirmed by the National Assembly, served as Head of State, with largely ceremonial powers. National and local elections, supervised by an independent commission, take place at regular intervals. According to international and local observers, the national elections, held in September 2000, were free and fair and resulted in a victory for an opposition coalition, the Mauritian Socialist Movement/Militant Mauritian Movement (MSM/MMM). There were numerous political parties, and partisan politics were open and robust. The judiciary was independent.

A paramilitary Special Mobile Force under civilian control was responsible for internal security. This force, commanded by the Commissioner of Police, was backed by a general duty police force. Both forces largely were apolitical, but were criticized for being inadequately trained to prevent and control rioting. Some members of the security forces committed serious human rights abuses.

The economy was based on labor-intensive, export-oriented manufacturing (mainly textiles), as well as sugar and tourism. The country's population was more than 1 million. The standard of living was high, with a per capita gross domestic product of \$3,900. The Government was diversifying the economy by promoting investment in new sectors such as information technology and financial services.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were reports that police abused suspects and detainees and delayed suspects' access to defense counsel. The Government's monopoly in broadcasting local news and programming ended with the establishment of three independent radio stations. The Government maintained control over the nation's television stations. At times police restricted freedom of assembly. Violence and discrimination against women and abuse of children continued to be problems. There were some restrictions on the rights of workers in the export processing zone (EPZ). Child labor, forced child prostitution, and trafficking were problems. Mauritius was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—During the year, there were two deaths in custody, one in April due to a reported hanging and one in September due to a reported neck injury.

The results of the inquiries into the 2001 death in custody of three persons were not released by year's end.

The investigation into the August 2001 beating to death of a man by prisoners and a prison guard was ongoing at year's end.

The results of the August 2001 judicial inquiry into the 2000 police killing of Rajen Sabapathee had not been released by year's end.

Investigations continued into the 2000 cases of two persons who died while in police custody, one from pneumonia and one from poisoning.

The judicial inquiry continued into the 1999 death in police custody of a popular Creole singer, Kaya, at year's end.

Trials of four Hizbullah suspects, particularly Hizbullah leader Mohammad Fakemeeah (also known as Cehl Meeah), for the 1996 killings of three rival Muslim political activists still were pending at year's end.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and inhuman punishment, and authorities generally respected this prohibition; however, there continued to be complaints of abuses by the police. The most frequent form of alleged police abuse was the use of force to coerce a suspect to sign a confession.

The investigation into the 2000 alleged police mistreatment of arrested Hizbullah leader Cehl Meeah was pending at year's end.

In 2001 the National Human Rights Commission (NHRC), which supervised the Complaints Investigation Bureau received 195 human rights complaints, 71 of which were complaints of police brutality.

Prison conditions generally met international standards; however, there were some deaths in prison. Food, water, and medical care were available to all prisoners; sanitation was adequate. Women were held separately from men, and juveniles were held separately from adults. There were no reports of abuse of women or juveniles in prison. Pretrial detainees were held separately from convicted prisoners.

There continued to be reports of deaths in police custody (*see* Section 1.a.).

The Government permits prison visits by independent observers. During the year, the press, the NHRC, and international organizations made regular prison visits.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. The Dangerous Drugs Act allows law enforcement authorities to hold suspected drug traffickers for up to 36 hours without access to bail or legal counsel, and the law also permits a 36-hour detention of suspects without legal counsel. In most cases, suspects were provided prompt access to family and defense counsel; however, police in some cases delayed suspects' access to defense counsel. Minors and those who did not know their rights were more likely not to be provided prompt access. In March the Government passed the Prevention of Terrorism Act. Its passage generated a public outcry in some quarters over the expanded powers that it gives the police to combat terrorism. There were no arrests under the Prevention of Terrorism Act during the year.

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

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

The judicial system consisted of the Supreme Court, which has appellate powers, and a series of lower courts. Final appeal may be made to the Privy Council in the United Kingdom.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants had the right to private or court-appointed counsel.

There were no reports of political prisoners.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

More than a dozen privately owned newspapers presented varying political viewpoints and expressed partisan views freely. The Government has the ability to counter press criticism by using strict libel laws; however, the Government has not invoked these measures to inhibit the press. Libel suits between private parties were common.

In March and April, the Government's monopoly in broadcasting local news and programming over the radio ended with the establishment of two independent radio stations. A third station received its license and began broadcasting in October.

A private news organization posted local news on the Internet, thereby circumventing the ban on private party television or radio local news broadcasts. Foreign international news services, such as the United Kingdom's Sky News, France's Canal Plus, and Cable News Network, were available to the public by subscription.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice; however, police permission is required for demonstrations and mass meetings, and such permission was refused in certain cases during the year. There is a right of judicial appeal. While groups had the right to challenge denials, they occasionally proceeded with their demonstrations without police permission; in such cases, police usually dispersed the demonstrators. The demonstration's leaders usually were warned verbally and sometimes briefly detained.

In September supporters of Hizbullah leader Cehl Meeah (*see* Section 1.a.) demonstrated in front of a courthouse after a hearing. Seven demonstrators subsequently were charged with threatening two of the prosecutors trying the case as they attempted to depart the courthouse. A trial began in November; there was no decision by year's end.

The Constitution provides for freedom of association, and the Government generally respected this right in practice.

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

Religious organizations and faiths that were present in the country prior to independence, such as the Roman Catholic Church, the Church of England, the Presbyterian Church, the Seventh-Day Adventists, Hindus, and Muslims, receive a lump-sum payment every year from the Ministry of Finance based upon the number of adherents, as determined by a 10-year census. Newer religious organizations (which must have a minimum of 7 members) were registered by the Registrar of Associations and were recognized as legal entities with tax-free privileges. No groups have been refused registration.

Tensions between the Hindu majority and Christian, Creole, and Muslim minorities persisted; however, there were no violent confrontations during the year. Some minorities, usually Creoles and Muslims, alleged that a glass ceiling existed within the upper echelons of the civil service that prevented them from reaching the highest levels.

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

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

The Constitution does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government did not grant asylum to refugees in general on the grounds that the country was small, had limited resources, and did not wish to become a haven for large numbers of refugees. However, the Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR), provided first asylum on occasion, and allowed U.N. agencies to provide limited assistance to 14 individuals whom the UNHCR recognized as 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 exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. According to international and local observers, free and fair national elections were held in September 2000, and the opposition MSM/MMM federation defeated the governing Labor Party/Parti Mauricien Xavier Duval coalition. Suffrage was universal except for approximately 100 fishermen on 6- to 12-month contracts who were residents of the island of Saint Brandon. These fishermen may vote on the main island provided they were registered and physically present on election day.

In September the island of Rodrigues successfully held its first elections for a regional elected assembly. The creation of the Assembly was a first step towards a decentralized and autonomous island of Rodrigues. The Assembly will work with the central government in controlling funds for Rodrigues.

There were 4 women in the 70-seat National Assembly, and there was one female minister in the 25-member Cabinet.

Candidates for the National Assembly were required to identify themselves with one of four distinct ethnic groupings—Hindu, Muslim, Sino-Mauritian, or general population. For these purposes, “general population” was the category used to describe any citizen other than Hindu, Muslim, or Sino-Mauritian persons, which were primarily the Creole and Franco-Mauritian communities. Based on these four categories, there were 37 Hindus, 21 members of the General population, 11 Muslims, and 1 Sino-Mauritian in the 70-seat National Assembly, and there were 16 Hindus, 5 from the general population, 3 Muslims, and 1 Sino-Mauritian in the 25-member Cabinet.

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

A number of domestic and international human rights organizations, including Amnesty International, Transparency International, and SOS Femmes, generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

Prior to April 2001, the constitutionally mandated, autonomous Ombudsman investigated complaints of human rights abuses. Since the creation of the NHRC in April 2001, the Ombudsman no longer investigated human rights problems. The NHRC was composed of a president of the commission, who according to the law, must be a former Supreme Court judge and three other members, of whom one must be a lawyer or a judge with 10 years of experience, and the other two must have experience in the human rights field. The NHRC was authorized to investigate abuses by any public servant, but it could not investigate complaints that were already the subject of an inquiry by the Ombudsman, the Director of Public Prosecutions, the Public Service Commission, or the Disciplined Forces Service Commission. The NHRC had the authority to visit centers of detention or prisons and to assess and make recommendations on conditions. The NHRC first tried to resolve complaints through conciliation. If not successful, it can forward cases to the Director of Public Prosecutions (if criminal in nature), to the service commissions for disciplinary measures, or to the responsible authority in question. Between April and December 2001, the NHRC received 195 complaints, 71 of which were complaints of police brutality.

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

The Constitution specifically prohibits discrimination on the basis of race, caste, place of origin, political opinion, color, or sex, and the Government generally respected these provisions.

Women.—Domestic violence against women, particularly spousal abuse, was a problem, according to the Ministry of Women’s Rights, Child Development, and Family Welfare; attorneys; and nongovernmental organizations (NGOs). The Protection from Domestic Violence Act criminalizes domestic violence and provides the judicial system with greater powers to combat this problem. In March 2001, SOS Femmes, an NGO, published a study on domestic violence in the country in which 84 percent of the women surveyed reported being victims of physical abuse. Alcohol or drugs was a contributing factor in nearly 70 percent of these cases. According to the Ministry of Women’s Rights, Child Development, and Family Welfare, between January and July, 865 cases of domestic abuse were reported. According to officials, the number of reported spousal abuse cases has risen primarily due to a greater awareness of women’s rights and the Government’s readiness to enforce them. Nevertheless, many victims still chose not to prosecute or report their attacker, primarily due to cultural pressures. Although specific laws make rape illegal, including spousal rape, it was a problem. In August following a high profile case of an expatriate who was gang raped by two different groups in one evening in Curepipe, several hundred women held a demonstration to protest the proliferation of rape cases, both reported and unreported.

Since women often depended on their spouses for financial security, many remained in abusive situations for fear of being unable to provide for their children as single parents. While a magistrate can order a spouse to pay child support, some spouses have stopped working to avoid payment. The law criminalizes the abandonment of one’s family or pregnant spouse for more than 2 months, the nonpayment of court-ordered food support, and sexual harassment.

Traditionally women have played subordinate roles in society, and societal discrimination continued; however, women had access to education, employment, and government services.

Children.—The Government placed strong emphasis on the health and welfare of children and displayed a commitment to expand educational opportunities for children. Education was free and mandatory until the age of 12; attendance at the primary level was 100 percent, but only 60 percent of children attended school at the secondary level. In May 2001, the Government announced an education reform plan that would increase mandatory education to the age of 16 by 2003. The plan would eliminate the ranking of primary students based on their scores in a primary education certificate exam with the objective of making more students eligible to attend secondary school. As part of the plan, the Government announced that it would address the increase in secondary students by building new schools and converting some schools, including private schools, into a regional network of secondary schools. During the year, the Government started converting schools and building additional secondary schools, which were scheduled to be completed by 2003. The Government also started to build five new secondary schools that it planned to open in January 2003. Four colleges also were being extended, and four vocational colleges were being converted.

The Government provided full medical care for children.

Although incidents of child abuse were reported, private voluntary organizations claimed that the problem was more widespread than was acknowledged publicly. Most government programs were administered by the state-funded National Children's Council and the Ministry of Women's Rights, Family Welfare, and Child Development, which provided counseling, investigated reports of child abuse, and took remedial action to protect affected children.

Under the law, certain acts compromising the health, security, or morality of a child were crimes.

Child prostitution is a criminal act, but only the adult was an offender, while the child involved was given social assistance. Trafficking of children for prostitution was a problem (see Section 6.f.). Child pornography also is a crime, and the child was offered social aid while the adult offender was prosecuted.

Persons with Disabilities.—There was no discrimination in employment, education, or in the provision of other state services against persons with disabilities, including mental illness. The law requires organizations that employed more than 10 persons to set aside at least 3 percent of their positions for persons with disabilities. There was no law mandating access to public buildings or facilities. The law did not require that work sites be accessible to persons with disabilities, making it difficult for persons with disabilities to fill many jobs.

National/Racial/Ethnic Minorities.—Tensions among the Hindu, Creole, Muslim, European, and Chinese communities persisted; however, there were no violent confrontations during the year.

Section 6. Worker Rights

a. The Right of Association.—The Constitution explicitly protects the right of workers to associate in trade unions, and there was an active trade union movement. Approximately 335 unions represent 111,231 workers, or 21.5 percent of the work force. Many unions were small, having fewer than 1,000 members. Ten major labor federations served as umbrella organizations for these smaller unions. With the exception of members of the “disciplined force,” namely, the police and the Special Mobile Force, and persons in government services who were not public officers such as contractors, workers were free to form and join unions and to organize in all sectors, including in the export processing zone (EPZ). Labor unions were independent of the Government, and they had established ties to domestic political parties and addressed political issues.

The Industrial Relations Act (IRA) prohibits antiunion discrimination, and there were no reports of antiunion activity by employers during the year. There was an arbitration tribunal that handled any such complaints, and three such complaints were filed during the year. The International Confederation of Free Trade Unions (ICFTU) reported that the law did not protect trade unions adequately against acts of interference by employers. The Mauritian Labor Congress asserted that union membership was low in the EPZ in part because employers in the EPZ intimidated employees and restricted access to union organizers.

Under the law, unions may establish ties with international labor bodies, and some unions have done so.

b. The Right to Organize and Bargain Collectively.—The law protects the right of employees to bargain collectively with their employers. The International Labor Organization (ILO) reported that the Government began a labor law reform project with ILO technical assistance in 1997; however, new legislation still was pending at the State Law Office level at year's end. Minimum wages for nonmanagerial level

workers were set by the National Remuneration Board (NRB), whose chairman was appointed by the Minister of Labor; however, most unions negotiated wages higher than those set by the NRB. Almost 13 percent of the labor force worked for national or local government.

Under the IRA, unions have the legal right to strike; however, the IRA requires a 21-day cooling-off period, followed by binding arbitration, which has the effect of making most strikes illegal. The Government has 21 days to respond to any labor dispute referred to the Ministry of Labor. If the Government does not respond within 21 days by referring the case either to the Permanent Arbitrary Tribunal (PAT) or to the Industrial Relations Commission (IRC), then the workers have the legal right to strike. The IRA states that worker participation in an unlawful strike is sufficient grounds for dismissal, but workers may seek remedy in court if they believe that their dismissals are unjustified. There were no strikes during the year. The IRA grants the Prime Minister the prerogative to declare any strike illegal if he considers that it “imperils the economy.”

In July 2001, the Government unveiled a plan for restructuring the sugar sector that included provisions for the early retirement of 9,200 sugar workers. In July 2001, several of the unions representing the sugar workers held demonstrations to protest the constitutionality of the plan and the details of the retirement package, which was decided without union input. Approximately 7,800 workers had been given early retirement under this plan by year's end.

Reportedly 87,607 persons work in the EPZ. Although only 10 percent of EPZ workers were unionized, these workers were covered by national labor laws; however, there are some EPZ-specific labor laws, including the provision for 10 hours per week of mandatory, paid overtime at a higher wage than for ordinary working hours. The ICFTU alleged that employers have established employer-controlled work councils for workers in the EPZ effectively blocking union efforts to organize at the enterprise level. The 2000 ICFTU report stated that there was very little collective bargaining in the EPZ and that the National Remuneration Board determined wages after representations by employers and workers' representatives, effectively hindering the collective bargaining process. The ILO has recommended that the Government utilize tripartite committees to negotiate and resolve disputes.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor outside the EPZ, including by children, and there were no reports that such practices occurred in the case of adults. Labor laws that cover the EPZ allow for 10 hours of compulsory overtime a week and compulsory work on public holidays, although at a higher hourly wage (*see* Sections 6.b. and 6.e.).

According to the ILO Committee of Experts, the Merchant Shipping Act contains provisions that were not compatible with international standards regarding forced labor. Certain breaches of discipline by seamen were punishable by imprisonment. The Government indicated that it proposed to amend the Merchant Shipping Act to make it compatible with ILO Convention 10; however, it took no action during the year.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children under age 15 and limits the employment undertaken by youth between ages 15 and 18, and the Government generally respected this law in practice; however, child labor was a problem. According to Section 55 of the Labor Act, the penalties for employing a child are a fine of no more than \$66 (2,000 rupees) and a term of imprisonment not to exceed 1 year.

The legal minimum age for the employment of children was 15 years; however, children unable to attend secondary school often sought apprenticeships in the trades. Vocational schools trained students who failed the primary education certificate exam at the end of the sixth year of primary education.

The Ministry of Labor was responsible for the enforcement of child labor laws and conducted frequent inspections. According to the Ministry of Women's Rights, Child Development, and Family Welfare, 1,600 children between the ages of 12 and 14 were employed or looking for work in 2000. Child labor in homes, on farms, and in shops was common on the island of Rodrigues.

The Ministry of Labor was responsible for investigating reports of child labor abuses; 30 inspectors were employed by the Ministry to investigate all reports of labor abuses, including those of child labor. During 2001, the inspectors reported at least 20 cases of children labor.

e. Acceptable Conditions of Work.—The Government administratively established minimum wages, which varied according to the sector of employment, and it mandated minimum wage increases each year based on inflation. The minimum wage for an unskilled worker in the EPZ was \$13.30 (390 rupees) per week, while the minimum wage for an unskilled factory worker outside the EPZ was approximately

\$3.53 (106 rupees) per week; these sums did not provide a decent standard of living for a worker and family, but the actual market wage for most workers was much higher due to a labor shortage and collective bargaining. The standard legal workweek in the industrial sector was 45 hours. According to the Mauritian Labor Congress, 10 hours of overtime a week is mandatory at certain textile factories in the EPZ (*see* Section 6.b.).

The Government set health and safety standards, and Ministry of Labor officials inspected working conditions and ensured compliance with the law. Inspections were announced and unannounced. The small number of inspectors limited the Government's enforcement ability; however, through voluntary compliance by the employers, the number of occupational accidents was reduced. Company human resource or personnel managers reported on occupational health and safety matters; approximately 4,000 accidents were reported in 2001. Workers had the right to remove themselves from dangerous situations without jeopardizing their continued employment, and they did so in practice.

In August 2001, an international NGO conducted a study commissioned by the Ministry of Labor comparing working conditions between men and women, particularly in the area of wages. During the year, the study was released, and the Government reportedly planned to reform the labor laws to encourage greater gender equality; however, there were no reforms initiated by year's end.

Since foreign workers often did not speak English, French, or Creole, it was difficult for them to demand their rights, which were the same as those of citizen employees, including the right to belong to a union. In June 2001, it was reported that a Ministry of Labor investigation indicated that many foreign workers did not receive all of the overtime wages to which they were entitled; the companies at fault were instructed to remedy the situation or face legal action. Most of the companies complied; however, those that did not comply were prosecuted.

f. Trafficking in Persons.—The law prohibits trafficking in children, but does not specifically mention trafficking in adults; however, there were reports of trafficking in the country.

Child prostitution was a problem. A 1998 study reported that children entered into prostitution as early as age 13; their clientele included, industrialists, professionals, police officers, parliamentarians, and government ministers. The Government targeted child prostitution as a top law enforcement and prevention priority. In February 2001, the Ministry of Women, Child Development, and Family Welfare established a hotline for reporting cases of child prostitution, and 135 cases were registered in 2001. In July 2001, a task force on prostitution at the Ministry commissioned a quantitative study on the magnitude of the child prostitution problem in the country. In July 2001, police broke up a prostitution ring involving adolescents in the north of the main island. During 2001 both the Ministry and NGO's sponsored seminars on the dangers of prostitution for the public and schoolchildren. Some NGO's also have formed regional awareness networks and developed training materials for educators. During the year, the Government implemented a 5-year action plan with a series of recommendations to combat child prostitution. The plan was published in December.

Unlike in previous years, there were no reports of the trafficking of women and young girls from Madagascar to Reunion and Mauritius.

MOZAMBIQUE

Mozambique's constitutional government, headed by President Joaquim Chissano, held its second general multiparty elections in 1999. President Chissano was re-elected in generally free and fair elections that were marred by some irregularities that did not impact the results. His party, the Front for the Liberation of Mozambique (FRELIMO), won 133 seats in the 250-seat Assembly of the Republic, and the remaining 117 seats went to the opposition coalition of the Mozambique National Resistance-Electoral Union (RENAMO-UE). Chissano and the leadership of FRELIMO, which have ruled the country since independence in 1975, dominate policymaking and implementation. The Assembly is a multiparty parliament that provided useful debate on national policy issues and generated some proposals independently. During legislative sessions, the Assembly influenced the executive branch on some policy issues, and RENAMO had some limited influence on the executive. The Constitution provides for an independent judiciary; however, the executive branch dominated the judiciary, which lacked adequate resources, was chronically understaffed, was susceptible to corruption, and largely was ineffectual.

The forces responsible for internal security under the Ministry of Interior include: The Criminal Investigation Police (PIC), the Mozambican National Police (PRM), and the Rapid Intervention Police (PIR). The State Information and Security Service (SISE) reported directly to the President. The military continued to suffer from lack of funds and a long-term strategy. Many former military personnel of various ranks worked in other government security forces. The PIC, PRM, and PIR legally were under the control of the civilian government; however, at times local police acted in contravention of the guidelines established by the civilian authorities. The political opposition claimed that the PIR operated in support of the ruling party. Members of the security forces committed numerous serious human rights abuses.

The country is very poor; its population was an estimated 17 million according to the 1997 census. Approximately 80 percent of the population were employed in agriculture, mostly on a subsistence level, and approximately 75 percent of the population lived in poverty. The gross domestic product (GDP) was approximately \$4.84 billion in 2001, an increase of 14.8 percent from 2000. The economy and the Government budget remained heavily dependent on foreign aid. Annual per capita income was \$245. High unemployment and underemployment in the formal and informal sectors continued. Corruption continued to be a problem in the public and private sectors. Economic indicators for the second half of 2001 and the first half of the year showed some strengthening of the economy.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Police continued to commit numerous abuses, including unlawful killings, excessive use of force, and other abuses. Occasional mob violence resulted in several deaths. Police officers beat persons in custody, and abused prostitutes and street children. During the year, the League of Human Rights (LDH), a local nongovernmental organization (NGO), noted that the human rights situation in general had improved in a few areas, such as unlawful killings; however, police corruption, brutality, and intimidation; labor strife, and other societal concerns continued. Prison conditions remained extremely harsh and life threatening; several prisoners died due to the harsh conditions. Police continued to use arbitrary arrest and detention, and lengthy pretrial detention was common. Fair and expeditious trials were problematic due to an inefficient, understaffed, and underfunded judiciary, which was dominated by the executive and subject to corruption. There were reports of some infringements on the right to privacy. The Government generally respected freedom of the press; however, news coverage by media outlets owned by the Government and state enterprises was influenced by members of the ruling party. An amended law provides for freedom of assembly with some restrictions; the Government forcibly dispersed at least one demonstration during the year. Both the Government and the law imposed some limits on freedom of association. The Government at times infringed on freedom of movement. Domestic violence against women, as well as widespread discrimination against women in employment and property rights, remained problems. The abuse and criminal exploitation of street children, including child prostitution, increased in urban areas. Discrimination against persons with disabilities and child labor remained problems. Unlike in the previous year, there were no confirmed reports that women or children were trafficked to South Africa or Swaziland for prostitution. Mozambique was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There continued to be reports of unlawful killings by security forces. For example, in February police officer Bernardo Parafino shot and killed Gildo Gerente, who was handcuffed, after attempting to flee from police. Reportedly Gerente did not have a valid driver's license and was driving his mother's vehicle without permission. The police force expelled Parafino, and he was detained on charges of murder.

Also in February, police killed teenager A. Matusse while firing their weapons at robbery suspects. Matusse was helping a couple that was being attacked by robbers when police fired their weapons killing her. The killing was attributed to the general poor training of the police. No charges were filed against the responsible officer.

In September rioting broke out in Nova Sofala when a police officer shot and killed a man over a small debt. The victim, Mr. Antonio Maquiqui, allegedly owed his servant \$9, and he reportedly evaded police on numerous occasions and did not respond to their summons. When confronted by police, Maquiqui reportedly resisted arrest and was shot and killed by a policeman; however, local residents insisted that

the killing was intentional and that there was no attempt by the victim to resist arrest. The policeman was beaten by the mob and was in a coma at year's end.

On October 12, Policeman Jose Fumo shot and killed a 17-year-old student, Mario Alfredo. Fumo had left his post at the Maputo City Police Command to investigate a group of students who were having a heated argument. He attempted to restore order by firing into the crowd and killed Alfredo. Fumo was in custody at year's end and was charged with manslaughter.

There was no developments, nor were any expected, in the following 2001 cases: The January police killing of Salomao Ubisse; the March killings of Edmundo Jaime and Neto Luis Neves by prison guards; the April death in custody of Caetano Joaquim Chapepa; and the October death in custody of Fernando Santos.

No action was taken, nor was any likely, against the members of the security forces responsible for the following 2000 cases: The police killing of six persons in Aube; and the alleged pattern of execution-style killings by police in Marracuene; RENAMO party officials Eduardo Foa, Ricardo Moaine, and Geraldo Carvalho; Tomas Paulo Nhacumba and Gildo Joaquim Bata; Emidio Raul Nhancume; and Eliseu Geraldo Muanga.

Extremely harsh prison conditions, often leading to serious illness, continued to result in the deaths of several persons in custody (*see* Section 1.c.). Unlike in the previous year, there were no reports that torture led to deaths in custody.

The Government continued to cooperate with international organizations in demining efforts during the year to remove the hundreds of thousands of mines planted between 1960 and 1990. According to the National Demining Institute (IND), 224 persons were killed in landmine accidents between 1997 and the end of the year. According to IND, landmine incidents continued to decline; eight persons were killed and seven were injured in landmine accidents during the year.

A local human rights organization, Association for Human Rights and Development (DHD), criticized the Government's failure to reveal publicly the names of more than 100 detainees in Montepuez who reportedly died of asphyxiation in their cells in 2000, which prevented relatives of the victims from seeking compensation (*see* Section 1.c.). According to DHD, this contravened Article 87 of the Constitution, which states that the "State shall be held accountable for the illegal acts committed by its agents in the exercise of their duties." Two jail officials were serving prison terms for homicide.

In 2000 as many as 54 persons were killed during violence related to rallies and marches held throughout the country to protest the outcome of the 1999 elections (*see* Sections 1.c., 1.d., 1.e., and 2.b.). The total number of persons killed remained in dispute among human rights groups, the opposition, and the National Assembly. The National Assembly established a bipartisan Parliamentary Commission of Inquiry to investigate the violence surrounding the demonstrations and the subsequent deaths in custody. The ad hoc parliamentary commission investigating the incidents concluded its work in September 2001. RENAMO raised a series of objections to the content of the report, which it did not regard as the result of a truthful fact-finding mission. The release of the report has been postponed indefinitely. An appeal of the 2001 convictions of five RENAMO leaders of the Montepuez demonstrations was pending at year's end.

No action was taken, nor is the Government likely to take any action, against police in Nampula province or Balama District, Cabo Delgado, who killed and injured unarmed demonstrators in 2000.

Occasional mob and vigilante killings continued in both urban and rural areas due to general public frustration with the rising incidence of crime. During the year, unconfirmed reports of mob violence resulting in the deaths of suspected criminals were widespread throughout the country.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution expressly prohibits such practices; however, the police continued to commit serious abuses, and torture, beatings, death threats, physical and mental abuse, and extortion remained problems. During the year, the LDH reported complaints of torture, including several instances involving the sexual abuse of women, beating, illegal detention, and death threats. In September the LDH reported that the number of reported abuses had declined again during the year.

Unlike in the previous year, there were no reports that persons were tortured to death in custody.

Corruption in the police forces extended throughout the ranks, and the PRM used violence and detention to intimidate persons from reporting abuses.

Journalists continued to report that police extorted money from street vendors, many of whom were widowed or divorced women, sometimes beating the women,

and often stealing their merchandise. There also were reports that police abused prostitutes and street children (*see* Section 5).

The national budget allocated more funding for the hiring and training of police, as well as for higher salaries. In 2000 a new 4-year police service academy opened, which provides college-level training to police officers in the mid-ranks and higher. Human rights training was provided for security officers, with human rights groups like the DHD teaching some of the courses; however, the training was not mandatory.

There was no investigation, nor was any likely, into the reported torture in custody of Tomas Paulo Nhacumba and Gildo Joaquim Bata in 2000 (*see* Section 1.a.).

The rapid intervention police used force to disperse demonstrations by former East German workers on at least one occasion (*see* Section 2.b.).

Unlike in the previous year, there were no reports of political violence between FRELIMO and RENAMO supporters.

In 2000 violence occurred in at least 15 of the more than 60 demonstrations held throughout the country by RENAMO to protest the outcome of the 1999 elections; approximately 200 persons were injured in the violence (*see* Section 1.a., 1.d., 1.e., and 2.b.).

The Government has not taken action, nor was it likely to take action, against the responsible police officers who tortured detainees in custody in previous years.

Prison conditions in most of the country were extremely harsh and life threatening. Most prisoners received only one meal per day, consisting of beans and flour. It has been customary for families to bring food to prisoners; however, there were sporadic reports that guards demanded bribes in return for allowing the delivery of food to the prisoners.

Prison facilities remained severely overcrowded, generally housing four to six times the number of prisoners that they were built to accommodate. During the year, the National Association for the Support and Protection of Prisoners (ANASCOPRI), a domestic NGO, stated that Beira Central Prison held 705 inmates in a prison built to hold 400; Manica held 608 in a prison built to hold 200; and Tete held 540 in a prison built to hold 150. Inhambane Provincial Prison held 199 in a prison built to hold 99; Nampula held 724 in a prison built for 100; Cabo Delgado held 338 in a prison built for 100; Gaza held 222 in a prison built for 100; Niassa held 356 in a prison built for 100; and Zambezia held 446 in a prison built for 150. Maputo Central Prison, built to hold 800 inmates, held 2,450 inmates. However, the Maputo Machava Maximum Security Prison, with a capacity of 600, held considerably less than that. Approximately 4,465 detainees were held in jails and prisons administered by the Ministry of Justice during the year, and approximately 2,681 sentenced prisoners were incarcerated. The Ministry of Interior did not provide any data on the number of prisoners held in their two facilities by year's end.

There continued to be many deaths in prison, the vast majority due to illness and disease.

Two National Directorates of Prisons (DNPs), one under the Ministry of Justice (MOJ) and the other under the Ministry of Interior (MOI), operated prisons in all the provincial capitals. The DNPs also hold prisoners at an agricultural penitentiary in Mabalane and industrial penitentiaries in Nampula and Maputo.

In MOI facilities, detainees who have not yet been charged were held with prisoners sentenced for serious offenses that specify maximum security. Detainees who have not been charged usually were held for longer periods than the 48 hours permitted under the law. In MOJ facilities, detainees who have been charged but not yet tried are held with prisoners who have been tried and sentenced to prison for relatively minor cases where moderate security imprisonment was deemed sufficient. Pretrial detainees usually were held for several months before trial, and delays of more than 1 year were common. MOI and MOJ facilities, while separate, often were connected physically. Military and civilian prisoners were held in the same prisons.

Women were held in separate areas of prisons from men. At times prisons house young children, usually infants, brought there by mothers sentenced for long periods; the children were allowed to stay with their mothers when no other caregivers were available.

Minors were incarcerated with adult inmates; however, there were fewer reports of minors held in detention than in previous years. According to a study by the MOJ and the U.N. Development Program (UNDP) in 2001, approximately 3 percent of prisoners were between the ages of 13 and 15, and more than 39 percent of prisoners were between the ages of 16 and 20.

International as well as domestic human rights groups may have access to prisoners at the discretion of the MOJ and MOI; however, officials sometimes cited unsanitary conditions or security risks as reasons to delay or cancel visits. During the

year, the LDH visited several jails and prisons in the Maputo area and in the provinces. ANASCOPRI also conducted several prison visits during the year, despite a lack of funding to carry out such programs. The LDH stated that while prison access and conditions had improved, the overall level of treatment was poor. The access of priests and imams into the prisons improved, and prisoners were able to practice their faith while incarcerated. During the year, the Government invited the LDH to conduct training for prison monitors who were expected to be in charge of finding out the legal needs of detainees. Dr. Cauio of the Bar Association stated that, during prison visits this year, there was an unacceptable level of overcrowding and most prisoners received only one meal per day.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides that the duration of investigative detention be set by law; however, the police continued arbitrarily to arrest and detain citizens in practice. Under the law, the maximum length of investigative detention is 48 hours, during which time a detainee has the right to have judicial authorities review his case, after which he can be detained up to another 60 days while the case is investigated by the PIC. In cases where a person is accused of a very serious crime carrying a sentence of more than 8 years, he may be detained up to 84 days without being charged formally. If a court approves, such detainees may be held for two more periods of 84 days each without charge while the police complete the investigative process. The law provides that if the prescribed period for investigation has been completed, and no charges have been brought, the detainee must be released. In many cases, the authorities either were unaware of these regulations or ignored them, often also ignoring a detainee's constitutional right to counsel and to contact relatives or friends.

The media reported and many persons complained that security officials often detained them for spurious reasons and demanded identification documents; many officers also extorted bribes to permit persons to continue their travel (*see* Section 2.d.). Many victims lived in areas where there was no notary public available to validate their documents. Many victims chose not to seek police assistance because of their usual demand for bribes or a lack of confidence that the police would help.

Most citizens also were unaware of the rights provided by the Constitution, the law, and the Penal Process Code. As a result, detainees could spend many weeks, months, and even years in pretrial status. The bail system remained poorly defined, and prisoners, their families, and NGOs continued to complain that police and prison officials demanded bribes to release prisoners.

Unlike in the previous year, there were no reports that police detained journalists (*see* Section 2.a.).

On May 1, police detained Mario Vitorino after forcibly dispersing a demonstration and held him for 4 months without charge (*see* Section 2.b.).

In 2000 police detained 457 RENAMO members and supporters during more than 60 rallies and marches to protest the outcome of the 1999 elections; there were reports that police beat and tortured detainees in custody (*see* Sections 1.a., 1.e., and 2.b.). FRELIMO and RENAMO established a working group to examine, among other matters, the cases of the detained demonstrators; the bipartisan working group on the demonstrations was disbanded in April 2001 when RENAMO leader Dhlakama withdrew from the RENAMO-Government dialog process (*see* Section 1.a.). The parliamentary commission investigating the 2000 demonstrations completed its work in September 2001; however, the release of the report was postponed indefinitely.

Under the Penal Process Code, only persons caught in the act of committing a crime can be held in detention. Justice Ministry officials noted that some police lacked adequate training and did not know how to charge a person properly. A detainee could be subjected to indefinite detention. In 2000 the Government created an interministerial review committee to continue the process of reviewing the cases of detainees who had served their time or were in detention illegally, and the committee periodically reviewed the status of detainees throughout the country to prevent unnecessary detentions. During the year, ANASCOPRI reported that one minor was released as a result of this review committee.

Drug cases were subject to a special regime. The law specifies that the legal period of investigative detention in drug trafficking cases is 10 days. The same law authorizes a long period of investigation—up to 9 months—in cases involving drug smuggling, drug production and transfer, and criminal association.

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

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however the executive, and by extension the FRELIMO party, continued to dominate the judiciary, which is understaffed and manned by inadequately trained appointees. The DHD report on human rights conditions released in June 2001 and

this year's draft report specifically emphasized problems of the judiciary (*see* Section 4).

The President appoints the president and vice president of the highest tribunal, the Supreme Court. Supreme Court nominations initially are prepared by the Higher Judicial Magistrate's Council (CSMJ), the body responsible for overseeing professional behavior among magistrates, then a list of qualified persons for the Supreme Court is submitted to the President. CSMJ members are elected by their peers, four are elected by the National Assembly and two are appointed by the President; members tended to be either FRELIMO members or FRELIMO-affiliated. No Assembly approval is needed for other judicial appointments, which are also appointed by the President.

There are two complementary formal justice systems: The civil/criminal system and the military system. Civilians are not under the jurisdiction of, or tried in, military courts. The law empowers the Supreme Court to administer the civil/criminal system; the court also hears appeals, including military cases, although the Ministry of National Defense administers the military courts. Below the Supreme Court there are provincial and district courts. There also are courts that exercise limited, specialized jurisdiction, such as the administrative court and customs court. Although the Constitution permits the establishment of a fiscal court, maritime court, and labor court, none have been established. The Constitution called for the creation of a constitutional court, but the Government has not yet passed implementing legislation. In the absence of this body, the Supreme Court is tasked with ruling on issues of constitutionality, as it did when assessing the eligibility of presidential candidates for the 1999 general elections. Persons 16 years and younger fall under the jurisdiction of a court system for minors. Through this legal channel, the Government can send minors to correctional, educational, or other institutions. As with the provincial and district courts, the specialized and minor court systems were ineffective due to a lack of qualified professionals.

Outside the formal court system, a number of local customary courts and traditional authorities adjudicated matters such as estate and divorce cases. These courts were staffed by respected local arbiters who had no formal training but who exercised a substantial judicial and executive role, particularly in the area of arbitration.

Persons accused of crimes against the Government were tried publicly in regular civilian courts under standard criminal judicial procedures. The law provides definitions of crimes against the state, such as treason, terrorism, and sabotage. The Supreme Court has original jurisdiction over members of Parliament and other persons who are immune from trial in the lower courts.

A judge may order a closed trial because of national security interests or to protect the privacy of the plaintiff in cases concerning sexual assault.

In regular courts, all accused persons in principle are presumed innocent and have the right to legal counsel and the right of appeal; however, authorities did not always respect these rights. The great majority of the population either was unaware of these rights or did not possess the means to obtain any form of legal counsel. Although the law specifically provides for public defenders, such assistance generally was not available in practice, particularly in rural areas. Some NGOs, such as the LDH, the Government's National Institute for Legal Assistance, and the Mozambican Association of Women in Judicial Careers, continued to offer limited legal counsel at little or no cost to both defendants and prisoners.

A lack of licensed attorneys exacerbated the judicial system's weakness. There were an estimated 240 licensed attorneys in the country; the vast majority worked in Maputo. The number of law school programs at public and private universities continued to increase. There continued to be a shortage of qualified judicial personnel, with only 163 judges nationwide. There are appeals courts in all provinces, but few of these courts were staffed by formally trained judges, despite the fact that the law requires a law degree. Some districts had no formal courts or judges at all.

DANIDA, a Danish NGO, worked with the Ministry of Justice and the Supreme Court on judicial legislation, as well as funding physical rehabilitation of courts throughout the provinces. During the year, the UNDP worked with LDH on legal reform and the training of prison personnel in proper procedures when handling prisoners.

Justice Mangaze presided over the CSMJ, which has expelled 27 judges for corruption since 1995. During the year, the CSMJ initiated disciplinary actions, which may include expulsion, against eight judges. A law allows for faster implementation of CSMJ decisions affecting judges who appeal charges of misconduct, thus removing them from the bench more swiftly. Bribe-taking, chronic absenteeism, unequal treatment, and deliberate delays and omissions in handling cases continued to be problems during the year.

The Penal Process Code contains legal guidelines for the judicial treatment of minors and forbids the imprisonment of minors below the age of 16; however, there were documented reports that some judges ordered the incarceration of minors in common prisons without trial and that minors under the age of 16 were housed with adults in the general population (*see* Section 1.c.). In most areas of the country, it is difficult to assess accurately age because the information was not well documented and many persons do not have identification cards.

There were no confirmed reports of political prisoners; however, RENAMO continued to claim that all persons held in connection with the 2000 nationwide demonstrations were political prisoners, and continued to consider those convicted and sentenced also to be political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. By law police need a warrant to enter homes and businesses.

The Government did not take any action and was unlikely to take any action to discipline customs agents who allegedly conducted illegal searches in Maputo in 2000.

Opposition political groups claimed that government intelligence agencies monitored telephone calls, conducted surveillance of their offices, followed the movements of opposition members, used informants, and attempted to disrupt party activities. During the year, there were reports that the Rapid Intervention Police were employed to disrupt opposition gatherings in several provinces (*see* Section 2.b.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, limitations on these rights were permitted if they related to the media's obligations to respect the Constitution, human dignity, the imperatives of foreign policy, or national defense.

There were four independent weekly newspapers published in Maputo, and six other independent weekly journals published in provincial capitals. According to the Panos Institute, the 10 weekly newspapers had a combined total circulation of 50,910. There were an additional 20 periodicals with a combined circulation of approximately 34,000. There were 6 periodicals that transmitted daily editions electronically, with a combined subscription of more than 1,500. The second oldest faxed daily, *Imparcial*, was owned by RENAMO. Several independent media had websites. Only a small minority of the population received news directly through the print media.

Media ownership was diverse. The U.N. Educational, Scientific, and Cultural Organization (UNESCO) Media Project estimated that 34 percent of the country's media were public (government-controlled), 36 percent were private commercial, and 28 percent were private nonprofit (church-affiliated); however, the public category included the country's only daily newspapers, the only Sunday newspaper, and the only weekly newsmagazine. Two progovernment newspapers—*Noticias* and *Domingo*—together with a third sports-oriented weekly were owned by a single corporation, *Noticias Limited*, in which state-owned enterprises and FRELIMO members hold majority shares. *Diario de Mocambique*, published in Beira, and *Noticias*, published in Maputo, were the only daily newspapers. *Diario de Mocambique* is owned by the Commercial News Society of Beira, in which FRELIMO officials owned majority shares. FRELIMO officials also owned *Noticias*, and it often was accused of being progovernment. All media evidenced consistent bias in favor of their shareholders. The newspapers continued pushing for reform of the justice system, for renewed efforts to fight corruption, and to reform public service.

Noticias, *Domingo*, and *Diario de Mocambique* largely reflected the views of individuals in the ruling party, but these media sources also carried significant criticism of government actions. During the year, several newspapers published articles that were critical of the Government, including *Domingo*, a weekly newspaper closely aligned with FRELIMO. In October *Domingo* openly criticized the Minister of the Interior and called for his removal due to remarks that he made regarding the prison escape of the prime suspect in the murder of journalist Carlos Cardoso. The suspect, known as Anabalzinho, was reported to have escaped from the Maximum Security Prison. The article also suggested that the escape might have happened with the knowledge of certain prison officials. Subsequent articles in several newspapers reported on allegations made by the defendants at their trial that President Chissano's son, Nhypine Chissano, was involved in the planning of the crime.

While the Government no longer owned most radio and television stations, government stations were the only broadcasters capable of countrywide transmission;

however, there were local and independent broadcasts in most urban areas. Government media were showing greater transparency in reporting and some independence of editorial content. Radio Mozambique, the public's most important source of information, was government-owned; however, its news coverage generally was considered unbiased and fair. Radio Mozambique received the largest single subsidy from the state budget of any public media company. It broadcast in Portuguese and 18 indigenous languages; its external service broadcast in English as well as in Portuguese for citizens in neighboring South Africa. Radio Mozambique regularly broadcast public debates that included a variety of participants with differing opinions.

In addition to Radio Mozambique, there were 14 community-based (supported by UNESCO and the Government), 4 religious, and 11 commercial private radio stations, most of which used local languages in addition to Portuguese and which cover most of the country. One station, Radio Terra Verde (RTV), was linked directly to RENAMO. RTV was second only to Radio Mozambique's youth-oriented Radio Cidade in popularity, outside of broadcast times for soccer matches. Foreign radio programs, including the British Broadcasting Corporation (BBC), Radio France International (RFI), Radio Diffusao Portugal (RDP) Africa, and the Voice Of America (VOA), reached all major population centers and reported local news via Mozambican-based part-time reporters; the BBC and the RFI carried news in Portuguese but broadcast most of the day in English and French, respectively.

TV Mozambique (TVM) continued to demonstrate strong bias towards the Government. Portuguese Television for Africa (RTP Africa), a station owned by the Government of Portugal, offered a second source of televised news to all parts of the country reached by TVM. Privately owned television transmission continued to be limited to Maputo. International television news was available via cable in Maputo and via satellite nationwide.

While criticism of the President was not prohibited, the law provides that in cases of defamation against the President, truth is not a sufficient defense against libel. This law was not tested in court and the provision was not invoked, despite considerable verbal and written criticism of the President during the year.

There were no developments in the 2001 case where Nhympine Chissano, President Chissano's son, filed libel charges against the fax newsheet *Metical*, effectively forcing its closure.

Unlike in the previous year, there were no reports that police detained journalists.

Unlike in the previous year, there were no reports that journalists were attacked.

Unknown persons continued to threaten journalists (*see* Section 2.a.).

There were no developments in the April 2001 beating of journalist Rui de Carvalho or the November 2001 theft from Fabio Mondlane.

No action was taken, nor was any likely to be taken, against the persons responsible for the April 2001 anonymous death threat against Radio Mozambique journalist Jose Joao.

No action was taken against the persons responsible for the following incidents in 2000: The attack on a radio journalist by unknown assailants in Beira; the beating of a radio journalist by unknown persons near Maputo; the anonymous bomb threat received by the news fax agency *Mediacoop*; and the telephone death threat received by the editor of the newspaper *Savana*. There was no significant investigation, nor is any likely, into these cases.

In 2000 two unknown assailants killed Carlos Cardoso, an investigative journalist who was the founder and editor of the news fax agency *Metical*, in an execution-style shooting. In the early months of the year, the Government detained 10 individuals in connection with the case. One detainee was released without charge after being held for 10 months. Both the Government and the family agreed that he had nothing to do with the crime. In September the judge presiding over the case ordered six of the defendants to be brought to trial on charges of homicide and accessories to homicide. In November five of the defendants were brought to trial. Although the trial was being held on the grounds of the maximum security prison, it was open to the public and broadcast on television, and it was ongoing at year's end.

A large number of periodicals and broadcasting entities have been licensed since 1992, and the independent media criticisms of government leaders and their families largely were tolerated.

Article 19, a British NGO, and the LDH monitored media coverage of the national electoral campaign. Radio Mozambique generally presented balanced coverage, whereas TVM was biased towards the ruling party. The newspapers *Noticias*, *Diario de Mocambique*, and *Domingo* demonstrated progovernment partisanship. The National Election Commission was criticized for categorizing these newspapers as private sector media, thereby exempting them from the electoral law's requirement

that public media provide fair and balanced treatment of all parties during the electoral campaign.

UNESCO has expressed concern about the strong concentration of national and local media in Maputo city and province, mirroring lopsided socioeconomic development nationwide. Furthermore a 1997 census revealed that 60 percent of citizens over the age of 15 were illiterate in any language, and 70 percent of the population over 5 years of age did not speak Portuguese, which further limited the reach of the media beyond Maputo.

The Prime Minister's ongoing weekly press conferences were important opportunities for journalists to discuss politics and government policies. The Prime Minister's Information Office sought to facilitate international press access to key government officials and to provide policy guidance on how news media should be regulated. The Prime Minister's Information Office continued to monitor press content informally.

The Government did not limit access to the Internet, and 10 Internet service providers operated during the year.

The Government did not restrict academic freedom. Private educational institutions, both church-related and secular, were well established and continued to expand in several cities.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the law was amended in April 2001 to remove restrictions on this right; however, authorities forcibly dispersed at least one demonstration during the year. The law regulates public demonstrations but does not apply to private gatherings held indoors and by individual invitation, nor does it affect religious gatherings or election campaigning.

In April 2001, the National Assembly amended the law on demonstrations. The new law removed restrictions on the times during which marches, parades, and processions were allowed, removed the prohibition on demonstrations likely to offend the honor of the Head of State or other government officials, and removed the right of local authorities to disrupt demonstrations whose objectives they deemed to be different from those initially stated. In addition, the new law simplified the approval process for demonstrations. Organizers simply were required to inform the district administrator of the planned demonstration rather than seek approval in advance from police and civil authorities. Local authorities may prohibit a demonstration from taking place only if it was likely to involve the occupation of public or private buildings. The new law prohibited the use of excessive force by the police to control or disrupt demonstrations; however, the Government used excessive force to disperse one demonstration during the year.

On May 1, a group of citizens who had worked in the former East Germany demonstrated at a rally held by President Chissano and reportedly shouted insults at him. Several hours after the incident with the President, the Rapid Intervention Police forcibly dispersed these demonstrators. One of these workers, Mario Vitorino, was taken into police custody and detained for 4 months. No charges were brought against him, and he later was released on the condition that he not leave Maputo.

In December 2001, riot police forcibly dispersed a demonstration and injured two citizens who had worked in the former East Germany. The demonstrators were protesting the Government's refusal to pay their pensions. Funds for such payment had been deducted from their salaries by the East German government that then provided them to a Mozambican government representative, who then embezzled the money. The police justified their actions on the basis that the demonstrators were violating the law by protesting on a weekday, and that their request for a permit for the demonstration had been denied; however, the law was repealed in July 2001 to remove both the time restriction and the requirement for prior authorization. The National Assembly discussed the demonstrations and the demonstrators' complaints in March; however, no action was taken. On September 20, the National Assembly decided that the issue was too complex and that it was necessary to consult with the German government; they suspended debate on the issue.

The Government continued to defend police actions in breaking up nationwide RENAMO demonstrations in 2000 as legal, stating that RENAMO had violated the time period allowed for such activities, a claim that was supported by several provincial courts. RENAMO continued to argue that it had filed for and received necessary permission.

The law provides for freedom of association; however, both the Government and the law imposed some limits on this right. Legislation sets forth the process for the registration of political parties. There are 34 registered, active political parties. A political party is required to demonstrate that it has no regional, racial, ethnic, or religious exclusiveness and must secure at least 2,000 signatures of citizens to be recognized (*see* Section 2.c.).

The Government required nonpolitical groups such as NGOs and religious organizations to register. A government decree regulates the registration and activities of foreign NGOs. Foreign NGOs must register their presence and scope of work with the Ministry of Foreign Affairs and Cooperation; the Ministry then issues permits to those NGOs whose programs the Government decided complement its priorities. Observers believed that the requirements worsened the already lengthy bureaucratic process that NGOs must follow to work in the country. Although the registration process was not always transparent and could take many months, the authorities rarely rejected applications from new associations.

c. Freedom of Religion.—The Constitution provides that all citizens have the freedom to practice or not to practice a religion and gives religious denominations the right to pursue their religious aims freely; the Government generally respected these rights in practice.

The law requires religious institutions and missionary organizations to register with the Ministry of Justice, reveal their principal source of funds, and provide the names of at least 500 followers in good standing. The Christian Council reported that not all religious groups register, but unregistered groups worshiped unhindered by the Government.

The law governing political parties specifically forbids religious parties from organizing, and any party from sponsoring religious propaganda. The Independent Party of Mozambique (PIMO), a predominantly Muslim group without representation in Parliament, has argued for the right of political parties to base their activities on religious principles. The Government has tolerated PIMO's activities, although it has criticized the group. PIMO and some members of the legislature argued that the Movimento Islamico, a parliamentary caucus of Muslims from the ruling FRELIMO party, was tantamount to a religious party.

Most places of worship nationalized by the Government have been returned to the respective religious organizations; however, the Catholic Church and certain Muslim communities complained that some other properties such as schools, health centers, and residences unjustly remained in state hands and continued to press for their return. The Directorate for Religious Affairs is mandated to address the issue of the return of church properties. Government sources stated that the majority of properties were returned, with a few cases still being examined on an individual basis, including two cases in Maputo that remained unresolved by year's end. Provincial governments have the final responsibility for establishing a process for property restoration. The return of church property is problematic when the facility is in use as a public school, health clinic, or police station, because funds for construction of new facilities are scarce.

After several decades of unsuccessful attempts to gain a building permit, the Islamic community constructed the Grand Mosque in downtown Maputo during the year. While services have started at the Mosque, there was no official opening by year's end. Previously the Government had refused to grant permission for mosques to be built in the center of major cities.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, at times the Government infringed upon these rights.

Police traffic checkpoints sometimes established for safety or security concerns occasionally affected freedom of movement. In an effort to reduce harassment and confiscation of travelers' possessions at the borders, customs supervisors levied disciplinary fines and fired abusive customs agents. In large cities, the police often stopped foreign pedestrians and ordered them to present original passports or resident papers, sometimes refused to accept notarized copies, and fined or detained those who failed to show proper documents (most persons do not carry the originals of documents due to the risk of theft). Police also detained local citizens routinely for failure to carry identity papers and extorted bribes (see Section 1.d.).

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In cooperation with the U.N. High Commissioner for Refugees (UNHCR), the Government offered shelter to refugees, the vast majority of whom came from other African countries. There was a reported increase in refugees in the country; between June and November 2001, the number of refugees in the country increased from 3,000 to an estimated 4,500. There were approximately 1,450 refugees in the Bobole camp near Maputo, 1,433 in the northern provincial capital of Nampula, and 200 in Lichinga. The largest percentage of refugees was from the Democratic Republic of the Congo (DRC), Burundi, and Rwanda, and there were small numbers of refu-

gees from Angola, Sudan, Somalia, Ethiopia, Kenya, Zimbabwe, and Uganda. The UNHCR had planned to phase out its operations in the country by the end of 2000; however, the increasing number of refugees, especially from the Great Lakes region of Africa, prevented this from happening. In June 2001, the Government opened a new refugee center near the northern provincial capital of Nampula and had planned to transfer refugees residing in Bobole to the new center by the end of 2001; however, by mid-2001 the new camp already was filled to capacity, which resulted in a delay in transferring refugees from Bobole. The transfer of refugees from Bobole began at the end of the year, and once the transfer is completed, Bobole camp was expected to be closed. Refugee camp conditions met minimal standards, although some refugees claimed to fear attack by fellow refugees on the basis of ethnicity. The UNHCR occasionally made alternative shelter available to those who felt threatened. The Government offered first asylum and provided it to 1,788 refugees during the year.

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

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

The Constitution provides citizens with the right to change their government peacefully, and in 1999 citizens freely exercised their right to vote in the country's second multiparty general elections, which international observers considered to be generally free and fair. The elections were marred by allegations of vote-counting irregularities; however, international observers determined that this did not impact the results. President Chissano was returned to office with approximately 52 percent of the vote, and the ruling FRELIMO party won 133 of the 250 assembly seats. The largest opposition group, RENAMO-UE, made a strong showing in the elections, winning 117 seats in the Assembly and 48 percent of the presidential vote. In 2000 the President appointed a new Cabinet, the new National Assembly took its oath of office, and the President announced new provincial governors. All ministers and governors, and most vice ministers, are FRELIMO members.

According to international and domestic observers, the voting process was transparent, peaceful, and orderly with approximately 75 percent of the registered voters participating; however, international and domestic observers complained of a lack of full access to the vote count, and the opposition coalition RENAMO-UE charged that there was fraud in the vote-counting process. Due to a large number of illiterate voters, there were a significant number of ballots on which preferences were unclear and which required interpretation by the National Electoral Commission. The Commission also did not count tally sheets from several hundred polling stations at both the provincial or national level due to mathematical errors, omissions, and other problems.

International observers were not given full access to the process of examining the contested ballots and tally sheets, or to the vote counting. RENAMO-UE charged that this affected them disproportionately because tally sheets were discarded from provinces where RENAMO-UE support was strong. RENAMO-UE took this issue and several others to the Supreme Court, and in 2000 the Court unanimously rejected RENAMO-UE's complaints; the Court acknowledged that there were some minor irregularities but concluded that these did not change the results of the elections.

The opposition coalition continued to refuse to accept the election results or the Supreme Court's decision; however, the coalition participated in Parliament and worked with FRELIMO on a number of ad hoc and standing committees to draft and approve consensus legislation. Direct dialog between President Chissano and RENAMO leader Dhlakama took place in December 2000, January 2001, and March 2001. In March 2001, Dhlakama withdrew from the discussions, citing a lack of progress, and canceled his party's participation in bipartisan working groups on constitutional, judicial, defense, security, economic, civil service, and local government matters, as well as on the 2000 RENAMO demonstrations.

Article 19 and the LDH monitored media coverage of the national electoral campaign. The National Election Commission was criticized for categorizing newspapers in which state-owned enterprises and FRELIMO party members hold majority shares as private sector media, thereby exempting them from the electoral law's requirement that public media provide fair and balanced treatment of all parties during the electoral campaign (*see* Section 2.a.).

There were 102 women in the 250-member National Assembly (two died during the year), and there were 3 female ministers and 5 female vice ministers in the Cabinet. FRELIMO's policy mandated that at least 30 percent of the party's two governing bodies must be women. During the year, the Political Commission and Cen-

tral Committee fulfilled this mandate. Nevertheless cultural factors inhibited women's effectiveness in public life (see Section 5).

Persons representing many ethnic groups participated in the executive, judicial, and legislative branches of the Government. Leadership positions within FRELIMO traditionally have been dominated by the Shangaan ethnic group, while those in RENAMO traditionally have been dominated by the Ndau ethnic group.

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

There were no legal obstacles to the formation of domestic human rights groups, although registration procedures for NGOs were onerous and expensive (see Section 2.b.). While the Government did cooperate with NGOs, many NGOs believed that the Government was slow to respond to their requests for information and prison visits (see Section 1.c.). The Government responded to human rights-related inquiries from the LDH and the DHD on a case-by-case basis. During the year, the Government did not respond formally to the LDH and DHD reports on the 2000 nationwide demonstrations and Montepuez deaths in custody (see Sections 1.a., 1.c., 1.d., 1.e., and 2.b.).

In 2000 the DHD published a second report on human rights in the country and planned to continue to report regularly on human rights. The report's critical assessment gave particular emphasis to problems in the judiciary, conditions in prisons, freedom of the press, and arbitrary arrest and detention of citizens. Among the complaints were alleged police killings, domestic violence, labor disputes, and land title conflicts. The 2002 report had not been made public by year's end. The DHD and the LDH conducted human rights education seminars and workshops during the year for a wide range of audiences including political parties, security agencies, businesses, and NGOs.

International NGOs and human rights groups were permitted to visit and work in the country.

The Government permitted visits by U.N. representatives; however, no human rights-oriented representatives visited the country during the year.

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

The Constitution forbids discrimination based on race, sex, or disability; however, in practice discrimination against women and persons with disabilities persisted.

Women.—Although official statistics were not kept, according to health officials, women's groups, and other sources, domestic violence against women—particularly spousal rape and beating—was widespread. Many women believed that their spouses had the right to beat them, and cultural pressures discouraged women from taking legal action against abusive spouses. There is no law that defines domestic violence as a crime; however, laws prohibiting rape, battery, and assault can be used to prosecute domestic violence. During the year, All Against Violence (TCV), an NGO, registered 893 cases of domestic violence, and 16 of these cases were prosecuted. A group of women's NGOs lobbied members of the National Assembly during the year to criminalize domestic violence. In addition, the Government worked with the Southern African Development Community (SADC) to increase female participation in legislatures. Hospitals usually did not attribute evidence of physical abuse to domestic violence.

A group of women's NGOs, including Women in Law and Development, Mozambican Women in Education, Women in Judicial Careers, and the FRELIMO-sponsored Mozambican Women's Organization, support the organization TCV, which serves as a monitoring and educational group for problems of domestic violence and sexual abuse of women and children, including counseling of victims and mediating within families. The organization continued to expand during the year. All NGOs actively opposing domestic violence worked to involve police in education, enforcement, and identifying domestic violence as a criminal problem.

Local NGOs reported that rape was a widespread and serious problem. Sexual harassment was regarded as pervasive in business, government, and education, although no formal data existed. Prostitution was widespread in most cities and towns and especially was prevalent along major transportation corridors and border towns where long-distance truckers stayed overnight.

Despite constitutional provisions for the equality of men and women in all aspects of political, economic, social, and cultural life, the civil and commercial legal codes contradict one another and the Constitution. Under the law of the Family and Inheritance, the husband or father is the head of household, and both wives and daughters must obtain male approval for all legal undertakings. For example, a woman must have the written approval of her husband, father, or closest male relative in order to start a business. Without such approval, a woman cannot lease

property, obtain a loan, or contract for goods and services. The legal domicile of a married woman is her husband's house, and she may work outside the home only with the express consent of her husband. While it appeared that these legal restrictions on women's freedom were not enforced, they left women open to extortion and other pressures.

Family law provides that a married couple's assets belong to the husband, who has full authority to decide on their disposition. When a husband dies, his widow is only fourth in line (after sons, father, and brothers) to inherit the household goods. A contradictory provision of the law states that a widow is entitled to one-half of those goods that are acquired during the marriage, but in practice women rarely knew of or demanded this right.

Customary law varied within the country. In some places, it appeared to provide women less protection than family law, and unless a marriage is registered, a woman has no recourse to the judicial branch for enforcement of the rights provided her by the civil codes. Women were the primary cultivators of family land in the country. Under customary law, they often have no rights to the disposition of the land. The law specifically permits women to exercise rights over community land held through customary rights. Anecdotal evidence indicated that the land law had only a minimal effect on women's rights; the law appeared to formalize existing practice. However, domestic NGOs such as the Rural Women's Development Association and Rural Mutual Assistance Association have cautioned that much time and education would be necessary before the new rights granted to women would supersede traditional practice.

The Constitution grants citizenship to the foreign-born wife of a male citizen, but not to the foreign-born husband of a female citizen.

Women continued to experience economic discrimination in practice. Women constituted slightly more than half the population but were responsible for two-thirds of economic production. Women in the workplace received lower pay than men for the same work. According to parliamentarians who debated the proposed revision of the law, women were subject to sexual harassment and to discrimination in hiring because of potential absences on maternity leave; although the Labor Law entitles a woman to 60 days of maternity leave, employers often violated this right.

The Government continued to target maternal and child health problems and focused on immunizations for women of childbearing age and for young children. The estimated maternal mortality rate was 1,100 per 100,000, a significant improvement over 2001. Numerous development organizations and health-oriented NGOs also emphasized programs to improve women's health and increasingly focused resources on combating the spread of HIV/AIDS and sexually transmitted diseases.

The law permits the entry of women into the military; however, there were few women in the armed forces, and the highest ranking woman in the army was a major. In 2000 the military began to recruit women for the first time since the institution of the compulsory service law, and of the 93 women registered, 20 to 30 were selected to undergo military training. However, due to a lack of facilities to accommodate male and female training, the female recruits did not receive military training by year's end and are unlikely to do so in the near future.

Children.—The Government has made children's rights and welfare a priority, but admitted that there were some significant problems. Primary education was free; however, a matriculation fee was charged for each child, which was a significant financial burden for many families, and children were required to purchase books and school supplies. Primary education was compulsory through the fifth year; however, there were few educational facilities, which limited enrollment. A few new primary schools opened during the year throughout the country; however, schools were overcrowded, and there was much corruption in the school system. Newspapers frequently reported that the parents of school children had to bribe teachers or officials to enroll their children in school, and that girls exchanged or were forced to exchange sex with teachers for passing grades. The 1997 census estimated that approximately 50 percent of children ages 6 through 10 were in primary school; however, only a fraction of children continued with secondary studies.

Girls continued to have less access to education than boys above the primary level: 42 percent of students in grades 1 through 5 were girls, and 40 percent of students in grades 6 through 10 were girls. The percentage increased to 48 percent for grades 11 and 12. However, there were only 105 public secondary schools nationwide, of which only 23 offered classes through grade 12. Approximately 76 percent of females over 15 years of age were illiterate. Outside the main cities where there were fewer secondary schools, and where boarding was required for attendance, the number of female students dropped significantly. Unlike in previous years, there were no reports that girls were forcibly expelled from school dormitories.

An NGO, the Association to Support Mozambican Children (ASEM), operated 2 alternative-learning centers in Beira for more than 900 children who were not able to return to their regular schools after being expelled from their homes or because they had left school to work.

During the year, the Government continued a vaccine initiative and a program to manage childhood illnesses. It was estimated that 55 percent of child deaths in the country resulted from malnutrition or related illnesses.

Due largely to the work of some 10 NGOs concerned with helping street children in 2001, the number of street children was estimated to be approximately 400 in the Maputo metropolitan area, compared with 3,000 in previous years. Street children sometimes were beaten by police and frequently were victims of sexual abuse. Some remedial government programs continued, including programs on education, information dissemination, health care, and family reunification. The mortality rate for infants was 126 per 1,000, and for children under the age of 5 it was 201 per 1,000. The Maputo City Women and Social Action Coordination Office continued its program of rescuing abandoned orphans and assisting single mothers who head families of three or more persons. The same group offered special classes to children of broken homes in local schools. Other NGO groups sponsored food, shelter, and education programs in all major cities. ASEM, in Beira, also provided counseling to parents who had expelled children from their homes, which usually happened when a wife has children who were unacceptable to a new husband.

Child prostitution remained a problem (*see* Section 6.f.).

There were reports that children in rural areas were used to settle financial and other disputes (*see* Sections 6.c. and 6.f.). Families delegated the children to work for limited periods of time to settle debts.

Persons with Disabilities.—The Constitution states that “disabled citizens shall enjoy fully the rights” that it provides for; however, the Government provided few resources to implement this provision. Representatives of disabled groups and injured veterans frequently protested that societal discrimination continues against persons with disabilities. Approximately 1.9 percent of citizens have physical or mental disabilities.

The Government only provided four schools nationwide for the hearing and vision impaired and for persons with physical and mental disabilities. There were few job opportunities for persons with disabilities in the formal sector, although the 1997 census reported that 55 percent of such persons worked or held a job.

Social workers found that some parents of children with disabilities in several districts, including the towns of Gorongosa and Dondo, did not permit their children to leave their homes. Provincial Ministry of Women and Coordination of Social Action officials continued their educational campaign to reverse traditional attitudes toward children with disabilities.

The Government continued to rely on NGOs to assist persons with disabilities. The Association of Disabled Mozambicans (ADEMO) addressed social and economic needs of persons with disabilities. ADEMO’s effectiveness during the year was hindered by internal conflicts. Smaller NGOs also have formed, including the Association of Handicapped Military and Paramilitary Mozambicans, the Association of Blind and Visually Impaired Mozambicans (ACDVM), the Association of Mozambican Disabled Soldiers (ADEMIMO), the Association of Deaf Mozambicans (ASUMO), the Association of Demobilized War Veterans (AMODEC), and the Association of Disabled Divorced Women (AMODD).

Concerns of persons with disabilities included access to socioeconomic opportunities and employment, accessibility to buildings and transportation, and a lack of wheelchairs. The only provisions that the Government has enacted for accessibility to buildings and transportation for persons with disabilities were in the electoral law governing the country’s first multiparty elections, which addressed the needs of voters with disabilities in the polling booths. Special access facilities were rare.

National/Racial/Ethnic Minorities.—There was no systematic mistreatment or discrimination on the basis of race or ethnicity; however, the FRELIMO government traditionally has included at all levels a large number of southerners, mostly from the Shangaan ethnic group, which has engendered complaints from residents of other parts of the country. There also were complaints that the Government favored economic development in the southern part of the country over other areas. The Government has taken several steps to address such concerns; the central and northern provinces have been included in the Government’s 5-year development plan, economic and social plan, poverty alleviation strategy, and investment incentive program. In addition, the President, Prime Minister, and Cabinet members continued to spend a significant amount of time in the provinces during the year. The

executive, judicial, and legislative branches included officials from central and northern parts of the country in senior positions.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides that all workers are free to join or refrain from joining a trade union, and workers enjoyed these rights in practice. The revised Labor Law regulated labor relations. It expressly prohibits discrimination against organized labor. Trade unions remained concerned that large-scale layoffs due to privatization and free trade zones created under the revised law would result in less favorable labor rights due to government incentives offered to foreign investors. The percentage of workers belonging to labor unions was very small; it was estimated to be less than 1 percent. The majority of union members were in the larger cities where industries were located.

There were two trade union federations in the country: The Organization of Mozambican Workers (OTM), which formerly was affiliated with the FRELIMO party, and the Confederation of Free and Independent Unions of Mozambique (CONSILMO), which was formed by three unions that broke away from the OTM. CONSILMO was permitted to participate in national negotiations on the minimum wage with the Consultative Labor Commission, a body including representatives from labor, private employers, and government. CONSILMO maintained a working relationship with the OTM, and includes the powerful 28,000-member Union of Industrial Construction Workers of Mozambique (SINTICIM) construction trades union, an early promoter of the rights of female workers. In August 2001, civil servants formed a new union, the Public Servants Union (SFP), which was recognized by the Ministry of Justice. However, the union could not operate because the law did not yet provide for its existence. The union formed an ad hoc committee, which worked with the Government to produce the legislation governing its existence and operation. There were an estimated 100,000 civil servants, making this potentially the largest union in the country.

The OTM has declared itself free of commitments to any political party, companies, or religious groups, and its regulations prohibited persons holding high ranks within any political party from simultaneously holding top positions in the trade union; however, other labor unions maintained that the OTM is not independent of FRELIMO. During the year, Soares Nhaca, a former OTM President, was named Governor of Manica Province by the Government.

The Constitution and labor legislation give unions the right to join and participate in international bodies. The OTM was a member of the Organization of African Trade Union Unity and the Southern African Trade Union Coordinating Council.

b. The Right to Organize and Bargain Collectively.—The law protects the right of workers to organize and engage in collective bargaining. On February 5, the Center for Arbitration, Conciliation, and Mediation officially opened, and its purpose is to help settle business-to-business problems through arbitration. The Government did not set private sector salaries; existing unions were responsible for negotiating wage increases. The Consultative Commission on Labor met periodically to negotiate changes in the minimum wage.

The Constitution explicitly provides for the right to strike, with the exception of civil servants, police, military personnel, and other essential services (which include sanitation, fire fighting, air traffic control, health care, water, electricity, fuel, post office, telecommunications, and funeral services). The ILO has cited the Government's definition of essential services as overly broad, noting that only public servants engaged in the administration of the State should be excluded. The law specifies that strikers must notify police, the Government, union, and employers 48 hours in advance of intended strikes.

During the year, there were number of work actions. One strike occurred at MABOR, a company that exported agricultural tires. Company executives indicated that this work action could result in the permanent closure of the plant and the loss of 500 jobs. There appeared to be a trend toward work actions and strikes in the country.

In October 2001, two-thirds of the operators and maintenance workers at the MOZAL aluminum plant in Matola engaged in a walk-out, seeking to reopen negotiations for wages and benefits for their contract. After 3 weeks, the majority of workers returned to work; however, 40 were fired and disciplinary actions were applied to those who left work without permission. Those workers who were dismissed were paid an indemnity during the year.

In 2000 the OTM and other unions threatened a general strike following a lack of progress in resetting the minimum wage level in tripartite negotiations involving the unions, the Government, and employers' organizations (*see* Section 6.e.). After negotiations came to a standstill, the Council of Ministers implemented a minimum

wage increase of 26 percent in 2000 and agreed to an additional 4 percent increase, which was implemented in May 2001, as part of another 17 percent minimum wage increase. In May the minimum wage increase was 18 percent.

Provisions of the Labor Law forbid retribution against strikers, the hiring of substitute workers, and lockouts by employers. Specific labor disputes generally were arbitrated through special workers' committees, formally recognized by the Government.

The law provides for the creation of export processing zones (EPZs), and the Government was authorized to confer EPZ benefits to any export-oriented company that met the criteria. There was an EPZ in Maputo and one in Beira. Workers in EPZs were subject to the same labor regulations as other workers, and worker rights were respected in practice.

c. Prohibition of Forced or Bonded Labor.—The Government prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred in the formal economy; however, children in rural areas were used as labor to settle financial and other disputes, with their families delegating the children to work for limited periods of time to settle debts (*see* Section 5).

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor is regulated by the labor law. In the wage economy, the working age without restrictions is 18 years of age. The labor law permits children between the ages of 15 and 18 to work subject to certain restrictions. Children between the ages of 12 and 15 are permitted to work under special conditions authorized jointly by the Ministries of Labor, Health, and Education. For children between 15 and 18 years of age, the employer is required to provide for their education and professional training and to ensure conditions of work that are not damaging to their physical and moral development. For minors under 18 years, the maximum workweek is 38 hours, and the maximum workday is 7 hours. Minors under 18 years of age are not permitted to work in unhealthy or dangerous occupations or those requiring significant physical effort. Children must undergo a medical examination before beginning work. By law children must be paid at least the minimum wage or a minimum of two-thirds of the adult salary, whichever is higher. The Ministry of Labor is authorized to regulate child labor in both the informal and formal sectors.

Child labor remained a problem in the country, especially in rural areas where children sometimes worked alongside their parents or independently in seasonal harvests or commercial plantations. Employers normally paid children on a piece-work basis for such work, which principally involved picking cotton or tea leaves.

Because of high adult unemployment in the formal sector, estimated at around 50 percent, few children were employed in regular wage positions; however, children, including those under the age of 15, commonly worked on family farms or in the urban informal sector, where they performed such tasks as “guarding” cars, collecting scrap metal, working as vendors, and selling trinkets and food in the streets. Regulations on the informal labor sector were not enforced. Children also were employed in domestic positions and the number appeared to be rising.

Children orphaned by HIV/AIDS often were forced to work because they were left without any adult family members or with only extended family members who were unable to support them.

Violations of child labor provisions were punishable with fines. Persons engaged in child prostitution, use of children for illicit activities, child pornography, child trafficking, or forced or bonded labor may be punished by prison sentences and fines; however, perpetrators of these crimes rarely were identified and prosecuted. Punishments for such crimes were not commensurate with that of a serious crime. Labor inspectors were authorized to obtain court orders and use police to enforce compliance with child labor provisions.

Enforcement remedies generally were adequate in the formal sectors but remained inadequate in the regulation of informal child labor. The Labor Inspectorate and police force lacked adequate staff, funds, and training to investigate child labor cases, especially in areas outside of the capital. The Government provided training for police on child prostitution and abuse (including pornography); however, there was no specialized child labor training for the Labor Inspectorate. The Government has disseminated information and provided education about the dangers of child labor.

The Government had not ratified the ILO Convention 182 on the worst form of child labor by year's end. In July 2001, the Ministry of Labor and UNICEF jointly held a conference on child labor and designed an action plan to address the worst forms of child labor through prevention, protection, and rehabilitation; however, no significant actions were taken on the action plan by year's end.

Forced child labor was a problem (*see* Section 6.c.).

e. Acceptable Conditions of Work.—The industrial minimum wage of approximately \$34 (812,163 meticais) per month was set by ministerial decree, although the level was recommended through an administrative process that consisted of a tripartite commission composed of labor unions, government representatives, and employer groups. There also was an agricultural minimum wage of approximately \$24 (560,310 meticais) per month, which was established through the same tripartite process. Neither minimum wage was considered sufficient to provide a decent standard of living for an average worker and family, and many workers turned to a second job, if available, maintained their own gardens, or depended on the income of other family members to survive. Only a small percentage of laborers worked at the minimum wage level. Less than 10 percent of workers were in salaried positions, and the majority of the labor force was employed in subsistence farming and the informal sector. Although the industrial sector frequently paid above minimum wage, there was little industry outside of the Maputo area. In May the Government increased both minimum wages by 18 percent following tripartite negotiations between the Government, employers, and labor unions.

The Ministry of Labor was responsible for enforcing the minimum wage rates in the private sector, and the Ministry of Planning and Finance in the public sector. Violations of minimum wage rates usually were investigated only after workers registered a complaint. It was customary for workers to receive benefits such as transportation and food in addition to wages. There was an obligation for workers or employers to participate in a social security scheme, although they voluntarily may create and contribute to private accounts or plans with the National Institute of Social Security to cover retirement, unemployment compensation, and emergency benefits. Worker complaints about employers deducting social security contributions from wages but failing to pay them into accounts and lack of access to the Social Security system increased during the year.

During the year, many workers were unable to claim unemployment benefits. Workers who previously had worked in East Germany had requested sums that were set aside from their wages to serve as pensions at a later date. The East German government had provided these funds to a Mozambican civil servant who later was accused of embezzling the money. The Government promised to reimburse the workers, but according to many of the workers, the amounts the Government offered did not represent the amount of the funds stolen from their accounts. Throughout the year, hundreds of persons who had worked in East Germany held demonstrations in front of the Ministry of Labor and the Parliament, and in May police forcibly dispersed demonstrators after they attempted to hand the President a formal letter of complaint (see Section 2.b.). The Ministry of Planning and Finance and the Ministry of Labor paid the former workers and continued to discuss the situation with those still unhappy with the amounts being offered.

The standard legal workweek is 40 hours.

In the small formal sector, the Government has enacted health and environmental laws to protect workers; however, the Ministry of Labor enforced these laws ineffectively, and the Government only occasionally closed firms for noncompliance. The Labor Ministry estimated that there were 97 industrial accidents during the year, with 8 causing permanent incapacity and 3 resulting in death. Most of these accidents were blamed on unsafe practices or the lack of safety equipment. There continued to be significant violations of labor legislation in many companies and services. Workers have the right to remove themselves from work situations that endanger their health or safety without jeopardy to their continued employment, although this right was restricted in practice by threats of dismissal and peer pressure. Foreign workers are protected under the law.

f. Trafficking in Persons.—There are no specific laws that prohibit trafficking in persons, and there were reports of trafficking in persons. Trafficking can be addressed under labor, immigration, and child welfare laws.

The law does not provide specifically an age of sexual consent; however, offering or procuring of prostitution and pornography of any form, including that of children, were illegal under the Penal Code. Sexual abuse of a child under 16 also was illegal under the Penal Code. Exploitation of children below the age of 15 continued, and child prostitution remained a problem. However, authorities in several provinces took steps to combat child prostitution. Child prostitution appeared to be most prevalent in Maputo and Beira, and at border towns and overnight stopping points along key transportation routes. There was no evidence that it exists in other rural areas. Child prostitution reportedly was growing in the Maputo, Beira, and Nacala areas, which have highly mobile populations and a large number of transport workers. According to the Child Network, a domestic NGO, some members of the U.N. peacekeeping force that was in the country between 1992 and 1994 may have initiated

child prostitution in Manica Province. In addition, many child prostitutes have been infected with HIV/AIDS.

In Sofala province, where child prostitution existed along the Beira development corridor (frequented by truck drivers and businessmen), the Government operated information centers in affected areas to provide information to families and friends of children who were raped and exploited, and counseled them on how to deal with the police, public prosecutors, and judges. To address child prostitution, a 1999 law prohibits the access of minors to bars and clubs; however, the Government did not have adequate resources to enforce the law effectively. In 2000 the Ministry of Women and Coordination of Social Action launched a campaign against the sexual exploitation of children and was working to educate hotels about the problem of child prostitution. The UNDP assisted the Government with training police to aid child prostitutes; however, there was a lack of accommodation centers, and the Government was unable to offer safe shelter to child prostitutes when they were removed from danger.

Unlike in the previous year, there were no reports that children were trafficked to South Africa and Swaziland for prostitution.

Many citizens working illegally in South Africa and Swaziland were subject to abuses there. Children's advocates reported that there were indications that a small number of children were trafficked to South Africa and Swaziland for prostitution; however, there were no confirmed cases during the year.

Unlike in previous years, there were no reports that women were lured into South Africa by international organized crime syndicates with the promise of jobs and decent wages, and then forced to work as prostitutes.

The LDH investigated a case of a 17-year-old girl kidnaped by her neighbors in late 2000 and taken to South Africa for unknown purposes. She was held for 2 months in the Johannesburg area, and may have been abused sexually. The girl was freed by police; the perpetrators were held briefly then released due to lack of enough evidence to prosecute.

The Government has not devoted resources to combat trafficking, and there was no specific protection offered by either the Government or NGOs for trafficking victims. The Government did not take any specific actions to combat trafficking during the year.

NAMIBIA

Namibia is a multiparty, multiracial democracy. President Sam Nujoma, leader of the South West Africa People's Organization (SWAPO), was reelected in 1999 general elections, which international and domestic observers agreed were free, but included some instances of government harassment of the opposition and unequal access to media coverage and campaign financing. In the 1999 elections, SWAPO won three-quarters of the seats in the National Assembly. In 2001 President Nujoma announced that he planned to step down at the end of his term. The judiciary was independent.

The police, including the paramilitary Special Field Force (SFF), supervised by the Ministry of Home Affairs, and the Namibian Defense Force (NDF), supervised by the Ministry of Defense, shared responsibility for internal security. The Namibian Central Intelligence Service (NCIS) has responsibility for national security-related intelligence inside and outside the country. Abuses by security forces in the Kavango and Caprivi regions decreased significantly when crossborder fighting from and in Angola came to an end. All NDF soldiers who were sent to the Democratic Republic of the Congo (DRC) in 1998 have been withdrawn. Members of the police force and the NDF were under the full control of, and were responsive to, the civilian government. Members of the security forces committed serious human rights abuses during the year.

The country's modern private sector produced most of its wealth, while a traditional subsistence agricultural sector (mainly in the north) supported most of its labor force. The population was approximately 1.8 million. Ranching still was controlled largely by white citizens and foreign interests. In other industries, including the important mining, fishing, and tourism sectors, the participation of indigenous entrepreneurs has increased and provided growing opportunities for black citizens. Although there was an extreme disparity between the income levels of black citizens and white citizens, the living standards of black citizens continued to improve, and the major economic resources in the country no longer were controlled exclusively by white citizens. Unemployment was nearly 40 percent and affected primarily the black majority.

The Government generally respected the human rights of its citizens; however, there were serious problems in several areas. During the year, members of both the Namibian and Angolan security forces killed civilians in the country. There were deaths in custody. The Government did not account for the whereabouts of several persons detained by the security forces. Security forces mistreated and reportedly tortured citizens during arrests and detentions. Unlike in the previous year, there were no reports that refugees were denied legal protections during detention. Some security force members who committed abuses were arrested and tried; however, the Government did not take action in other cases. Prison conditions and conditions in military detention were Spartan. Problems with arbitrary arrest and lengthy pre-trial detention continued. A large court backlog, due primarily to resource constraints, continued to lead to lengthy delays of trials. High-level government officials continued to respond to criticism of ruling party and government policies with verbal abuse. There continued to be pressure on journalists who worked for government-owned media outlets not to criticize the Government. Unlike in the previous year, there were no reports that the Government restricted freedom of movement. Violence against women and children, including rape and child abuse, continued to be serious problems; however, the Government took some steps during the year to address these problems. Women continued to experience serious legal and cultural discrimination. Racial and ethnic discrimination and serious disparities in education, health, employment, and working conditions continued. Discrimination against indigenous persons persisted, especially in remote rural areas where indigenous people often were unaware of their rights. There were reports of forced labor, including by children. The Government took steps to end child labor, and the problem of child labor declined. Trafficking in persons occurred. Namibia was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

After the April cease-fire, crossborder fighting in the northern part of the country ceased, and human rights abuses by Angolan Armed Forces (FAA) and the National Union for the Total Independence of Angola (UNITA) forces decreased significantly. Prior to the April cease-fire, Angolan forces committed unlawful killings and assaulted civilians.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Security forces committed several unlawful killings during the year, including in the Kavango and Caprivi regions. During the year, an Amnesty International report named the police and the paramilitary SFF as the worst human rights abusers in the country. For example, in February a member of the SFF shot and killed Kangere Kanjenje in eastern Kavango. Reports alleged that Kanjenje was wearing a South West Africa Territorial Force (SWATF) T-shirt at the time of the shooting. The SWATF fought alongside South African troops against the People's Liberation Army of Namibia, the force from which most current SFF members were recruited. The SFF members allegedly pulled Kanjenje aside at a gathering, told him they had warned him about wearing the shirt, then one member shot and killed him. A SFF member was in custody pending trial for murder at year's end.

On February 18, a SFF member shot and killed Wilhelm Hafeni Hamuteta at Ondajbayala village. Hamuteta reportedly was an escapee from Oshakati police custody. The SFF member allegedly first shot Hamuteta in the hand, then three times in the chest at close range when Hamuteta stopped and surrendered. The case was under investigation at year's end.

On November 4, NDF soldiers shot and killed five men on Situngu Island in the Caprivi region. The NDF alleged that the men were affiliated with the secessionist rebel group, the Caprivi Liberation Army (CLA). Police began an investigation into the case, and three homicide charges were filed against the responsible NDF officers by year's end.

Unlike in the previous year, security forces did not kill Angolan citizens.

There were no developments in the following 2001 cases: The June killing of a woman in a Catholic Church by NDF soldiers; the June killing of Heblonia Maliro Tjiti by an SFF soldier; and the September killing of Marian Muyeghu and Poroto Kakuru by SFF soldiers.

The trial of an NDF soldier for the 2001 killing of Libwere Shampapi was pending in the Regional Court of Rundu at year's end.

During the year, NDF officers were charged with the 2000 murder of Felizberto Toto; police completed an investigation and the case was with the Prosecutor General at year's end.

There was no further information available on any actions taken against responsible members of the security forces in the following 2000 cases: The January killing of a 6-year-old girl by a SFF member who was charged with murder; the January killing of Mpengu Haininga by SFF members who were charged with murder; and the March case of a SFF member who was arrested and charged with killing Mapeu Moroshi.

During the year, several persons died in custody. For example, on August 7, Joseph Siboyili died at Grootfontein, and on September 26, Walubita Erasmus Chika died at Grootfontein. According to press reports, both men died of natural causes. On October 26, Cassius Pekelezo died of unknown causes at Katima Mulilo State Hospital after SFF forces took him there under heavy guard. Human rights groups alleged that Pekelezo was tortured in detention. Siboyili, Chika, and Pekelezo all were detained as high treason suspects connected with the 1999 secessionist attacks in Caprivi (*see* Section 1.d.).

The 2001 death in custody of Ismael Mohamed remained under investigation at year's end, and no further action was taken in the 2001 death in custody of Hans Dikua.

During the year, the Government completed an investigation of the 1999 case in which a police officer in Okahandja beat to death a student who was arrested and in custody for disorderly conduct. The police officer immediately was suspended, charged, and released on bail; his case was with the Prosecutor General at year's end.

At times the Government took action against security forces responsible for deaths; however, in other cases, the Government did not take action against security force members responsible for killings.

Crossborder fighting related to the conflict in Angola ceased during the year, which resulted in significantly fewer civilian deaths. The media last reported crossborder fighting in January. Fighting ceased completely after the February assassination of UNITA leader Jonas Savimbi and the April signing of a ceasefire agreement between the FAA and UNITA rebels. After the April ceasefire, Namibian security forces helped to demobilize UNITA rebel forces. Human rights groups, NGOs, and the U.N. noted that the Namibian police and security forces provided assistance to refugees and civilians immediately after the ceasefire. Unlike in previous years, there were no reports of Angolan government soldiers killing Namibian civilians. On March 3, armed men shot and killed Kavango villager Sakaria Haundjange Stephanus. Media and human rights groups reported that the armed men were thought to be UNITA soldiers. There was no further information about the report by year's end.

There were no developments in the following cases: The April 2001 death of Nghihangwa Kandume after being in the company of FAA soldiers; the 2000 case in which an FAA soldier killed Thaddeus Vili; or in the 2000 case of Thadeus Mubili who was killed by FAA soldiers.

After the April ceasefire in Angola, FAA and UNITA forces ceased using landmines; however, landmines killed and injured several persons during the year. For example, on May 10, the National Society of Human Rights (NSHR) reported that an ordinance explosion killed Jonas Musongo. During the year, residents in northern regions such as Onamunama and Utomba continued to report landmines.

The Ministry of Defense, national police, and a team of investigators from France determined that UNITA rebels were responsible in the 2000 case of a family of foreign tourists who were killed by unknown armed men.

b. Disappearance.—There were several reports of disappearances perpetrated by the security forces during the year. The Government did not account for the whereabouts of some persons detained by the security forces. Human rights groups alleged that in February NDF soldiers arrested and detained Fransisco Chivela on suspicion of being a "UNITA bandit." Chivela was held in the Katima Mulilo police precinct; however, his whereabouts were unknown at year's end.

There was no new information in the April 2001 case of Corporal Musenge Chipoya. The NDF considered Chipoya AWOL, and a NDF Board of Inquiry formed to investigate the case has recommended his discharge in conformity with the Military Discipline Code.

The NSHR reported that Joao Vinevale, arrested in June 2001 on suspicion of weapons possession, was transported to the Angolan border town of Calai; his whereabouts remained unknown at year's end.

There were no developments in the 2000 disappearance of Cesar Domingos, an Angolan citizen, who reportedly has been missing since his arrest in Mohopi village by NDF soldiers.

Unlike in previous years, there were no reports that UNITA or FAA forces kidnaped Namibian citizens and took them to Angola during crossborder attacks.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution provides that no persons shall be subject to such practices; however, police, especially members of the SFF, beat or otherwise mistreated prisoners in practice. The majority of serious abuses took place in the Kavango and Caprivi regions along the northern border, where fighting between FAA and UNITA forces spilled into the country. With the end of hostilities in Angola, the reports of mistreatment by security forces decreased markedly.

Security forces and police beat and reportedly tortured several persons they held in custody. For example, in October officers at Swakopmund police cells beat Joey Yon after he argued with and assaulted a police officer. Assault charges were filed against Yon and his case was awaiting trial at year's end. The officers' case was pending with the Prosecutor General at year's end.

In 2001 SFF members beat five farm workers, and one of the five workers, Kambinda Ndara, who was beaten severely and bayoneted, filed a civil claim against the Government. The Government secretly deported Ndara to Angola in February (*see* Section 2.d.); however, Angolan authorities reportedly helped him return. There was no further information on this case by year's end.

In the 2001 case of Masati Muyenga, who reportedly had been hung upside down and beaten by NDF soldiers, a civil case against the Minister of Defense and the President was pending before the High Court at year's end.

There were no developments in the following 2001 cases of NDF soldiers torturing of Johannes Sondaha Kampumburu, Peter Mukonda, Paulus Shifure, Petrus Kalimbwe, and Joseph Simbinde Muvundu.

Unlike in the previous year, there were no reports that security forces shot and injured persons during the year.

There were no developments in the 2001 case in which SFF soldiers at the Daan Viljoen roadblock shot at and missed the vehicle of Cornelius Grimbeeck and instead shot into Frederick Namaseb's vehicle, hitting him in the back. There was no further information on the case at year's end.

A NDF soldier was charged with "negligent handling of a firearm" in the 2001 case in which Ralph Nairenge, a 17-year-old student at the Bunya Junior Secondary School was shot and injured. There was no further information on the case at year's end.

No action reported was taken against the members of the security forces responsible for beating, shooting, or otherwise abusing persons in the following cases from 2000: The February beating of Kamungwe Ngondo; the February shooting of Muyeve Thadeus Munango; the February beating of Homba Anton; the January beating of Erkki Fiderato; the January shooting of Kandepwe Kapama; the January shooting of Kathumbi Diyeve; the January beating of Lucas Kavura and his father, Daniel Nyambe; and the January beatings of Kapindi Mpepo, Haupindi Hamuyera, and Petrus Paulus.

There were reports that SFF members harassed persons who they stopped for identification checks. For example, in July SFF members reportedly searched and harassed an Angolan businessmen at Oshikango.

Unlike in previous years, and even though senior government officials continued to criticize homosexuality, there were no reports that security forces harassed homosexuals (*see* Section 5). The SFF disciplined the two members who ripped earrings from the ears of Katutura men in 2001, and the case was closed. There was no further information about any action in the case of the SFF members who beat two homosexual men in June 2001.

Unlike in previous years, there were no confirmed reports that security forces targeted members of the Mafwe or Kxoe ethnic groups for harassment; however, rumors persisted of tension between the groups and security forces (*see* Section 5).

At times security force members who committed abuses were arrested and tried in military courts or the civilian criminal justice system; however, in other cases, the Government did not take any action against those responsible for abuses.

During the year, media and human rights groups continued to report on the ongoing court cases that resulted from security forces responding with violence to secessionist attacks in 1999. The Legal Assistance Centre (LAC) represented former parliamentarian Geoffrey Mwilima in a civil suit against the Government for damages due to mistreatment by police after the 1999 CLA attack at Katima Mulilo. The SFF members involved in the incidents were charged with assault, and the victims brought individual civil suits against the Government; both the criminal and civil suits still were pending at year's end. The LAC reported that 128 civil suits had been filed relating to the 1999 state of emergency in Caprivi. The criminal cases were scheduled to begin in February but were postponed because none of the defendants had legal representation. Some of the defendants applied for legal aid; however, the Government refused to provide it. The Supreme Court postponed the

hearing challenging the refusal twice during the year. In May the Supreme Court ruled in favor of the defendants, requiring the Government to provide legal aid. The criminal cases were postponed further, as the state-provided counsel needed time to prepare the cases. In November the Government announced that the cases would go to trial in February 2003. The defendants remained in detention at year's end (*see* Section 1.d.).

The police continued to make use of a human rights training course and a human rights manual designed by the LAC. A directive that prohibited the use of sjamboks (heavy leather whips) by police continued to be in force during the year; however, police did not always observe the directive in practice. Police officers who used sjamboks were disciplined and some were charged with assault.

There were reports of intimidation and abuse of civilians by the FAA soldiers, including rape, sexual harassment, threatening behavior by drunken soldiers, and indiscriminate use of firearms (*see* Section 5). For example, on September 30, two FAA soldiers raped Bertha Nankali, a citizen with disabilities. Senior FAA members reportedly attempted to bribe Nankali's family to drop the charges against them. The family did not drop the charges, and the case was pending at year's end.

Unlike in the previous year, there were no reports that UNITA forces raped female citizens.

Landmines continued to injure persons (*see* Section 1.a.).

Prison conditions and conditions in military detention facilities were Spartan; however, the conditions generally met international standards. Visits by international organizations, as well as by a government-sponsored commission, found incidents of overcrowding, poor maintenance, and some abuse of vulnerable groups such as women. Victims of abuse were able to pursue legal remedies. The Ministry of Prisons and Correctional Services administered the country's prisons and jails and continued to work to improve conditions.

Female prisoners were held separately from male prisoners. The Government also made efforts to separate youthful offenders from adult criminals, although in many rural areas, juveniles continued to be held with adults. Separate facilities for child offenders were established in Windhoek and Mariental. There were several pilot programs that provided alternatives to incarceration for juvenile offenders. Pretrial detainees were not held separately from convicted prisoners.

The Government continued to grant nongovernmental organizations (NGOs) regular access to prisons and prisoners. The ICRC requested and received prison access, including access to the high security Dorbabis detention facility.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution forbids arbitrary arrest or detention except in situations of national emergency; however, security forces at times used arbitrary arrest and detention in practice. Persons who are arrested must be informed of the reason for their arrest and must be brought before a magistrate within 48 hours of their detention. Those accused are entitled to defense by legal counsel of their choice, and those who cannot afford a lawyer are entitled to state-provided counsel; however, in practice many accused persons in remote and rural areas were not represented by counsel, primarily due to the lack of resources. Prisoners generally had access to legal counsel and family during regular visiting hours. Detainees had access to their lawyers prior to trial. There was a functioning bail system in place, and the LAC reported that it generally was observed except in rural areas, where persons often were unaware of their legal rights.

A trial must take place within "a reasonable time," or the accused must be released. Human rights organizations have criticized the length of time that pretrial detainees were held, which have extended beyond 1 year in some cases (*see* Section 1.e.). Under a state of emergency, the Constitution permits detention without trial, although the names of detainees must be published in the Government's gazette within 14 days, and their cases must be reviewed within 1 month by an advisory board appointed by the President.

Citizens who were arrested arbitrarily used civil suits as legal recourse in many cases. For example, Matheus Dawid sued the Government after police arrested and assaulted him twice in 2001. In both instances, the police mistook Dawid for Bakondja Katijuongua, an escapee from police custody. In October the Magistrate's Court ruled in favor of Dawid and awarded him approximately \$1,250 (N\$12,500). Luiza Lomba sued the Government, claiming she was arrested and detained as an illegal immigrant in 2000. Immigration and police officers arrested Lomba and detained her for several hours before allowing her to search for and present her birth certificate. When she presented the document, officers released her without charge. In July the Windhoek Magistrate's Court awarded Lomba approximately \$1,500 (N\$15,000) in damages.

Security forces arrested and continued to detain persons suspected of involvement in or collaboration with rebels. For example, in January police arrested two broth-

ers, Paulus Ndumba and Markus Vihemba, after their relative accused them of being "UNITA bandits." There was no further information available on the case at year's end. In July SFF members arrested three persons in Chinchimane village on suspicion that they were members or supporters of the CLA. They were detained at the Katima Mulilo police precinct, and their cases still were pending at year's end.

In 2001 NDF soldiers arrested Andreas Munango for being a UNITA collaborator. Munango was held secretly at Rundu Military Base for 2 months, and then was transferred to Oshakati police custody for 2 months. He eventually was transferred back to Rundu Military Base. Human rights groups reported that Munango was released in May.

The 2001 cases of suspected rebel collaborators Rassen Lutambo and Corporal Musenge Chipoya (*see* Section 1.b.) remained under investigation, and no action was taken by year's end.

There were no new developments in the case of Frans Hamberera Kanyeve, who was arrested on suspicion of UNITA involvement and forcibly deported; however, in 2001 human rights groups reported that Kanyeve had returned to the country.

There was no new information on the 2000 case in which security forces reportedly arrested and detained 3 senior headmen from the Kxoe minority group. In 2001 a court ruled against a LAC request for a writ of habeas corpus in the continued detention of approximately 15 Kxoe men during a 2000 security sweep in western Caprivi.

Unlike in previous years, there were no reports that security forces arrested persons for the alleged possession of weapons; however, the whereabouts of some persons arrested in previous years remained unknown (*see* Section 1.b.).

Police sometimes arrested persons for not having identification cards. These persons included illegal aliens and sometimes citizens, especially with nontraditional names. Persons generally were released after their families brought proof of identification to the police.

Unlike in the previous year, police did not arrest journalists (*see* Section 2.a.).

There was no known action in the 2001 case of police arresting members of the Hai/Om San ethnic group for not having national identification cards, and it was unknown if they remained in detention at year's end.

In December the Government, in cooperation with representatives of the ICRC, repatriated 74 of the 82 alleged Angolan illegal immigrants arrested in 2000. During 2 years at the Dordabis detention facility, two of the aliens died of natural causes, two proved citizenship and were released, and two were deported to Angola. Two persons remained in detention with pending cases at year's end after they decided against returning to Angola.

During the 1999 state of emergency declared in response to CLA attacks in Katima Mulilo, the security forces detained several hundred suspected CLA members and sympathizers. Most of the detained were held incommunicado for 2 weeks, which the Constitution allows during states of emergency, before the Government provided public notice of the detentions. All of the detainees were arraigned on charges but were denied bail, and 126 remained in detention at year's end; their trials were postponed repeatedly (*see* Section 1.c.). In October two defendants, Geoffrey Mwilima and Bernard Mucheka, filed a new bail applications based on poor health; the Government approved the applications, but in December ruled against granting bail. During the year, three defendants in the case died in custody, reportedly of natural causes (*see* Section 1.a.). Since 1999 eight defendants in the case have died in detention.

In 2001 NDF soldiers arrested Liep Kamba and Riemi John in Bagani near the border between the Kavango and Caprivi regions for allegedly planting a landmine that killed three persons; they were released without charge after 3 days. The LAC brought a civil suit against the Government on their behalf; the suit was pending before the High Court at year's end.

Some traditional leaders reportedly continued to detain and imprison persons accused of minor offenses without recourse to police or judicial review. For example, in January a traditional court sentenced Anna Shingenge to pay a fine of approximately \$350 (N\$3500) for allegedly poisoning a villager in 1999. When Shingenge could not pay the fine, she was detained in the king's palace and forced to work unpaid until her family raised funds to pay the fine. In August Shingenge's daughter asked the LAC to represent her mother's case. The LAC asked the court to declare unconstitutional the decision of the traditional authority and challenged an old apartheid government law, which gave authority to traditional leaders to have courts. The court ordered Shingenge's immediate release, and the case challenging traditional courts is expected to continue in May 2003. A related civil suit, in which

Shingenge asked for approximately \$55,000 (N\$550,000) in damages for unlawful detention and being subjected to slavery, was pending at year's end.

The Government generally did not use forced exile.

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

The formal court system had three levels: 30 magistrates' courts; the High Court; and the Supreme Court. The latter also served as a court of appeals and as a constitutional review court.

Most rural citizens first encountered the legal system through the traditional courts, which dealt with minor criminal offenses such as petty theft and infractions of local customs among members of the same ethnic group. The law delineates which offenses may be dealt with under the traditional system. The law defines the role, duties, and powers of traditional leaders and provides that customary law is invalid if it is inconsistent with provisions of the Constitution.

The constitutional right to a fair trial with a presumption of innocence until proven guilty generally was provided by the judiciary; however, this right was limited somewhat in practice by long delays in hearing cases in the regular courts and the uneven application of constitutional protections in the traditional system.

The lack of qualified magistrates, other court officials, and private attorneys resulted in a serious backlog of criminal cases, which often translated into delays of up to 1 year or more between arrest and trial, contravening constitutional provisions for the right to a speedy trial. Many of those awaiting trial were treated as convicted criminals.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides all citizens with the right to privacy and requires arresting officers to secure a judicial warrant before conducting a search, except in situations of national emergency; government authorities generally respected these rights in practice. In general violations were subject to legal action.

Under the law, the NCIS is authorized to conduct wiretaps, intercept mail, and engage in other covert activities, both inside and outside the country, to protect national security; however, wiretaps and covert surveillance required the consent of a judge.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, subject to reasonable restrictions in situations such as a state of emergency, and the Government generally respected these rights; however, at times high-level government officials responded to criticism of the ruling party and government policies with verbal abuse. There also were reports of government pressure on reporters who worked for the Government-owned media.

The Government owned one newspaper, the biweekly *New Era*, and one magazine, *Namibia Review*, and the Government also ran the Namibia Press Agency (NAMP). The ruling SWAPO party owned one publication, *Namibia Today*. There were six independent newspapers. Reporters for independent newspapers continued to criticize the Government openly and did not engage in self-censorship.

During the year, high-level government officials sharply and publicly criticized journalists, human rights groups, and opposition politicians in response to perceived criticism of the Government or ruling party (see Section 4). Such verbal attacks did not appear to have affected significantly the aggressive style of the independent media or the work of human rights groups or opposition political parties. The *New Era* sometimes covered opposition party activities and views that were critical of the Government; however, NGOs involved in media issues maintained that reporters working for the *New Era* newspaper were subjected to direct and indirect pressure not to report on certain controversial topics.

Government departments continued not buying *The Namibian* newspaper with state funds due to its critical coverage of the President and the Government. The Cabinet did not allow government advertising in *The Namibian*, including public notices on the census and other government activities; however, the Government continued to advertise in other newspapers, particularly *Namibia Today*. Local and international press freedom organizations criticized the Government's ban. During the year, the SWAPO Youth League called for parastatals to stop advertising in *The Namibian* without results.

Unlike in the previous year, the Government did not purchase the majority of copies of *Namibia Today*.

Unlike in the previous year, there were no reports that journalists were subjected to harassment or violence by police.

The Government owned and operated the Namibian Broadcasting Corporation (NBC) Radio and Television. NBC television and nine radio services that broadcast in English and indigenous languages were the most widely heard and influential media in the country. During the year, there were reports of government influence on and self-censorship by the staff of the operations and editorial content of NBC. In August President Nujoma shifted ministerial responsibility for information and broadcasting from the Ministry of Foreign Affairs to State House, where it nominally was under his direct control. The Director General of NBC, appointed in 2001 and criticized for enforcing ideological compliance with the Government, resigned in September. For a short time, the President insisted that some foreign programming be removed from NBC television; however, some foreign-produced shows were restored after viewers complained.

There were eight private radio stations, two private television stations, and a private cable and satellite television service that broadcast the Cable News Network, the British Broadcasting Corporation, and a range of South African and international news and entertainment programs. The ruling SWAPO party owned 51 percent of this cable service. There were no restrictions on the private ownership of satellite dishes, and the use of satellite dishes and cable television was growing.

Government regulations required foreign journalists who sought to visit the country to apply for a temporary work permit from the Ministry of Home Affairs. No prior notice of their intended visit was necessary.

There were no restrictions on Internet access or use. There were growing numbers of domestic web pages, and three of the independent newspapers had popular websites.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, except in situations of national emergency, and freedom of association, even in times of national emergency, and the Government generally respected these rights in practice. Organizers of public meetings were required to obtain prior police approval, but many public gatherings took place without such approval and without interference by the Government.

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

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, except in situations of national emergency; however, on occasion the Government restricted these rights in practice.

Unlike in the previous year, there were no reports that SFF members beat persons whom they stopped for identification checks; however, there continued to be reports that they harassed persons (see Section 1.c.).

In June the Government lifted the dusk-to-dawn curfew in the Kavango region and in the western Caprivi. The curfew was in response to the war in Angola and the spillover effects in the country.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) on the granting of refugee status to asylum seekers. The Government's eligibility committee continued to meet on a regular basis to consider asylum requests, and the UNHCR was permitted to intervene in those cases where immigrants would qualify for refugee status. During the year, the Government reportedly began to require individual status determination for asylum cases; however, in practice the Government generally granted Angolans refugee status based solely on their country of origin. Illegal immigrants were detained for short periods prior to their deportation proceedings. In cases where illegal immigrants posed a security threat, they could be detained for longer periods.

The Government continued to permit asylum seekers to enter the country. Asylum seekers received full UNHCR assistance at the Osire Refugee Camp pending the outcome of their cases; however, because of a lack of government resources, cases could go several years without refugee status determination. At year's end, the UNHCR estimated the population at the Osire Refugee Camp to be 18,500. Approximately 96 percent of this population was from Angola. The remaining refugees were from DRC, Burundi, Rwanda, and other African countries. The Government generally did not permit refugees and asylum seekers to work or live outside the Osire refugee camp. Primary education was available to all refugees at the camp. The Government facilitated the refugees' secondary education at schools outside the

camp. Unlike in previous years, the Osire camp did not experience problems with overcrowding, shelter, or water quality. Over the past several years, the camp expanded from its initial capacity of 5,000 persons. During the year, new shipments of tents and the construction of permanent shelters eased overcrowding. Drinking water remained in ample supply, and a new treatment system effectively improved water quality. Malnutrition continued to be a problem with new arrivals at the camp. Some tension with local farmers persisted; farmers accused some refugees of poaching, and refugees claimed they were not paid for informal labor.

The Government continued to maintain strict control over civilian access to the Osire refugee camp; however, the Namibian Red Cross Society (NRCS) and the UNHCR had access to the camp. In 2001 the UNHCR administered two feasibility studies on a government proposal to move the Osire camp to Mkata. During the year, the Government took no further action on the relocation of the camp.

A reported 1,010 Namibian refugees voluntarily returned home from the Dukwe refugee camp in Botswana under a tripartite agreement between Namibia, Botswana, and the UNHCR. UNHCR-Namibia monitored the return closely and was satisfied with the Government's cooperation. There were no reports of harassment of the returned refugees.

Unlike in previous year, there were no reports that Namibian and Angolan security forces forcibly returned Angolan refugees entering the Kavango region. Such deportations were a problem on several occasions starting in 2000, but appeared to have ceased with the end of the conflict in Angola. Also unlike previous years, there were no allegations that young males were separated from their families, arrested, returned to Angola, or forcibly conscripted into the Angolan army. During the year, the UNHCR again requested and was granted access to immigration tribunal proceedings.

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

Citizens exercised their right to change their government by electing a President and National Assembly for the second time since independence during the 1999 general election, which international and domestic observers agreed was generally free and well-administered despite some irregularities. Observers noted instances of harassment of opposition members during the campaign, and unequal access to media coverage and campaign financing were problems. Nevertheless voter turnout was more than 60 percent, and the election proceeded peacefully. Sam Nujoma, leader of the ruling party SWAPO, was reelected for another 5-year term. Although the Constitution formerly limited the President to two terms in office, in 1998 the National Assembly amended the Constitution to permit President Nujoma to run for a third term. President Nujoma won 77 percent of the vote and SWAPO won 55 of 72 elected National Assembly seats. In the National Assembly, 4 opposition parties won a total of 17 seats, including the COD party, which won the largest number of opposition votes; the Democratic Turnhalle Alliance (DTA); the United Democratic Front; and the Monitor Action Group. Presidential and legislative elections were expected to take place in 2004.

The Constitution establishes a bicameral Parliament and provides for general elections every 5 years and regional elections every 6 years. Members of the National Assembly were elected on a party list system on a proportional basis.

Opposition parties generally were able to undertake political activities such as advertising and holding party conferences and public rallies.

Women held 18 seats in the 78-seat National Assembly. There was a Women's Caucus in parliament that reviewed legislation for gender sensitivity. There were 3 female ministers and 4 female deputy ministers among the 42 ministerial and deputy ministerial positions. In addition, one woman held a cabinet-level position as Director of the National Planning Commission. Women served as the Ombudswoman and as the Government Attorney.

Historic economic and educational disadvantages have served to limit the participation of the indigenous San ethnic group in politics; however, a member of the San community representing the SWAPO party was elected to the National Assembly in the 1999 general elections. Virtually all of the country's other ethnic minorities were represented in parliament and in senior positions in the Cabinet. Members of smaller ethnic groups hold the offices of Prime Minister, Deputy Prime Minister, and Speaker of the National Assembly.

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

During the year, high-level government officials continued to use harsh language in responding to criticisms of the ruling party and government policies by NGOs.

Government officials continued to attack verbally the NSHR. Unlike in the previous year, the Government did not attack verbally the Breaking the Wall of Silence (BWS) Movement, which acted as an advocate for former detainees imprisoned by SWAPO prior to independence. However, despite verbal attacks, local NGOs such as the LAC, the NSHR, the BWS Movement, and those working with indigenous groups continued to criticize government policies freely. Both the NSHR and the Namibia Institute for Democracy (NID) maintained field offices in the Kavango region. Human rights organizations generally were free to investigate reports of abuses in the region and to release reports.

In addition, human rights organizations and academic organizations, such as the Media Institute for Southern Africa (MISA), the Centre for Applied Social Sciences, and the Human Rights Documentation Centre, worked openly on a variety of human rights problems affecting the press, women, ethnic minorities, and other groups. The MISA, which is based in Windhoek, periodically issued reports criticizing the Government.

There were no developments in the 2000 deportation of Moses Nasileli, the Katima Mulilo-based head of NSHR's Caprivi office during the year.

During the year, representatives of international human rights organizations, including Amnesty International (AI), visited the country to investigate allegations of human rights abuses. AI representatives investigated the possibility of providing legal aid to the alleged Caprivi secessionists in detention since 1999 (*see* Section 1.d.).

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

The Constitution prohibits discrimination based on race, creed, gender, or religion, and specifically prohibits "the practice and ideology of apartheid"; the Government generally respected these provisions. During the year, there was continued improvement in the attention paid to women's issues and the rights of persons with disabilities. The country has a law protecting homosexuals from employment discrimination; however, during the year, senior government officials, including President Nujoma, continued to make disparaging public remarks about homosexuals. For example, in an August address to the Congress of the Namibia Public Workers Union (NAPWU), the President called homosexuality a "shameful thing," and told workers to denounce the practice. Unlike in the previous year, there were no reports that SFF members harassed and abused persons whom they suspected were homosexual.

Women.—Domestic violence against women, including beating and rape, was widespread. Traditional attitudes regarding the subordination of women exacerbated problems of sexual and domestic violence. However, there continued to be an improvement in the attention paid to the problems of rape and domestic violence. Government ministers joined in public protests against domestic violence, and the President, members of his Cabinet, and parliamentarians continued to speak out against it. In 2001 convicted rapists and abusers received longer prison sentences in many cases than in previous years. NGOs continued to express concern that the court system did not have mechanisms to protect vulnerable witnesses from open testimony. During the year, the Government worked on establishing judicial procedures to address the problem, including the use of mechanisms such as one-way mirrors and closed-circuit television, but the authorizing legislation for these procedures was stalled in the Ministry of Justice. Police stated that more women came forward to report cases of rape and domestic violence. The law defines rape in broad terms and allows for the prosecution of spousal rape.

In 2001 the police had a special training course on gender sensitivity. Centers for abused women and children in Oshakati, Windhoek, Keetmanshoop, Walvis Bay, and Rehoboth were staffed with specially trained female police officers to assist victims of sexual assaults. There were sanctuaries for victims of sexual assaults in Mariental, Swakopmund, and Tsumeb.

Unlike in previous years, there were no reports that women were kidnaped by armed men along the border with Angola in the Kavango and Caprivi regions; however, there were several reports that women in those regions were raped or otherwise abused (*see* Section 1.c.). In previous years, the Government claimed that UNITA rebels perpetrated these abuses; however, human rights groups reported that some of the incidents were perpetrated by FAA soldiers. Abuses lessened after the April ceasefire in Angola; however, they did not cease entirely. For example, on July 10, press and human rights groups reported that an NDF soldier was arrested for raping a woman near Kongola. On September 30, two FAA soldiers raped speech-impaired Bertha Nankali (*see* Section 1.c.).

The Constitution prohibits discrimination against women, including employment discrimination. The law prohibits discriminatory practices against women married under civil law. Women married under customary (traditional) law continued to face

legal and cultural discrimination. Traditional practices that permitted family members to confiscate the property of deceased men from their widows and children still existed; however, the frequency of such cases lessened considerably during the year.

Children.—The Constitution enumerates children's rights, including those in the area of education and health. During the year, 24 percent of government expenditures were designated for education and 15 percent for health care, only a slight decrease from previous years; however, in practice outmoded policies and laws and an untrained work force led to inadequate attention to child welfare.

The Constitution provides children with the right to primary and junior secondary education (grades 1 to 10); however, the numerous fees, which included fees for uniforms, books, boarding costs, and school improvement, placed a heavy burden on students' families. The inability of poorer families to pay the fees, which varied greatly between regions, precluded some children from attending school. In general more girls were enrolled than boys in secondary schools. Many San children did not attend school.

A decline in refugees due to the end of the Angola conflict and the provision of additional tents, clinics, and schools improved conditions at the Osire Refugee Camp. Primary education was available to all refugee children in the camp; however, there was a shortage of classrooms (*see* Section 2.d.). The UNHCR reported that it needed 72 new classrooms at year's end.

Child abuse was a serious and increasingly acknowledged problem. The authorities vigorously prosecuted crimes against children, particularly rape and incest. The law protects children under 18 years of age by criminalizing sexual exploitation, child pornography, and child prostitution. The age of sexual consent was 16 years. During the year, courts handed down longer sentences against child rapists than in previous years, and the Government provided training for police officials to improve the handling of child sex abuse cases. Centers for abused women and children were working actively to reduce the trauma suffered by abused children. Child prostitution existed (*see* Section 6.f.).

Unlike in the previous year, there were no reports that the Angolan armed forces were recruiting persons under 18 years of age in the northern part of the country to fight in southern Angola against UNITA.

Persons with Disabilities.—While discrimination on the basis of disability is not addressed in the Constitution, the Labor Act prohibits discrimination against persons with disabilities in employment; however, enforcement in this area was ineffective. Although there was no legal discrimination against persons with disabilities, societal discrimination persisted. The Government legally does not require special access to public buildings for persons with disabilities, and many ministries remained inaccessible to them. Although some municipal governments have installed ramps and special curbing for persons with disabilities at street crossings, physical access for those with disabilities remained a problem due to resource constraints. Disability issues continued to receive greater public attention than in previous years, with wider press coverage of the human rights problems that confront persons with disabilities.

Indigenous Persons.—The San, the country's earliest known inhabitants, historically have been exploited by other ethnic groups. The Government has taken numerous measures to end societal discrimination against the San, including seeking their advice about proposed legislation on communally held lands and increasing their access to primary education; however, many San children did not attend school. Unlike in the previous year, there were no reports from the NSHR or in the press that claimed that civilians from the Mafwe and Kxoe San ethnic groups were targeted by police for harassment, and there were no substantiated reports of harassment.

By law all indigenous groups participate equally in decisions affecting their lands, cultures, traditions, and allocations of natural resources; however, San and other indigenous citizens have been unable to exercise fully these rights as a result of minimal access to education, limited economic opportunities under colonial rule, and their relative isolation.

The Government's authority to confer recognition or withhold it from traditional leaders, even in opposition to local preference, especially was controversial because of the leaders' influence on local events, including local police powers. In some cases, the Government withheld recognition from genuine traditional leaders who agreed with the political opposition. This has been especially true in the Khoe San and Mafwe communities in the Caprivi and in the Herero community.

National/Racial/Ethnic Minorities.—The Constitution prohibits discrimination based on race and other factors and specifically prohibits "the practice and ideology of apartheid." The law codifies certain protections for those who cite racial discrimination in the course of research (including academic and press reporting) or in try-

ing to reduce racial disharmony. Nevertheless as a result of more than 70 years of South African administration, societal, racial, and ethnic discrimination persisted. There were several reported cases of black farm workers suffering discrimination in remote areas at the hands of white farm owners. Many nonwhites continued to complain that the Government was not moving quickly enough in education, health, housing, employment, and access to land.

As in previous years, some citizens complained that the SWAPO-led government provided more development assistance to the numerically dominant Ovambo ethnic group of the far north than to other groups or regions of the country.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association, including freedom to form and join trade unions, and the Government generally respected this right in practice. Public servants, farm workers, and domestic employees also have this right; however, farm workers and domestic servants working on rural and remote farms often were ignorant of their rights, and unions experienced obstacles in attempting to organize these workers; as a result, they reportedly suffered abuse by employers. Trade unions had no difficulty registering, and there were no government restrictions on who may serve as a union official. The law provides a process for employer recognition of trade unions and protection for members and organizers.

Less than 20 percent of full-time wage earners were organized. Trade unions lacked resources.

Unions were independent of the Government and could form federations. The two principal trade union organizations were the National Union of Namibian Workers (NUNW) and the Trade Union Congress of Namibia (TUCNA). The NUNW and SWAPO were affiliated. In May the TUCNA formed when the Namibia Federation of Trade Unions (NAFTU) merged with the Namibia People's Socialist Movement (NPSM). The Government recognized the non-SWAPO aligned TUCNA, and treated it professionally; however, the TUCNA did not appear to have the same level of access that government officials accorded to the NUNW. In previous years, the Mine Workers Union Investment Company, which consisted of several large public service, teachers, mining, and maritime unions, was critical of the Government.

Employers were required to give a registered union access to its members and to recognize the exclusive collective bargaining power of the union when a majority of the employer's workers were members of that union. This provision of the law has been implemented effectively.

Laws specifically protect both union organizers and striking workers from employer retaliation, and there appeared to be only isolated cases of retaliation. However, the scarcity of judges and lack of expertise in labor law caused lengthy and unnecessary delays. The new labor act, which has not yet been promulgated, includes provisions for binding arbitration to resolve most labor disputes. The labor law does not prohibit labor by nonunion replacement workers, but most companies sought negotiated settlements rather than employing nonunion replacement workers.

The law empowers the Labor Court to remedy unfair labor practices and explicitly forbids unfair dismissals. Unfair dismissals occurred when employers terminated employment without following correct procedures and a substantially fair process. Unfair dismissals may be appealed to the Labor Court, and remedies include fines, compensation, and reinstatement, as determined by a labor court judge; however, there were not enough judges to address the backlog of cases.

Trade unions were free to exchange visits with foreign trade unions and to affiliate with international trade union organizations. Unions exercised this right without interference and were affiliated with the Southern Africa Trade Union Coordination Council, the Organization of African Trade Union Unity, and the International Congress Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively.—The law provides employees with the right to bargain individually or collectively. Collective bargaining was not practiced widely outside the mining and construction industries, which had centralized, industry-wide bargaining. Almost all collective bargaining was at the workplace and company level. However, as unions became more active, informal collective bargaining became more common. The Ministry of Labor cited lack of information and basic negotiation skills as factors hampering workers' ability to bargain with employers successfully.

Except for workers providing essential services such as jobs related to public health and safety, workers had the right to strike once conciliation procedures had been exhausted, and 48-hour notice had been given to the employer and labor commissioner. During the year, a 5-year prohibition on strikes in the export processing

zones (EPZs) expired. Under the law, strike action could be used only in disputes involving specific worker interests, such as pay raises. Disputes over worker rights, including dismissals, must be referred to a labor court for arbitration (*see* Section 6.a.). The law protects workers engaged in legal strikes from unfair dismissal. Strikes were rare in the country. During the year, the Ministry of Labor worked proactively to resolve wage disputes at a new Malaysian textile plant. In August there was an unsanctioned strike over wages at the Skorpion Zinc Mine, owned by Anglo-American. Police intervened when the striking workers became violent and set a mine vehicle on fire. Skorpion management negotiated a peaceful settlement with the workers, and most returned to their jobs.

There were EPZs at the Walvis Bay and Oshikango industrial parks and a number of single-factory EPZs outside of these parks. The law applies to EPZs; however, in previous year, workers in EPZs were prohibited from striking, and employers were prohibited from engaging in lockouts; however, these prohibitions expired during the year. Nevertheless, unions have been active in the EPZs since their establishment.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced and bonded labor, including by children; however, there continued to be media reports during the year that farm workers (including some children on family-owned commercial farms) and domestic workers often received inadequate compensation for their labor and were subject to strict control by employers. Given the country's vast distances and the Ministry of Labor's resource constraints, labor inspectors sometimes encountered problems in gaining access to the country's large, family-owned, commercial farms in order to investigate possible labor code violations. To address this problem, the Ministry of Labor added inspectors to its payroll during the year.

Unlike in previous years, there were no reports that UNITA forces kidnaped citizens and forced them to serve as combatants and porters in Angola. In 2001 there was a report that the Angolan armed forces were recruiting persons under 18 years of age in the northern part of the country to fight in southern Angola against UNITA. With the February end of the conflict in Angola and related crossborder raids, this problem ceased.

d. Status of Child Labor Practices and Minimum Age for Employment.—Under the law, the minimum age for employment is 14 years, with higher age requirements for night work and in certain sectors such as mining and construction. Children below the age of 14 often worked on family-owned commercial farms and in the informal sector, and some also worked in communal areas. In 1999 the Namibia Child Activities Survey reported that of 444,751 children ages 6 to 18 in the country, 72,405 (16.3 percent) worked. The survey defined work as "for pay, profit, or family gain, even for 1 hour per day within the 7 days preceding the survey." More than 95 percent of those children classified as working lived in rural areas, which indicated that the majority of child labor occurred on farms. The survey also documented that of those children classified as working, 80 percent continued to attend school.

The Government has taken steps to end child labor abuses. During the year, the Ministry of Labor improved their capability to enforce minimum age regulations; the Ministry hired additional inspectors and revised inspection checklists to include specific inquiries on ILO Convention 182 concerns. The Ministry also held a series of workshops in several rural areas to raise awareness of child labor.

Criminal penalties and court orders were available to the Government to enforce child labor laws; however, such action involved a complicated procedure that must be initiated through a civil legal process.

The Labor Advisory Council, a tripartite board which included government, union, and private sector representatives, sponsored a series of workshops during the year to sensitize and inform employers about child labor regulations.

e. Acceptable Conditions of Work.—There was no statutory minimum wage law; however, the mining and construction sectors had set basic levels of pay. During the year, representatives of farm owners and managers and the Ministry of Labor agreed upon a minimum wage for farm workers. In Windhoek's historically disadvantaged high-population density areas, minimum wages for workers did not provide a decent standard of living for a worker and family. Wage levels for the less educated majority remained largely unchanged since independence.

The standard legal workweek is 45 hours, and requires at least one 24-hour rest period per week. An employer may require no more than 10 hours per week of overtime. The law mandates 24 consecutive days of annual leave, at least 30 workdays of sick leave per year, and 3 months of unpaid maternity leave. However, in practice these provisions were not observed or enforced rigorously by the Ministry of Labor.

The Government mandates occupational health and safety standards. The Labor Act empowers the President to enforce these standards through inspections and criminal penalties. Labor laws generally were implemented efficiently, and during the year, the Ministry of Labor added several inspectors to its payroll; however, it still lacked an adequate number of trained inspectors to monitor adherence to such labor regulations as providing overtime pay and social security by some companies, especially small, family-owned operations. The law requires employers to ensure the health, safety, and welfare of their employees. It provides employees with the right to remove themselves from dangerous work situations; however, some workers did not have this right in practice.

The law accords the same rights to legal foreign workers as it accords to citizens.

f. Trafficking in Persons.—Although the law does not specifically prohibit trafficking in persons, it does prohibit slavery, kidnaping, forced labor, including forced prostitution, child labor, and alien smuggling; however, there were reports of trafficking.

There were a few reports of child prostitution. In such cases, police prosecuted parents as well as the perpetrators. In April the Government signed and ratified the Optional Protocol to the Convention on the Rights of the Child, On the Sale of Children, Child Prostitution, and Child Pornography.

There also were reports that Namibia was a transit country for persons trafficked to and from South Africa.

Unlike in previous years, there were no reports that UNITA forces kidnaped citizens and forced them to serve as combatants and porters in Angola.

During the year, there were no information campaigns specifically devoted to antitrafficking themes. The Government encouraged its embassies and consulates to maintain relations with NGOs that followed trafficking issues. In 2001 police and immigration officials received training in combating trafficking in persons.

NIGER

Niger returned to democracy in 1999, following coups d'etat in 1996 and 1999, and continued efforts to consolidate a democratic system and a constitutional government. Tandja Mamadou was elected president in 1999 with 60 percent of the vote in an election that international observers called generally free and fair. The National Movement for the Development of Society and the Democratic and Socialist Convention (MNSD/CDS) coalition, which backed Tandja, won 55 of the 83 seats in the National Assembly. In 2000 Tandja appointed MNSD member Hama Amadou as Prime Minister. The Government continued to make some progress toward democratization and political modernization, including instituting a transparent budget process and auditing the military budget. In August soldiers stationed in Diffa mutinied and took several of their commanding officers hostage, and soldiers in Niamey mutinied briefly, staging an unsuccessful raid on an armory. Both mutinies ended after loyalist forces intervened and negotiations ensued. The judiciary continued to show signs of independence; however, family and business ties could influence lower court decisions.

Security forces consisted of the army, the Republican Guard, the gendarmerie (paramilitary police), and the national police. The police and gendarmerie traditionally have primary responsibility for internal security. Civilian authorities generally maintained effective control of the security forces. In a 2000 statement, the armed forces publicly pledged to abide by the rules of democracy and stay out of politics, and during the year, the armed forces abided by their pledge. Some members of the security forces committed human rights abuses.

The country's population was approximately 11.2 million. The economy was based mainly on subsistence farming, herding, small trading, and informal markets. Approximately 15 percent of the economy was in the formal sector, primarily in light industry and government services. Approximately 63 percent of the population lived on less than a \$1 a day and the country's per capita income was less than \$200 a year. Drought, deforestation, soil degradation, and exceedingly low literacy were problems. The economy remained severely depressed.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Security forces killed one person while forcibly dispersing a demonstration. There were reports that members of the security forces tortured, beat, and otherwise abused persons. Prison conditions remained poor, and arbitrary arrest and detention remained problems. Delays in trials resulted in long periods of pretrial confinement. The judiciary also was subject to executive and other influence. The Government limited at times the freedom

of movement for security reasons. Security forces infringed on citizens' privacy rights. The Government limited freedom of the press. Security forces forcibly dispersed several demonstrations during the year. The Government generally respected the right to association; however, several Islamist organizations that engaged in or threatened violence remained banned. Domestic violence and societal discrimination against women continued to be serious problems. Female genital mutilation (FGM) persisted, despite government efforts to combat it. There was societal discrimination against persons with disabilities and ethnic and religious minorities. Worker rights generally were respected; however, there were reports that a form of slavery or servitude was practiced. Child labor occurred, including child prostitution. There were reports of trafficking in persons. Niger was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings; however, in early February, security forces killed one person and injured several others when they shot into a crowd of protesters (*see* Section 2.b.). During the military's intervention in the August mutinies, two soldiers were killed (*see* Section 3).

There were no developments, nor are any likely, in the March 2001 attempt to reopen an investigation of the 1999 assassination of President Ibrahim Mainassara Bare.

The Lake Chad area continued to be patrolled by a Nigerian-Nigerien-Chadian joint military force. During the year, with the exception of the August mutinies (*see* Section 3) and two incidents in N'Guigmi, the overall area became more secure, and intercommunal conflict continued to decline. The integration of former combatants continued, although some tensions remained. Security along the border still was a concern due to the Toubou rebellion in Chad, highway crime in northern Nigeria, the long history of clan rivalries, armed robberies, and the trafficking of weapons and narcotics through the area.

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

There were no developments, nor are any likely, in the 2000 case of the disappearance of two army sergeants, who allegedly were involved in the kidnaping of Major Djibrilla Hima.

The mutineers briefly held hostage officers assigned to their unit in Diffa; however, during negotiations to resolve the mutinies, the mutineers released their hostages unharmed (*see* Section 3).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, police occasionally tortured, beat, and otherwise abused persons.

In February there were reports of police torture in N'Guigmi (*see* Section 1.d.). By year's end, the Government had not investigated these reports of torture; however, it reassigned several police officers from this region to the Criminal Investigation Unit in Niamey during the year.

Three gendarmes from Torodi were arrested for excessive use of force during the investigation in late April of four persons suspected of armed assault on a Dogona villager. During the interrogation, the gendarmes tortured two of the detainees so badly that they were evacuated to the Say District Hospital on May 7. Subsequently, the Minister of Justice issued a statement that called for those in positions of public authority to respect the rights and liberties of citizens. The gendarmes were awaiting trial at year's end.

On several occasions during the year, police used tear gas and water cannons to disperse student protests. There were reports of several injuries (*see* Section 2.b.).

No action was taken against the police officers that allegedly beat students in detention after forcibly dispersing a February 2001 demonstration.

Conditions in all 35 of the country's prisons were poor and life threatening. Prisons were underfunded, understaffed, and overcrowded. For example, in Niamey's Civil Prison, there were approximately 550 prisoners in a facility built for 350; 445 of these were awaiting trial at year's end. Family visits were allowed, and prisoners could receive supplemental food and other necessities from their families. Prisoners were segregated by gender, and minors and adults were incarcerated separately. Pretrial detainees were housed with convicted prisoners. The Government did not put significant resources into guard training, and prison conditions did not improve despite a promise from the Minister of Justice to reform the prison system after a

1999 incident in which 29 prisoners died in Niamey Central Prison. Nutrition and health conditions improved slightly due to nongovernmental organizations' (NGOs) access to prisons.

Corruption among prison staff was rampant. There were credible reports that prisoners could bribe officials to leave prison for the day and serve their sentences in the evenings. Prisoners also could claim illness and serve their sentences in the national hospital.

Human rights observers, including the International Committee of the Red Cross (ICRC), were granted unrestricted access to prisons and detention centers and visited them during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the law prohibits detention without charge in excess of 48 hours; however, police at times violated these provisions, and arbitrary arrest and detention were problems. If police failed to gather sufficient evidence within the detention period, the prosecutor can give the case to another officer, and a new 48-hour detention period began. The law provides for a right to counsel, although there was only one defense attorney known to have a private practice outside the capital. A defendant had the right to a lawyer immediately upon detention. The Government provided a defense attorney for all indigents in felony cases, including minors. Bail was available for crimes carrying a penalty of less than 10 years' imprisonment. Widespread ignorance of the law and lack of financial means prevented the accused from taking full advantage of these rights. Police, acting under authority given them by the Security Law, occasionally conducted sweeps to detain suspected criminals.

In February police arrested and detained for investigation 21 persons in N'Guimgi for 27 days. By law temporary custody should not exceed 48 hours. Police arrests for investigation were not uncommon in this area of the country. Due to the unstable security situation in the area, security forces at times abused civilians or committed other violations (*see* Section 1.c.).

There were several reports that journalists were arrested during the year (*see* Section 2.a.).

Following the August mutinies, gendarmes arrested 272 persons (*see* Section 3). Three of the military officers arrested and later released in connection with the 2000 kidnaping of a senior military officer, Major Djibrilla Hima, were rearrested for alleged involvement in the August mutiny (*see* Section 3). Of the 272 detainees, 124 were detained in Zinder, the rest were in Niamey. At the year's end, most were detained under the "preventative detention" provisions of the law.

The two students detained in February 2001 went on a hunger strike and on July 24 were transferred to Niamey National Hospital; however, after receiving care and ending their hunger strike, they were sent back to prison in Tillaberi, and they remained in detention without charge at year's end.

Following the 2000 Maradi riots, police arrested approximately 100 persons in Maradi and others in Niamey. In May 2001, the prisoners held in Niamey were released, and the one person in Maradi charged with unauthorized demonstration and threatening public order was released by year's end.

The judicial system faced a serious problem of overload. There were legal limits to the pretrial confinement period of indicted persons; however, detention frequently lasted months or years; some persons have been waiting as long as 6 years to be charged. The Justice Ministry has made efforts to accelerate the trial process that included proposed reforms of the justice system, which were expected to be debated in the 2003 National Assembly session. Of the 550 inmates in Niamey's Civil Prison, approximately 445 were detainees awaiting trial or charges.

The Constitution prohibits forced exile, and there were no reports of its use.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary occasionally was subject to executive interference. Although the Supreme Court on occasion has asserted its independence, human rights groups claimed that family and business ties influenced lower courts. Judges sometimes feared reassignment or having their financial benefits reduced if they rendered a decision unfavorable to the Government. However, there was evidence of increased judicial independence during the year, including three cases in which the courts ruled against the Government: A libel case in which the courts ruled against the Prime Minister; a declaration that a presidential decree after the August mutinies was unconstitutional (*see* Section 3); and a ruling that the Government did not have the right to remove the Sultan of Zinder from his position and that only a traditional council of sultans could make such a decision. Although he won the court case, the former sultan was still being held by the Government on various criminal charges and faced trial on those charges at year's end.

Defendants and prosecutors could appeal a verdict, first to the Court of Appeals, then to the Supreme Court. The Court of Appeals reviewed questions of fact and law, while the Supreme Court reviewed only the application of the law and constitutional questions. There also were customary courts.

Traditional chiefs could act as mediators and counselors and had authority in customary law cases as well as status under national law where they were designated as auxiliaries to local officials. Chiefs collected local taxes and received stipends from the Government, but they had no police or judicial powers and could only mediate, not arbitrate, customary law disputes. Customary courts, located only in large towns and cities, tried cases involving divorce or inheritance. They were headed by a legal practitioner with basic legal training who was advised by an assessor knowledgeable in the society's traditions. The judicial actions of chiefs and customary courts were not regulated by law, and defendants could appeal a verdict to the formal court system. Women did not have equal legal status with men and did not enjoy the same access to legal redress (*see* Section 5).

Defendants had the right to counsel, to be present at trial, to confront witnesses, to examine the evidence against them, and to appeal verdicts. The Constitution affirms the presumption of innocence. The law provides for counsel at public expense for minors and indigent defendants charged with crimes carrying a sentence of 10 years or more. Although lawyers complied with government requests to provide counsel, the Government generally did not remunerate them. Widespread ignorance of the law prevented the accused from taking full advantage of these rights. There was only one defense attorney known to have a private practice outside the capital.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law generally requires that police conducting a search have a warrant, normally issued by a judge; however, human rights organizations reported that police often conducted routine searches without warrants. Police may conduct searches without warrants when they have strong suspicion that a house shelters criminals or stolen property. The State Security Law also provides for warrantless searches.

Following the August mutinies and before the presidential decree, gendarmes conducted searches of the houses of former military officers without a warrant and arrested several persons (*see* Section 3). Five officers and one civilian were arrested in connection with the August mutinies. Three were the officers who had previously been arrested for alleged involvement in Djibrilla's 2000 kidnaping (*see* Section 1.b.). They were rearrested after the August mutinies and remained in investigative detention at year's end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, on several occasions the Government limited these rights in practice. On numerous occasions during the year, government officials initiated lawsuits against journalists for articles that either criticized them personally or criticized the armed forces or for complicity in libelous comments.

The Government published a French-language daily newspaper, *Le Sahel*, and its weekend edition. There were approximately 12 private French-language weekly or monthly newspapers, some of which were affiliated loosely with political parties. The private press remained relatively assertive in criticizing government actions. Foreign journals circulated and reported freely. Strict accreditation requirements were imposed on domestic and foreign journalists; however, there were no reports that any journalists have been denied accreditation. In November 2001, the Government eliminated the subsidies and preferential tax treatment on newsprint and other supplies.

The Government continued to use existing law to criminalize slander and libel and to prosecute, convict, and sentence to prison critics who infringe those laws in the judgment of the courts. Following the August mutinies, the Government issued a presidential decree banning press comment on military and security issues related to the August mutinies. Although the Government subsequently suspended the decree after the Supreme Court ruled it unconstitutional, several reporters and one human rights advocate were detained for statements that allegedly violated the decree. The charges included "disseminating false news" and "propagating information that could jeopardize national defense operations." In September the 75-year-old human rights activist, Bagnou Bonkoukou, was tried and sentenced to 1 year in prison for issuing a press release that disputed the Government's version of the August mutinies. The press release alleged that several persons were killed during the August mutiny in Diffa and called for an independent international investigation of the mutinies. After serving only 6 weeks of his sentence, Bonkoukou was released

under a Presidential Decree that granted amnesty to pregnant women, the ill, and the elderly.

There were two cases pending for a *Canard Libere* journalist who was charged with libel against the Minister of Agriculture and the Prime Minister. The case by the Minister of Agriculture was dropped; however, the journalist went to prison for 3 months for libel against the Prime Minister and was fined approximately \$143 (100,000 CFA). On August 12, an appeal was heard; however, the court confirmed the conviction.

Since literacy and personal incomes were both very low, radio was the most important medium of public communication. The Government-owned Radio Voix du Sahel transmits 14 hours per day, providing news and other programs in French and several local languages. There were several private radio stations, including Radio France International, Africa Number One, Radio et Musique, Radio Souda, Radio Tenere, Radio Anfani, and Radio Tambara; the last five were owned locally and feature popular news programs in local languages, including Djerma and Hausa. These private radio stations generally were less critical of government actions than were the private newspapers. Radio Anfani and Radio et Musique presented news coverage that included a variety of points of view. The other private domestic radio stations were smaller and offered little domestic news programming. The Government-operated multilingual national radio service provided equitable broadcasting time for all political parties during the year.

During the year, the Government's Superior Council on Communication continued to allow domestic broadcasting services to rebroadcast programs of foreign origin, such as Voice of America (VOA), British Broadcasting Corporation (BBC), Deutsche Welle programs, and Radio France International (RFI).

Television was a far less important medium than radio. The Government-owned Tele-Sahel broadcast approximately 4 hours every evening, with programming emphasizing news in French and other major national languages. On weekends Tele-Sahel broadcast approximately 7 hours a day, with additional time devoted to sports and entertainment. The Government-owned TAL-TV had a similar broadcast schedule. A private television station, TV Tenere, broadcast approximately 7 hours a day on weekdays and 12 hours a day on weekends. In addition to entertainment programs, TV Tenere transmitted its own evening news program, which included reports from French and Swiss sources, as well as other French language European news programs in their entirety. The director of a private radio station operated a wireless cable television service for the capital, offering access to international channels.

The news coverage of the state-owned media reflected government priorities. Presidential activities and conferences dealing with development issues always were reported. Analysis or investigative reporting on domestic topics was extremely rare.

SONITEL, the state-owned telephone company that was privatized partially in 2001, was the country's only Internet service provider (ISP). There were no private ISP's because telecommunications regulations set rates at prohibitive levels. The Government does not restrict access to the Internet through SONITEL, although service frequently had technical difficulties.

The Government did not restrict academic freedom. As a result of financial problems and student strikes, the 2001–2002 academic year was interrupted and started several months late. During the 2002–2003 academic year, some faculties started on time; however, others still were in the process of finishing the previous academic year and started late again.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government retained the authority to prohibit gatherings either under tense social conditions or if advance notice (48 hours) was not provided. Political parties legally were permitted to hold demonstrations within a defined area. There were reports that the Government delayed approving the requests to demonstrate by political parties; however, there were no reports of political parties being denied permission for demonstrations during the year.

During the year, police used tear gas and water cannons to forcibly disperse several student protests against scholarship arrears and education austerity measures.

In early February, security forces forcibly dispersed a demonstration by truckers in N'Guigmi to protest against police harassment at security checkpoints. One person was killed and several others injured when security forces shot into the crowd of protesters. The Minister of the Interior visited the area to meet with civil society groups and representatives of the security forces and convey the Government's condolences to the victim's family. He ordered an investigation; however, there were no further developments by year's end.

Two students arrested following a demonstration in February 2001 remained in custody (*see* Section 1.d.).

The Constitution provides for freedom of association; however, citizens may not form political parties based on ethnicity, religion, or region. In reaction to rioting led by militant Islamic groups that engaged in or threatened violence in 2000, the Government banned six such organizations, and in September 2001, the Government banned two additional militant Islamic organizations; the eight organizations remained banned at year's end (*see* Section 2.c.). In June two representatives from one of these banned organizations were arrested for having engaged in political activity inappropriate for a religious organization by publishing pamphlets calling for Jihad against the West, and they remained detained in prison at year's end. There were 26 political parties.

c. Freedom of Religion.—The Constitution provides for “the right of the free development of each individual in their—spiritual, cultural, and religious dimensions,” and the Government generally respected the freedom to practice religious beliefs, as long as persons respect public order, social peace, and national unity.

No religious group was subsidized, although the Islamic Association, which acts as an official advisory committee on religious matters to the Government, had bi-weekly broadcasts on the Government-controlled television station.

Religious organizations must register with the Interior Ministry. This registration was a formality, and there was no evidence that the Government has ever refused to register a religious organization. The Government must authorize construction of any place of worship; however, there were no reports that the Government refused such construction during the year. Foreign missionaries worked freely, but their organizations must be registered officially as associations.

The Government has banned eight Islamic organizations on the grounds that these organizations were responsible for “disturbing the peace” (*see* Section 2.b.). No mainstream Islamic organizations or human rights organizations have challenged the legality of the bans, which still were in effect at year's end.

There generally were amicable relations between the various religious communities; however, there have been instances when members of the majority religion (Islam) were not tolerant of the rights of members of minority religions to practice their faith. The cities of Say, Kiota, Agadez, and Madarounfa are considered holy by the local Islamic communities, and the practice of other religions in those cities was not as well tolerated as in other areas. Unlike in the previous year, there were no reports of riots by Muslims against Christians and no reports of arrests or beatings of Christians or persons who had worked with Southern Baptists.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for freedom of movement and restricts neither emigration nor repatriation; however, authorities imposed some restrictions on these rights for security reasons. Security forces at checkpoints monitored the travel of persons and the circulation of goods, particularly near major population centers, and sometimes demanded payments or bribes. Attacks by bandits on major routes to the north have declined considerably since 1996, but there have been regular reports of banditry, sometimes violent, over the past year.

The law does not provide for granting asylum or refugee status in accordance with the standards of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, although the country is a signatory to the Convention; however, the Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The UNHCR office in the country closed at the end of 2001; during the year, the UNHCR's regional office in Benin was responsible for the refugee assistance and protection in the country. The Government's interministerial National Refugee Eligibility Committee took over the UNHCR's refugee prescreening duties. The Government offers first asylum and has offered asylum to several thousand persons primarily from Mali and Chad. A few Chadian refugee families remained in the country.

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

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

The Constitution provides for the right of citizens to change their government, and citizens were able to exercise that right during the November 1999 election. However, this has not always been the case; the January 1996 coup, the fraudulent 1996 presidential election, the disruption of local elections in February 1999, and the April 1999 coup effectively disenfranchised citizens in previous years. The 1999 coup led to the installation of a military-led government, which instituted a 9-month

transition to a democracy. A 1999 referendum approved a new Constitution that provided for a power-sharing presidential system and granted amnesty to perpetrators of the 1996 and 1999 coups. The Constitution also allowed governmental authorities to remain in place until new elections were held. In late 1999, the first round of presidential elections, a presidential runoff, and legislative elections were held. In November 1999, Tandja Mamadou was elected president with 60 percent of the vote in an election that was considered by international observers to be generally free and fair. Reportedly 39 percent of the country's population participated in the election. In the November 1999 National Assembly elections, the National Movement for the Development of Society and the Democratic and Social Convention (MNSD/CDS) coalition, which backed Tandja, won 55 of the 83 seats in the assembly. Five of the country's 11 active political parties are represented in the National Assembly.

Pursuant to the Constitution, the country has a power sharing presidential system with the President as head of state and the Prime Minister as head of government. The President must choose the Prime Minister from a list of three persons presented by the majority party or coalition in the National Assembly. In 2000 Tandja appointed Hama Amadou as Prime Minister.

The Constitution provides for a representative one-chamber National Assembly, and an independent judiciary. Citizens 18 years of age and over can vote, and voting is by secret ballot.

In August soldiers stationed in Diffa, the remote eastern part of the country, took several of their commanding officers hostage. The dispute reportedly was over claims for increased pay and benefits. Several days later, there also was an attempt by soldiers to raid an armory in Niamey. Both mutinies ended after loyalist forces intervened and negotiations ensued. The initial intervention by loyalist forces led to a skirmish that resulted in the death of two soldiers in Diffa, one mutineer and one loyalist. The Government arrested 272 persons in connection with the mutinies (*see* Sections 1.d. and 2.a.).

Women traditionally play a subordinate role in politics. The societal practice of husbands' voting their wives' proxy ballots effectively disenfranchised many women. This practice was used widely in the 1999 presidential and National Assembly elections. There was 1 woman in the 83-seat National Assembly; there were 4 female ministers in the Cabinet. The mayor of the city of Agadez, the capital of a district that included one-third of the country, is a woman. A 2000 law mandates that women receive 25 percent of government positions; however, by year's end, women still did not fill that percentage of government positions.

All major ethnic groups are represented at all levels of government. The Government supported greater minority representation in the National Assembly. There were eight seats at the National Assembly designated for representatives of "special constituencies," specifically ethnic minorities and nomadic populations. President Tandja, who reportedly is half Peul and half Kanouri, is the country's first president who is not from either the Hausa or the Djerma ethnic groups, which make up approximately 56 percent and 22 percent, respectively, of the country's population (*see* Section 5).

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

Several independent human rights groups and associations generally operated without government restriction, investigating and publishing their findings and conclusions that often were highly critical of the Government in their own publications and in the small independent press. Notable among the associations were the Nigerien Association for the Defense of Human Rights (ANDDH); Democracy, Liberty, and Development (DLD); the Nigerien League for the Defense of Human Rights (LNDH); the Association for the Protection and Defense of Nigerien Human Rights (ADALCI); the Network for the Integration and Diffusion of the Rights in the Rural Milieu (RIDD-FITLA); the Niger Independent Magistrates Association (SAMAN); and the Association of Women Jurists of Niger. There were several other women's rights groups. The ICRC was active in the country.

In March 2001, the Government began funding the National Commission on Human Rights and Fundamental Liberties, which it had created in 2000. The Commission's mandate included communication, advocacy, and investigation of human rights abuses, and it has shown signs of independence since its creation. During the year, it produced reports on the 2000 kidnaping of a senior military officer, Major Djibrilla Hima, and the removal of the Sultan of Zinder. Elements of civil society successfully opposed a government attempt to alter the composition of the Commission in 2001; however, following the mutinies in August, the chairman of the Commission was removed from office. Some members claimed he was dismissed for mis-

management. The Commission promptly was restructured, and the Government added additional personnel to the Commission. Civil society members feared that the restructuring would influence any investigation into the mutinies; however, the Commission decided not to investigate and instead planned to carry out training of the military to increase its awareness of basic human rights.

The Commission was made up of several subcommittees, including, Women and Children; Racial, Ethnic, and Religious Discrimination; Detention and Torture; and Protection of Human Rights. The Commission worked with local human rights groups and international organizations and was a member of the African Human Rights Commission as well as Francophone organizations. Commission projects included the drafting of legislation to ban discrimination against persons with HIV/AIDS, community outreach and education across the nation, translation of the Constitution into local languages, and the planning of a nationwide celebration for International Human Rights Day in December.

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

The Constitution prohibits discrimination based on sex, social origin, race, ethnicity, or religion. However, in practice there were instances of discrimination against women, children, ethnic minorities, and persons with disabilities, including, but not limited to, limited economic and political opportunities.

Women.—Domestic violence against women was widespread, although reliable statistics were not available. Wife beating reportedly was common, even in upper social classes. Families often intervened to prevent the worst abuses, and women may (and did) divorce because of physical abuse. While women have the right to seek redress in the customary or modern courts, few did so due to ignorance of the legal system, fear of social stigma, or fear of repudiation. Women's rights organizations reported that prostitution often was the only economic alternative for a woman who wanted to leave her husband.

FGM was practiced by several ethnic groups in the western department of Tillaberi (which includes Niamey and the towns of Say, Torodi, and Ayorou) and the eastern department of Diffa. Health care workers also have noted a high prevalence of cases in Agadez and Maradi. In July 2001, the National Assembly passed a law to prohibit FGM that would have carried a prison sentence of 3 to 20 years; however, the law was rescinded and put under review to ensure that it complied with international standards. It was expected to be considered by the March to June 2003 session of the National Assembly as part of a reform of the justice system.

A 1998 study by CARE International indicated that 5 percent of women between 15 and 49 years of age had undergone FGM, and a 1998 national Demographic and Health Survey of 7,577 women cited the incidence of FGM as 4.5 percent; however, a 1999 symposium cited a World Health Organization global study of 20 percent. Clitoridectomy was the most common form of FGM. The Government took an active role in combating FGM and worked closely with a local NGO, UNICEF, and other donors to develop and distribute educational materials at government clinics and maternal health centers and participated in information seminars and publicity.

Prostitution, which is illegal and hidden, was more prevalent near major mining and military sites.

Despite the Constitution's provisions for women's rights, the deep-seated traditional belief in the submission of women to men resulted in discrimination in education, employment, and property rights. Discrimination was worse in rural areas, where women did much of the subsistence farming as well as childrearing, water- and wood-gathering, and other work. Despite constituting 47 percent of the work force, women have made only modest inroads in civil service and professional employment and remained underrepresented in these areas.

Women's inferior legal status was evident, for example, in head of household status: A male head of household has certain legal rights, but divorced or widowed women, even with children, were not considered to be heads of households. Among the Hausa and Peul ethnic groups in the east, some women were cloistered and could leave their homes only if escorted by a male and usually only after dark.

National service was mandatory for all young women who have completed university studies or professional training. National service lasted from 18 months to 2 years, and women could serve as teachers, health service workers, or technical specialists; however, military service was not permitted.

Children.—Although the Constitution provides that the Government should promote children's welfare, financial resources for this purpose were extremely limited. The minimum period of compulsory education was 6 years; however, only approximately 32 percent of children of primary school age attended school, and approximately 60 percent of those who finished primary schools were boys. The majority of young girls were kept at home to work and were married at a young age, rarely

attending school for more than a few years, resulting in a female literacy rate of 7 percent compared with 21 percent for men. Literacy rates, particularly for girls, were even lower in rural areas.

Some ethnic groups allowed families to enter into marriage agreements under which young girls from rural areas were sent by the age of 10 or 12 and sometimes younger to join their husband's family under the tutelage of their mother-in-law. In 2000 the Minister of Justice formed a commission to examine the problem of child brides; the commission's work still was ongoing at year's end. In 2001 the National Assembly considered changing the law to prohibit this practice and establish a minimum age for marriage; however, no legislation was passed by year's end.

FGM was performed on young girls in many parts of the country (*see* Section 5, Women).

Child prostitution was a problem (*see* Section 6.f.).

Persons with Disabilities.—The Constitution mandates that the State provide for persons with disabilities; however, the Government had not implemented regulations to mandate accessibility to buildings and education for those with special needs. Regulations do not mandate accessibility to public transport, of which there was little. Societal discrimination against persons with disabilities existed.

In August 2001, the mayor of Niamey reportedly established a program to locate, register, and put in psychiatric care persons with mental disabilities wandering the streets; however, by year's end, there was no evidence that this program was made operational. Observers reported that many persons with mental disabilities were rejected by their families due to the stigma surrounding mental illness in the country.

National/Racial/Ethnic Minorities.—The Hausa and Djerma ethnic groups made up approximately 56 percent and 22 percent, respectively, of the country's population. These two groups also dominated government and business. Tandja Mamadou was the country's first president who is neither Hausa nor Djerma; however, Tuaregs, Arabs, Peuls, Toubous, and Kanouris had few representatives in the Government, and many of these ethnic groups asserted that the Hausa and Djerma groups discriminated against them. The Government increased education for ethnic minorities; health care for minorities was at the same level as the rest of the population. However, nomadic persons, such as Tuaregs and many Peul, continued to have less access to government services and continued to be dissatisfied with the Government. In July former Tuareg rebels protested that the Government was not implementing the 1995 peace accords. During the year, there was an increase in reports of banditry in the north that may have involved former Tuareg rebels turned criminals.

Limited security issues existed in the northern areas as a result of continued conflict over land use between farming and herding ethnic groups. In recent years, the Government undertook various educational and conciliation activities in the region. Occasionally tensions increased in limited areas, but no serious problems were reported during the year.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides formal recognition of workers' right to establish and join trade unions; however, more than 95 percent of the work force was employed in the nonunionized subsistence agricultural and small trading sectors.

The National Union of Nigerien Workers (USTN), a federation consisting of 38 unions, represents the majority of salary earners; most were government employees, such as civil servants, teachers, and employees in state-owned corporations. The USTN and affiliated National Union of Nigerien Teachers (SNEN) professed political autonomy, but they had informal ties to political parties. There were several breakaway union confederations and independent teachers' and magistrates' unions, including the Confederation of Forces of Democratic Workers (CFDT) and the Nigerien General Workers Union (UGTN), a new confederation of unions founded during the year. In January 2001, breakaway members of the USTN founded the Democratic Confederation of Niger's Workers (CDTN). The police union remained suspended.

The Labor code prohibited antiunion discrimination by employers, and labor unions reported no such discrimination.

The USTN was a member of the Organization of African Trade Union Unity and was affiliated with the International Confederation of Free Trade Unions; it received assistance from some international unions. Individual unions such as the teachers union were affiliated with international trade union secretariats.

b. The Right to Organize and Bargain Collectively.—In addition to the Constitution and the Labor Code, there is a basic framework agreement between the USTN,

employers, and the Government that defines all classes and categories of work, establishes basic conditions of work, and defines union activities. The Labor Code is based on International Labor Organization (ILO) principles, and it protects the right to organize. In private and state-owned enterprises, unions widely used their right to bargain collectively with management without government interference for wages greater than the statutory minimum as well as for more favorable work conditions. Collective bargaining also existed in the public sector. The USTN represented civil servants in bargaining with the Government. Agreements between labor and management applied uniformly to all employees.

The Constitution provides for the right to strike, except for security forces and police. The law specifies that labor must give notice and begin negotiations before work is stopped; public workers must maintain a minimum level of service during a strike; the Government can requisition workers to provide minimum service; and striking public sector workers may not be paid for the time they are on strike. The latter condition already prevailed in the private sector. The ILO has criticized a 1996 legal order that says striking state employees can be requisitioned in exceptional cases arising as a result of the need to preserve the general interest.

During the year, there were several strikes by education and health care workers, generally relating to fringe benefits and lack of good working conditions.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Labor Code prohibits forced or bonded labor, except by legally convicted prisoners; however, although slavery is prohibited by the Constitution, a traditional form of slavery or servitude still was practiced by the Tuareg and Arab ethnic minorities, particularly in remote northern regions and along the border with Nigeria. In July 2001, the National Assembly passed revisions to the Penal Code to include new punishable offenses for crimes related to the practice of slavery; however, because of a review of the revisions for their compliance with international standards, a presidential decree to implement the new revisions was not issued by year's end. Persons were born into a traditionally subordinate caste and were expected to work without pay for those above them in the traditional social structure. None of these individuals appeared to have been forced into slavery or servitude. Individuals can change their situations and were not pursued if they left their positions; however, most did not and accepted their circumstances as natural. A local NGO, Timidria, worked actively against this practice.

The Labor Code does not prohibit specifically forced and bonded labor by children, and there were credible reports of underage girls being drawn into prostitution, sometimes with the complicity of the family.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law permits child labor in nonindustrialized enterprises under certain conditions; however, law and practice prohibit child labor in industrial work. Children under the age of 14 must obtain special authorization to work, and those 14 to 18 years of age were limited to a maximum of 4-and-a-half hours per day and certain types of employment so schooling may continue.

The law requires employers to ensure minimum sanitary working conditions for children. Ministry of Labor inspectors enforced child labor laws.

Child labor practically was nonexistent in the formal (wage) sector, and there were no known instances of the use of child labor in factories; however, children worked in the unregulated agricultural, commercial, and artisan sectors, and some—especially foreign—youths were hired in homes as general helpers and baby sitters for very low pay. The majority of rural children regularly worked with their families from a very early age—helping in the fields, pounding grain, tending animals, getting firewood and water, and other similar tasks. Some children were kept out of school to guide a blind relative on begging rounds. Others sometimes were employed by marabouts (Koranic teachers) to beg in the streets (*see* Section 6.f.). There was no official recognition of this labor.

The Ministry of Labor, which was responsible for implementing ILO Convention 182 on the Worst Forms of Child Labor, was working with UNICEF and the International Program on the Elimination of Child Labor to determine the extent of the problem in the country. The Ministry of Labor did not provide a report by year's end.

There were reports that forced and bonded labor by children occurred (*see* Section 6.c.).

e. Acceptable Conditions of Work.—The Labor Code establishes a minimum wage for salaried workers of each class and category within the formal sector; however, minimum wages were not sufficient to provide a decent standard of living for workers and their families. The lowest minimum wage was \$27 (18,898 CFA francs) per

month. Additional salary was granted at \$1.43 (1,000 CFA francs) per month per child. Government salaries substantially were in arrears. Most households had multiple earners (largely in informal commerce) and relied on the extended family for support.

The legal workweek was 40 hours with a minimum of one 24-hour rest period; however, for certain occupations the Ministry of Labor authorized longer workweeks of up to 72 hours. There were no reports of violations at year's end.

The Labor Code also establishes occupational safety and health standards; however, due to staff shortages, inspectors focused on safety violations only in the most dangerous industries: Mining, building, and manufacturing. Although generally satisfied with the safety equipment provided by employers, citing in particular adequate protection from radiation in the uranium mines, union workers in many cases were not well informed of the risks posed by their jobs. Workers have the right to remove themselves from hazardous conditions without fear of losing their jobs; however, in most cases this did not occur in practice.

The Labor Code protects both legal and illegal foreign workers and entitles them to remuneration from the employer even in the case of a labor dispute in the informal sector; however, claims by illegal workers were rare.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were reports of trafficking. There also was evidence that the country is a transit point and destination for a small number of trafficked persons. Internal trafficking occurred, and there was anecdotal evidence that clandestine networks victimized young girls who come to work as household helpers.

Internal trafficking of young boys for labor and young girls for prostitution was more common from rural to urban areas. There were credible reports of underage girls being drawn into prostitution, sometimes with the complicity of the family. Child prostitution is not criminalized specifically, and there was no precise age of consent; however, the law prohibits "indecent" acts towards minors. It was left to a judge to determine what constituted an indecent act. Such activity and a corollary statute against "the incitement of minors to wrongdoing" were punishable by 3 to 5 years in prison.

Trafficking in persons generally was conducted by small-time operators who promised well-paid employment in the country. Victims, primarily from Benin, Togo, Nigeria, and Ghana, were escorted through the formalities of entering the country, where they found that their employment options were restricted to poorly paid domestic work or prostitution. Victims also must use a substantial portion of their income to reimburse the persons who brought them to the country for the cost of the trip. Compliance was enforced by "contracts," which were signed by illiterate victims before they departed their countries of origin; alternatively, the victim's travel document simply was seized. A local NGO also reported that some rural citizen children were victims of domestic trafficking in which the victim (or his/her family) was promised a relatively decent job only to be placed in a home to work as a servant. The victims must use their earnings to reimburse the persons who brought them to the city.

Internal trafficking, which was rooted in the traditions and poverty that underlie the country's largely informal economy, included the child marriages of girls and the indenturing of boys to Koranic teachers (*see* Section 6.d.). In response to economic hardship, some parents arranged for their young daughters to marry older men, presumably without their consent, and then sent them to join their husband's families. Similarly some rural parents sent their sons to learn the Koran in the cities where, in return for their education, the boys supported their teachers by begging on the streets.

In August 2001, a Nigerian national was arrested for attempting to escort eight young women from Nigeria through the country on their way to Italy, allegedly for prostitution. There was no available information on this case at year's end.

In September 2001, a 17-year-old former slave from Niger addressed the U.N. Conference Against Racism in South Africa. She told the conference she had been brought up in slavery, like her mother and grandmother (*see* Section 6.c.). At the age of 15, the Tuareg clan sold her for \$300 (223,500 CFA francs) to a trader in Nigeria, from whom she escaped. Although slavery and slave trading is illegal, there were media reports that black slaves continued to be held and traded by some Tuareg clans, particularly in remote areas of the north and along the border with Nigeria.

In 2000 the Justice Minister stated that the Government intended to study the issue of trafficking as part of the more comprehensive legal modernization effort launched by a commission of legal experts (*see* Section 1.e.). There still was no report by the commission by year's end.

NIGERIA

Nigeria is a federal republic composed of 36 states and a capital territory, with an elected president and a bicameral legislature. In May 1999, President Olusegun Obasanjo of the Peoples Democratic Party (PDP) was inaugurated to a 4-year term after winning elections in February 1999 that were marred by fraud and irregularities perpetrated by all contesting parties. However, most observers agreed the elections reflected the will of the majority of voters. These elections marked the end of 16 years of military-led regimes. The Constitution provides for an independent judiciary. Although the judicial branch remained susceptible to executive and legislative branch pressures, the performance of the Supreme Court and decisions at the federal appellate level were indicative of growing independence. State and local judiciary were influenced by political leaders and suffered from corruption and inefficiency more so than the federal court system.

The Federal Nigeria Police Force (NPF) was tasked with law enforcement. The Constitution prohibits local and state police forces. Internal security was the duty of the State Security Service (SSS). "Rapid Response Teams," staffed by police, remained intact in most states, but these teams had a reduced role and a less menacing presence than in previous years. In response to increased incidents of armed robbery and other violent crime, the National Police instituted an aggressive anticrime campaign dubbed Operation Fire for Fire, which was responsible for human rights abuses. The police were unable to control ethno-religious violence on numerous occasions during the year, and the Government continued its reliance on the army to quell many instances of communal violence. The degree of government control over the Rapid Response Teams and the national police force continued to improve during the course of the year. The police and members of other security forces, military, and anticrime squads committed serious human rights abuses.

The economy, which had been in decline for much of the last three decades, grew 3.9 percent in real terms in 2001, and most credible estimates project a slight decline this year. Inadequate infrastructure, endemic corruption, and general economic mismanagement hindered economic growth. Most of the population of approximately 120 million was rural and engaged in small-scale agriculture. The agricultural sector employed more than 65 percent of the population, but accounted for only 42 percent of gross domestic product (GDP). The agricultural sector deteriorated considerably during the oil boom decades and years of military rule, which contributed significantly to the country's urbanization and increased unemployment. The majority of economic activity was outside the formal sector. Much of the country's wealth remained concentrated in the hands of a small elite. Corruption, nontransparent government contracting practices, and other systems favored the wealthy and politically influential, including a banking system that impeded small and medium investors and regulatory and tax regimes that were not always enforced impartially. Infrastructure remained a problem and negatively affected the economy. A significant percentage of the country's population lived in poverty and were subject to malnutrition and disease.

The Government's human rights record remained poor; although there were improvements in several areas, serious problems remained. The national police, military, and security forces committed extrajudicial killings and used excessive force to apprehend criminal suspects and to quell several incidents of ethno-religious violence. Police, military, and security forces sometimes beat protesters, criminal suspects, detainees, and convicted prisoners. The Government continued steps to curb torture and beatings of detainees and prisoners. In most cases, neither the state anticrime taskforces, the police, nor the military were held accountable for excessive force or the death of persons in custody. Shari'a courts sentenced persons to harsh punishments including amputations and death by stoning; however, no amputation or stoning sentences were carried out during the year. Prison conditions were harsh and life threatening, and the lack of sufficient food and adequate medical treatment contributed to the death of numerous inmates. Police and security forces continued to use arbitrary arrest and detention. Prolonged pretrial detention remained a serious problem. The judicial system often was incapable of providing criminal suspects with speedy and fair trials. Government authorities occasionally infringed on citizen's privacy rights. The Government generally respected freedom of speech and of the press; however, there were problems in some areas. The Government placed some limits on freedom of assembly and association, citing security concerns. There were governmental restrictions placed on freedom of religion. The Government occasionally restricted freedom of movement for security reasons in areas of unrest and used lethal force at checkpoints. The Human Rights Violations Investigation Panel (HRVIP) concluded its public hearings and in 2001 presented its findings and recommendations to the President, but the report has not been made public. In March

the Government convened the Commission of Inquiry into communal clashes in Benue, Nassarawa, Plateau, and Taraba to investigate communal conflict in these areas, including the massacre of civilians by the military in Benue in 2001.

Domestic violence against women remained widespread, and some forms were sanctioned by traditional, customary, or Shari'a law. Discrimination against women remained a problem. Female genital mutilation (FGM) remained widely practiced in some parts of the country, and child abuse and child prostitution were common. Localized discrimination and violence against religious minorities persisted. Ethnic and regional discrimination remained widespread; however, interethnic, religious, and regional tensions lessened during the year. Some members of the Ijaw ethnic group in the oil-producing Niger Delta region who sought greater local autonomy continued to commit serious abuses, including kidnappings; however, unlike in the previous year, there were no reports of unlawful killings by militant Ijaw groups. Some restrictions on worker rights continued; however, there were improvements during the year. Some persons, including children, were subjected to forced labor. Child labor continued to increase. Trafficking in persons for purposes of prostitution and forced labor was a problem, and collusion of government officials in trafficking was alleged. Vigilante violence continued throughout the country, particularly in Lagos, Onitsha, and other parts of the South, where suspected criminals were apprehended, beaten, and sometimes killed. Nigeria was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—National police, army, and security forces committed extrajudicial killings or used excessive force to apprehend criminals and to quell several incidents of ethno-religious violence during the year. The Government did not use lethal force to repress nonviolent, purely political activities; however, lethal force sometimes was used when protests or demonstrations were perceived as becoming violent. Multinational oil companies and domestic oil producing companies subcontracted police and soldiers from area units particularly to protect the oil facilities in the volatile Niger Delta region. Freelance security forces and former security forces accounted for a significant portion of the violent crime during the year. Police were instructed to use lethal force against suspected criminals, suspected vandals near oil pipelines in the Niger Delta Region, and the Odua Peoples Congress (OPC) vigilante group in Lagos State.

The Federal anticrime taskforce, also known as Operation Fire for Fire, was among the most frequent human rights offenders. Operation Fire for Fire was established in response to widespread public calls for the Government and police to address violent crime more vigorously. However, police and anticrime taskforce personnel committed extrajudicial killings in the apprehension and detention of suspected criminals. Police were instructed to use deadly force in order to subdue violent criminals. According to Inspector General of Police Tafa Balogun, more than 200 criminals were killed by police and more than 800 were arrested. He also admitted that 41 civilians were killed either accidentally by police or by the criminals; 80 civilians were injured. Complaints have come from all quarters that Operation Fire for Fire has given a largely untrained police force broad latitude in using deadly force. In most cases, police officers were not held accountable for excessive or deadly force or the deaths of persons in custody. They operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects (*see* Section 1.d.).

During the year, police, military, and anticrime personnel continued to use lethal force against suspected criminals. For example, on February 18, police in Obiaruku, Delta State, reportedly killed 15 youths suspected of armed robbery. The National Senate ordered its Police Affairs Committee to investigate the incident. Findings of the Senate Police Affairs Committee were not published by year's end, and no arrests were made.

On April 7, in Ondo State, police reportedly shot and killed Flight Sergeant Augustine Ogbolu. In August family members filed a lawsuit accusing the police of executing Ogbolu following an allegation that he was an armed robber; the case was pending at year's end.

On June 10, while reportedly firing at robbery suspects, a Lagos policeman shot and killed Ikenna Asikaburu, an 18-year-old student who was waiting for a vehicle at a local motor park. Asikaburu's family filed a petition with the police requesting compensation for wrongful death. No compensation was paid and no charges were filed.

Security forces committed other unlawful killings during the year. For example, in January military personnel raided the town of Liama in Bayelsa, killing 3 persons and burning at least 60 houses, leaving hundreds homeless. The attack was thought to be a reprisal against local youths who earlier had kidnaped nine oil company employees and stolen four boats.

In March unrest between police and residents of Danja Local government, Katsina State, claimed up to 25 lives and resulted in the destruction of many houses. According to the most credible reports, the incident arose after police arrested, tortured, and killed a water vendor. The death of the water vendor, combined with past incidents of police brutality, incited residents to demonstrate, which in turn led to the violent response by police. Police claimed that only six persons were killed in this incident. No police officers were arrested as a result of the incident.

In May in Lagos, police killed University of Lagos students Gbenga Akinmogan and Shakirat Owolabi. One police officer has been charged in the deaths, and charges were expected against seven other officers who were at the scene; one police officer fled the scene and was declared "wanted" in July.

In August in Edo State, a police sergeant was arrested and detained for the shooting death of John Osazuwa, a member of the State Committee on Forestry. The policeman allegedly shot Osazuwa for refusing to pay a \$153 (20,000 naira) bribe. The case was pending at year's end.

Violence and lethal force at police roadblocks and checkpoints continued during the year (*see* Section 2.d.). For example, in June in Lagos, customs officers reportedly shot and killed Agene Akinrinde, while attempting to extort money from motorists. A police investigation was pending at year's end, but no charges were filed.

On June 14, a policeman shot and killed Oluwatosin Adelugba, a 16-year-old student, at a Lagos checkpoint after the driver of a bus he was a passenger on refused to pay a bribe. The policeman was dismissed, arrested, and charged with the murder of the student; the case was pending at year's end.

In June in Lagos, police at a checkpoint shot and killed Nnamdi Francis Ekwuyasi and Akerele Marakinyo. Lagos State Police Commissioner Young Arebamen apologized to the victims' families following the incident. According to the Lagos State Police Command, the police officer involved in the shooting was arrested, detained, and charged with murder. The Center for Law Enforcement Education (CLEEN) acknowledged the police force for the dismissal and arraignment of the officer.

Police and military personnel used excessive force and sometimes deadly force in the suppression of civil unrest, property vandalization, and interethnic violence, primarily in the oil and gas areas of the States of the Niger Delta and in Plateau State (*see* Sections 2.b. and 5). Although less frequent than in previous years, there were occurrences of summary executions, assaults, and other abuses carried out by military personnel and paramilitary mobile police across the Niger Delta. In August there were unconfirmed reports that four women in Ondo were killed after they trespassed on oil production platforms; oil company officials denied the reports. The Ondo government set up a committee to investigate the allegations; by year's end, the report still was pending and no one had been charged formally. Confrontations between increasingly militant "youths" (generally unemployed males between the ages of 16 and 40), oil companies, and government authorities continued during the year.

The Government deployed the army numerous times during the year to restore order when ethno-religious conflicts became violent (*see* Section 5). There were no credible reports that soldiers used excessive force while attempting to restore order, in part because troops already were maintaining order in several areas of the country. In other instances, it was reported that the deployment of the army stopped the violence, saving lives and property. On October 13, a Joint Security Taskforce of soldiers and the police killed 6 civilians during a communal clash involving Fulani and the inhabitants of Kassa-Haipang, Plateau.

President Obasanjo preferred to let the police deal with civil disturbances, deploying military reinforcements only in situations where the police were unable to restore order. In response to public pressure or formal requests from state governments, the Federal government deployed the army on occasion to restore order after civil unrest, and units remained deployed in troubled areas for long periods during the year. There were reports that soldiers from some units committed serious abuses while performing this policing role, although the number of such incidents had decreased markedly from the previous year.

The Commission established in March to investigate the October 2001 killing of approximately 200 civilians in Benue State continued to gather evidence and hold hearings during the year. The Commission finished its public hearings by year's end

but its report and findings were not finalized. No action was taken against security forces that used excessive and lethal force to restore order in October 2001 in Kano.

No action was taken against security forces in the following 2001 cases: The February killing of 10 persons and destruction of the headquarters of the Movement for the Actualization of the Sovereign State of Biafra (MASSOB) in Okigwe; the June shooting of an Ogoni man; the July killing of a local youth in Bayelsa State; the August killing of four PDP members at a checkpoint in Ebonyi State; the September killing of 22 detainees in Jos; and the death of four Igbo traders during a police raid.

The death sentence of three policemen for crimes of theft and the killings of five persons in Kogi State had been not carried out by year's end.

There were no developments in the May 2000 alleged killing by security forces of a young woman who obstructed the motorcade of Lagos Deputy Governor. The case was still pending in court.

No action was taken against the members of the security forces in the following cases from 2000: The police in Lagos who reportedly killed 509 suspected armed robbers and injured 113 robbery suspects during the course of making 3,166 arrests during that year; the security forces responsible for the killing of 28 Delta youths in March and April; the June killing of 2 persons in Abuja; the June killing of 5 persons for suspected vandalization; the July killing of 1 person when a strike was dispersed forcibly; and the August killing of a Nnamdi Azikiwe University student.

Criminal suspects died from unnatural causes while in official custody, usually as the result of neglect and harsh treatment. Unlike in the previous year, there were no reports that police killed persons suspected of belonging to the OPC if they found ceremonial cuts or marking on the detainees' backs. There were only a few cases in which members of the police were held accountable for abuses. Harsh and life-threatening prison conditions and denial of proper medical treatment also contributed to the deaths of numerous inmates (*see* Section 1.c.).

Trials against Keniwer Imo Neweigha, Monday Diongoli, Timi Epengele, Onoriode David, Ebi Clifford Saibu, Derioteidou Aganaba, Timinepre Keren, Joshua Godspower, John Zitua, and Benson Odiwei for the alleged murder of 12 policemen and 6 civilians that sparked the 1999 leveling of Odi by federal troops, were ongoing at year's end. On May 6, a Lagos court determined that the prosecution had presented a *prima facie* case; although the trial was to begin May 27, there were no further developments during the year.

On July 11 charges against Mohammed Abacha, former President Abacha's son, for the 1996 murder of Kudirat Abiola, a prominent prodemocracy activist were dropped when the Supreme Court ruled that prosecutors failed to establish a *prima facie* case. Critics asserted that Supreme Court decision was erroneous and part of a deal between the Abacha family and the Government pursuant to which Abacha was released in exchange for the return of \$1.2 billion in stolen funds. On July 24, Abacha was granted bail while 111 lesser charges against him were still pending. On September 23, Abacha was released and was confined to Kano.

There were several killings by unknown persons that may have been politically motivated. For example, on June 11, Maria Theresa Nsa, a magistrate in Calabar, Cross River State, was found dead in her home after she denied bail to a group of murder suspects. Police said she had been hacked to death. There were no witnesses to the crime, but police vowed to hunt diligently for those responsible.

On August 29, in Enugu, Victor Nwankwo, managing director of a prominent publishing company, was killed near his home under questionable circumstances. Police concluded that Nwankwo was killed during an armed robbery, and on September 10, they arrested a man who allegedly had confessed to the crime. Nwankwo's brother Arthur, an outspoken author, activist, and political critic claimed Nwankwo was killed for political reasons and that an official conspiracy was underway to conceal the facts of the crime.

On October 15, in Enugu State, Professor Chimere Ikwoku, former vice chancellor of the University of Nigeria Nsukka, was shot in his home and died hours later in a hospital. The hospital staff reportedly refused to treat Ikwoku without first receiving a police report about the incident that caused his injuries. Police termed the killing an armed robbery and arrested 10 suspects the following day; however, civic groups alleged he may have been killed for political reasons.

There were no developments in the August 2001 incident in which unknown assailants shot and killed Rivers State Assemblyman Monday Ndor outside his residence.

In May 11 suspects were arraigned for the December 2001 killing of Osun State Representative Odunayo Olagbaju; in August 7 additional suspects were arrested but by year's end, the original 11 had been freed on bail. The incident remained under investigation.

At least 27 suspects were detained during the year in connection with the December 2001 killing of Justice Minister Bola Ige. In October 11 of the suspects were charged with the murder. No trial date had been set at year's end.

Killings carried out by organized gangs of armed robbers remained commonplace during the year. In most Southeastern states, state governments supported vigilante groups, the most well-known of which was the "Bakassi Boys," officially known as the Anambra State Vigilante Service. Like most vigilante groups, the Bakassi Boys killed suspected criminals rather than turn them over to police; in some cases, the Bakassi Boys mutilated alleged criminals, cutting off hands or arms, rather than killing the suspects. They also were accused of harassing and threatening political opponents of their sponsors.

CLEEN called on the Government to disband vigilante groups in a 45-page report released in May. CLEEN documented hundreds of cases in which the Bakassi Boys arbitrarily detained, tortured, and killed suspected criminals, church leaders, and political leaders. Vigilante groups reportedly set on fire and mutilated suspected criminals. The report also criticized the actions of the OPC, the Egbesu Boys of Africa, and MASSOB.

In April members of Amnesty International (AI) witnessed an attempted summary execution in Anambra. According to the report, members of the Bakassi Boys poured gasoline on the victim, who already was bleeding and appeared badly beaten. When the vigilantes realized they were being observed, they placed the victim in a van and drove away.

On May 29, Bakassi Boys reportedly killed 20 persons in Onitsha, Anambra State and, on May 30, they publicly executed 8 persons in the same city. There were reports that the Bakassi Boys killed 23 persons in other locations in Anambra between May 24 and May 26. Despite the Bakassi Boys egregious misconduct, on June 10, the Governor of Ebonyi State announced that he planned to enact a law officially recognizing the Bakassi Boys.

In August in Abia State, police raided alleged "torture chambers" operated by the Bakassi Boys. A police spokesman reported 11 police officers were injured during the raid, and 1 civilian was killed.

Other organized vigilante groups in large cities, particularly Lagos and Kano committed numerous killings of suspected criminals. These vigilante groups engaged in lengthy and well-organized attempts to apprehend criminals after the commission of the alleged offenses. In Lagos State, the vigilante group the OPC clashed repeatedly with the police. On January 11, in Owo, Ondo, suspected supporters of the OPC clashed with a group of rival local youths. Police officers also reportedly were involved in the fighting. Credible estimates indicate up to 35 persons were killed in the clashes. Police in Ondo State declared Ganiyu Adams a wanted man following the incident. Police were investigating the matter at year's end.

No action was taken against members of vigilante groups who killed or injured persons during the year.

There continued to be numerous reports of street mobs apprehending and killing suspected criminals during the year, but no developments in cases from previous years. The practice of "necklacing" criminals (placing a gasoline-soaked tire around a victim's neck or torso and then igniting it, burning the victim to death) caught in the act occurred in several cities.

Political primaries held in June and July by the ruling PDP to determine candidates for 2003 local government elections turned violent in several states. A number of states postponed the primaries in all or large portions of their territory in anticipation of trouble. Other states canceled primaries when clashes between party factions became too difficult to control.

On June 30, two persons were killed in Delta during a local PDP caucus. In July 4 to 8 persons were killed in primary-related violence in Bayelsa State. There were unconfirmed reports that 50 persons were killed in Nembe, Bayelsa, in violence between two rival gangs, the Tama Boys and the Isoungufuro Youths. In Taraba two persons reportedly were killed and 10 injured in election-related violence. In Kaduna State, 15 persons reportedly were killed during the PDP primaries.

In August unknown assailants fatally shot the Kwara PDP chairman. No arrests were made in the case.

In September unknown assailants killed Barnabas Igwe, the Chairman of the Anambra State branch of the Nigerian Bar Association and his wife. Igwe was a leading lawyer and outspoken critic of the Anambra State Governor.

There were no developments in the October 2000 incident in which 4 persons were killed and 19 were injured critically during violent clashes between supporters of the All People's Party (APP) and PDP in Gusau, Zamfara.

Lethal interethnic, intraethnic, and interreligious violence occurred during the year at diminished levels (*see* Section 5). Sporadic communal violence continued be-

tween Tivs, Jukuns, and other tribes in Taraba, Benue, Nassarawa, and Plateau States during the year, killing dozens of persons. Numerous persons were killed in frequent ethno-religious and communal violence throughout the year in Plateau.

During the year, members of student affinity groups, commonly known as cults, occasionally killed students from rival groups. Cultism in schools gradually was becoming a national issue. Rivalry and fighting between and among rival cultist groups in higher institutions has led to the killing of persons and destruction of property. University of Nigeria, Nsukka, in the east was closed when rival cultist groups engaged each other in a fight and three students reportedly were killed and property was destroyed. University of Calabar, University of Ibadan, and University of Ife in the south have been closed for the last 2 years due to violent cultist activities. At the Federal College of Education in Zaria in late September and early October, violence between Christian and Muslim students erupted over student elections. A dozen students reportedly were killed and more injured.

b. Disappearance.—There were no reports of politically motivated disappearances during the year. There were no developments in the charges made by the OPC in 2000 that the police were responsible for the disappearance of at least two of its members.

Members of ethnic groups in the oil-producing areas kidnaped foreign and local oil company employees to press their demands for more redistribution of wealth generated by joint ventures with the state-controlled petroleum corporation. In all instances, the victims were released unharmed after negotiations between the captors and the oil firms; the firms usually paid ransoms and promised improved conditions.

There also were numerous instances of strictly criminal kidnaping, in which the perpetrators' objective was to obtain ransom payments for the release of the victims. During the year, there were a greater number of kidnapings by criminals to extort money than for "political" reasons. Some kidnapings, particularly in the Delta, appear to have been part of longstanding ethnic disputes over resources. Due to limited manpower and resources, the police and armed forces rarely were able to confront the perpetrators of these acts, especially in the volatile Delta region. A lack of resources prevented judicial investigations from taking place so kidnapings routinely were not investigated.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits cruel and degrading treatment and punishment, and the law provides for punishment of such abuses; however, during the year, police, military and security force officers regularly beat protesters, criminal suspects, detainees, and convicted prisoners. Police regularly physically mistreated civilians in attempts to extort money from them. The law prohibits the introduction into trials of evidence and confessions obtained through torture.

Different versions of criminal Islamic Shari'a law were in place in 12 northern states (*see* Section 2.c.). Shari'a courts delivered "hadd" sentences such as amputation for theft, caning for fornication and public drunkenness, and death by stoning for adultery. Because no applicable case has reached the federal level, federal appellate courts have yet to decide whether such punishments represent impermissible "torture or . . . inhuman or degrading treatment" as defined by the Constitution. In both common law and Shari'a courts, indigent persons without legal representation were more likely to have their sentences carried out immediately upon being sentenced; all accused persons have the right to appeal. The Government has instituted a panel of legal scholars to draft a uniform Shari'a criminal statute for all northern states to replace divergent Shari'a statutes adopted by the states; however, states continued to apply their individual codes.

Convicted Muslim criminals in Shari'a law states were subjected to public caning for various offenses, such as petty theft, public consumption of alcohol, and engaging in prostitution. For example, in January a Shari'a judge was flogged publicly after being convicted of consuming alcohol. Caning as a punishment under common law, the Northern Nigerian Penal Code, and Shari'a law has not been challenged in the court system as a violation of the cruel and inhuman punishment clause in the Constitution.

Stoning and amputation sentences have been overturned on procedural or evidentiary grounds not on constitutional grounds. For example, Safiya Hussaini was convicted of adultery and sentenced to death by stoning by a Shari'a court in Sokoto in September 2001. She filed an appeal challenging her conviction on numerous procedural, substantive, and factual grounds. On March 25, accepting many of the defense team's arguments, the Sokoto Shari'a Appeals Court overturned Hussaini's conviction. However, the constitutionality of these sentences will most likely not be determined until one of these cases reaches the federal appellate court system.

The Constitution permits capital punishment. In January a Katsina man was hanged in Kaduna State after being convicted in a Shari'a court of fatally stabbing a woman and her two children. The defendant requested to defend himself and did not have legal representation during his trial. Although Shari'a courts sentenced other persons to death, this was the only death sentence carried out under Shari'a law.

In April in Katsina, Amina Lawal was sentenced to death by stoning for adultery. In August her first appeal was denied, but the sentence was stayed pending further appeals. The case was before the Katsina Shari'a Appeals court, but no new trial date had been set at year's end.

In May a Jigawa man was convicted and sentenced to death by stoning for raping a 9-year-old girl, who later died. The man pleaded guilty and waived his right to appeal, but an appeal subsequently was filed on his behalf by relatives. In October the man withdrew his confession, claiming police tortured him into making the confession and, at the time of the forced confession, he was unaware that rape was a capital offense.

In June a Shari'a court in Bauchi convicted Yunusa Rafin Chiyawa of adultery, sentencing him to death by stoning. He was the first man convicted of adultery under Shari'a law. Aisha Haruna, his alleged partner, was acquitted. It was unclear whether the defendant would appeal his conviction.

In September a couple in Niger were convicted of adultery and sentenced to be stoned to death. The Shari'a court initially denied bail but later granted bail in October. Defense attorneys for the couple planned to appeal.

In September in Port Harcourt, a nongovernmental organization (NGO) charged that 20 MASSOB activists were detained unlawfully and tortured in Owerri, Imo State.

During the year, security forces beat persons. For example, in May in Lagos, four police officers and two soldiers reportedly beat five commercial motorcycle operators.

In August in Warri, Delta State, security agents allegedly beat and injured 800 women who were trespassing on the grounds of the headquarters of Shell and Chevron-Texaco; the authorities denied the allegations.

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

Allegations of the involvement of government officials in trafficking was widespread (*see* Section 6.f.).

Although there were numerous ethnic clashes during the year (*see* Section 5), the number of persons who were beaten or injured severely was lower than in previous years. Unlike in previous years, the military was able to respond more quickly, due largely to the fact that military units already were deployed in some areas when violence broke out. The police generally lacked the resources to control communal violence (*see* Section 1.a.).

In early March, a federal high court in Makurdi, Benue State, ordered the withdrawal of troops sent to the state to end a conflict between ethnic Tiv and Jukun in 2001. In April Human Rights Watch, with support from the Kaduna-based NGO Human Rights Monitor, published a report entitled "Nigeria: Military Revenge in Benue." The report, in addition to citing the October 2001 massacre of civilians by soldiers, also claimed that military forces stationed in the region until March were responsible for several cases of rape, extortion, and looting. The Benue Panel of Inquiry, convened in March, continued taking testimony and was investigating the incident at year's end.

Hamza Al Mustapha, Muhammed Rabo Lawal, Lateef Shofolahan, Mohammed Aminu, Colonel Yakubu, Ishaya Bamaiyi, James Danbaba, and Barnabas ("Rogers") Mshelia remained in detention under the secular criminal system as suspects in the 1996 attempted murder of Guardian newspaper publisher Alex Ibru; however, the trial was adjourned pending allegations by the defendants that the presiding judge demanded a bribe in exchange for releasing the defendants. The judge was cleared by an investigation panel, but the trial had not resumed by year's end.

There was no update in the June 2001 bombing in Bayelsa State.

Prison and detention conditions remained harsh and life threatening. Most prisons were built 70 to 80 years ago and lacked functioning basic facilities. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in unhealthy and dangerous sanitary conditions. Some prisons held 200 to 300 percent more persons than their designed capacity. The Government acknowledged overcrowding as the main cause of the harsh conditions common in the prison system. According to government sources, approximately 45,000 inmates were held in a system of 148 prisons and 83 satellite prisons, with a maximum designed capacity of 33,348 prisoners. Some human rights groups estimated a higher number of inmates, perhaps as many as 47,000.

Disease was pervasive in the cramped, poorly ventilated facilities, and chronic shortages of medical supplies were reported. Prison inmates were allowed outside their cells for recreation or exercise only irregularly, and many inmates had to provide their own food. Only those with money or whose relatives brought food regularly had sufficient food; petty corruption among prison officials made it difficult for money provided for food to reach prisoners. Poor inmates often relied on handouts from others to survive. Beds or mattresses were not provided to many inmates, forcing them to sleep on concrete floors, often without a blanket. Prison officials, police, and security forces often denied inmates food and medical treatment as a form of punishment or to extort money from them. Harsh conditions and denial of proper medical treatment contributed to the deaths of numerous prisoners. According to the NGO Prisoners Rehabilitation and Welfare Action (PRAWA), dead inmates promptly were buried on the prison compounds, usually without notifying their families. A nationwide estimate of the number of inmates who die in the country's prisons was difficult to obtain because of poor record keeping by prison officials. PRAWA and other NGOs alleged that prison conditions were worse in rural areas than in urban districts.

In practice women and juveniles were held with male prisoners, especially in rural areas. The extent of abuse in these conditions was unknown. In most cases, women accused of minor offenses were released on bail; however, women accused of serious offenses were detained. Although the law stipulates that "no child shall be ordered to be imprisoned," juvenile offenders were incarcerated routinely along with adult criminals. There was no formalized procedure regarding the separation of detainees and convicted prisoners, and the method of confinement depended solely on the capacity of the facility; as a result, detainees often were housed with convicted prisoners.

According to the NHRC, 70 to 80 percent of the entire prison population was awaiting trial. Some had been waiting as long as 12 years, while many had approached the maximum length of their sentences. Multiple adjournments in some cases had led to serious delays (see Section 1.d.). In May in Lagos, hundreds of inmates awaiting trial filed suit with a Federal High Court in Lagos to challenge the constitutionality of the section of criminal procedure law invoked by magistrates to remand them to prison without standing trial. In October in Edo State, up to 100 prisoners reportedly were released unconditionally from 4 prisons after charges still had not been filed against them despite years in detention. Case files were missing for many of those released. The NHRC also reported it was able to secure the release of around 150 prisoners awaiting trial, most of whom had already exceeded the maximum sentence they could have received, had the case been tried. In December the Governor of Akwa Ibom State made a similar release of 17 prisoners.

The Ministry of Justice worked to create a judicial administration committee to address the questions of overcrowding, prison conditions, and rehabilitation. The NHRC began working with the Ministry of Justice and the Legal Resources Consortium in 2001 to draft a new prisons' bill to conform with minimum standard rules of prisons practice and provisions of the U.N. The NHRC also urged the Government and police not to detain persons in civil cases.

The Government allowed international and domestic NGOs, including PRAWA and the International Committee of the Red Cross (ICRC), regular access to prisons; however, it did not allow them continuous access to all prisons. PRAWA and the ICRC published newsletters on their work. The Government admitted that there were problems with its incarceration and rehabilitation programs and worked with groups such as these to address those problems. However, groups such as Rotary International have reported difficulties in the past at the local level in gaining access to prisons and jails to do rehabilitation programs.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, security forces generally did not observe these prohibitions. Police and security forces continued to use arbitrary arrest and detention.

Police and security forces were empowered to make arrests without warrants based on a reasonable suspicion that a person had committed an offense; they often abused this power. Under the Fundamental Rights Enforcement Procedures Rules of the Constitution, police may arrest and detain persons for 24 hours before charging them with an offense. The law requires an arresting officer to inform the accused of charges at the time of arrest and to take the accused persons to a police station for processing within a reasonable amount of time. By law police must provide suspects with the opportunity to engage counsel and post bail. However, police generally did not adhere to these procedures. Suspects routinely were detained without being informed of the charges, denied access to counsel and family members, and denied the opportunity to post bail for bailable offenses. Detainees often were kept incommunicado for long periods of time. The provision for bail often was arbi-

trary or subject to extrajudicial influence. In many parts of the country, there was no functioning system of bail, so many suspects were held in investigative detention for sustained periods of time. Numerous suspects alleged that police demanded payment before they were taken to court to have their cases heard. If family members attended court proceedings, police often demanded an additional payment.

Security forces detained journalists on a few occasions during the year (*see* Section 2.a.). Students in general no longer were singled out for arrest because of political activities; however, many students were detained during the year for allegedly taking part in cult or criminal activities on university campuses (*see* Section 1.a.).

During the year, police arrested labor leaders during strikes (*see* Section 6.b.). In February in Onitsha, attorney Olusoga Omotayo filed suit against the Anambra State Police Commissioner, alleging illegal arrest and detention. Omotayo charged that he was detained illegally in December 2001. The matter still was pending at year's end.

On March 2, the SSS detained and interrogated for 16 hours Pastor Tunde Bakare after he returned to the country from Ghana. Bakare allegedly prophesied the fall of the Obasanjo government. Media reports claiming that his passport was confiscated could not be verified.

In June Ibrahim Onuomada, PDP youth leader in Enugu, filed charges against five police officers and a traditional ruler, alleging unlawful detention, threat to life, and extortion after he was detained during the year.

In September mobile policemen reportedly raided MASSOB's headquarters and made arrests following allegations that MASSOB and Bakassi Boys were responsible for the murders of Barnabas and Abigail Igwe in Anambra State. The Constitutional Rights Project (CRP), the pan-Yoruba group Afenifere, and the Catholic Archbishop of Lagos publicly criticized the police tactics used to deal with MASSOB. MASSOB leader Ralph Uwazurike claimed that 1,000 MASSOB members remained in detention without charge in Umuahia, Abia State.

OPC members continued to be arrested and detained without trial. Others were charged as armed robbers and tried accordingly. In 2000 the Committee for the Defense of Human Rights reported that 302 OPC members were arrested following clashes with the police in Lagos. Of those detainees, 95 were released in 2000. The remaining detainees were not able to obtain legal representation and either could not make bail or were not eligible for bail due to the charges brought against them.

There were no new reports that IMO State prison officials worked with pretrial detainees to blackmail persons for bribes.

Lengthy pretrial detention remained a serious problem. According to the Constitution, persons charged with offenses have the right to an expeditious trial; however, in practice this right was not respected. Serious backlogs, endemic corruption, and undue political influence continued to hamper the judicial system (*see* Section 1.e.). The Controller-General of prisons estimated that two-thirds of prisoners were detainees awaiting trial who had not been charged, other sources placed the number as high as 80 percent (*see* Section 1.c.). The NHRC urged the courts, the Ministry of Justice, and the police to expedite cases awaiting trial. Police cited their inability to transport securely detainees to trial on their scheduled trial dates as one reason why so many were denied a trial. The NHRC reported that some detainees were held because their case files had been lost.

Persons who happened to be in the vicinity of a crime when it was committed normally were held for interrogation for periods ranging from a few hours to several months. After their release, those detained frequently were asked to return repeatedly for further questioning. Police continued the practice of placing relatives and friends of wanted suspects in detention without criminal charge to induce suspects to surrender.

In 2000 Ismaila Gwarzo, the national security advisor to former Head of State General Sani Abacha, was placed under house arrest without any charges being brought. He remained restricted to his hometown in Kano State at year's end.

The Constitution prohibits the expulsion of citizens, and the Government did not use forced exile. Many citizens who had lived abroad due to fear of persecution under previous military regimes continued to return to the country during the year.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary. Although the judicial branch remained susceptible to executive and legislative branch pressure, decisions at the federal level were indicative of greater independence. The judiciary was influenced by political leaders particularly at the state and local levels. Understaffing, underfunding, inefficiency, and corruption continued to prevent the judiciary from functioning adequately. Citizens encountered long delays and frequent requests from judicial officials for small bribes in order to expedite cases. In September President Obasanjo wrote to the Senate requesting that the recommendations of the 1993 Esho Panel, whose purpose was to investigate corruption

in the judiciary, that called for the “withdrawal” of 47 judicial officials be implemented.

Under the Constitution, the regular court system was composed of federal and state trial courts, state appeals courts, the Federal Court of Appeal, and the Federal Supreme Court. There also were Shari’a (Islamic) and customary (traditional) courts of appeal for each state and for the Federal Capital Territory (Abuja). Courts of the first instance include magistrate or district courts, customary or traditional courts, Shari’a courts, and for some specified cases, the state high courts. The Constitution also provides that the Government establish a Federal Shari’a Court of Appeal and Final Court of Appeal; however, the Government had not yet established such courts by year’s end. The nature of the case usually determined which court had jurisdiction. In principle customary and Shari’a courts had jurisdiction only if both plaintiff and defendant agree. However, in practice fear of legal costs, delays, distance to alternative venues, and individual preference caused many litigants to choose the customary and Shari’a courts over the regular venues (*see* Section 1.c.).

Criminal justice procedures call for trial within 3 months of arraignment for most categories of crimes; however, there were considerable delays, often stretching to several years, in bringing suspects to trial (*see* Section 1.d.). Trials in the regular court system were public and generally respected constitutionally protected individual rights in criminal cases, including a presumption of innocence, and the right to be present, to confront witnesses, to present evidence, and to be represented by legal counsel. However, there was a widespread perception that judges easily were bribed or “settled,” and that litigants could not rely on the courts to render impartial judgments. Most detainees were poor and could not afford to pay the costs associated with moving their trials forward, and as a result they remained in prison. Wealthier defendants employed numerous delaying tactics and in many cases used financial inducements to persuade judges to grant numerous continuances. Such practices clogged the court calendar and prevented trials from starting.

Many courts were understaffed, and personnel were paid poorly. Judges frequently failed to appear for trials, often because they were pursuing other means of income. In addition, court officials often lacked the proper equipment, training, and motivation to perform their duties, again primarily due to inadequate compensation.

There were no legal provisions barring women or other groups from testifying in civil court or giving their testimony less weight; however, the testimony of women and non-Muslims usually was accorded less weight in Shari’a courts.

In response to ongoing petitions by the Movement for the Survival of the Ogoni People (MOSOP) and the Saro-Wiwa family, the Oputa Human Rights panel submitted its recommendations to the Presidency regarding the possible reversal of the Auta Tribunal’s conviction Saro-Wiwa and the Ogoni-9 in October 1995. The appeal aimed to clear the names of Saro-Wiwa and the Ogoni activists, who were executed by the regime of Sani Abacha in November 1995. Final decisions on this and several other petition cases had not been published by year’s end. The nine MOSOP members executed by the Abacha regime, who had been buried in unmarked graves, reportedly were exhumed and reburied.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, authorities at times continued to infringe on these rights.

Police and security forces continued the practice of placing relatives and friends of wanted suspects in detention without criminal charge to induce suspects to surrender to arrest. Human rights groups called for the police to end the practice.

Purdah, the Islamic practice of keeping girls and women in seclusion from men outside the family, continued in parts of the country, which restricted the freedom of movement of women.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights; however, there were problems in some areas.

The Government owned and controlled numerous publications; however, there was a large and vibrant private domestic press that frequently was critical of the Government. There were two national, government-owned daily newspapers in English, the *New Nigerian* and the *Daily Times*. The *New Nigerian* published an additional Hausa edition. Several states owned daily or weekly newspapers that also were published in English. They tended to be produced poorly, have limited circulation, and required large state subsidies to continue operating. By year’s end, there were more

than 10 major daily newspapers, two newsmagazines, and several sensational evening newspapers and tabloid publications.

Decree 60 created the Press Council, which was charged with the enforcement of professional ethics and the sanctioning of journalists who violated these ethics. Decree 60 attempted to put control of journalism in the hands of journalists who were appointed by and received payment from the Government. Decree 60 gave the Press Council the power to accredit, register, and suspend journalists; required that publications be registered by the Council annually through a system entitled "Documentation of Newspapers"; and empowered the Council to approve a code of professional and ethical conduct to guide the press and to ensure compliance by journalists. The Press Council opened an office and hired staff in Abuja; however, it did not take any official action during the year. While the decree never has been used to sanction any journalists, many journalists fear that the existence of the decree and the Council could place significant limitations on freedom of the press in the future. On January 30, Senator Jonathan Zwingina, chairman of the Senate Committee on Information, told members of the National Broadcast Commission (NBC) that the National Assembly still was reviewing the Decree 60 press laws.

Editors reported that government security officers sometimes visited or called to demand information about a story or source; however, journalists and editors no longer feared suspension or imprisonment for their editorial decisions. Local NGOs suggested that actual human rights abuses and killings were underreported due in part to self-censorship by newspaper editors and owners. State broadcasters and journalists remained important tools for civilian governors; these officials used the state-owned media to showcase the state's accomplishments and to promote their own political goals.

During the year, there were few cases of threats against and attacks on the press. On February 14, ten policemen in Lagos allegedly beat journalist Adeyemi Adebajo.

A High Court in Kogi State ordered the arrest of the Daily Times' managing director and editor for contempt of court after the two ignored an order prohibiting them from publishing any further stories about Kogi State Governor Abubakar Audu. The arrest orders were not enforced by year's end, and the newspaper has stopped publishing similar stories.

The Deputy Governor of Zamfara State issued a "fatwah" death sentence on Isioma Daniels, one of the journalists responsible for an article about the Miss World Pageant that sparked violence in Kaduna (*see* Section 2.c.). The Government and most Islamic leaders criticized the Deputy Governor and declared the fatwah improper.

There were no further developments in the following 2001 cases: The beating of a photographer by police; the May burning of publications on MASSOB in Imo State; and the detention and charge of libel against Nnamdi Onyeuma.

There were no further developments in the 2000 detention of journalists Emmanuel Okike-ogah, Ogbonaya Okorie, and Ademola Adegbamigbe and his photographer.

Because newspapers and television were relatively expensive and literacy levels were low, radio remained the most important medium of mass communication and information. There was a national radio broadcaster, the Federal Radio Corporation of Nigeria, which broadcast in English, Hausa, Yoruba, Igbo, and other languages; 51 state radio stations broadcast in English and local languages. There were six private radio stations operating during the year. In February the NBC, the body responsible for the deregulation and monitoring of the broadcast media, licensed 16 new private radio stations, including Atlantic FM broadcasting in French, Spectrum FM mainly for news, Brilla FM for sports, and a University of Lagos station specializing in academic broadcasting.

International broadcasting, principally Voice of America and British Broadcasting Corporation, as well as Deutsche Welle and others, broadcast in English and Hausa and were an important source of news in the country. Several international broadcasting organizations reported that their accreditation renewals initially were denied but they later were allowed to reapply.

In March the Director-General of the Federal Radio Corporation of Nigeria (FRCN), Mr. Eddie Iroh, stopped the Kaduna branch of the FRCN from airing the political advertising of Presidential aspirant Alhaji Abubakar Rimi. FRCN reportedly refunded a portion of Rimi's payments. The Independent National Electoral Commission (INEC) and the NBC supported the decision, contending that it was too early to begin campaigning since INEC had yet to issue guidelines. However, reporting about events sponsored by persons and organizations supporting the re-election campaign of President Obasanjo was carried by government-owned broadcasters.

Igha Oghole, a journalist with Radio Benue, Makurdi, who was detained in January 2001, was released during the year.

The National Television Station, NTA, was federally owned, and 30 states also operated television stations. There were nine privately owned television stations that broadcast domestic news and political commentary. There were two private satellite television services. The law requires that local television stations limit programming from other countries to 40 percent and restricted the foreign content of satellite broadcasting to 20 percent; however, the Government did not restrict access to, or reception of, international cable or satellite television.

In 2001 the NBC threatened to take private television and radio stations off the air when the stations refused to pay 2.5 percent of their gross income to the NBC; the Independent Broadcasters Association of Nigeria (IBAN) challenged the fees in court. In October 2001, President Obasanjo set the annual fee for the broadcasters at \$1,300 (150,000 naira). In 2001 the NBC also prevented the commissioning of the Here and There television station in Oyo State, ruling that the original license had expired. The NBC also challenged expansion plans by African Independent Television (AIT), a part of Daar Communications, claiming that AIT's global and terrestrial licenses do not allow them to act as a network. AIT has been allowed to expand.

While private television and radio broadcasters remained economically viable on advertising revenues alone, despite the restrictions that the Government imposed on them, government-sponsored broadcasting companies complained that government funding and advertising were inadequate for their needs.

Foreign journalists who sought to enter the country to cover political developments generally have been able to obtain visas. In April the Government announced that Time (International) magazine reporter Stephen Faris was subject to arrest for publishing a "false" report alleging a bribery scandal in the country. The magazine accused Minister of Information and National Orientation, Professor Jerry Gana, of offering bribes of \$400 (50,000 naira) to foreign journalists to write more positive reports on the country. President Obasanjo established an investigative panel, which concluded that the magazine report was false and was intended to damage the nation's international image. At year's end, there had been no follow-up by the Government.

The Government did not restrict Internet access, although unreliable and costly telephone service limited access and hindered service providers. Government-owned NITEL operated an Internet Source Provider (ISP) that competed with dozens of privately owned ISPs.

The Government continued to take concrete steps to address the problems in the education sector and to restore academic freedom; however, the quality of secondary education remained poor. The Government identified a Coordinator for the U.N.'s Education for All program and began collecting baseline education data to identify deficiencies. Student groups alleged that numerous strikes, inadequate facilities, and the rise of cultism (or gangs) on campuses, particularly in the South, continued to hamper educational progress (*see* Section 1.a.). On several occasions during the year, protests by students resulted in harassment and arrest by police forces (*see* Section 1.d.).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right, although some limits remained. In areas that experienced recent communal violence, police and security forces permitted public meetings and demonstrations on a case-by-case basis.

The Government continued nominally to require organizers of outdoor public functions to apply for permits, although both government authorities and those assembling often ignored this requirement. The Government retained legal provisions banning gatherings whose political, ethnic, or religious content might lead to unrest. Open-air religious services away from places of worship remained prohibited in many states due to fears that they might heighten inter-religious tensions. For example, various northern states, including Plateau, Kano, Zamfara, and Kaduna, banned public gatherings immediately following periods of ethno-religious violence, but they did so in consultation with a number of religious and traditional groups, as well as local governments, in order to prevent a recurrence of the violence. The Ondo State ban on open-air religious events remained in effect during the year. For most of the year, the September 2001 ban by the Kaduna State government on processions, rallies, demonstrations, and meetings in public places still was being enforced on a case-by-case basis.

A security forces committee ban on all political, cultural, and religious meetings in Plateau State following ethno-religious violence in Jos, the state capital, continued to be implemented on an ad hoc basis (*see* Section 5).

Police continued to disrupt meetings of the OPC and maintained a ban on the organization. Police also reportedly harassed members of the Bakassi Boys, Egbesu Boys, MASSOB, MOSOP, and other groups.

On March 7, in Enugu State, police raided a weekly religious crusade led by Catholic priest Father Ejike Mbaka. In the resulting melee, at least 14 persons were killed and several others seriously injured. The police later detained Enugu Catholic Vicar General Reverend Obiora Ike, allegedly for criticizing the State government's role in the incident. Enugu State Assembly Representative Nwabueze Ugwu filed a petition with the Human Rights Commission in Abuja accusing Governor Chimaroke Nnamani of killing his brother and of having ordered the raid on the crusade. There were other accusations from credible sources implicating Governor Nnamani in the attack on the worshippers. According to media reports, 2 persons were killed and 20 injured when police disrupted a March 14 protest of the March 7 incident.

On August 8, one person reportedly was killed and several others injured in Warri, Delta State when security forces disrupted a rally against the neglect and degradation of the region's environment (see Section 1.c.).

No action was taken against security forces who killed or injured persons while forcibly dispersing protests in 2001.

The Constitution provides for the right to associate freely with other persons in political parties, trade unions, or special interest associations, and the Government generally respected this right in practice; however, there were exceptions. The Constitution allows the free formation of political parties, and the number of parties registered with INEC doubled to six in June. INEC cited the constitutional requirement that political parties demonstrate Federal Character in order to determine which parties to register. Due to INEC's stringent interpretation of this requirement, more than 20 other parties were denied registration. The unsuccessful parties challenged INEC's standards, and in November the Supreme Court ruled that the INEC standards were too restrictive. In early December, INEC allowed the previously unregistered bodies to register.

c. Freedom of Religion.—The Constitution provides for freedom of religion, including freedom to change one's religion or belief, and freedom to manifest and propagate one's religion or belief in worship, teaching, practice, and observance; however, the Government restricted these rights in certain respects. The implementation of an expanded version of Shari'a law in 12 northern states continued during the year.

The Constitution prohibits state and local governments from adopting an official religion; however, some Christians alleged that Islam had been adopted as the de facto state religion of several northern states that have reintroduced Shari'a criminal law and continued to use of state resources to fund the construction of mosques, the teaching of Alkalis (Muslim judges), and pilgrimages to Mecca (Hajj). However, government funds also were used by some states to pay for Christian pilgrimages to Jerusalem. In general states with a Christian or Muslim majority favored the majority faith. For example, in January Governor Joshua Dariye declared that he would make Plateau State a center for Christianity. Both the federal and state governments were involved in religious matters, including the regulation of mandatory religious instruction in public schools, subsidized construction of churches and mosques, state-sponsored participation in the Hajj, and pilgrimages to Jerusalem. Muslims in some predominately Christian states complained about religious discrimination. Approximately half of the population was Muslim, approximately 40 percent Christian, and roughly 10 percent practiced traditional indigenous religions or no religion.

The Constitution provides that states may elect to use Islamic (Shari'a) customary law and courts. The Constitution states that a Shari'a court of appeal may exercise "such other jurisdiction as may be conferred upon it by the law of the State." States interpreted this language as granting them the right to expand the jurisdiction of their existing Shari'a courts to include criminal matters. After the adoption of Shari'a in Zamfara in 2000, other northern states implemented forms of expanded Shari'a. By the end of 2001, 12 northern states had adopted variations of Shari'a law—Zamfara, Sokoto, Kebbi, Niger, Kano, Katsina, Kaduna, Jigawa, Yobe, Bauchi, Borno, and Gombe. Adherence to Shari'a provisions was compulsory for Muslims in some states and optional in others and enforcement varied by locale.

In November 2001, Kaduna State established a modified version of Shari'a law. The criminal and procedural codes did not come into effect until July, and national human rights groups reported that the courts in Kaduna issued several sentences for minor offenses in September. These sentences did not include corporal punishment.

Christian and Islamic groups planning to build new churches or mosques were required to register with the Corporate Affairs Commission (CAC). The CAC did not

deny registration to any religious group during the year; however, some religious groups experienced delays in obtaining permission from local zoning boards to build houses of worship. Many nascent churches and Islamic congregations ignored the registration requirement, and a small number had their places of worship shut down because of enforcement of zoning laws. Some persons claimed that enforcement of these laws was selective. In August the Christian Association of Nigeria (CAN) issued a communique in which it criticized the destruction of churches in the North.

Christians in the predominantly Muslim northern states alleged that local government officials used zoning regulations to stop or slow the establishment of new churches. Officials responded that many of these new churches were being formed in residential neighborhoods not zoned for religious purposes. The CAN offices in Zamfara and Sokoto States alleged that local authorities delayed or denied to Christians certificates of occupancy (CO's), which were required to show title to land. Zamfara and Sokoto State officials denied that religious discrimination influenced the cases cited by CAN. State officials said the certification boards were dealing with a large backlog of cases for all persons, regardless of religious faith. Muslims complained that they were denied permission to build mosques in the predominantly Christian southern states of Abia and Akwa Ibom.

Although the Government does not prohibit or discourage conversion from or to a particular religion, there were media reports that in April two men were brought to trial by Zamfara State for converting from Islam to Christianity. Prosecutors sought the death penalty; however, the judge found that the Zamfara State Shari'a code did not explicitly criminalize apostasy and he determined there was no legal basis for the case. Nevertheless, he gave the men 3 days to reconsider their alleged conversion and for the Zamfara government to furnish a legal basis why he should hear the case. The men were accused of joining an evangelical church; however, they claimed they never were Muslims but were ethnic Magazawa, a Hausa subgroup that long has practiced Christianity. There was no further action in this case by year's end.

The law prohibits religious discrimination; however, reports were common that state and local government officials discriminated against persons practicing a religion different from their own, notably in hiring or awarding contracts, and private businesses frequently were guilty of informal religious and ethnic discrimination in their hiring practices and purchasing patterns.

Unlike in the previous year, there were no reports that political party members were suspended because of religious belief or adherence.

According to media reports, in July 21 nurses in the Federal Medical Center in Azare, Bauchi State were fired for not wearing "Shari'a compliant dresses," and the Zamfara State government required Muslim dress for secondary students.

As a result of ethno-religious violence related to the expansion of Shari'a criminal law in 2000 (see Section 5), several northern state governments continued to ban public proselytizing during the year, although it is permitted by the Constitution. The Katsina and Plateau State governments maintained a ban on public proselytizing for security reasons during the year; however, some groups were allowed to carry out activities despite these formal bans, which generally were enforced on a case-by-case basis. Unlike in the previous year, there were no reports that missionaries were harassed for proselytizing. Both Christian and Muslim organizations alleged that the Ministry of Foreign Affairs and the Immigration Department restricted the entry into the country of certain religious practitioners, particularly persons suspected of intending to proselytize. Proselytizing did not appear to be restricted in the southern part of the country.

The Government continued to enforce a ban on the existence of religious organizations on campuses of primary schools, although individual students retained the right to practice their religion in recognized places of worship. According to the Constitution, students were not required to receive instruction relating to a religion other than their own; however, public school students in parts of the country were subjected to mandatory Islamic or Christian religious instruction. State authorities claimed that students were permitted to decline to attend these classes or to request a teacher of their own religion to provide alternative instruction. However, there were no teachers of "Christian Religious Knowledge" in many northern schools. There were reports that in Enugu and Edo States Muslim students could not access "Islamic Religious Knowledge" in the public schools.

Although distribution of religious publications generally remained unrestricted, the Government periodically continued to enforce a ban on published religious advertisements. There were reports by Christians in Zamfara State that the state government restricted the distribution of Christian religious literature.

The Government acknowledged the legal authority of states to implement criminal Shari'a. Although expanded Shari'a laws technically do not apply to non-Muslims, some non-Muslims, especially in Zamfara State, have been affected by certain social provisions of the laws, such as the separation of the sexes in health facilities; bans on the sale of alcohol and alcohol consumption; and decisions by some entrepreneurs not to engage in certain activities because of concern for Shari'a restrictions. In some states, cases involving only Muslims must be heard by a Shari'a court. Other states with Shari'a law still permitted Muslims to choose common law courts for criminal cases; however, societal pressure forced most Muslims to use the Shari'a court system. There were no challenges to the constitutionality of Shari'a during the year.

A number of states sanctioned private vigilante Shari'a enforcement groups that formed in states with expanded Shari'a law. Zamfara State vested the local vigilante group with full powers of arrest and prosecution because the state believed police were not enforcing the new Shari'a laws. Jigawa State also mobilized a statewide Shari'a enforcement committee to arrest, detain, and prosecute Muslim offenders. Informal Shari'a enforcement groups may have been used for some law enforcement functions in other northern states as well.

On November 20, protesters destroyed the Kaduna office of ThisDay newspaper after the paper published an article about the Miss World Pageant that many Muslims felt insulted their religion. Fueled by looters and persons with political motives, the demonstration spread. More than 200 persons were killed and thousands fled their homes seeking protection at government facilities, mainly military installations. Two Christian clerics died and several churches reportedly were burned. More than 100 persons were arrested, and investigations into the violence were ongoing at year's end. Despite widespread calls from elements of society, the responsible journalists were not jailed nor was the newspaper shut down. In December the Zamfara State Deputy Governor pronounced a "fatwah" death sentence against Isioma Daniels, the journalist responsible for the November ThisDay article. Most Muslim leaders and the Government strongly criticized Deputy Governor Shinkafi's statement saying that the fatwah was wrong and that Shinkafi did not have the legal or religious authority to order it.

Religious differences often corresponded to regional and ethnic differences. For example, the northern region was predominately Muslim. Many southern ethnic groups were predominantly Christian, although the Yoruba were approximately 50 percent Muslim. Both Muslims and Christians were found in large numbers in the Middle Belt. In many areas of the Middle Belt, Muslim Fulani tended to be herders, while the Muslim Hausa and most Christian ethnic groups tended more toward farming or urban living. It often was difficult to distinguish religious discrimination and tension from ethnic, regional, economic, and land use competition. Often religious tensions underscored what were predominantly ethnic and economic confrontations during the year. The Middle Belt experienced recurring ethno-religious violence during the year but overall violence decreased markedly from the previous year's levels.

In February between 60 and 100 persons were killed when Yoruba youth clashed with Hausa residents in the Idi-Araba area of Lagos. The incident was caused by interethnic tensions but had some religious overtones.

There also were several incidents in which Muslim youths vandalized Christian churches. For example, in June there were unconfirmed reports that Muslim youths set fire to four churches in Dutse, Jigawa State.

Ethno-religious conflict continued in many parts of Plateau during the year. There was no single incident that matched the violence and destruction of the September 2001 fighting in and around Jos; however, repeated outbreaks of violence caused dozens of deaths and resulted in the destruction of places of worship, shops, and homes. According to local leaders and other observers, because of this violence, Muslims moved away from Langtang and Christians vacated the village of Wase by year's end.

Existing tensions between Christians and Muslims caused minor incidents, such as a traffic accident, to escalate into communal violence. For example, a dispute apparently began after a Muslim man proposed marriage to a Christian woman. The woman's brother beat her, and when her fiancée intervened, a fight ensued. What began as a family dispute quickly expanded to other parts of the community, assuming ethnic and religious overtones as it spread. The Plateau State government convened the Plateau State Peace Summit to address the problem of communal and religious violence in the state. An NGO that specialized in conflict resolution also was involved actively in the state.

There were no developments in the 2001 and 2000 incidents of interreligious violence.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them; however, police occasionally restricted freedom of movement by enforcing curfews in areas with ethno-religious violence. A curfew was imposed in Kaduna after the late November rioting that resulted in more than 200 deaths. Roadblocks and checkpoints routinely were used by law enforcement agencies to search for criminals and to prevent persons traveling from areas of conflict to other parts of the country where their presence might instigate retaliatory violence. There were no reports of government officials restricting mass movements of individuals fleeing ethnic unrest.

Security and law enforcement officials continued to use excessive force at checkpoints and roadblocks and engage in extortion and violence. Police claimed to have arrested more than 500 officers on charges of extortion between June and September (*see* Section 1.a.).

The Constitution prohibits the denial of exit or entry to any citizen, and the Government generally respected this law. The law also provides that women are required to obtain permission from a male family member before having an application for a passport processed; however, this provision was not enforced strictly. Some men take their wives' and children's passports and other identification documents with them while traveling abroad to prevent their family from leaving the country.

There were no reports that the Government denied passports to political figures or journalists or interrogated citizens who were issued visas to foreign countries; however, there continued to be sporadic but unconfirmed reports that persons were questioned upon entry or exit to the country at Murtala Mohammed international airport. These persons, all of whom had been opponents of the Abacha regime, remained in immigration computer systems as individuals to be questioned by immigration or security officers. The SSS arrested Dr. Tajudeen Abdul Raheem, Chairperson of the International government Council of the Centre for Democracy and Development (CDD), on December 3 at Murtala Mohammed Airport as he prepared to depart for England. Although the SSS released Dr. Raheem the following day, his passport was not returned. Authorities stated his name appeared on a watch list.

The Lagos office of the U.N. High Commissioner for Refugees (UNHCR) estimated that 20,000 Nigerian refugees, mostly ethnic Fulani herders, were in Cameroon at year's end. The refugees had fled eastern Benue and Taraba States following ethno-religious clashes between the Tiv and Jukun peoples in January. The organization also estimated up to 100 additional Ogoni refugees arrived in Benin, bringing the total number of Ogoni refugees in that country to approximately 1,000.

During periods of ethno-religious violence, numerous persons were displaced from their places of residence. For example, in September and October 2001, several hundred thousand persons were displaced due to the ethnic conflict in Benue, Taraba, and Nassarawa States (*see* Section 5). In April media reports stated that three persons were killed and an undisclosed number injured when unknown gunmen assaulted displaced Tivs attempting to return to Taraba State. No arrests were made during the year. Hundreds of Tiv attempting to return to their homes in Taraba and Nassarawa were forced to return to Benue after non-Tiv residents of these states attacked them. Officials in Benue estimated that as many as 6,000 Tiv internally displaced persons (IDPs) were unable to return to their homes in other states. Other observers estimated that fewer than 1,000 persons remained.

In October 2001, following ethno-religious violence in Kano, many Igbo and Yoruba residents sent their families south. Many have returned. After ethno-religious violence in Plateau and Bauchi States in September and October 2001, thousands of Hausa residents fled the city of Jos in Plateau and towns in Bauchi where they had been attacked, and many of these Hausa have not returned. Many persons fleeing ethno-religious violence first found refuge in military barracks, police compounds, and other public places; some persons still were living in such government buildings at year's end. In July President Obasanjo directed the National Commission for Refugees (NCR) to assist IDPs rendered homeless during communal crises; however, it was not evident if aid was provided by year's end.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the UNHCR and other humanitarian agencies in assisting refugees through the NCR and its Federal Commissioner. The Eligibility Committee, which governed the granting of refugee status, asylum, and resettlement, reviewed refugee and resettlement applications. A representative from the

UNHCR participated in this committee. The issue of the provision of first asylum has not arisen since the establishment of the NCR.

There were an estimated 7,000 recognized refugees living in the country. By October 299 refugees had been repatriated from Nigeria to Sierra Leone through UNHCR. Remaining refugees included others from Sierra Leone, Liberia, Chad, Rwanda, and the Democratic Republic of the Congo. UNHCR's census of the refugees in the country had not been published at year's end. The Government also provided residence in the country to 3 Cameroonians, 3 Chadians, 5 Sudanese, 13 Liberians, and 17 persons from other countries. The NCR reported that it provided education and health service programs to the refugees. The NCR reportedly also set up micro-credit programs for refugees in the areas of trading, poultry and fish farming, and cassava processing.

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

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

The Constitution provides citizens with the right to change their government peacefully through periodic free and fair elections held on the basis of universal suffrage. Citizens exercised this right in national elections for president and the National Assembly in February 1999. Voter apathy and widespread fraud marred the legislative elections; however, the turnout increased for the presidential race, which proceeded peacefully with reports of only a few violent incidents. Irregularities occurred at each stage of the electoral process. International observers confirmed the results and stated that, despite widespread fraud, Obasanjo's victory reflected the will of the majority of voters. Obasanjo, 109 senators, 360 members of the House of the National Assembly, and 36 governors and state assemblies assumed office in May 1999.

The President, Vice President, and other national and state officials serve 4-year terms. The next state and national elections are scheduled for 2003. Local government elections were scheduled for May but were postponed until the registration of new parties as well as voter registration were completed. Voter registration, originally scheduled for November 2001, was delayed until September. INEC claimed the lack of government funding was the major reason for the delay; however, INEC critics also strongly questioned INEC's expertise and independence from the Government. When the exercise was carried out in September, there was widespread dissatisfaction amid charges that millions of eligible voters were unable to register due to an apparent shortage of registration materials. In addition, there were allegations of improper hoarding of registration materials by politicians. Local elections were postponed twice during the year because of the delay in voter registration. In November INEC announced that local elections would take place in February 2003.

The Constitution outlaws the seizure of the Government by force and contains provisions for the removal of the President, Vice President, ministers, legislators, and state government officials for gross misconduct or medical reasons. Several public officials were scrutinized closely by the press, public, and legislative investigators. During the year, there were several attempts to impeach President Obasanjo, Senate President Anyim, and Speaker Na'Abba. In August the House of Representatives issued a "resign or be impeached ultimatum" to President Obasanjo. Most of the opposition to the President came from legislators within his own party. In addition to the impeachment threat, public criticism of the President has been frequent and, at times, harsh; the President did not resort to force or intimidation to stifle the impeachment threat or the public criticism against him.

The political system remained in transition. The three branches of the Government acted somewhat independently. Despite his party's substantial majority in the legislature, the President was not able to exercise authority without legislative oversight and inclusiveness. The Senate and the House of Representatives took legislative responsibilities such as budget review and oversight, the election reform initiative, and resource allocation seriously, however, legislative and executive ineffectiveness and inability to compromise resulted in little substantive legislation. President Obasanjo created several commissions to investigate official corruption and human rights abuses, and these commissions received numerous petitions to present evidence of wrongdoing (see Section 4).

The Constitution was promulgated in May 1999. The drafting of the Constitution was criticized for not being open to enough participants and for not being subjected to wider debate on the country's federal structure, revenue allocation, power-sharing formulas, and minority ethnic groups' rights. Complaints about the Constitution persisted, and there were continued calls for a national conference to reexamine the constitutional and political structure of the country.

In December 2001, the President signed an electoral law that extended the tenures of local governments by rescheduling local elections in 2003. State governors and state assemblies contested the provision as an infringement on the states' constitutional power to control local government. The President vetoed an amended bill that mandated all state and national elections must take place on the same day in 2003, but in September both houses overrode the President's veto. INEC filed a lawsuit, claiming the provisions to hold local and federal elections in one day was an unconstitutional interference with its authority.

In early December, the Supreme Court ruled that INEC's interpretation of an existing law was faulty, and new political parties would be allowed to participate at all levels in 2003.

During the year, the judiciary issued several important constitutional decisions that will help define federalism based on the rule of law, including that the National Assembly lacked the authority to extend the tenure of local governments and the decision that delimited the distribution of oil revenues.

There were no legal impediments to political participation or voting by women. Men continued to dominate the political arena, and NGOs continued to protest the limited representation of women in the political process. Although there were more than 500 ministerial and National Assembly positions, there were only 6 female ministers, 3 female senators, and 12 female representatives. Women's rights groups lobbied local and state governments, as well as the Government, to adopt a 30 percent affirmative action program; however, these efforts were unsuccessful. The PDP waived the party filing fees for women seeking PDP nominations for various political offices to encourage more female candidates.

There were no legal impediments to participation in government by members of any ethnic group. The Constitution requires that government appointments reflect the country's "federal character." However, there were more than 250 ethnic groups, and it was difficult to ensure representation of every group in the Government (see Section 5). The federal and state level ministers generally were selected to represent the country's and state's regional, ethnic, and religious makeup. President Obasanjo attempted to create an ethnically inclusive government. Despite this effort, many groups complained of insufficient representation. Middle Belt and Christian officers dominated the military hierarchy. Some persons in the North believe that the northern Hausa were underrepresented in the military.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. Criticism of the Government's past human rights' record was abundant in various media. However, in October CLEEN claimed that more than 2,000 copies of the report "Hope Betrayed? A Report on Impunity and State-Sponsored Violence in Nigeria" were impounded at the customs office in Lagos, due to "alleged political undertones of a subversive nature within the report." CLEEN also claimed that security service agents harassed three drafters of the report.

Human rights activists continued to complain that President Obasanjo and members of his government did not meet with them as frequently as they did during the early years of his administration.

The Catholic Secretariat continued to hold a monthly open forum in Lagos on various subjects relating to past and present human rights issues. Discussion panels included a number of NGOs, media, and religious leaders. Each session ended with recommendations to the Government on how best to resolve these issues. The Government had not responded to any of these recommendations by year's end.

On May 27, the Gambia-based African Commission on Human and People's Rights (ACHPR) ruled that the past military governments violated the rights of Ogonis in the Delta region. The ACHPR found that military regime security forces had terrorized and killed Ogonis with impunity. In November the NCR visited Ogoniland with a UNHCR representative on a fact-finding mission to assess Ogoni living conditions. The Commissioner acknowledged the sacrifices made by the Ogoni people for the development of democracy and began a dialog on behalf of the Federal government. The mission's report was pending at year's end.

The ICRC was active, with offices in Abuja and Lagos under the direction of a regional delegate. Its primary human rights activities during the year involved the training of prison officials on human rights, sanitation, and prisoner health (see Section 1.c.).

A number of groups spoke out against the October 2001 killings of civilians in Benue by soldiers and called for a full investigation. The Commission of Inquiry into

Communal Clashes in Benue, Nassarawa, Plateau, and Taraba States began its investigation in March, and its proceedings continued at year's end.

The NHRC, which was tasked with monitoring and protecting human rights in the country, enjoyed greater recognition by and coordination with NGOs, and worked to establish its credibility as an independent monitoring body. The NHRC was chaired by retired Justice Uche Omo and included 15 other members. The NHRC established zonal affiliates in each of the country's six political regions during the year. Since its inception, the NHRC has been denied adequate funding to do its job properly. The NHRC created a strategic work plan for the year and inaugurated steering and coordinating committees for the national action plan to be deposited with the UNCHR on December 10. During the year, it assisted in obtaining release for more than 100 prisoners detained without charge.

The HRVIP, commonly known as the Oputa panel, was a one-time panel established in 1999 by President Obasanjo to investigate human rights abuses from 1966 to 1999. The Oputa Panel was authorized to recommend courses of action to the justice system for perpetrators of past abuses, something the NHRC did not do. According to Justice Oputa, the chair, the panel's primary goal was to provide the country with a systematic examination of past human rights abuses to develop a national consensus on the boundaries of acceptable behavior by government entities as well as individuals. The panel heard cases throughout 2001, mostly involving allegations of unlawful arrest, detention, and torture as far back as the 1966 Biafran War. The panel also heard cases in which the rights of groups were violated. The Oputa Panel held extensive hearings in Lagos, Abuja, Port Harcourt, and Kano during 2001, and took evidence in the claims of more than 10,000 petitioners. The panel presented its findings to the President in late May and recommended compensation for victims of the worst human rights abuses; no one was compensated by year's end. President Obasanjo appeared before the panel to explain his role in army actions during his tenure as military head of state in the late 1970s. The family of late musician Fela Kuti claimed that Obasanjo was involved in a 1979 army raid in which Kuti's mother was killed.

After he and other former Heads of State refused to appear before the Oputa Panel in 2001 to answer questions, in June former Head of State Ibrahim Babangida filed a lawsuit banning the implementation of the panel's findings. In October Minister of Information and National Orientation, Professor Jerry Gana, reported that the Government would wait for all pending lawsuits to be decided before determining whether to publish the panel's recommendations.

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

The Constitution provides citizens with the right to freedom from discrimination based on community, place of origin, ethnic group, sex, religion, or political opinion. However, customary and religious discrimination against women persisted, social discrimination on the basis of both religion and ethnicity remained widespread, and ethnic and regional tensions continued to contribute to serious violence both between citizens and the security forces and between groups of citizens.

Women.—Domestic violence was a problem. Reports of spousal abuse were common, especially those of wife beating. Police normally did not intervene in domestic disputes, which seldom were discussed publicly. The Penal Code permits husbands to use physical means to chastise their wives as long as it does not result in "grievous harm," which is defined as loss of sight, hearing, power of speech, facial disfigurement, or other life threatening injuries. A women's rights group estimated that spousal abuse occurred in 20 percent of adult relationships. In more traditional areas of the country, courts and police were reluctant to intervene to protect women who accused their husbands formally if the level of alleged abuse did not exceed customary norms in the areas. Rape and sexual harassment continued to be problems. In March the Legislative Advocacy Commission on Violence Against Women submitted a bill on violence against women to the House of Representatives.

The Federal government publicly opposed FGM; however, it took no legal action to curb the practice. There were no federal laws banning FGM. Because of the considerable problems that anti-FGM groups faced at the federal level, most refocused their energies to combat FGM at the state and local government area (LGA) level. In October Bayelsa State enacted a law prohibiting FGM, and penalties for breaching the law were a monetary fine or prison term. In 2000 Edo, Ogun, Cross River, Osun, and Rivers States banned FGM. In Edo State, the punishment was a \$8 (1,000 naira) fine and 6 months' imprisonment. However, once a state legislature criminalized FGM, NGOs found that they had to convince the LGA authorities that state laws were applicable in their districts.

The Women's Center for Peace and Development (WOPED) estimated that at least 50 percent of women undergo FGM. Studies conducted by the U.N. develop-

ment systems and the World Health Organization estimated the FGM rate at approximately 60 percent among the nation's female population. However, according to local experts, the prevalence may be as high as 100 percent in some ethnic enclaves in the south. While practiced in all parts of the country, FGM was more predominant in the southern and eastern zones. Women from northern states were less likely to undergo FGM; however, those affected were more likely to undergo the severe type of FGM known as infibulation. The age at which women and girls were subjected to the practice varied from the first week of life until after a woman delivers her first child. WOPED believed that the practice was perpetuated because of a cultural belief that uncircumcised women were promiscuous, unclean, unsuitable for marriage, physically undesirable, and were potential health risks to themselves and their children, especially during childbirth. The Ministry of Health, women's groups, and many NGOs sponsored public awareness projects to educate communities about the health hazards of FGM. They worked to eradicate the practice, and trained health care workers on the medical effects of FGM; however, contact with health care workers remained limited. Nevertheless most observers agreed that the number of women and girls who underwent FGM declined each year.

Prostitution was a serious social problem, particularly in urban areas. A number of states began to enforce existing laws or to introduce new laws to combat prostitution. All states that have adopted Shari'a have criminalized prostitution, and this ban was enforced with varying degrees of success. Prostitution was not illegal in Lagos State; however, authorities used statutes that outlaw pandering as a justification to arrest prostitutes. Edo State outlawed prostitution in 2000.

There was an active market for trafficking in women (*see* Section 6.f.).

In some parts of the country, women continued to be harassed for social and religious reasons. Purdah continued in parts of the far north (*see* Section 1.f.).

Women also experienced considerable discrimination. There were no laws barring women from particular fields of employment; however, women often experienced discrimination because the Government tolerated customary and religious practices that adversely affected them. The Nigerian NGOs Coalition expressed concern about continued discrimination against women in the private sector, particularly in access to employment, promotion to higher professional positions, and in salary inequality. There were credible reports that several businesses operated with a "get pregnant, get fired" policy. Women remained underrepresented in the formal sector but played an active and vital role in the country's informal economy. While the number of women employed in the business sector increased every year, women did not receive equal pay for equal work and often found it extremely difficult to acquire commercial credit or to obtain tax deductions or rebates as heads of households. Unmarried women in particular endured many forms of discrimination.

While some women made considerable individual progress both in the academic and business world, women remained underprivileged. Although women were not barred legally from owning land, under some customary land tenure systems only men could own land, and women could gain access to land only through marriage or family. In addition, many customary practices did not recognize a woman's right to inherit her husband's property, and many widows were rendered destitute when their in-laws took virtually all of the deceased husband's property. Widows were subjected to unfavorable conditions as a result of discriminatory traditional customs and economic deprivation. "Confinement" was the most common rite of deprivation to which widows were subjected, and it occurred predominately in the East. Confined widows were under restrictions for as long as 1 year and usually were required to shave their heads and dress in black. In other areas, a widow was considered a part of her husband's property, to be "inherited" by his family. Shari'a personal law protects widows' property rights. Polygyny continued to be practiced widely among all ethnic and religious groups. Women were required by law to obtain permission from a male family member to get a passport (*see* Section 2.d.). In practice, the testimony of women was not given the same weight as that of men in many criminal courts (*see* Section 1.e.).

Women were affected to varying degrees by the adoption of various forms of Shari'a law in 12 northern states. In Zamfara State, local governments instituted laws requiring the separation of Muslim men and women in transportation and health care. In violation of mainstream Shari'a jurisprudence, some Alkali judges subjected women to harsh sentences for fornication or adultery based solely upon the fact of pregnancy, while men were not convicted without eyewitnesses unless they confessed (*see* Section 1.c.).

Children.—While the Government increased spending on children's health in recent years, it seldom enforced even the inadequate laws designed to protect the rights of children. Public schools continued to be inadequate, and limited facilities precluded access to education for many children. The Constitution calls for the Gov-

ernment, “when practical,” to provide free, compulsory, and universal primary education; however, despite the President’s commitment to compulsory education, compulsory primary education rarely was provided. In many parts of the country, girls were discriminated against in access to education for social and economic reasons. The literacy rate for men was 58 percent but only 41 percent for women. Rural girls were even more disadvantaged than their urban counterparts. Only 42 percent of rural girls were enrolled in school compared with 72 percent of urban girls. Many families favored boys over girls in deciding which children to enroll in secondary and elementary schools. When economic hardship restricted many families’ ability to send girls to school, many girls were directed into activities such as domestic work, trading, and street vending.

While most schools in the north traditionally have separated children by gender, it was required by law in Zamfara, Sokoto, and Kebbi State schools (*see* Section 2.c.).

Cases of child abuse, abandoned infants, child prostitution, and physically harmful child labor practices remained common throughout the country (*see* Sections 6.d. and 6.f.). The Government criticized child abuse and neglect but did not undertake any significant measures to stop customary practices harmful to children, such as the sale of young girls into marriage (*see* Section 6.f.). There were credible reports that poor families sold their daughters into marriage as a means of supplementing their incomes. Young girls sometimes were forced into marriage as soon as they reached puberty, regardless of age, in order to prevent the “indecency” associated with premarital sex.

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

Persons with Disabilities.—While the Government called for private business to institute policies that ensured fair treatment for persons with disabilities, it did not enact during the year any laws requiring greater accessibility to buildings or public transportation, nor did it formulate any policy specifically ensuring the right of persons with disabilities to work. The Government established vocational training centers in Abuja to provide training to beggars with disabilities.

National/Racial/Ethnic Minorities.—The country’s population was ethnically diverse, and consisted of more than 250 groups, many of which spoke distinct primary languages and were concentrated geographically. There was no majority ethnic group. The four largest ethnic groups, which comprised two-thirds of the country’s population, were the Hausa and Fulani of the north, the Yoruba of the southwest, and the Igbos of the southeast. The Ijaw of the South Delta were the fifth largest group, followed by Kanuri in the far northeast, and the Tiv in the Middle Belt.

The Constitution prohibits ethnic discrimination by the Government. In addition, the Constitution mandates that the composition of the federal, state, and local governments and their agencies, as well as the conduct of their affairs, reflect the diverse character of the country in order to promote national unity and loyalty. This provision was designed as a safeguard against domination of the Government by persons from a few states or ethnic and sectional groups. The Government was an example of this diversity: President Obasanjo is a Yoruba from the southwest, the Vice President is a northerner, and the Senate President is an Igbo. The Government also attempted to balance other key positions among the different regions and ethnic groups. The Senate used its oversight role to reject many of Obasanjo’s ambassadorial appointments and insisted on three nominees from each state for each appointment. The political parties also engaged in “zoning,” the practice of rotating positions within the party among the different regions and ethnic groups to ensure that each region was given adequate representation. Nonetheless, claims of marginalization, particularly by members of southern minority groups and Igbos, continued; in particular, the ethnic groups of the Niger Delta continued their calls for high-level representation on petroleum issues and within the security forces. Northern Muslims, who lost previously held positions within the military hierarchy, accused the Government of favoring Yorubas or Christians from the Middle Belt for those positions. Traditional linkages continued to impose considerable pressure on individual government officials to favor their own ethnic groups for important positions and patronage.

Ethnic minorities, particularly in Delta, Rivers, Bayelsa, and Akwa Ibom States, have claimed environmental degradation and government indifference to their status in the Delta despite the fact that most of oil wealth comes from the Niger Delta region. Groups such as the Ijaw, Itsekiri, Urhobo, Isoko, and Ogoni continued to express their unhappiness about their perceived economic exploitation and the environmental destruction of their homelands, and incidents of ethnic conflict and confrontation with government forces continued in the delta area (*see* Sections 1.a. and 1.b.). Other ethnic groups saw the Kaiama Declaration, which claimed the entire

Delta the property of the Ijaw, as threatening their rights. Disparate organizations of youths from a variety of ethnic groups continued to take oil company personnel hostage in the Delta Region (see Section 1.b.). Many oil companies continued to employ local police and, in some cases, military troops to protect their facilities and personnel. Local youths claimed that the companies' security personnel engaged in unlawful killings and other human rights abuses (see Section 1.a.). According to Human Rights Watch, soldiers, naval personnel, and paramilitary Mobile Police deployed across the Niger Delta carried out summary executions, assaults, and other abuses on an ongoing basis.

In July approximately 150 Itsekiri women, protesting their perceived marginalization, occupied Chevron's Escravos oil export terminal. They vacated the facility 9 days later after negotiations with Chevron.

In 2000 the Niger Delta Development Commission (NDDC) was created to facilitate local development and to grant more local autonomy over the expenditure of resources derived from the Delta; however, the NDDC did very little during the year.

Competing economic aspirations among smaller ethnic groups related to the control of state and local governments led to violent conflicts during the year.

Societal discrimination on the basis of ethnicity was practiced widely by members of all ethnic groups and was evident in private sector hiring patterns, de facto ethnic segregation of urban neighborhoods, and a continuing paucity of marriages across major ethnic and regional lines. There was a long history of tension among some ethnic groups (see Section 2.c.).

Conflict over land rights and ownership continued among members of the Tiv, Kwalla, Jukun, and Azara ethnic groups; each of these groups resided at or near the convergence of Nassarawa, Benue, and Taraba States. The Tiv, who were thought to have migrated to the country later than other inhabitants of the disputed area, were regarded as interlopers by the "indigenous" ethnic groups despite the fact that they predominate in much of Benue and parts of other states.

In January in Nassarawa State, approximately 100 persons died in communal clashes. Also in January, clashes between Fulani herders and local farming communities resulted in the deaths of 40 persons in Taraba State.

In March in Cross River State, approximately 40 persons died in fighting between the Apiapum and Ufatura communities.

Communal violence occurred throughout the year in Plateau State. Dozens died as local communities continued to compete for scarce resources. The State government reported that criminals and hired mercenaries from other areas of Nigeria, Chad, and Niger added to the violence after being hired and induced by some communities to attack rival villages in the state. In October police reported that a team of military and police killed six attackers.

In September and October 2001, ethno-religious unrest in Jos resulted in the deaths of 2,300 persons and the internal displacement of approximately 15,000 persons. Approximately 80 percent of the victims in Jos were Hausa Muslims, who constituted a significant minority in Jos. The military was able to restore order, but thousands of Hausa fled Plateau for Kaduna, Kano, Jigawa, and Bauchi. This conflict appeared to have been primarily ethnic and secondarily religious. Christians of different ethnic groups reportedly attacked each other, and Yoruba Muslims joined in targeting their Hausa co-religionists. There were reports of some IDPs returning to Plateau, but numbers cannot be confirmed and by most credible estimates the majority of the IDPs have not returned.

The violent border dispute in the east between Cross River and Akwa Ibom States diminished during the year. Communal violence also abated between Jukun-Kuteb (Taraba State). There were no new reports of communal clashes between Aguleri-Umuleri, Anambra State or Ife-Modakeke, Osun State, by the year's end.

There were no developments in 2001 incidents of ethnoreligious violence.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides all citizens with the right to assemble freely and associate with other persons, and to form or belong to any trade union or other association for the protection of their interests; however, several statutory restrictions on the right of association and on trade unions remained in effect. Only a single central labor federation, the Nigerian Labor Congress (NLC), was permitted by law, and the Government recognized only 29 trade unions. Trade unions were required to be registered formally by the Government, and a minimum of 50 workers was required to form a trade union. Nonmanagement senior staff members were prevented from joining trade unions, and senior staff associations were denied a seat on the National Labor Advisory Council (NLAC). The International Labor Organization (ILO) Committee of Experts repeatedly has cited sev-

eral of these restrictions. The Government has not amended the laws, but it has conducted discussions with senior staff associations concerning formal recognition and their accession to the NLAC.

Workers, except members of the armed forces and employees designated as essential by the Government, may join trade unions. Essential workers included members of the armed forces and government employees in the police, customs, immigration, prisons, federal mint, central bank, and telecommunications sectors. Employees working in a designated export processing zone (EPZ) may not join a union until 10 years after the start-up of the enterprise (see Section 6.b.).

According to figures provided by the NLC, total union membership was approximately 4 million. Less than 10 percent of the total work force was organized. With the exception of a small number of workers engaged in commercial food processing, the agricultural sector, which employed the bulk of the work force, was not organized. The informal sector, and small and medium enterprises, largely remained unorganized.

The Government has mandated a single trade union structure with service and industrial unions grouped under the NLC. The trade union movement was composed of two groups consisting of junior and senior staff workers. The single trade union structure and segregation of junior from senior staff were intended to dilute the bargaining strength of workers. Junior staff workers, primarily blue-collar workers, were organized into the 29 industrial unions that were affiliated with the NLC; 21 associations make up the Trade Union Congress (TUC). The TUC has a claimed membership of approximately 400,000 to 600,000. The TUC, which was composed primarily of white-collar workers, has not been sanctioned officially by the Government, and was prohibited by statute from affiliating with the NLC. The TUC lacked a seat on the NLAC.

The Maritime Workers Union continued to challenge the Government's decertification during the year.

The ILO cited a number of restrictions on freedom of association, including requiring all registered labor unions to affiliate with a single central labor federation (the NLC); establishing a minimum of 50 workers to form a trade union; providing for the possibility of compulsory arbitration; giving the registrar broad powers to supervise trade union accounts; and giving the Government discretionary power to revoke the certification of a trade union due to overriding public interests. However, in August the Government ratified several ILO conventions.

Complaints of antiunion discrimination could be brought to the Ministry of Labor for mediation, conciliation, and resolution.

The NLC and labor unions were free to affiliate with international bodies; however, prior approval from the Minister was required. The NLC had affiliated with the Organization of African Trade Unions.

b. The Right to Organize and Bargain Collectively.—The labor laws provide for both the right to organize and the right to bargain collectively between management and trade unions. Collective bargaining occurred throughout the public sector and the organized private sector. The Labor Minister could refer unresolved disputes to the Industrial Arbitration Panel (IAP) and the Nigerian Industrial Court (NIC). Union officials questioned the effectiveness and independence of the NIC in view of its refusal in previous years to resolve various disputes stemming from the Government's failure to fulfill contract provisions for public sector employees. The NIC was reconstituted in 2001 with several new members, including a formerly imprisoned trade unionist, Milton Dabibi. Union leaders criticized the arbitration system's dependence on the Labor Minister's referrals. The Labor Minister made several referrals to the IAP during the year. The IAP and NIC were active following the Government's appointment of new members; however, both suffered from a lack of resources.

A worker under a collective bargaining agreement could not participate in a strike unless his union complied with the requirements of the law, which included provisions for mandatory mediation and for referral of the dispute to the Government. The law allows the Government discretion to refer the matter to a labor conciliator, arbitration panel, board of inquiry, or the National Industrial Court. The law forbids any employer from granting a general wage increase to its workers without prior government approval. However, in practice the law does not appear to be enforced; strikes, including in the public sector, were widespread and private sector wage increases generally were not submitted to the Government for prior approval.

Workers had the right to strike; however, certain essential workers were required to provide advance notice of a strike. On January 17, NLC President Adams Oshiomhole was arrested during a general strike to protest the Government's 15.3 percent fuel price hike. Oshiomhole and several supporters were charged with "unlawful assembly and inciting the general public against the Government." The Gov-

ernment and an Abuja court called the strike “illegal.” The NLC argued that it had exercised a legitimate right to strike. Oshiomhole was released on bail, and there was no further action in this case during the year.

On February 1, police in 14 states held a 1-day strike to demand payment of one-year’s wage arrears. The Government declared that striking police officers would be prosecuted for mutiny. In August it was reported that 64 officers had been dismissed in Akwa Ibom State for their participation in the strike. On March 6, the Government dismissed Police Inspector General Musiliu Smith, replacing him with Tafa Balogun. The Government pledged to triple the size of the police force and to speed promotions. There also were reports of a planned strike by junior officers in the military. Military leadership denied that a strike was being planned and also warned junior officers that to strike was mutiny and punishable by death. No such strike ever occurred.

In May the Nigerian Union of Railwaymen (NUR) struck over the nonpayment of 3 months’ salary. In July strikes were held by the Lagos State Truck Owners Association, Port Harcourt dockworkers, and Shell (SPDC) contract workers. Members of the Medical and Health Workers Union struck in August at teaching hospitals, including Lagos University State Hospital.

During the year, there were smaller strikes over the increased use of contract labor and the lack of indigenous workers in management positions in the oil sector, particularly in the Niger Delta. The National Union of Petroleum and Natural Gas Workers (NUPENG) and its senior staff counterpart Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN) were particularly concerned about the increasing use of contract labor and the number of indigenous workers in management positions. NUPENG and PENGASSAN staged a 2-day warning strike in September to protest the Government’s plan to privatize the four national refineries.

In Anambra State, teachers went on strike during the year to demand a year’s back pay. Despite several protests and labor disruptions, the Anambra State government still owed workers 7 months’ salaries by year’s end. The state civil service was nearly paralyzed as many workers declined to work until salary arrears were paid.

There were no new developments in the 2000 dispute over Lagos State government’s reluctance to pay a higher minimum wage to public sector workers. A compromise package offered by the state was accepted by the workers in 2001; however, the local union leadership pressed for more pay.

There were no laws prohibiting retribution against strikers and strike leaders, but strikers who believed they were victims of unfair retribution could submit their cases to IAP, with the approval of the Labor Ministry. The IAP’s decisions were binding on parties but could be appealed to the NIC. In practice the decisions of these bodies infrequently carried the force of law. Union representatives described the arbitration process as cumbersome and time-consuming, and an ineffective deterrent to retribution against strikers.

The Government retained broad legal authority over labor matters and often intervened in disputes seen to challenge key political or economic objectives. However, the labor movement increasingly was active on issues affecting workers. During the year, the NLC spoke out on economic reform, fuel price deregulation, privatization, globalization, tariffs, corruption, contract workers, and political issues.

EPZs in Calabar, Cross River State, and Onne Port, Rivers State, operated during the year. Workers and employers in these zones were subject to national labor laws, which provided for a 10-year amnesty on trade unions, strikes, or lockouts for a period of 10 years following the commencement of operations within a zone. In addition, the law allows the Export Processing Zones Authority to handle the resolution of disputes between employers and employees instead of workers’ organizations or unions. The Export Processing Zones Decree has been criticized by the ILO for not allowing any unauthorized person to enter any EPZ.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor; however, there were reports that it occurred (*see* Section 6.f.), and enforcement of the law was not effective.

The Government does not prohibit specifically forced and bonded labor by children; however, the prohibition on forced labor extends to children. There were occasional reports of forced child labor, including child slavery rings operating between Nigeria and neighboring countries (*see* Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits employment of children less than 15 years of age in commerce and industry and restricts other child labor to home-based agricultural or domestic work. The law states that children may not be employed in agricultural or domestic work for

more than 8 hours per day. The Decree allows the apprenticeship of youths at the age of 13 under specific conditions.

Economic hardship resulted in high numbers of children in commercial activities aimed at enhancing meager family income. The ILO estimated that approximately 12 million children between the ages of 10 and 14 (25 percent of all children) were employed in some capacity. Children frequently were employed as beggars, hawkers, and bus conductors in urban areas. The use of children as domestic servants was common.

Private and government initiatives to stem the growing incidence of child employment continued but were ineffective. UNICEF operated programs that removed young girls from the street hawking trade and relocated them to informal educational settings. UNICEF reported that the program only began to address the problem during the year. In conjunction with the ILO, the Government formulated a national program of action in support of child rights, survival, protection, development, and participation. In August 2001, the ILO and the Labor Ministry signed a formal agreement establishing the program; however, the program had not shown any results by year's end due to logistical problems and changing personnel in the Ministry.

The Labor Ministry had an inspections department whose major responsibilities included enforcement of legal provisions relating to conditions of work and protection of workers. However, there were fewer than 50 inspectors for the entire country, and the Ministry conducted inspections only in the formal business sector, in which the incidence of child labor was not significant.

There were reports of forced child labor (*see* Section 6.f.).

e. Acceptable Conditions of Work.—The law sets a minimum wage, which was reviewed infrequently. Real private sector wages greatly exceeded the minimum wage. After a lapse of several months, police began receiving payment during the year. In September NLC president Adams Oshiomole announced that he had reached a compromise with the Government to implement a 25 percent pay raise over 2 years; however, The Government never formally acknowledged the agreement.

In 2000 the minimum wage increased to \$50 (7,500 naira) per month for federal workers and from \$40 to \$48 (5,000 to 6,500 naira) per month for state employees. Private employers in the formal sector tracked the public sector wage scale. Along with the many allowances that were paid, the increase appeared to be sufficient for a decent standard of living. However, many government agencies were slow to pay the new wage scale, and most federal salaries were frozen for 3 months, pending a census of government employees. Ghost workers (who appeared on the employment rolls but not on the job) remained a significant problem that was not addressed fully during the year. The Government directed each State administration to establish its own salary structure based on its ability to pay and in accord with the national minimum wage; however, the Government increased federal salaries in 2000 to \$48 (6,500 naira) without adequate consultations with state governments, whose employees demanded similar wages. As a result, several state governments maintained that they could not afford to pay this wage, without massive layoffs or the elimination of ghost workers. The issue of the minimum wage caused several labor disruptions throughout the year, and remained unresolved in several states (*see* Section 6.b.).

The law mandates a 40-hour workweek, 2 to 4 weeks annual leave, and overtime and holiday pay. There is no law prohibiting excessive compulsory overtime. The law also establishes general health and safety provisions, some of which were aimed specifically at young or female workers. It required that the factory division of the Ministry of Labor and Employment inspect factories for compliance with health and safety standards; however, this agency was greatly underfunded, lacked basic resources and training, and consequently neglected safety oversight of many enterprises, particularly construction sites and other non-factory work. The Ministry often failed to reimburse inspectors for expenses incurred in traveling to inspection sites, and safety oversight of many enterprises often were neglected. The law requires employers to compensate injured workers and dependent survivors of those killed in industrial accidents. The Labor Ministry, which was charged with enforcement of these laws, has been ineffective in identifying violators. The Government has failed to act on various ILO recommendations to update its program on inspection and accident reporting. The Labor Decree did not provide workers with the right to remove themselves from dangerous work situations without loss of employment.

f. Trafficking in Persons.—The law does not prohibit specifically trafficking in persons, and trafficking in persons (TIP) was a problem. Nigeria was a country of ori-

gin, transit, and destination for trafficked persons, with an active, growing market for trafficking in women and children within the region and to Europe.

Draft legislation was under review in the National Assembly that would make trafficking a crime; however, the legislation had not been passed by year's end.

The National police have an anti-trafficking unit, and anti-TIP units have been created in 11 trafficking-prone states.

Many states that arrest traffickers are forced to release them when victims and their families refuse to testify. The Government prosecuted only a few persons for trafficking during the year. Bisi Dan Musa, a prominent Lagos businesswoman and wife of a former presidential candidate, was arrested and charged with 19 counts of child stealing and slave dealing; 16 children between the ages of 1 and 4 reportedly were found in her custody. The trial was discontinued after most of the parents could not be found or were unwilling to testify, and she was released on bail.

In April the SSS intercepted 10 teenage girls being trafficked across the border and arrested the trafficker.

In Edo State, 30 trafficking cases were pending at year's end, including one against a high chief who since has been stripped of his title.

There were no developments in the trial of 15 Nigerian trafficking suspects, including the former police commissioner of Edo State, following their extradition in October 2001, or in the August 2001 detention of a Nigerian man in Sokoto State for the alleged trafficking of 10 girls between the ages of 10 and 16.

The full nature and scope of the trade remained unknown, but immigration and police officials throughout Europe continued to report a steady flow of Nigerian women lured and sold into prostitution in Europe, particularly Italy, the Netherlands, and Spain. In June 200 trafficking victims were deported to Nigeria; over the past 3 years, 1,098 persons were returned to the country from Europe and North America. Nigerian Interpol claimed that some women entered the sex trade independently, were not controlled by syndicates, and were economically motivated. However, several women's rights organizations reported that hundreds of women migrated to Europe in response to job offers as domestic workers or waitresses. Upon arrival many were forced into prostitution in order to pay off debts. In addition, there was evidence that Nigerian crime syndicates may use indebtedness, secret rituals, threats of beatings and rape, physical injury to the victim's family, arrest, and deportation to persuade those forced into sex work from attempting to escape or from contacting police and NGOs for assistance.

There were no further reports during the year that Nigerian girls were sold into sexual slavery and trafficked through England.

Incidents of child trafficking in Lagos and other major Nigerian cities during the year were suspected to be commonplace. There was evidence of trafficking of children to the U.S. and Europe, primarily to reunite children with their undocumented parents abroad. Child traffickers received a monthly payment from the employer, part of which was to be remitted to the parents of the indentured child servant. Traffickers took advantage of a cultural tradition of "fostering," under which it was acceptable to send a child to live and work with a more prosperous family in an urban center in return for educational and vocational advancement. Often the children in these situations only worked and did not receive any formal education; however, many families who employed children as domestic servants also paid their school fees. Other children were forced to serve as domestics or to become street hawkers selling nuts, fruits, or other items. There were credible reports that poor families sold their daughters into marriage as a means of supplementing their income (*see* Section 5).

According to ILO reports, there was an active and extensive trade in child laborers. Some were trafficked to Cameroon, Gabon, Benin, and Equatorial Guinea to work in agricultural enterprises. Other children were coerced into prostitution (*see* Section 5). Authorities also have identified a trade route for traffickers of children for labor through Katsina and Sokoto to the Middle East and East Africa. The eastern part of Nigeria and some southern states such as Cross Rivers and Akwa Ibom were the points of trafficking of children for labor and, in some cases, human sacrifice. The country remained a destination for the trafficking of Togolese children.

Children from neighboring countries also were trafficked to Nigeria for work as domestic servants.

The adoption of Shari'a-based legal systems by northern states resulted in the stronger enforcement of laws against child prostitution (*see* Section 2.c.).

The Government has conducted few investigations into the alleged involvement of government officials in trafficking; however, allegations of such involvement reportedly were widespread.

Some returnees have alleged that immigration officials actively connived with syndicates; however, there were no arrests of immigration officials for trafficking of-

fenses during the year. The Assistant Inspector General of Police was investigating allegations of the collusion of customs officials in trafficking. In November the Government announced it was investigating a former customs officer and two others suspected of trafficking children in Abuja.

There was federal and state government acknowledgement of trafficking and prevention efforts were underway at all levels. Awareness campaigns, undertaken by NGOs, prominent politicians, state governments, and members of the press were gaining widespread attention. The issue of trafficking in persons for commercial sexual exploitation to Europe initially raised the awareness of trafficking, and the awareness of child trafficking for forced labor was growing. For example, Imo State has a comprehensive anti-trafficking campaign.

Police attempts to stem the trafficking of persons were inadequate, and frequently the victims of trafficking were subjected to lengthy detention and public humiliation upon repatriation.

RWANDA

The largely Tutsi Rwandan Patriotic Front (RPF) took power in 1994 and declared a government of National Unity that has functioned during the transition period following the civil war and genocide. The RPF remained the principal political force that controlled the Government. President Paul Kagame was sworn in on April 22, 2000, in what was the first nonviolent presidential change in the country's history. While all political parties were represented within the Transitional National Assembly, it was influenced greatly by President Kagame and the RPF. Prime Minister Bernard Makuza, from the Democratic Republican Movement (MDR), ran the Government on a daily basis and was responsible for relations with the National Assembly. A new constitution was being written and national elections were scheduled for 2003. The judiciary was subject to presidential influence and suffered from a lack of resources, inefficiency, and some corruption.

The Minister of Defense was responsible for external security and national defense; the Minister of Internal Security was responsible for civilian security matters as well as supervision of the prisons and the national police. In October the Government announced a reorganization of the military establishment, providing for a smaller, heavier force more suitable for territorial defense than for expeditionary action abroad. The name of the Rwandan Patriotic Army (RPA) has been changed to the Rwandan Defense Forces (RDF). The RDF and the police comprised the security apparatus. Government authorities did not always maintain effective control of the security forces, and there were several instances, particularly within the Democratic Republic of the Congo (DRC), in which elements of the security forces acted independently of government authority. Volunteer armed civilian units serving as Local Defense Forces (LDF) with limited arrest powers also functioned throughout the country. In October, in accordance with an agreement with the DRC, government forces withdrew from DRC territory. Members of the security forces committed serious human rights abuses in the DRC; however, there were fewer reports of abuses committed within the country than in the previous year.

The country was very poor, and 60 percent of the population of 8.1 million lived in poverty. More than 90 percent of the labor force was engaged in subsistence agriculture. The 1994 genocide destroyed the country's social fabric, human resource base, institutional capacity, and economic and social infrastructure. Per capita annual income was \$230. Small-scale commercial activities increased, but the industrial base remained limited.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. The majority of human rights abuses committed by security forces were in the DRC. Citizens do not have the right to change their government. Unlike in the previous year, there were no reports of unlawful killings or disappearances within the country; however, there were credible reports that RDF units operating in the DRC committed deliberate unlawful killings and other serious abuses, and impunity remained a problem. Security forces beat suspects; however, unlike in the previous year, there were no reports that prisoners died of torture or abuse. Prison conditions remained life threatening, and prisoners died of disease and the cumulative effects of severe overcrowding. Arbitrary arrest and detention, and prolonged pretrial detention, remained serious problems. The judiciary was subject to executive influence and did not always ensure due process or expeditious trials. The Government continued to conduct genocide trials at a slow pace, and the first "Gacaca" courts began operation in July. The Government restricted freedom of speech and of the press and limited freedom of association and assembly. In some instances, local government officials restricted

the freedom of religion. The Government forcibly repatriated some refugees to unsafe areas in the DRC, and harassed others who refused to leave voluntarily. Societal violence and discrimination against women and ethnic minorities were problems, and some street children were forced into an inadequate and unsafe detention center. Child labor persisted in the agricultural sector.

Unlike in the previous year, there were no reports of killings by insurgents tied to those responsible for the 1994 genocide.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Unlike in the previous year, there were no reports that the RDF committed extrajudicial killings within the country, although RDF soldiers continued to resist incursions in the northwest and southwest by the Army for the Liberation of Rwanda (ALIR), a rebel Hutu group. Unlike in the previous year, there were no reports of civilian deaths as a result of this fighting. There also were no reports that some RDF forces summarily executed rebel soldiers.

In February 2001, in Kigali, a soldier in uniform killed RDF officer Alphonse Mbayire, a former military attache previously assigned to the Rwandan Embassy in Nairobi. The Government claimed the killing was the result of a personal dispute; however, there remained speculation of government involvement in the killing because of information Mbayire may have had concerning the 1999 murder of former Minister of Internal Affairs Seth Sendashonga in Nairobi. The Government reported that a warrant was out for the arrest of Private Manirakiza, a suspect in the killing.

Harsh prison conditions contributed to the deaths of an undetermined number of inmates during the year, mostly due to disease (*see* Section 1.c.).

Since the start of the current war in the DRC in 1998, RDF troops have participated on the side of the Congolese Rally for Democracy (RCD) rebel movement against the DRC government. In 1999 all parties involved in the war in the DRC signed the Lusaka Agreement, which included a cease-fire; however, all parties, including RDF soldiers, repeatedly participated in battles after the declaration. Following the assassination of DRC President Laurent Kabila in January 2001, renewed efforts were made to end the war; however, periodic fighting since that time has resulted in credible allegations of human rights violations by all forces, including the RDF; however, no reliable statistics were available. All parties agreed to disengage their troops from the front lines and began doing so in 2001; the RDF pulled back to its agreed upon positions. In March 2001, a cease-fire began; however, fighting continued between the RDF/RCD and pro-DRC forces, primarily in the Kivu Provinces, DRC. In July in Pretoria, the Government and the DRC government signed an agreement calling for the DRC to end its support for Rwandan rebels and for the RDF to withdraw from DRC territory. In September the Government began withdrawing troops and by October 5, all RDF forces had left the DRC, according to the U.N.-South African third-party verification mechanism.

There continued to be reports throughout the year of killings and other human rights abuses committed with impunity in the DRC by both pro-DRC and anti-DRC government forces, including, prior to October, the RDF. Verification of these reports was extremely difficult, particularly those originating from remote areas and those affected by active combat in the eastern part of the DRC. Independent observers often found access difficult due to hazardous conditions, as well as frequent bureaucratic impediments imposed by authorities. There were other reports of extrajudicial killings committed either by elements of the RCD, which the RDF materially supported and in some respects often directed, or in which direct involvement by RDF soldiers could not be clearly established by persons who found it difficult to distinguish between RCD and RDF forces. Some of these reports of RDF killings surfaced in Congolese media directly or indirectly controlled by the DRC government; however, other such reports emerged from international religious or humanitarian organizations and were based on the accounts of multiple witnesses. The reported extrajudicial killings of civilians by RCD and Rwandan forces in the DRC often reportedly were committed in reprisal for guerrilla attacks on RCD or RDF forces. The Government has admitted that human rights abuses have occurred in territory under RDF/RCD control, but claimed that these were acts committed by individuals, not by the military as an institution.

There were numerous credible reports that RDF and RCD/Goma troops burned and destroyed entire villages in the DRC, frequently killing, torturing, or raping some of the inhabitants, especially in rural areas of North and South Kivu and northern Maniema Province. In May RCD-Goma troops killed more than 100 persons in retaliation for an attempted mutiny by RCD-Goma dissidents in Kisangani,

DRC. The U.N. investigation did not find evidence of RDF involvement; however, there were numerous unconfirmed reports that RDF forces participated in these killings. Between January and July, RDF forces used excessive, indiscriminate violence against civilians, particularly the ethnic Tutsi Banyamulenge, to put down a popular revolt led by former RCD/G Commander Patrick Masunzu in the High Plateau region of South Kivu. There were numerous reports that RDF soldiers who arrived via the ground route burned, destroyed, and pillaged numerous small non-Banyamulenge villages on their way up to the High Plateau. On the High Plateau, the RDF forcibly displaced as many as 30,000 Banyamulenge civilians and burned down more than 90 Banyamulenge villages. RDF troops also reportedly killed, abducted, and raped an undetermined number of Banyamulenge civilians. At various periods, particularly from June 18 until July, the RDF repeatedly used helicopters to attack the High Plateau region, including areas populated by civilians. The RDF repeatedly denied access to all international humanitarian organizations, making it difficult to determine the number of civilians killed, injured, raped, tortured, and displaced. The Government has not opened any inquiries into the abuses by its troops.

The Government continued to assert that the casualties of the December 2001 fighting between Mai Mai and RDF and RCD/Goma forces were the result of a Mai Mai attack, rather than an RDF and RCD/Goma-staged battle to discourage the deployment to the area of a U.N. Peace Observation Mission in Congo (MONUC). The Government has taken no action against any RPA soldier in connection with this incident.

There were reports that landmines continued to be used, particularly in the eastern half of the DRC, despite agreement not to do so in the Lusaka Accords. However, it was impossible to know which groups laid landmines.

Unexploded ordinances that remained from the 1994 civil war caused deaths during the year. For example, on June 4, a boy was killed and several others were injured after the boy accidentally detonated a grenade.

The Government provided to human rights organizations, and even other governments, systematic replies and rebuttals to allegations of human rights abuses. It also arrested alleged offenders from the security services. According to the Government, soldiers continued to be arrested and detained on charges of murder, manslaughter, or armed robbery in the DRC prior to the October withdrawal. Others were arrested on charges of offenses committed in the country. The Ministry of Defense also has prosecuted alleged offenders during the year in military trials. Despite these arrests and trials, impunity remained a problem.

During the year, RDF Captain Peter Kabanda and other RDF soldiers were tried and acquitted of charges of killing 67 unarmed civilians in Masisi, North Kivu Province in 2000.

In June RDF Captain Alex Rugira, Lieutenant Stephan Gapfunsi, S/Major Canisius Rutabana, Private Alphonse Tuyisenge, and Private Joseph Rugiranganga were tried by military court for the 2000 killings of Baligizu Mufungizi and other civilians near Burhinyi, South Kivu, in the DRC. Captain Rugira and Lieutenant Gapfunsi were acquitted, while S/Major Rutabana and Privates Tuyisenge and Rugiranganga each were sentenced to 1 year's imprisonment.

The investigation into the 2000 killing of Assiel Kabera, an advisor to former President Pasteur Bizimungu, by three men in military uniform, still was ongoing at year's end. The Government denied any involvement in the killing.

No action has been taken against the RDF officers responsible for human rights violations in 2000 during fighting with Ugandan troops in Kisangani. The fighting resulted in hundreds of civilian deaths, more than 1,700 persons injured, and 60,000 displaced persons. The Government denied that Rwandan troops committed any human rights violations in Kisangani and claimed that civilian casualties occurred inadvertently while the RDF was defending itself from an unprovoked attack.

Action was taken in some of the 2000 cases involving rape and killing by members of the RDF; however, most of the responsible parties were neither arrested nor prosecuted.

The International Criminal Tribunal for Rwanda (ICTR), based in Arusha, Tanzania, continued to prosecute genocide suspects (*see* Section 4). Seven trials were in progress at year's end: The media case against Jean-Bosco Barayagwiza, Ferdinand Nahimana, and Hassan Ngeze; the Butare case against former Minister of Family and Women's Affairs Pauline Nyiramasuhuko, Arsene Shalom Ntahobali, Alphonse Nteziryayo, Sylvain Nsabimana, Elie Ndayambaje, and Joseph Kanyabashi; the Cyangugu case against Emmanuel Bagambiki, Samuel Imanishimwe, and Andre Ntagerura; the Juvenal Kajelijeli case; the Jean de Dieu Kamuhanda case, the Eliezer Niyitegaka case; and the military case against Theoneste Bagasora, Gratiem Kabiligi, Aloys Ntabakuze, and Anatole Nsengyumva. The trials in the Laurent

Semanza case and the Kibuye case against Elizaphan Ntakirutimana and Gerard Ntakirutimana were completed, but verdicts have not yet been handed down. Major Francois-Xavier Nzuwonemey, former Reconnaissance Battalion Commander; Lt. Colonel Tharcisse Muvunyi; Bernard Ntyuhag; and Capt. Innocent Sagahutu remained in detention. Two of the three ICTR investigators arrested in 2001 on genocide charges were in custody awaiting trial at year's end; the remaining investigator had been released from custody, but was fired by the ICTR.

There were no developments in the investigation into the December 2001 shooting death of Gratien Munyarubuga, a taxi driver and member of the outlawed Party for Democracy and Renewal (PDR), who was killed by two of his passengers. The Government denied that the killing was politically motivated.

There were no reports of any action taken against local defense unit members responsible for killing civilians in 2000.

Unlike in the previous year, there were no reports that rebel forces killed civilians in the country.

b. Disappearance.—Unlike in the previous year, there were no reports of politically motivated disappearances within the country; however, there were numerous credible reports that RDF forces in the DRC seized and transferred to the country numerous Banyamulenge prisoners following the revolt of Banyamulenge Commander Masunzu against the RDF in late January. Several hundred RCD/Goma soldiers in the DRC suspected of sympathizing with the revolt reportedly were disarmed and sent to the country in May for forced “retraining.” There was no further information on the soldiers; many suspected they were killed or remained in secret detention in military camps or prisons. The Government denied that any abductions occurred.

In April and May, there were reports that the RDF arrested Banyamulenge soldiers, including 9 senior commanders who refused to fight against Masunzu and his followers and sent them to Kamembe military camp in Cyangugu prefecture. The soldiers remained missing at year's end. Government officials denied that any such arrests had occurred.

There continued to be reports that until their withdrawal in October, RDF troops abducted women and children from villages they raided to perform labor, military services, and sexual services, although it was unlikely that such abductions were sanctioned by the Rwandan government. Many of the victims disappeared and have not been heard from since.

Theobald Rwaka Gakwaya, a former Interior Minister and founder of the Rwandan League for the Promotion and Defense of Human Rights (LIPRODHOR) who disappeared in 2001, remained in self-imposed exile abroad.

There were no developments in the 2001 disappearances of Jean de Dieu Dufatanye or the 2000 disappearance of Ainakafota and Alexis Ruzindara.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The fundamental law prohibits torture; however, beatings at the time of arrest were common. There continued to be reports that RDF troops abused civilians in the DRC. Unlike in the previous year, detainees did not report torture.

There continued to be numerous reports that government security forces harassed and threatened political dissidents, journalists, and NGOs (*see* Sections 2.b. and 4); however, unlike in the previous year, there were no reports that police prevented the meetings of some NGOs.

No action was taken against responsible security forces in the 2001 case of the Congolese art dealer who was arrested and tortured at Military Intelligence Headquarters. The Government maintained that it was unaware of the incident.

No action was taken against those responsible for attacking former President Bizimungu in August 2001.

No action was taken against the three soldiers who harassed and beat the wife of Vales Kwitegetse, a journalist with the Government-controlled newspaper *Imvaho*, in 2000. The Government reported that it had investigated the report and determined that it was false.

The RDF continued to dismiss soldiers for indiscipline and criminal offenses. The RDF routinely tried military offenders in military courts, which handed down sentences of fines, imprisonment, or both during the year.

Unexploded ordinances that remained from the 1994 civil war caused injuries during the year (*see* Section 1.a.).

During the year, there were numerous, credible reports from local and international human rights groups that RDF forces and their RCD allies engaged in the beating and torture of civilians in the DRC, particularly in the High Plateau region (*see* Section 1.a.). There also were numerous reports that RDF forces and their RCD allies raped women and girls. For example, from January to March, RPA and RCD-

Goma soldiers reportedly frequently raped young girls in rural schools throughout the territory of Fizi in South Kivu.

RDF and RCD/Goma forces reportedly imprisoned individuals in a small metal freight container at Ndosho, outside Goma, the DRC, in conditions that were cruel, inhuman, and degrading. According to Amnesty International, Zelote Farini Leundo Shandwe and Elias Nguru have been held in this container without communication with family members or NGOs since August. Two prior detainees at Ndosho reportedly disappeared; one was believed to have been executed and the other sent to a detention center in the country.

No action has been taken against RDF soldiers responsible for human rights violations in Kisangani during fighting with Ugandan troops in 2001, and the Government continued to deny that such events occurred (*see* Section 1.a.). No action was taken during the year against RDF soldiers involved in the following 2000 cases in the DRC: The rapes of numerous women in Kisangani in May and June; and the February killings and rapes of 30 persons in Kilambo, North Kivu Province.

Prison conditions were harsh and life threatening. The International Committee of the Red Cross (ICRC) has registered approximately 103,000 prisoners detained on genocide or security-related charges and estimated that an additional 8,000 prisoners were detained on charges unrelated to the genocide; however, the Ministry of Justice routinely referred to the prison population as numbering 130,000. While the Government was committed to improving prison conditions, chronic overcrowding remained a major problem. Sanitary conditions were extremely poor, and despite continuing efforts, the Government did not provide adequate food or medical treatment. The ICRC provided 50 percent of the food in the 19 main prisons and also provided additional expertise and medical, logistical, and material support to improve conditions for inmates. Prison deaths largely were the result of preventable diseases, suspected HIV/AIDS, or the cumulative effects of severe overcrowding. There were an undetermined number of deaths in prison reported during the year.

Women were detained separately from men, and more than 4,500 minors between the ages of 14 and 18 years were incarcerated with adults throughout the prison system. Children under 14 were not legally responsible for their acts, and this led to the release of many children and youths from prison, although the National Commission for Human Rights (NCHR) reported that 108 infants and at least 15 children were incarcerated with their mothers. Pretrial detainees generally were separated from convicted prisoners; however, there were numerous exceptions as a result of the large number of genocide detainees awaiting trial. Prisoners may also be hired out to perform work at private residences and business.

The ICRC, human rights organizations, diplomats, and journalists had regular access to the prisons. The ICRC continued its visits to communal jails and military-supervised jails.

Reports persisted that RCD/Goma and RDF forces used the private residences of Rwandan or rebel military commanders for incarcerations. Reports from former detainees indicated a pattern of beatings, undernourishment, and deliberate killings in these houses.

d. Arbitrary Arrest, Detention, or Exile.—The fundamental law provides legal safeguards against arbitrary arrest and detention; however, authorities rarely observed them in practice, and security forces continued to arrest and detain persons arbitrarily. The justice system collapsed during the war and genocide of 1994. With help from the international community, it was being rebuilt slowly and was beginning to function more normally. The Government did not have the capacity to ensure that provisions in the Constitution were enforced or that due process protections were observed.

In general the law requires that authorities investigate, then obtain a judicial warrant before arresting a suspect. The police may detain persons for up to 48 hours without a warrant; formal charges must be brought within 5 days of arrest. These provisions were disregarded widely. The law permits investigative detention if authorities believe that public safety is threatened or that the accused might flee. There is no bail, but the authorities may release a suspect pending trial if they are satisfied that there is no risk that the person may flee or become a threat to public safety and order.

Police arrested members of NGOs during the year (*see* Section 4).

In April security forces arrested former President Bizimungu and former minister Charles Ntakarutinka and charged them with making divisive statements against the Government, forming and recruiting for an illegal organization, supporting armed groups against the Government, embezzlement of public funds, circulating false documents, and possession of an illegal firearm. Police subsequently arrested approximately 30 other persons believed to be involved with Bizimungu's banned PDR-Ubuyanja party. On July 12, Bizimungu, Ntakarutinka, and others who were

arrested in connection with them appeared before the Supreme Court and appealed their detention; on July 30, the Court rejected their appeal. On October 14, the group appeared before the Nyamirambo Court of First Instance to appeal their charges of “threatening national security by forming a criminal association.” Their appeal was referred to the Court of Appeals for determination. Many of those arrested eventually were released; however, Bizimungu, Ntakarutinka, and several others remained in custody awaiting trial at year’s end.

The Government continued to detain members of ALIR who returned to the country, either after being captured following armed incursions or voluntarily turning themselves over to government authorities; detainees were placed in a reintegration program. Ex-combatants also returned to the country as part of the ongoing peace process between Rwanda and the DRC. These returnees included some children. The children generally were serving as porters for the ALIR units; few were serving as combatants. Child soldiers were separated from the adult combatants. Human rights groups reported that the detainees were treated humanely. Detainees at the reeducation camp at Mutobo frequently received visitors and sometimes were allowed to go home for visits.

An estimated 95 percent of the approximately 111,000 individuals presently incarcerated were awaiting trial on genocide charges. The law permitted the continued detention of genocide suspects long enough to allow them to face trial either in a conventional court or in the Gacaca system (see Section 1.e.). Lengthy pretrial detention was a serious problem. Some suspects have been in jail since 1994. The Government does not have the capacity to process cases within a reasonable time frame. Mobile groups, whose mandate was to establish or complete files that indicated the basis for charges for all detainees, continued to operate during the year. Approximately 90 percent of prisoners in custody during the year have files; however, the vast majority of those files were incomplete. The Government continued to release prisoners who were elderly, ill, without files, or with incomplete files. Rearrests because of community criticism were rare.

There were no developments in the case of Jean Mbanda, who was arrested in 2000 allegedly for fraud and embezzlement. Mbanda, who remained in detention, widely was regarded as a political detainee who actually was being punished for his political views.

The Government did not use forced exile; however, some individuals secretly left the country to live in self-imposed exile because they believed their lives were in danger (see Section 1.b.). Unlike in the previous year, the Government did not try anyone in absentia.

e. Denial of Fair Public Trial.—The fundamental law provides for an independent judiciary; however, the Government did not always respect this provision in practice. The judiciary was subject to executive influence and also suffered from inefficiency, a lack of resources, and some corruption. Security forces at times ignored court decisions and have refused to release prisoners. There were occasional reports of bribery of officials ranging from clerks to judges. The 12-member Anti-Corruption Commission charged with fighting corruption in the judiciary continued to make progress. It was chaired by the Minister of Justice and charged with investigating all activities involving corruption and educating citizens on methods that can be used to fight corruption. In April Commission action resulted in the resignation of 6 Supreme Court and 4 First Instance Court judges over charges of corruption, the dismissal of 8 district court judges, and the transfer of 32 district court judges, mainly in Gisenyi Province.

The fundamental law provides for a system of communal courts, appeals courts, and a Supreme Court of six justices. The President nominates two candidates for each Supreme Court seat, and the National Assembly may choose one or reject both; however, the latter was not known to ever have happened.

The law provides for public trials with the right to a defense, but not at public expense. The shortage of lawyers and the abject poverty of most defendants made it difficult for many defendants to obtain legal representation. Unlike in the previous year, *Avocats Sans Frontieres* redirected its efforts to training Gacaca judges and did not provide defense or counsel those in need. New court officers continued to be sworn in and assigned to courts across the country, but the Government did not have sufficient prosecutors, judges, or courtrooms to hold trials within a reasonable time.

Unlike in the previous year, there were no reports that the Government tried and convicted persons in absentia.

The judiciary was focused on resolving the enormous genocide caseload of more than 100,000 detainees (see Section 1.d.). The Government continued with the program referred to as the *Gisovu*, or pre-Gacaca, project, a release program in which detainees and prisoners who were elderly, ill, or without files were taken to their

former villages to allow villagers to make complaints against them or to confirm that there was no reason to detain them. Local human rights organizations estimated that less than 10 percent of accused persons undergoing this process during the year were released. Rearrests because of community criticism were rare.

Gacaca courts, a grassroots participatory form of justice, were scheduled to serve as the Government's primary judicial process for adjudicating genocide cases. The sixth chamber of the Supreme Court and its President, Aloysie Cyanzayire, oversaw the implementation of Gacaca. These courts, which combined participatory justice and reconciliation techniques exercised at the local level, began pilot operations in designated cells during the year. The Gacaca law provides for reduced sentences for cooperation and credit for time served; lawyers were not permitted to participate officially in Gacaca.

Genocide-related cases were tried in the ICTR (*see* Section 4) and by the Government in local courts. By year's end, approximately 7,331 persons had been judged on genocide-related charges, most following group trials. Of the 877 cases judged this year, 33 resulted in death sentences, 186 in life imprisonment, 381 in sentences less than life, 237 in acquittals, and 40 were fined for property crimes. The vast majority of trials met international standards. LIPRODHOR also actively monitored trials and interviewed released prisoners. No executions have been carried out since 1998.

A section of the Organic Genocide Law is designed to encourage confessions in exchange for reduced sentences for the vast majority of those involved in the genocide. As a result of efforts by the Government, international donors, and NGOs to advertise widely the confession provisions, 33,000 prisoners have confessed since the law was implemented in 1996. However, only a small number of confessions were processed due to lengthy administrative review and hearing proceedings and the lack of officials to process the confessions through the system.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, and authorities generally respected these prohibitions; however, on April 19, police forcibly entered the home of former President Bizimungu, searched the home of former Minister Ntakirutinka, and confiscated a computer and files belonging to Ntakirutinka. Both Bizimungu and Ntakirutinka, who were charged with spreading divisive ideas, subsequently were arrested and remained in detention awaiting trial at year's end.

Since 1997 more than 600,000 persons in the countryside have been relocated to government-designated resettlement sites in compliance with a "villagization" policy. Although the Government claimed that the move to villages was voluntary, some observers believe that many persons were compelled to move by government authorities; others may have relocated out of fear of government security forces or insurgents. Human Rights Watch reported that many of these individuals were forced to move against their will to substandard housing, often with little access to basic amenities such as water. The Government denied that coercion occurred, but admitted it has encountered problems in the implementation of the program. While villagization remained government policy, the Government no longer compelled these persons to remain in the villages; however, restrictions on where houses could be built forced some to remain. Thousands of persons still lived in inadequate housing not of their own choosing.

The RDF has practiced forced conscription, particularly after the country entered the conflict in the DRC. Citizens who served in the military could be recalled to compulsory duty at any time.

Unlike in the previous year, there were no reports that the Government pressured prominent members of the PDR to leave the party and renounce it publicly.

Police harassed and intimidated family members of former President Bizimungu during the year. During April several individuals suspected of association with Bizimungu's banned political party PDR-Ubuyanja were arrested for privately expressing support for ex-President Pasteur Bizimungu (*see* Section 1.d.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The fundamental law provides for freedom of speech and of the press; however, the Government restricted these rights in practice, and the Government harassed journalists whose views were contrary to official views. Most journalists practiced self-censorship due to fear of government reprisals.

Authorities arrested several individuals after they expressed viewpoints unacceptable to the Government (*see* Section 1.d.).

Media sources were limited. There were several privately owned newspapers, which publish weekly in English, French, or Kinyarwanda. There was no daily newspaper.

In January Pierre Gakwandi, Secretary General of the Democratic Republican Movement, was arrested on charges related to an interview that appeared in the newspaper *Le Partisan*. His trial was scheduled for March of 2003.

In May authorities arrested Ismail Mbonigaba, chief editor of the newspaper *Umuseso*, for publishing an article that was disrespectful of the President. *Umuseso* was detained for less than a week, and his passport was confiscated for another 2 weeks.

On May 17, the Government arrested and subsequently deported Rwanda Herald Chief Editor Asuman Bisiika. The Herald had been critical of the Government on several occasions prior to Bisiika's arrest.

On July 19, Kigali security forces arrested three *Umuseso* reporters, who were believed to have observed unprofessional conduct by police responding to an altercation at a local bar. The reporters were charged with assaulting police officers and were arrested and released; however, all three were required to remain in their districts of residence and to appear monthly in court. These restrictions were lifted within a few months.

No action was taken against those responsible for harassing a journalist working for Voice of America (VOA) in May 2001.

Journalist Vales Kwitegetse remained outside the country at year's end.

The President refused to sign a law passed by the National Assembly in 2001 that provided for a maximum sentence of death and a minimum sentence of 20 years imprisonment for journalists who were convicted of using the mass media to incite the population to commit genocide.

In November a new press law was passed that authorized private radio and TV broadcasting, subject to the approval of the Government. The Government owned the only national radio station and the only television station, which in principle nominally were independent of the Government. The television station broadcast 10 hours per day. The Government-controlled radio station, Radio Rwanda, had a wide audience and each Sunday broadcast a call-in program, which discussed and debated controversial subjects; Radio Rwanda journalists were civil servants of the National Office of Information. The British Broadcasting Corporation broadcast on FM from Kigali in several languages. The German broadcasting service *Deutsche Welle* also broadcast from Kigali, as did the VOA.

Unlike in the previous year, no broadcast journalists were fired for criticizing the Government.

The Government-owned telecommunication company, the Government-supported Kigali Institute of Technology, and the National University of Rwanda provided Internet service along with the privately owned *Media Post*. In 2001 several licenses were granted to private companies that planned to provide Internet services in the future.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The fundamental law provides for freedom of assembly; however, authorities limited this right in practice. They legally may require advance notice for outdoor rallies, demonstrations, and meetings. Authorities generally prohibited nighttime meetings, although they have relaxed this restriction for religious groups. Unlike in the previous year, authorities did not prevent any meetings of human rights NGOs, press conferences, or meetings held in private homes. However, prior to former President Bizimungu's arrest in April, government authorities restricted his contacts with political figures and the press, and forbade him from attending public church services.

RDF soldiers forcibly dispersed demonstrations in the DRC (*see* Section 2.c.).

The Constitution provides for freedom of association; however, the Government limited this right in practice. Private organizations were required to register but, with few exceptions, the Government generally granted licenses without undue delay. All unions must register with the Government. In 2001 the Government also passed a new law making registration of NGOs more difficult and giving the Government more influence over the staff, budget, and committee membership of NGOs (*see* Section 2.c.).

Individuals suspected of association with former President Bizimungu's banned political party PDR-Ubuyanja were subject to arrest in April (*see* Section 1.d.).

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, while the Government generally respected this right in practice, it imposed some restrictions.

In 2001 the Government promulgated a law that increases government influence over NGOs and requires all nonprofit organizations, including churches and religious organizations, to register with the Ministry of Justice to acquire the status of "legal entity." All religious groups reportedly met the April 1 deadline for filing

registration applications, and many groups were granted status as legal entities by year's end. Other groups experienced delays because of government security procedures, such as criminal background checks of group leaders, or because they were unable to provide required documentation, such as asset statements, financial reports, and constitutions. Ministry of Justice officials worked to resolve these issues with representatives of the religious groups. At year's end, no application had been denied, and no group's religious activities had been curtailed as a result of difficulties or delays in the registration process.

In February government authorities forbade former President Bizimungu from attending public church services; authorities charged that Bizimungu's presence would be "divisive."

In April the Prefect of Kibungo Province attempted to reimpose restrictions on the rights of members of Jehovah's Witnesses to assemble and worship and announced a ban on the construction of "Kingdom Halls," the group's places of worship. The restrictions subsequently were lifted after the group petitioned the national government; however, in July the Prefect of Kibungo again announced restrictions on the Jehovah's Witnesses' right of assembly and worship. These restrictions had not been imposed by year's end.

During April and May, local officials detained members of Jehovah's Witnesses, primarily for refusing to participate in nightly security patrols. Delegations of Jehovah's Witnesses who intervened with local or national authorities generally were able to secure the release of those arrested, who typically were detained from 2 days to 2 weeks; however, two persons remained in detention at year's end. Local school authorities also suspended students for refusing to salute the flag or to sing the national anthem.

The Government continued to watch closely for the development of cult churches after the doomsday cult deaths in Uganda in 2000. Approximately 12 members of the Mouvement Sacerdotal Marial, which authorities charged was an "unhealthy and antisocial cult" with ties to the cult in Uganda, remained in detention at year's end.

Prior to the Rwandan withdrawal from the DRC in October, reports continued to surface that RDF troops joined RCD rebels in targeting Catholic clergy for abuse. Abuses reportedly took the form of arbitrary killings, arrests, and disappearances of pastors, priests, and laypersons; public threats against the lives of religious leaders; pillaging and destruction of church property; and the use of armed soldiers to disperse forcibly religious services. For example, on April 12, in Bukavu, DRC, RDF and RCD-Goma soldiers surrounded the congregations of several Catholic churches and forcibly dispersed and beat parishioners.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government at times did not respect them in practice. Citizens must show identification when requested. Citizens must obtain a new national identity card when making a permanent move to a new district, and these new cards were issued routinely.

In May government authorities confiscated the passport of Umuseso chief editor Ismail Mbonigaba and prevented his travel to Bujumbura for a meeting. The passport was returned after 2 weeks (*see* Section 2.a.).

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Constitution recognizes the right to asylum "under conditions determined by law"; however, there is no law in place to recognize refugees. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and provided first asylum to approximately 31,500 persons. The vast majority were Congolese refugees who fled their country during the unrest of 1996. There were reports of the forced return of persons to a country where they feared persecution. From August to October, the Government repatriated between approximately 10,000 refugees to the DRC. While many left the country voluntarily, many others were forcibly repatriated to inadequate camps and to unsafe areas within the DRC. Since October more than 3,500 of such refugees returned to the refugee camps in the country to escape the harsh conditions in the DRC. Even after authorities discontinued the forced repatriations, the Government continued to harass those who chose to stay and drastically reduced services to the camps.

By year's end, more than 45,000 Rwandan refugees remained in the DRC, Uganda, Burundi, Malawi, Zambia, Angola, Republic of the Congo, Cameroon, Central African Republic, Togo, and Benin; however, many refugees have returned to the country. According to the UNHCR, 13,837 Rwandan citizens returned to the country from the DRC during the first 9 months of the year. Another 24,000 Rwandan refu-

gees were voluntarily repatriated from Tanzania. The Government made a concerted effort during the year to encourage repatriation of Rwandan refugees throughout the region, particularly in Tanzania. Several thousand Rwandan refugees in Tanzania, fearing forced return, fled to camps in Uganda and Malawi during the year.

More than 750 Hutu former combatants and accompanying family members were repatriated to the country as part of an effort to demobilize, repatriate, and reintegrate Rwandan rebels in the DRC.

There were approximately 31,500 refugees in Rwanda, including 28,250 from the DRC, 500 from Burundi, and 2,750 from other countries.

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

Citizens do not have the right to change their government by democratic means. The RPF was the dominant political force in the country. Following the genocide of 1994, political parties agreed to form a government of national unity based on the 1992–93 Arusha Accords. This agreement laid the basis for the apportionment of ministries and other offices. The RPF brought representatives of four opposition parties into the Government after its military victory in 1994, but none of the officials was elected.

Political parties agreed to suspend political activities for a period of 5 years, during which time the transition to elected government was to have been completed. This 5-year period was scheduled to end in 1999; however, the Government announced in June 1999 the extension of the transition period by 4 additional years. The announcement did not mention political party activities, but the parties continued to observe the suspension. Some political parties alleged that the RDF actively promoted itself regionally and at the sector levels, while prohibiting other political parties from doing the same. While there was no law specifically preventing the formation of political parties, in 2001 the Government prevented former President Bizimungu from forming the PDR-Ubuyanja party. Members of the party were arrested, and several, including Bizimungu, remained in custody at year's end (see Sections 1.d. and 2.b.).

A National Assembly was functioning, with nine political entities represented, including the RDF. The political bureaus or executive committees of their respective parties chose assembly members, known as deputies. The "Political Forum," an informal grouping of senior members of each of the political parties represented in the National Assembly, has dismissed deputies for misconduct, alleged corruption, or incompetence. The parliamentary commissions of inquiry investigated allegations of corruption and other alleged misdeeds of ministers and deputies. Some of these inquiries have resulted in the sanctioning and resignation of ministers.

In March 2001, the country held its first secret-ballot elections to elect council members at the district level; more than 90 percent of eligible voters participated in what international observers deemed to be generally free and fair elections. However, a March report by Human Rights Watch indicated that in 45 percent of the contests only 1 candidate ran for office, some potential candidates withdrew after being threatened, and some voters cast their ballots out of fear of reprisal. This fear was based on historical experience; however, there were no reports of reprisals following the March elections. Political parties did not participate in this election. The central government continued to appoint officials at the regional and national levels.

The National Unity and Reconciliation Commission, charged with educating the public on such issues as ethnic understanding, peace building, history, and civics, was active. In November the Legal and Constitutional Commission completed a draft constitution, which was being modified at year's end. Once completed, the constitution will be presented to the Presidential cabinet and submitted to the National Assembly for debate. A constitutional referendum was scheduled for May 2003.

There were no laws that restrict the participation of women in the political process. Women held 5 of the 26 ministerial positions in the Government and 16 of the 74 seats in the National Assembly.

There were no laws that restricted the participation of minorities in government and politics (see Section 5).

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

A variety of domestic and international human rights groups operated in the country, investigating and publishing their findings, but none of the domestic organizations had the resources to conduct extensive human rights monitoring. In 2001 the Government passed a law making registration of NGOs more difficult and giving the Government more influence over the staff, budget, and committee membership of NGOs.

Local NGO activities often were limited to receiving and compiling reports from citizens about human rights abuses and conducting selected investigations. Reports were published occasionally; statements criticizing specific incidents are more common. Only one or two local human rights NGOs were viewed as strictly impartial. Unlike in the previous year, the Government did not threaten LIPRODHOR. There also were no reports of the forcible dispersal or prevention of NGO meetings during the year.

In January police in Butare arrested three members of a local NGO for publishing a newsletter calling for national reconciliation; authorities charged that the newsletter was an incitement to hatred. One of the persons arrested was released within hours of the arrest; the other two were detained for 1 month, after which they were released when a court determined that the charges were unsubstantiated. All three persons remained under government surveillance, and the NGO was not allowed to operate.

The Government criticized the reports by some international human rights NGOs and was particularly hostile towards those whose reporting was perceived as biased and inaccurate. The Government provided to human rights organizations, and even other governments, systematic replies and rebuttals to allegations of human rights abuses. The ICRC operated normally and was active in visiting prisons.

On December 9, the Government declared persona non grata the deputy head of the local UNHCR office, who had criticized the Government's refugee policy.

The ICTR continued to prosecute genocide suspects during the year, but at a slow pace. No verdicts were handed down this year although two trials were completed and were awaiting verdicts. Since 1994 the ICTR has delivered verdicts on only nine persons. Credible reports indicated that the ICTR continued to face serious problems, including poor management, incompetence, and corruption. The authorities sporadically prevented witnesses from attending and giving testimony at the ICTR, which delayed the judicial process. Relations and cooperation between the Government and the ICTR worsened considerably over the year, particularly after it became known that the Tribunal was investigating RDF crimes committed in 1994. In June survivor's organizations suspended cooperation and advised their members not to testify in Arusha. These actions were due to perceived mistreatment of witnesses and continuing reports that the ICTR tolerated the presence of suspected genocidaires within some of the defense teams.

The Governments of Mali, Benin, and Swaziland have agreements with the ICTR to accept convicted prisoners. Six convicted genocidaires were serving their sentences in Mali: former Prime Minister Jean Kambanda, Jean Paul Akayesu, Alfred Musema, and Clement Kayishema, all of whom were sentenced to life in prison; Obed Ruzindana, who was sentenced to 25 years; and Omar Serushago, who was sentenced to 15 years. The Government of Italy has agreed to house Georges Riuggiu, the only non-Rwandan in ICTR custody; however, the agreement was not implemented by year's end.

The NCHR hosted several human rights seminars and training sessions during the year. The Government generally allowed the Commission to operate independently and without undue influence. The NCHR intervened on behalf of several prisoners over the year.

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

The Constitution provides that all citizens are equal before the law, without discrimination on the basis of race, color, origin, ethnicity, clan, sex, opinion, religion, or social standing and the Government generally enforced these provisions; however, problems remained.

Women.—Domestic violence against women was common. Wife beating and domestic violence occurred frequently. Cases normally were handled within the context of the extended family and rarely came before the courts. When the Government did become involved, such as in cases involving serious injury, the courts took such incidents seriously. Numerous suspects have been tried and convicted for crimes of violence against women and girls. During the year, numerous rape trials resulted in convictions with the maximum sentences for perpetrators. Prosecutions for rape continued during the year; those convicted generally received sentences of from 20 to 30 years' imprisonment.

Women continued to face societal discrimination. Women traditionally performed most of the subsistence farming. Since the 1994 genocide, which left numerous women as heads of households, women have assumed a larger role in the modern sector, and many run their own businesses. Nevertheless, women continued to have limited opportunities for education, employment, and promotion. Government efforts to expand opportunities for women included the sponsorship of scholarships for girls in primary and secondary school, the provision of loans to rural women, and a Min-

istry of Gender program to train government officials and NGOs in methods to increase the role of women in the workforce. The 1992 Family Code generally improved the legal position of women in matters relating to marriage, divorce, and child custody. The law allows women to inherit property from their fathers and husbands and allows couples to choose the legal property arrangements they wish to adopt.

The Ministry of Gender and Women in Development was charged with handling problems of particular concern to women. The Minister was an active advocate of women's rights. A number of women's groups were extremely active in promoting women's concerns, particularly those faced by widows, orphaned girls, and households headed by children.

Children.—The Government was committed to children's rights and welfare, and it attempted to provide education and health care to every child. Children headed at least 85,000 households. The Government worked closely with international NGOs to secure assistance for children who were heads of households, and sensitized local officials to the needs of children in such situations. More than 98 percent of the children who were separated from or lost their parents during the 1994 genocide and subsequent repatriations have been reunited with family members or placed in foster homes. Approximately 30,000 children live abroad, and the Government claims most were taken without the consent of their parents during the genocide. Many of the children abroad have been adopted. The Government did not reiterate its request during the year that the 41 children adopted in Italy be repatriated.

All families must pay school fees to enroll a child; however, school fees routinely are waived for orphans. Public schools lacked essential and basic supplies and could not accommodate all children of primary school age. A UNICEF study reported that 400,000 school-age children were unable to go to school in 1999. Private schools often were too distant or too expensive to serve as an alternative for many children. Entry to secondary school was by examination. According to a 1996 study conducted by the Government and the U.N. Population Fund, 59.6 percent of the population age 6 and over had primary education, but only 48 percent of the population as a whole was literate; 52 percent of men were literate compared to 45 percent of women. Only 3.9 percent of citizens had completed secondary school, and only 0.2 percent had a university education.

Although the Penal Code prohibits the imprisonment of children with adults, the NCHR reported that at least 15 children, and 108 infants, were incarcerated with their mothers (*see* Section 1.c.). In 1999 the ICRC reported that approximately 570 children who were under the age of 14 at the time of their arrests were incarcerated on genocide-related charges. Although the Government was making efforts to release them, an undetermined number of children under the age of 14 still were incarcerated on genocide-related charges at year's end.

There were approximately 7,000 street children in the country, according to UNICEF. During the year, local authorities continued to periodically round up street children and place them in foster homes. Many children also have forcibly been placed in the Center run by the Ministry of Local government at Gitagata. The Center, which has a capacity of 400 to 500, has held up to 1,000 children. Police and local defense forces provided security; however, escapes occurred regularly, and an adolescent reportedly was shot in the leg while trying to escape. The children were not effectively segregated by age or by gender, and many were at risk of physical and sexual abuse. The 20 to 25 girls in the camp especially were vulnerable, and there were reports of sexual abuse by peers, Center staff, and security forces. The Government was working with local NGOs at year's end to provide an alternative program for street children.

Unlike in the previous year, there were no reports that some street children joined the RDF to perform nonmilitary duties.

Until the RDF withdrawal from the DRC in October, there continued to be reports that Rwandan and RCD rebel troops abducted young women from the villages they raided.

Persons with Disabilities.—Although there are no laws restricting persons with disabilities from employment, education, or other state services, in practice few persons with disabilities had access to education or employment. There is no law mandating access to public facilities.

National/Racial/Ethnic Minorities.—Before April 1994, an estimated 85 percent of citizens were Hutu, 14 percent were Tutsi, and 1 percent were Batwa (Twa). However, Hutus and Tutsis were not clearly distinct groups, since the two have intermarried for generations. The 1994 mass killings and migrations probably af-

ected the ethnic composition of the population, but the extent and nature of the changes were unknown.

With the removal of ethnic labels from identification cards, the Batwa no longer were designated officially as an ethnic group. Less than 1 percent of the population is considered Batwa. The Batwa, survivors of the Twa (pygmy) tribes of the mountainous forest areas bordering the DRC, exist on the margins of society and continued to be treated as inferior citizens by both the Hutu and Tutsi groups. There were seven Batwa organizations focused on the protection of their interests, access to land, housing, education, and eradication of discrimination against them; however, they generally were unable to protect their interests. Few Batwa have been educated formally, resulting in minimal representation in government institutions. There was one Batwa on the NCHR.

Large-scale interethnic violence in the country between Hutus and Tutsis has erupted on three occasions since independence in 1962, resulting on each occasion in tens or hundreds of thousands of deaths. The most recent and severe outbreak of such violence, in 1994, involved genocidal killing of much of the Tutsi population under the direction of a Hutu-dominated government and in large part implemented by Hutu-dominated armed forces called the ex-FAR and Interahamwe militia. That genocide ended later the same year when a predominately Tutsi militia, operating out of Uganda and occupied Rwandan territory, overthrew that government and established the current government. Since 1994 the Government has called for national reconciliation and committed itself to abolishing policies of the former government that had created and deepened ethnic cleavages. It eliminated references to ethnic origin from the national identity card. On February 1, a law prohibiting racial and ethnic discrimination came into effect. The Government has not addressed statutorily the problem of ethnic quotas in education, training, and government employment, but discrimination against the Tutsi minority in these areas effectively ceased with the change of government in 1994. Some organizations and individuals accused the Government of favoring Tutsis, particularly English-speaking Tutsis, in government employment, admission to professional schooling, recruitment into or promotion within the army, and other matters, a charge the Government denied.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides the right to create professional associations and labor unions, and the Government generally respected this right in practice. The labor movement was hampered in practice because of the massive disruptions caused by the 1994 genocide. Unions continued to regroup and assert themselves.

Union membership was voluntary and open to all salaried workers, including public sector employees. Organized labor represented only a small part of the work force. More than 90 percent of workers were engaged in small scale subsistence farming. Approximately 7 percent of the workforce worked in the modern (wage) sector, and approximately 75 percent of those active in the modern sector were union members.

There were no restrictions on the right of association, but all unions must register with the Ministry of Justice for official recognition. There were no known cases in which the Government has denied recognition. The law prohibits unions from having political affiliations, but in practice this was not always respected. Participation in unauthorized demonstrations could result in employee dismissal, nonpayment of wages, and civil action against the union; however, authorization was not required for union meetings.

There were 27 registered unions under 2 umbrella groups: 17 were under the Central Union of Rwandan Workers (CESTRAR), and 10 were under the National Council of Free Unions in Rwanda (COSYLI).

The law prohibits antiunion discrimination, but no formal mechanisms existed to resolve complaints involving discrimination against unions. Union activists have complained that some employers threatened to fire employees who attempted to join a union.

Labor organizations may affiliate with international labor bodies. The CESTRAR was affiliated with the Organization of Africa Trade Union Unity and the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The law protects workers from employer interference in their right to organize and administer unions; however, the law does not include agricultural workers in this provision. The Constitution provides for collective bargaining, although only the CESTRAR has an established collective bargaining agreement with the Government. In practice the Government was involved intimately in the collective bargaining process since most union members were in the public sector (*see* Section 6.e.).

The Constitution provides for the right to strike, except for public service workers and workers in essential services. A union's executive committee must approve any strike, and the union must first try to resolve its differences with management according to steps prescribed by the Ministry of Public Service and Labor. There were no demonstrations by union members during the year.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor; however, prisoners were assigned to work details, which generally involve rebuilding houses, clearing land, or other public maintenance duties. Prisoners also may be hired out to perform work at private residences and businesses. It was unclear how much pay the prisoners were given in return for their work.

There continued to be reports that the Rwandan army forced Rwandan prisoners and Congolese civilians, including children, to mine coltan in the Provinces of South Kivu and Maniema, especially in the areas of Kalemie and Kalima.

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

d. Status of Child Labor Practices and Minimum Age for Employment.—Except for subsistence agriculture, which occupies approximately 90 percent of the workforce, the law prohibits children under the age of 18 from working without their parents' or guardians' permission, and they generally cannot work at night. The minimum age for full-time employment was 18 years, and 14 years for apprenticeships, provided that the child has completed primary school. The Ministry of Public Service and Labor and the Ministry of Local government did not enforce child labor laws effectively, in part due to the large number of households headed by children. It was rare to see child labor outside the agricultural sector.

e. Acceptable Conditions of Work.—The Ministry of Public Service and Labor set minimum wages in the small modern sector. The Government, the main employer, effectively set most other wage rates as well. There is no single minimum wage; minimum wages varied according to the nature of the job. The minimum wages paid were insufficient to meet the basic needs of a worker and family, and in practice, workers accepted less than the minimum wage. Often families supplemented their incomes by working in small business or subsistence agriculture.

Officially, government offices and private sector entities have a 40-hour workweek; the maximum workweek was 45 hours. There was no mandated rest period. The law controls hours of work and occupational health and safety standards in the modern wage sector, but inspectors from the Ministry of Public Service did not enforce these standards aggressively. Workers do not have the right to remove themselves from dangerous work situations without jeopardizing their jobs.

The law provides for equal protection of foreign workers.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were reports of trafficking in persons. Women reportedly were trafficked from Rwanda to South Africa during the year.

There were reports that the Rwandan army continued to force prisoners and civilians to mine coltan in the DRC (see Section 6.c.).

There continued to be reports that RDF troops abducted women and children from villages they raided to perform labor, military services, and sexual services (see Section 1.b.).

SAO TOME & PRINCIPE

The Democratic Republic of Sao Tome and Principe is a multiparty democracy. The Government is composed of an executive branch and a unicameral legislature (the National Assembly). The President appoints the Prime Minister, who in turn appoints the ministers of the Government. In December 2001, President Fradique de Menezes dissolved the 55-member National Assembly and called for new elections. In a March election deemed free and fair by international observers, the Movement for the Liberation of Sao Tome and Principe-Social Democratic Party (MLSTP) won 24 seats, the Movement for the Democratic Force of Change (MDFM) coalition took 23 seats, and the Ue-Kedadji coalition won 8 seats. On March 26, the MDFM's Gabriel Arcanjo Ferreira da Costa was named Prime Minister, and 2 days later he formed a 13-member coalition government. On September 27, President Menezes dismissed Costa and his government. On October 6, a new 13-member coalition government was formed under Maria das Neves, the country's first female head of government. The judiciary was generally independent; however, it was subject at times to influence and manipulation.

The Minister of National Defense and Interior supervised and effectively controlled the military services and the police. Many members of the military were part-time farmers or fishermen. The Government and international donors continued to dedicate resources to improving soldiers' living conditions. No defense expenditures were used for lethal weapons since the advent of multiparty democracy in 1990.

The mainstay of the economy was the export of a single product, cocoa, produced on formerly state-run plantations. According to the 2002 census, the country had a population of 137,500. The Government privatized all of the state-held land, but it had limited success in privatizing state-owned enterprises. The Government was somewhat successful in its efforts at structural adjustment. The country remained highly dependent on foreign aid. Although difficult to quantify, unemployment remained high.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. The principal human rights problems continued to be harsh prison conditions, an inefficient judicial system, violence and discrimination against women, child labor, and outdated plantation labor practices that limit worker rights. Sao Tome and Principe was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There was one report of a possible arbitrary or unlawful deprivation of life by the Government or its agents. On October 29, police arrested 24-year-old Ineas Cravid for the alleged rape of a 13-year-old girl. After 2 hours in custody, police took Cravid to the National Hospital where he was declared dead. An autopsy determined that he died of poisoning. In response to public pressure, the Government requested a Portuguese physician to perform a second autopsy, which confirmed he had died of poisoning. However, there were growing doubts about police conduct: Reportedly a senior police official, who may have filed the original complaint, was a close relative of the alleged rape victim; Cravid reportedly told police that he intended to marry the girl; and after his death, the girl told the media that he had not molested her. At year's end, the Portuguese specialist was performing further tests to determine what toxins were present in Cravid's body.

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

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

Prison conditions were harsh but not life threatening. Facilities were overcrowded, and food was inadequate. Women and men were held separately, and juveniles were separated from adults.

Human rights monitors were not known to have requested permission to make prison visits during the year.

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

Forced exile was not used.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, the judicial system at times was subject to political influence or manipulation. In previous years, the judiciary returned verdicts against both the President and the Government. The Government has important powers relating to the judiciary, including setting salaries for judges and all ministerial employees in accordance with standard government salary guidelines. Government salaries were extremely low, and the authorities were concerned that judges may be tempted to accept bribes (see Section 6.e.).

The legal system was based on a Portuguese model. The court system had two levels: Circuit courts and the Supreme Court. The Supreme Court was the appellate court of last resort.

The Constitution provides for the right to fair public trial, the right of appeal, and the right to legal representation. However, in practice the judicial infrastructure suffered from severe budgetary constraints, inadequate facilities, and a shortage of trained judges and lawyers, which caused delays from 3 to 9 months in bringing cases to court and greatly hindered investigations in criminal cases.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. The judicial police were responsible for criminal investigations and must obtain authorization from the Ministry of Justice to conduct searches.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Two government-run and six independent newspapers and newsletters were published sporadically, usually on a monthly or bimonthly basis.

Television and radio were state operated. While there were no independent local stations, no laws forbade them. The Voice of America, Radio International Portugal, and Radio France International were rebroadcast locally. The law grants all opposition parties access to the state-run media, including a minimum of 3 minutes per month on television.

All parties freely distributed newsletters and press releases stating their views and criticizing the Government, the President, and one another.

The Government did not restrict access to or the use of e-mail, the Internet, or satellite telephones. However, the only domestic Internet service provider was a joint venture in which the Government's Post and Telecommunications Office was a partner. The cost of Internet access remained high; consequently, access remained limited in practice.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice. The Government required that requests for authorization for large-scale events be filed 48 hours in advance, but it generally granted the appropriate permits.

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

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

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

The law does not provide specifically for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Regarding the Status of Refugees and its 1967 Protocol. However, the authorities traditionally welcomed those seeking refuge or asylum. The issue of the provision of first asylum did not arise during the year.

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

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The Constitution provides for the election of the President, who as Head of State names the Prime Minister. The Prime Minister appoints members of the Government. In December 2001, President Fradique de Menezes dissolved the 55-member National Assembly and called for new elections. In a March election deemed free and fair by international observers, the Movement for the Liberation of Sao Tome and Principe-Social Democratic Party (MLSTP) won 24 seats, the Movement for the Democratic Force of Change (MDFM) coalition took 23 seats, and the Ue-Kedadji coalition won eight. On March 26, the MDFM's Gabriel Arcanjo Ferreira da Costa was named Prime Minister, and 2 days later he formed a 13-member coalition government. On September 27, President Menezes dismissed Costa and his government. A new 13-member coalition government was formed on October 6 under Maria das Neves, the country's first female head of government.

There were 5 women in the 55-seat National Assembly, and, at year's end, women held 5 of 13 seats in the Cabinet. The Prime Minister and the President of the 3-member Supreme Court were women.

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

A small number of domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views. During the year, there were no known requests by international human rights groups to visit the country.

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

The Constitution provides for the equality of all citizens regardless of sex, race, racial origin, political tendency, creed, or philosophic conviction; however, the Government has not enforced actively these provisions.

Women.—While the extent of the problem was unknown, medical professionals report that domestic violence against women occurred, including rape. They also reported that although women have the right to legal recourse—including against spouses—many were reluctant to bring legal action or were ignorant of their rights under the law. Traditional beliefs and practices also inhibited women from taking domestic disputes outside the family.

While the Constitution stipulates that women and men have equal political, economic, and social rights, and while many women have access to opportunities in education, business, and government, in practice women still encounter significant societal discrimination. Traditional beliefs concerning the division of labor between men and women left women with much of the hard work in agriculture, with most child-rearing responsibilities, and with less access to education and to professions.

Children.—A number of government- and donor-funded programs were established to improve conditions for children, notably an ongoing malaria control project and purchase of school and medical equipment. There has been improvement in maternity and infant care, in nutrition, and in access to basic health services, especially in urban areas. Mistreatment of children was not widespread; however, there were few social protections for orphans and abandoned children.

Education was free to the age of 14 and universal; there were no differences between the treatment of girls and boys in regard to education. Education was compulsory through the sixth grade; however, education after the sixth grade or the age of 14, whichever came first, was not free.

Persons with Disabilities.—The law does not mandate access to buildings, transportation, or services for persons with disabilities. There were no reports of discrimination against persons with disabilities.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association. Few unions existed in the very small modern wage sector. The two major unions were the General Union of Workers and the National Organization of Workers of Sao Tome and Principe. Independent cooperatives took advantage of the Government's land distribution program to attract workers and in many cases to improve production and incomes significantly. Public sector employees still made up the great majority of wage earners.

There were no laws prohibiting antiunion discrimination; however, there were no reports of antiunion discrimination.

There were no restrictions against trade unions joining federations or affiliating with international bodies, but none have done so.

b. The Right to Organize and Bargain Collectively.—The Constitution provides that workers may organize and bargain collectively; however, due to its role as the principal employer in the wage sector, the Government remained the key interlocutor for labor on all matters, including wages.

The Constitution provides for the freedom to strike, even by government employees and other essential workers. In July the State Workers Union (STE) staged a 2-day public sector general strike to demand a minimum salary increase. Although the STE publicly refused the Government's proposal of a 30 percent (\$8 or 70,000 dobras) minimum wage increase, the strike ended peacefully after the Government and union officials reached an undisclosed agreement. There were no laws or regulations that prohibit employers from retaliating against strikers; however, there were no reports of retaliation following strikes.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—Employers in the modern wage sector generally respected the legally mandated minimum employment age of 14 years or 18 years for dangerous jobs or those requiring heavy manual labor. The law prohibits minors from working more than 7 hours a day and 35 hours a week. Children were engaged in labor in subsistence agriculture, on plantations, and in informal commerce, sometimes from an early age. Although no cases of child labor abuses have been prosecuted, the law states that employers can be fined for employing underage workers.

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

e. Acceptable Conditions of Work.—Working conditions on many of the cocoa plantations—the largest wage employment sector—were extremely hard. The legal minimum wage was \$16.50 (150,000 dobras) per month, with an additional stipend of \$2.20 (20,000 dobras) for civil servants. The average salary for plantation workers did not provide a decent standard of living for a worker and family, and the real value of their pay was eroded constantly by high rates of inflation. In principle workers and their families were provided free (but inadequate) housing, rudimentary education for their children, and health care, as well as the privilege of reduced prices and credit at the “company store.” These arrangements were intended to subsidize food and clothing. However, corruption was widespread, and international lending institutions have criticized the Government for ineffective administration of these subsidies. Workers often were forced to pay higher prices on the open market to obtain the goods theoretically provided at a discount as part of their compensation.

During the 1990s, the Government, with foreign donor assistance, privatized or redistributed the land in many state-run plantations in an effort to improve work, pay, and living conditions. While the program redistributed some land, not all of the newly privatized plantations were successful, particularly because the world price for cocoa dropped.

As a result of a 1999 salary increase for some civil servants, (such as those working in the court system, Finance Ministry, Customs, Education Ministry, and Criminal Investigation Police) government workers in these departments earned up to 400 percent more than their counterparts in the rest of the public sector.

The legal workweek was 40 hours, with 48 consecutive hours mandated for a rest period, a norm respected in the modern wage sector. The law prescribes basic occupational health and safety standards. Inspectors from the Ministry of Justice and Labor were responsible for enforcement of these standards, but their efforts were ineffective. Employees had the right under the law to leave unsafe working conditions.

f. Trafficking in Persons.—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country.

SENEGAL

Senegal is a moderately decentralized republic dominated by a strong presidency. In March 2000, opposition leader Abdoulaye Wade, backed by a coalition of opposition parties, became president in an election viewed as both free and fair, albeit marred by reports of sporadic preelection violence and minor procedural irregularities. The post-election transition period was free from violence and characterized by good conduct on the part of all candidates. In a January 2001 referendum, 94 percent of voters accepted the new Constitution, which abolished the Senate, a body that had no directly elected members. On April 29, 2001, President Wade’s Sopi (Change) coalition, composed of the Senegalese Democratic Party (PDS) and its allies, won 49.6 percent of the votes cast and gained 89 of 120 seats in the National Assembly elections, which also were unmarked by violence and judged to be free and fair. In transparent and orderly local elections held May 12, President Wade’s coalition gained control of the majority of rural, regional, and city councils. The Government continued to implement decentralized regional and local administrations. Occasional fighting continued in the Casamance area in the southern part of the country between the Government and the secessionist Movement of Democratic Forces of the Casamance (MFDC). In March 2001, the Government and the MFDC signed two peace agreements designed to end the 20-year insurgency; however, these agreements proved ineffective and fighting continued. In August the Government agreed to hold new peace talks with the two principal rival leaders of the MFDC, and President Wade met with the two MFDC leaders that month. The Constitution provides

for an independent judiciary; however, it was subject to government influence and pressure in practice.

The armed forces were professional and generally disciplined. They traditionally remain aloof from politics and were under civilian control. The paramilitary gendarmerie and the police were less professional and less disciplined. Some members of the security forces committed serious human rights abuses.

The country is predominantly agricultural with about 70 percent of the labor force engaged in farming. In 2000 the population was estimated at 9.5 million, 31 percent of which was urban and 69 percent rural. Gross domestic product (GDP) per capita was estimated at about \$500, but this excluded the large informal economy. Since the devaluation of the CFA franc in 1994, the Government has implemented a series of economic policy reforms to enhance competitiveness by dismantling monopolies, liberalizing markets, and privatizing several state-owned industries. GDP per capita grew at an average rate of approximately 5 percent per year since 1995. Exports account for about one-third of the GDP. The Government continued to receive external assistance from international financial institutions and other sources, and such assistance represents approximately 32 percent of the national budget. Annual remittances from abroad represented between 3 and 4 percent of GDP.

The Government generally respected the rights of its citizens; however, there were problems in some areas. Government forces reportedly were responsible for extrajudicial killings in the troubled Casamance region, including some civilian deaths. Several disappearances from previous years remained unsolved. Police at times tortured and beat suspects during questioning and arbitrarily arrested and detained persons. Prison conditions were poor. The Government often did not try or punish members of the military, gendarmerie, or police for human rights abuses, and there was little public accountability. Human rights advocates and nongovernmental organizations (NGOs) continued to report a decrease in arbitrary arrests and disappearances in connection with the Casamance insurgency. Lengthy pretrial detention largely due to an overburdened judiciary was a problem. The judiciary was subject to government influence and pressure, and it suffered from low salaries and insufficient resources. On at least one occasion the Government limited freedom of speech and of the press. Unlike in the previous year, there were no reports that the Government limited freedom of assembly. Domestic violence and discrimination against women, female genital mutilation (FGM), and child labor remained problems. There were reports of trafficking in persons. Unlike in previous years, mob violence was not a problem. Senegal was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

There were reports that rebel MFDC forces committed killings, torture, and rape.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no confirmed reports of political killings by government officials; however, government forces reportedly were responsible for extrajudicial killings, including some civilian deaths.

Numerous rebel incursions and armed robberies occurred in the Casamance region during the year, and the incidence of violence increased between early May and mid-July when government security forces initiated military sweeps against the rebel movement. On June 24, 20 civilians were caught in the line of fire and killed as they tried to flee to The Gambia.

During the year, the press continued to report on frequent small arms attacks, raids, ambushes, and clashes between suspected MFDC gunmen and military forces. There were military and civilian fatalities.

On October 23, near the village of Badioure a government soldier shot and killed a civilian passenger in a vehicle whose driver reportedly refused to stop at a roadblock. The soldier was relieved of duty at that post, and an investigation was reportedly opened into the incident. There was no further information by year's end.

On August 7, a government soldier was killed when the vehicle in which he was driving set off a landmine. The incident occurred in the village of Kandiadou, near Ziguinchor.

In January 2001, police shot and killed one student while forcibly dispersing a demonstration at the University of Dakar; the Government appointed a commission to investigate, and a police officer subsequently was arrested and was in detention awaiting trial at year's end (*see* Section 2.b.).

There was no action, nor was any likely, in the following 2000 cases of alleged killings by government security forces: The January killing of Momany Tendang and the March killing of Daniel Sambou and Denis Sambou.

Throughout the year, MFDC gunmen or suspected MFDC gunmen committed numerous killings. For example, in March suspected MFDC insurgents attacked a group of civilian vehicles 4 kilometers from the town of Diouloulou, near the Gambian border in the Bignona region of the Casamance and killed seven civilians and wounded four. In a government military sweep following this attack, the military killed several suspected MFDC insurgents, although exact figures were not available. In October suspected MFDC gunmen opened fire on a taxi in Diabang killing three civilian passengers.

Unlike in previous years, vigilante groups and mobs did not lynch suspected thieves.

b. Disappearance.—There were no reports of politically motivated disappearances during the year; however, there remained several unsolved cases of disappearance from previous years.

According to Amnesty International, on April 2, 2000, Moise Diatta, a hotel employee in the Cap Skirring area of Ziguinchor region, was arrested at his house by government security forces and has not been seen since. According to Amnesty, his wife was called in by a Ziguinchor examining magistrate in June 2001 and interrogated about her missing husband's activities during the tourism off-season. There were no reports of further government action on this case.

Amnesty also reported that during the night of March 29, 2000 residents near the Ziguinchor military camp Joher heard cries from Antoine Nyafouna, a resident of the town of Caleane, near Nyassia, who was apparently being beaten by security forces. Nyafouna has not been seen since. There have been no reports of progress in the Government investigation.

Amnesty also reported that Ziguinchor resident Ephreme Diatta was last seen in the custody of security forces at the Gendarmerie in Cabrousse in April 2000, and has not been seen since. There were no reports of a government investigation into this case.

According to Amnesty International, in March 2000, government security forces in Kabrousee arrested Jean Dacougna, a 40-year-old man with mental disabilities. The man remained unaccounted for and there were no reports of a government investigation into this case.

In September 1999, a group of Casamance professionals helped family members of two missing persons, Alexis Etienne Diatta and Jean Diandy, file legal complaints against security forces for abduction. The families of both Diatta and Diandy had reported the disappearances in August 1998 to civilian authorities, who were unsuccessful in finding either person. In response to inquiries by Amnesty, the Government reportedly stated that the Diandy case was closed due to lack of evidence in November 2000. According to Amnesty, Diandy's family had not been informed of this decision. The Government reportedly delegated the case to the criminal police in February 2000; however there were no reports of progress in the case.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such treatment; however, there were credible reports that police and gendarmes often beat suspects during questioning and pretrial detention, and the problem remained a serious public concern.

According to the domestic human rights organization, Rencontre Africain des Droits de l'Homme (RADDHO), on May 2, police officers in the Dakar suburban police station of Guediawaye, beat severely 41-year-old Alioune Sow.

In December police reportedly beat a television cameraman during a demonstration (see Section 2.b.).

Amnesty International reported that in December 2000, 26-year-old Raoul Mendy was arrested by government security forces at the Breguede border post in the Casamance region. According to Mendy, the soldiers undressed him, bound his hands and feet, and placed him in a trench in the ground. They then allegedly beat him while interrogating him concerning a recent rebel attack, and accused him of being a spy. Mendy said the soldiers set fire to empty plastic containers and poured the melted plastic onto his body. Mendy was subsequently hospitalized for two months. Amnesty International noted that in June 2001, military authorities arrested the lieutenant in charge of the group in question. His case was transferred to the Gendarmerie. No information was available concerning the progress of the case at year's end.

Despite stronger legal provisions against torture, those cases that are pursued often took years before a final judgment was reached.

Prison conditions were poor and prisons remained overcrowded. Food and health care were inadequate; however, there were no reports of deaths in prison as a result of these conditions.

Women were held separately from men. Juveniles were housed separately from adults. Pretrial detainees usually were held separately from convicted prisoners, as required by law; however, on occasion pretrial detainees were detained with convicted prisoners due to limited space.

The Government permits prison visits by independent human rights monitors. During the year, local and international human rights groups such as RADDHO, the National Organization for Human Rights (ONDH), the International Committee of the Red Cross, the International Prison Observatory, and Methodist missionaries visited prisons.

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

The law specifies that warrants, issued by judges, are required for arrests; however, laws also grant the police broad powers to detain prisoners for lengthy periods. Police officers may hold without charge a person suspected of a crime for 48 hours after arrest and for up to 96 hours if authorized by a public prosecutor. This period may be doubled in the case of crimes against the security of the state. The prosecutor decides whether to forward the case to an investigating judge who may open an investigation. At this point, the suspects are charged preliminarily and may be held or released on their own recognizance. During the initial 48 hours of detention the accused has no access to family or an attorney, but has the right to demand a medical exam. The accused has the right to an attorney after this initial period of detention. There is a system of bail, but it was used rarely. The accused may be held in custody for 6 months, and the investigating magistrate can certify that an additional 6-month extension is required. Such extensions may be reviewed by a court on appeal. Judges have the right to order release pending trial without the prosecutor's consent.

Police rarely were prosecuted for violations of arrest and detention procedures, and the authorities could detain a prisoner for long periods of time while they investigated and built a case against a suspect. The authorities routinely held prisoners in custody unless and until a court demanded their release. Despite the 6-month limitation on detention, the time between the charging phase and trial averaged 2 years. In a 1998 effort to improve the administration of justice, the Government recruited 48 law school graduates to be trained as magistrates over a 2-year period. In 1999 approximately 90 graduated judges were assigned to courts nationwide, which allowed for the opening of judicial districts in all 30 administrative districts and access to the judicial system by citizens in the countryside. There were reports that the initiative resulted in faster trials, particularly outside the Dakar area; however, no statistics were available.

On July 10, the Dakar Court of Assizes threw out murder charges against Mame Demba Gueye, but sentenced him to 6 years in jail for robbery and check forgery. Gueye had been in pretrial detention since 1996 after being arrested for stealing and forging checks belonging to an 80-year-old female acquaintance who was found dead in her house.

On July 16, the same court acquitted a young woman who had been in pretrial detention for 4 years on manslaughter charges. She was arrested following the death by poisoning of her baby, which she claimed was accidental.

On June 5, RADDHO issued a press statement protesting the detention by police of 48 illegal immigrants from various African countries. According to RADDHO, the detainees were held in extremely poor conditions pending deportation, and the police injured five of them. The detainees were all either released or deported following RADDHO's protest.

Military authorities in the Casamance region made an effort during the year to reduce the number of human rights abuses committed by security forces under their command, and human rights NGOs confirmed that there were significantly fewer complaints of arbitrary arrests, lengthy detention, and abuse during detention; however, there were no statistics available at year's end.

Human rights NGOs in Casamance reported a decrease in the number of detentions of suspected MFDC rebels reported by local families; however, in January 2001 Amnesty International reported that 30 alleged MFDC sympathizers remained in detention in Dakar and Kolda without trial. According to Amnesty International, the alleged sympathizers were arrested in 2000 because of their Diola ethnic origin; they were charged with compromising state security, but no evidence was provided of their involvement in any acts of violence. Following the signing of a peace accord with the MFDC on March 16, the Government released 16 of these prisoners on March 19. During the early part of the year other prisoners were released. Amnesty International reported in April that at least two prisoners were still detained without trial in connection with the Casamance conflict.

The Constitution prohibits forced exile, and it was not used.

e. Denial of Fair Public Trial.—The Constitution provides for a judiciary independent of the executive, the legislature, and the armed forces; however, in practice it was subject to government influence and pressure. Magistrates were vulnerable to outside pressures due to low pay, poor working conditions, and family and political ties. Also, the Minister of Justice and subordinate authorities had extensive authority to influence judicial procedures by keeping an accused in pretrial detention.

The legal system is based on French civil law and is composed of ordinary courts and a number of higher and special courts, including the Council of State, the Constitutional Council, and the Court of Final Appeal. These courts remained understaffed, and many of the special courts, including the one that deals with unlawful enrichment and other courts that try government officials for treason and malfeasance, were dormant. Muslims have the right to choose customary law or civil law for certain civil cases, such as those concerning inheritance and divorce. However, customary law decisions were rendered by civil court judges. There is a separate system of military courts for members of the armed forces and the gendarmerie. The right of appeal exists in all courts except military courts and the special Unlawful Enrichment Court. Military courts may try civilians only if the civilians were involved with military personnel who violate military law.

In principle the accused was innocent until proven guilty. Trials were public, and defendants had the right to be present in court, to confront witnesses, to present evidence, and to have an attorney. However, some defendants were denied legal assistance at public expense due to a lack of funding. Evidentiary hearings may be closed to the public and the press, but the defendant and counsel have access to all evidence presented and may introduce their own evidence before the investigating judge decides to refer the case to the prosecutor for trial. A panel of judges presides over ordinary courts for both civil and criminal cases; in criminal cases, citizens also serve on the panel.

The Minister of Justice has taken steps to eliminate the backlog of cases in the judiciary system. In 2000 the Government adopted legislation for the appointment of judges in charge of monitoring the implementation of court decisions and for the establishment of alternative justice mechanisms, including a “*maison de la justice*” to be staffed by voluntary jurists—usually retired judges or attorneys. However, by year’s end, local governments reportedly did not have the resources to implement the system mandated in the legislation.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits arbitrary invasion of the home, and there was little government interference in the private lives of citizens. The law requires search warrants, and only judges may issue them. In past years, during high profile or politically charged investigations, police often proceeded without the required search warrants; however, there were no reports of this during the year.

MFDC rebels sought to extort supplies and money from civilians. On several occasions during the year, MFDC rebels stopped passenger buses and robbed passengers (see Section 1.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, at times it imposed some limits on these rights.

A broad spectrum of thought and opinion was available to the public through regularly published magazines and newspapers, including foreign publications. Political and economic views expressed in the independent press often were critical of the Government and its programs. While publishers were required to register prior to starting a publication, the Government routinely approved such registrations.

On December 9, the High Audiovisual Commission (HCA) the country’s media watchdog, criticized the biased coverage of the Government-run TV station RTS of a scandal involving diplomatic passports. The HCA claimed RTS blacked out a press conference by opposition leader Moustapha Niassé, who was Foreign Minister during the time of the passport scandal, to slant the news coverage against Niassé. HCA claimed that by not broadcasting the press conference, RTS deprived Niassé of a public response to the charges against him. HCA’ charges came after Niassé’s political party, the Alliance of Forces of Progress lodged an initial complaint.

Police reportedly beat a TV cameraman during a December 14 demonstration (see Section 2.b.).

In July 2001, police summoned to their headquarters Alioune Fall, editor-in-chief of the *Matin* newspaper, on charges of reporting false news. Following the escape

of a well-known convict, Fall had reported that there was discontent within the police force after the case was assigned to the gendarmerie. In August 2001, he was charged formally with disseminating false news and released. He trial was pending trial at year's end.

In December 2000, the Government issued a general warning to the national press that the dissemination of communications from the MFDC would be considered attempts to derail the Casamance peace process and would be prosecuted under the Penal Code.

In September journalists from the newspapers Walfadjiri and Sud Quotidien reported that their correspondents in the Casamance region had received death threats from the MFDC. The national union for journalists, the Syndicat des Professionnels de l'Information et de la Communication Sociale du Senegal (SYNPICS), called upon the Government to take measures to ensure security for journalists in the region.

Radio remained the most important medium of mass information and the main source of news for citizens outside urban areas. There were 20 privately owned radio stations in the country. Of these, 15 were regular commercial enterprises, and the other 5 were noncommercial "community" radio stations, set up by communities to broadcast community information and provide news and information on a variety of topics. There also were three international stations that rebroadcast within the country. All of the locally owned stations broadcast national news and political commentary. Some of them often were critical of the Government; no government harassment was reported.

A government monopoly controlled local television, an important source of news. While there were no privately owned domestic television stations, French-owned pay television was available but offered no local news.

In September 2001, the Minister of the Interior halted the screening of *Karmen Gei*, a film version of the classic opera *Carmen*, following a day long sit-in protest by members of the Mouride Islamic brotherhood, who criticized the film as blasphemous. Members of the brotherhood, some armed with clubs, gathered outside a cinema in Dakar and demanded the withdrawal of the film. Police and gendarmes were present at the cinema, and no acts of violence occurred. In response to the Mouride protest, the Minister of Culture promised to review the film and reconstitute the Censoring Commission; however, a decree to reconstitute the Censoring Commission had not been promulgated by year's end.

At least nine Internet service providers operated in the country at year's end. The Government did not restrict access to the Internet. A personal account with unlimited access time cost approximately \$18 (10,000 CFA francs) per month. Several cybercafes in the capital city, Dakar, provided access to many persons unable to afford personal accounts.

The Government generally did not restrict academic freedom; however, student meetings on part of the campus of the University of Dakar were banned informally (see Section 2.b.), ostensibly to prevent militant student groups from disrupting classes and studies.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly, and the Government generally respected this provision in practice. The Government's required prior authorization for public demonstrations usually was granted. Meetings by students on the academic campus of the University of Dakar were prohibited by university authorities, but this prohibition did not extend to the dormitory areas of the campus.

In past years, the Government frequently denied authorization or forcibly dispersed peaceful marches by the opposition, and there were two minor incidents during the year. On September 19, citing security concerns, local authorities in the town of St. Louis denied a permit to a group of citizens who wanted to protest the nonissuance by the French consulate of a visa to a young citizen who had earned a scholarship for study abroad. On October 18, citing security concerns, authorities denied an application to march from a group of poultry producers protesting importation of chicken parts from abroad.

On December 14, police used tear gas to disperse forcibly a demonstration by bereaved family members who had lost relatives during a major ferry disaster in September. The police reportedly used the tear gas after demonstrators refused to change their planned itinerary as the police instructed. During the clash, demonstrators threw stones at police, and two demonstration leaders were detained for questioning; however, they subsequently were released without being charged. Police reportedly beat a TV cameraman during the incident. Three police officers later were detained pending an investigation into the beating, which was ongoing at year's end.

In January 2001, police forcibly dispersed a student demonstration at the University after students began protesting university conditions, such as the cost of meals and the number of government scholarships. The MOI reported that the police officers were unarmed and instructed only to use tear gas; however, reporters and students at the scene stated that they heard shots fired. One student was shot and killed. Following extensive media coverage, the Government appointed a commission, whose members included human rights activists, to investigate the incident. In October 2001, the commission completed its report, and a police officer was arrested; he remained in detention awaiting trial at year's end.

The Constitution provides for the right of association, and the Government generally respected this provision in practice. Citizens who wished to form associations must register with the Ministry of the Interior (MOI). Business-related associations registered with the Ministry of Commerce. By law and in practice, the MOI must register such groups as long as the objectives of the association were stated clearly and they did not violate the law.

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

Any group—religious or other—that wants to form an association with legal status must register with the MOI in accordance with the civil and commercial code. Registration, which generally was granted, enabled an association to conduct business, including owning property, establishing a bank account, and receiving financial contributions from any private source. Registered religious groups, like all registered nonprofit organizations, also were exempt from many forms of taxation. The Minister must have a legal basis for refusing registration. There were no reports of any applications for such registration being delayed or denied during the year.

On May 26, a group of youngsters in the Dakar neighborhood of Yoff attacked a house being used for Sunday service by members of the Celestial Christian Church, which is composed of immigrants from other African countries. The juveniles alleged that the service disturbed the peace and disrupted the service but did not cause any injuries. The group did not press charges and police made no arrests.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. Some public employees, including teachers, were required by law to obtain government approval before departing the country, although this was enforced sporadically.

At times, usually during sweeps for MFDC rebels, the security forces temporarily restricted access to the Casamance region or areas within it. The security forces also regularly maintained checkpoints in the Ziguinchor region to screen for MFDC rebels and arms transports. Security forces generally allowed travelers to proceed after checking documents and searching vehicles.

According to the U.N. High Commissioner for Refugees (UNHCR), during the first 2 weeks of May, approximately 2,000 civilians fled the country to the Gambia following clashes between government security forces and MFDC rebels in the Bignona area of northwestern Casamance. The UNHCR reported that 70 percent of these refugees returned to their villages by early June. The numbers of refugees outside the country fluctuated according to the level of violence in the Casamance region; at year's end, it was estimated that several thousand refugees remained outside the country, mostly in the Gambia and Guinea-Bissau. A UNHCR census in January counted 7,000 Senegalese refugees living in the north of Guinea-Bissau.

The law provides for the granting of asylum or refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the UNHCR and other humanitarian organizations that provide assistance for refugees. Since 1989 the country has hosted Mauritanian refugees as a country of first asylum, and the UNHCR continued to provide protection services for them. Mauritanian refugees generally lived in dispersed locations along the length of the Senegal-Mauritania border and were allowed free movement within the country. However, most of these refugees were unable to obtain current refugee documents from the authorities and sometimes encountered administrative difficulties when using their expired refugee application receipts issued in 1989. While no formal repatriation agreement existed among Mauritania, Senegal, and the UNHCR, the two governments have cooperated to permit repatriation for several years. Because the nature of this repatriation was generally unsupervised and largely informal, the exact number of remaining Mauritanian refugees was difficult to determine. Several hundred Bissau-Guinean refugees chose to remain in the country, living with relatives or on their own. The

UNHCR estimated that, overall, fewer than 30,000 refugees remained in the country.

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

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

Citizens have the constitutional right to change their government through periodic multiparty elections, and they exercised this right during the February and March 2000 presidential election that ended the Socialist Party's 40-year domination of political power. After 26 years in opposition, Abdoulaye Wade, backed by a coalition of opposition parties, defeated incumbent President Abdou Diouf in what was considered to be a free and fair election, marred only by reports of sporadic pre-election violence and minor procedural irregularities. In the January 2001 national referendum, 94 percent of those voting accepted the new Constitution, which abolished the Senate. Created by the previous government in 1998, this second legislative chamber, in which no members were elected directly by the citizenry and one-fifth of the members were appointed by the President, reduced the ability of citizens to change their government and increased the presidency's domination of the state.

In addition to eliminating the Senate, the new Constitution reduced the number of National Assembly seats from 140 to 120. There were 65 legally registered parties.

In April 2001, President Wade's coalition won 49.6 percent of the vote and 89 of 120 seats in the National Assembly elections. International and national observers characterized the elections as free and transparent. Voter participation in the election was 67.41 percent of registered voters.

The 2000 electoral process was marked by minor irregularities such as the illegal issuance of birth certificates to Socialist Party supporters in Keur Madiabel by a judge in the district court in Kaolack. Following a complaint filed by the National Observatory of Elections (ONEL), the documents were cancelled. ONEL also noted that national identity card applications were processed illegally in some instances. Access to personal identification cards was an important issue in the election, since they were necessary to vote. No such incidents were reported in the April 2001 legislative elections.

On May 12, President Wade's coalition won 52 percent of votes and control of 281 of 441 rural, regional, and city councils in the country's first local elections since 1996. Observers noted that the election was orderly and transparent.

Elections were held by balloting that officially was described as secret but permitted voters to leave the polling place with evidence of how they voted. Nevertheless, despite apparent potential for abuse, this balloting system has not been the subject of complaints or reports of abuse in recent elections.

In 1997 the Government created the ONEL to supervise and oversee elections. The ONEL was established as a temporary, independent oversight body empowered to order bureaucrats to obey the law and to take legal action against individuals and parties who violated it. The MOI remains responsible for the actual organization and implementation of the elections, which is done through a directorate of elections. The ONEL significantly improved the level of transparency of the April National Assembly elections, the 1998 National Assembly elections, and the 2000 presidential election, despite persistent flaws in the electoral system. ONEL also oversaw the May 12 local elections.

Although there were no legal impediments to the participation of woman in government and politics, cultural and educational factors hampered them. In addition political parties often ranked women low on party lists, making it difficult for them to be elected to the National Assembly or to be appointed ministers. There were 21 female deputies in the 120-member National Assembly. In March 2000, for the first time in the country's history, the President appointed a woman, Mame Madior Boye, as Prime Minister. Nevertheless, only 5 of the 24 ministers in the President's Cabinet were women. In 1999 a woman, Marieme Wane Ly, formed and headed a political party for the first time.

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

A wide variety of human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

The Government's National Committee on Human Rights included members from the Government and civic organizations, including private human rights groups. On

its own initiative, it may investigate human rights abuses, including torture; however, it did not investigate any cases of abuse during the year.

In April 2000, the Government announced the establishment of a Human Rights Office in the President's office to investigate complaints filed by individuals regarding human rights violations. In September 2001, the Government named a Human Rights Commissioner to head the new office, which was active. The Commissioner's human rights mandate includes both national and multilateral issues. In September her office undertook to coordinate the country's national strategy against trafficking in persons (*see* Section 6.f.).

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

The Constitution states that "men and women shall be equal in law" and prohibits discrimination based on race, sex, class, or language. However, discrimination against women was pervasive, and the Government frequently did not enforce anti-discrimination laws.

Women.—There were credible reports that domestic violence against women, usually wife beating, was common. According to a study funded by the Canadian Center for International Research and Development (CECI) focusing on the capital Dakar and on the city of Kaolack, 87 percent of 515 women interviewed had suffered from some form of domestic violence. The study also showed that domestic violence was more widespread in Dakar than in Kaolack. Police usually did not intervene in domestic disputes, and most persons were reluctant to go outside the family for redress. In contrast the law and society view rape as a very serious crime, and the law stipulates that persons convicted of rape may be imprisoned for up to 10 years. If the victim was a minor, her age was considered an aggravating circumstance. Rape trials often result in convictions. According to the criminal law, sexual harassment was a crime punishable by imprisonment of up to 3 years and a fine of \$700 (500,000 CFA francs). The potential fine for domestic violence to \$700 (500,000 CFA francs), and the length of imprisonment for domestic violence is 5 years. Several women's groups have formed to address these problems.

In September 2001, supporters of women's rights marched through Dakar to protest violence against women and the impunity with which these acts were carried out. Vivian Wade, the wife of the President, was among the demonstrators.

FGM was not practiced by the country's largest ethnic group, the Wolofs (representing 43 percent of the population), but it was performed on girls belonging to some other ethnic groups. Sealing, one of the most extreme and dangerous forms of FGM, was sometimes practiced by members of the Toucouleur and Mandinka ethnic groups, particularly those in rural areas. Recent studies estimated that about 20 percent of girls undergo FGM. In the regions of eastern Saint-Louis, Matam, Tambacounda, and Kolda, where the practice was most prevalent, it was estimated that 50 percent of girls undergo FGM, with the estimated rate in Kolda as high as 88 percent.

The law stipulates that FGM is a criminal offense, carrying a jail term ranging from 6 months to 5 years for persons directly practicing FGM or ordering it to be carried out on a third person. Most human rights organizations considered the law to be a positive step towards greater protection of women. However, a few women's rights activists criticized the law because they perceived it as being dictated by Western donors. A few Muslim religious leaders also criticized the law because they consider FGM to be a religious practice. While the Government sponsors programs to educate women regarding the dangers of FGM, other critics of the law contended that these programs should have been more widespread prior to implementation of the ban.

In October 2001, with funding from the World Health Organization, the Government launched its National Plan of Action against FGM. Local action plans have since been completed for the departments of Velingara and Kolda in Kolda region. At year's end, the Government's focus was on implementing these plans and developing local action plans for three departments in the Tambacounda region. Several domestic NGOs and one foreign NGO (TOSTAN) worked in coordination with the Government on the FGM problem.

On June 5, inhabitants of 285 villages in the Kolda region publicly announced their decision to ban the practice of FGM in their communities. The decision was the result of an educational campaign initiated in 1997 by TOSTAN in collaboration with the Government. Since July 1997, approximately 708 villages nationwide have banned FGM among their inhabitants. This represented about 12 percent of the approximately 5,500 villages that practiced FGM.

On October 18, a judge in a Dakar regional court formally charged 6 women with performing excision on 5 girls, ages 9 through 15 years, in the Dakar suburb of

Malika. The six women included the FGM practitioner and the mother and aunts of the victims. The six were released on bail and were awaiting trial at year's end.

In October 2001, near the village of Dabo, Kolda region, 8 persons were convicted and sentenced to 4-month prison terms for the excision of 18 girls between the ages of 2 and 5. In November 2001, in Velingara, Kolda region, a mother of two and an FGM practitioner were arrested for the October excision of the mother's two daughters; trials for the two women were pending at year's end.

Despite constitutional protections, women faced extensive societal discrimination, especially in rural areas where Islamic and traditional customs, including polygyny, and Islamic rules of inheritance were strongest, and women generally were confined to traditional roles. By law women have the right to choose when and whom they marry; however, in some areas, traditional practice restricted a woman's choice. The minimum age of consent to marry is 21 for males and 16 for females. Under certain conditions, a judge may grant a special dispensation to a person under age. The law was not enforced in some communities, where marriages often were arranged. Under family law, the woman's consent is required to polygynous unions when contracting a marriage; however, once in polygynous unions women do not have the right of notification or approval prior to a subsequent marriage. In the countryside, women performed much of the subsistence farming and child rearing and had limited educational opportunities. Although the Government has committed itself to equalizing male and female primary school enrollment, there still was much social discrimination against allowing women educational opportunities. Only 23 percent of women over 15 years of age were literate, while the rate for men over age 15 was 43 percent.

It was estimated that only 20 percent of women were engaged in paid employment. Moreover traditional practices made it difficult for women to obtain bank credit. Due to the fact that legally men were considered heads of household, women paid higher taxes than men for equal wages, and employers paid child allowances to men and not women. Women usually married young (the majority by age 16 in rural areas) and averaged 5.7 live births (down from 7 in 1995). Approximately half of all women lived in polygynous unions.

In urban areas, women encountered somewhat less discrimination and were active in government, political life, the legal profession, and business. Approximately 14 percent of lawyers were women. Urban women were more likely to take advantage of the Government's efforts to increase respect for women's legal rights to divorce, alimony, and child support, and to seek education and employment. In general urban women received equal pay for equal work.

Children.—The Ministry of Family and Infancy was responsible for promoting children's welfare. Numerous organizations assist the Ministry in support of children's rights, including the Ministry of Health, which maintained a nationwide effort focusing on child survival. The Government continued to increase the number of classrooms and encouraged more children, particularly females, to enter and stay in school. The law requires that all children attend school until age 12, but this was not enforced due to a shortage of schools; 75 percent of boys and 67 percent of girls were enrolled in primary school.

On May 31, a 12-year-old girl died of hemorrhage following sexual injuries sustained on her wedding night. She had been married to her cousin without the consent of her father, who lived in France. The groom was arrested and on July 22, was sentenced to 2 months in jail by a court in St. Louis. The domestic human rights organization RADDHO denounced the court's decision as too lenient.

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

The law mandates jail terms of up to 10 years for convicted pedophiles.

Persons with Disabilities.—There are no laws that mandate accessibility for persons with disabilities, and in practice most persons with disabilities generally were unable to participate in many occupations due to physical barriers and a lack of equipment and training opportunities.

In 2000 the Council of State (the country's highest administrative court) ruled on an antidiscrimination lawsuit filed in 1999 by the National Association of Disabled People against the regional educational board in the eastern province of Tambacounda. The board had refused to hire a candidate with physical disabilities who had passed a recruitment test, on the grounds that persons with physical disabilities were not qualified for the job of teaching. The court overruled the board's decision on the grounds that a physical disability did not represent a valid legal ground for barring a person from teaching.

National/Racial/Ethnic Minorities.—The country was ethnically diverse. The largest ethnic groups were the Wolof (more than 40 percent of the country's population), the Pular (also called Peuhl or Fulani, nearly 25 percent), and the Serer

(more than 15 percent). Other smaller groups include the Diola, Mandingo, and Soninke. Each group has its own primary language, although French and Wolof were used widely as secondary languages. Wolof was the country's primary language. While general regions of origin can be identified for most ethnic groups, these regional separations no longer were distinct.

In most of the country, ethnic and regional tensions have not contributed significantly to human rights abuses, and opposition to the Government generally has taken the form of nonviolent political parties that have not had readily identifiable ethnic or regional bases. However, this has not been true in the Casamance region, the part of the country to the south of The Gambia. Casamance was substantially less arid, less Islamic, and less Wolof than the rest of the country. Resentment on the part of Casamance groups, including the Diola, of domination by northerners, including the Wolof, reportedly has contributed significantly to the secessionist MFDC rebellion in the Casamance region, which began in 1982 and has continued to give rise to many human rights abuses (see Sections 1.a. and 1.c.).

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Code provide all workers with the right of association, and they were free to form or join unions; however, the Labor Code requires the Minister of the Interior to give prior authorization before a trade union can exist legally, and the Government can dissolve trade unions by administrative order. The International Labor Organization (ILO) continued to oppose both of these governmental limitations on the freedom of association.

Any group of workers in the same occupation, similar trades, or the same professions could form a union. The Government could disband a union if its activities deviated from its charter.

The Labor Code does not apply to the informal and agricultural sectors. Approximately 60 percent of the population were engaged in agricultural work, and 40 percent of urban youth officially were unemployed.

There are legal prohibitions governing discrimination by employers against union members and organizers. Employers found guilty of antiunion discrimination were required to reinstate workers.

Although they represented a small percentage of the working population, unions wielded significant political influence because of their ability to disrupt vital sectors of the economy. The small industrial component of the total work force of 4 million was almost totally unionized. The only union in the agrarian sector was one representing workers at a privately owned sugar company. Some farmers were organized into the National Farming Association, an advocacy organization.

The National Confederation of Senegalese Workers (CNTS), the largest union organization, had close ties to the Socialist Party. While ostensibly an independent organization, the umbrella CNTS consistently supported government policies during the Diouf administration. The 2002 International Confederation of Free Trade Unions (ICFTU) Annual Survey charged that toward the end of 2001, government actions clearly aimed at undermining the CNTS had resulted in tensions within the union organization.

The rival to the CNTS was the National Union of Autonomous Labor Unions of Senegal (UNASAS). The UNASAS was a federation of strategically important unions such as those formed by electrical workers, telecommunication workers, teachers, water technicians, and hospital, railroad, and sugar workers. The third major labor federation was the Confederation of Autonomous Workers (CSA).

The Labor Code permits unions to affiliate with international bodies. The CNTS was active in regional and international labor organizations and was the dominant Senegalese member of the Organization of African Trade Union Unity.

b. The Right to Organize and Bargain Collectively.—The law provides unions with the right to organize and to bargain collectively, and these rights were protected in practice. The ICFTU 2002 survey noted that the national trade union centers were able to bargain successfully with the Government during the year, gaining agreement on a long-standing demand concerning an increase in the retirement age, and credited the Government with giving due respect to the bargaining process. There were no known instances in which workers were prevented from exercising the right to organize and bargain collectively. The Ministry of Labor (MOL) can intervene in disputes between labor and management if requested, and it plays a mediation role in the private and state enterprise sectors.

The new Constitution, adopted January 2001, and the Labor Code provide for the right to strike, but with significant restrictions. Unions representing members of the civil service must notify the Government of their intent to strike no less than 1 month in advance, and private sector unions must make a similar notification 3

days in advance. The Government or the employer can use the time to seek a settlement to the dispute through mediation, which usually was provided by the Ministry of Labor; however, the Government or employer cannot stop the strike. Under the new Constitution, a strike action may neither infringe upon the freedom to work nor imperil the enterprise involved; however, this provision was not tested by year's end. The Government has the power to requisition workers from private enterprises and public services for the safety of persons and goods, the maintenance of public order, and the continuity of public services, or to meet the country's essential needs.

There were no illegal strikes during the year.

Labor laws apply to all industrial firms including those in the Dakar Industrial Free Trade Zone.

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

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution bans child labor of all kinds, and the Government enforced this ban in the formal sector, which was under the purview of the labor law. However, children under the minimum age frequently work in the much larger traditional or informal sectors, such as family farms in rural areas or in small businesses, where the Government does not enforce minimum age and other workplace regulations. In addition, many children who were Koranic students were involved in organized street begging.

Under the law, the minimum age for employment was 16 years for apprenticeships and 18 years for all other types of work. Inspectors from the MOL closely monitored and enforced minimum age restrictions within the small formal wage sector, which included state-owned corporations, large private enterprises, and cooperatives.

In 1998 the country began a 3-year program of action to eliminate child labor, the International Program for the Elimination of Child Labor (IPEC). The program was scheduled for termination in December 2001; however, it received additional funding, which allowed it to continue to operate for 2 more years.

e. Acceptable Conditions of Work.—The law mandates a monthly minimum wage, and the Ministries of Labor and Finance determined wage rates after negotiating with the unions and management councils. The minimum wage of \$0.37 (223.7 CFA francs) per hour did not provide a decent standard of living for a worker and family.

Within the formal sector, the law mandates a standard workweek of 40 to 48 hours for most occupations, with at least one 24-hour rest period and 1 month per year of annual leave; enrollment in government systems for social security and retirement; safety standards; and a variety of other measures. These regulations were incorporated into the Labor Code and were supervised by inspectors from the MOL; however, enforcement was uneven, especially outside the formal sector.

There is no explicit legal protection for workers who file complaints about unsafe conditions. While there are legal regulations concerning workplace safety, government officials often did not enforce them. In theory workers have the right to remove themselves from unsafe working conditions, but in practice the right seldom was exercised because of high unemployment and a slow legal system.

f. Trafficking in Persons.—The law prohibits the sale of persons, abduction, and hostage-taking but does not specifically address trafficking in persons. There were occasional reports of the trafficking of women for labor or sexual purposes during the year. In September the office of the Human Rights Commissioner undertook to coordinate the country's national strategy against trafficking in persons.

In August 2001, authorities stopped 100 young Senegalese women from boarding a charter flight to Libya. One Senegalese and two French nationals of Senegalese origin were arrested and charged with organizing an international prostitution ring. In September 2001, authorities questioned them concerning allegations that the young women were being sent to Libya to work as prostitutes. In October 2001, the Senegalese citizen was released on bail, and in November 2001, the two French nationals were released on bail. On August 27, the investigating judge dropped all charges against the defendants.

In 2000 police arrested a Nigerian citizen who had lured a Nigerian woman to Dakar and confined her in a house with three other Nigerian women. According to the police, the Nigerian man raped and beat the women. No further information was available on the case at year's end.

SEYCHELLES

President France Albert Rene and the Seychelles People's Progressive Front (SPPF) have governed the country since a 1977 military coup. In the early 1990's, the SPPF guided the country's return to a multiparty political system, which culminated in 1993 in the country's first free and fair presidential and parliamentary elections since 1977. In September 2001, President Rene and the SPPF again won reelection with 54 percent of the vote; Seychelles National Party (SNP) candidate Wavel Ramkalawan received 45 percent and independent candidate Dr. Philip Boule 1 percent. Although the opposition criticized the election for a number of irregularities, some international observers concluded that overall result was decided fairly; however, other international observers concluded that the election was not entirely free and fair. In December elections for the National Assembly were held and judged to be free and fair by international observers. The ruling SPPF party prevailed in the elections, winning 23 of the 34 seats. The opposition SNP party won 11 seats, a significant increase over the 4 seats that were secured by the opposition in the 1998 elections. The President and the SPPF dominate the country through a pervasive system of political patronage and control over government jobs, contracts, and resources. The judiciary was subject to executive interference.

The President has complete control over the security apparatus, which included a national guard force, the army, the Presidential Protection Unit, the coast guard, the marines, and the police. There also was an armed paramilitary Police Mobile Unit. Members of the security forces committed some human rights abuses.

The economy was market-based and provided the country's approximately 82,000 residents with an average per capita income of \$8,000. The Government in recent years diversified the economy by increasing the revenues received from fishing rights and investing in the fish-processing sector with foreign joint-ownership partners in order to move the economy away from its heavy reliance on tourism. Manufacturing surpassed tourism as the most important economic activity; however, no significant new investments were made during the year. Overall growth continued to remain sluggish, largely due to shortages of foreign exchange and the pervasive presence of inefficient state enterprises. There continued to be no progress toward privatization during the year. The country's application to join the World Trade Organization obliged it to consider reforming its trade and foreign exchange regimes; however, it made few substantive changes by year's end.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. President Rene and the SPPF continued to wield power virtually unchecked. Security forces arbitrarily arrested and detained citizens; however, such actions were limited to detention during the weekend in order to avoid compliance with the Constitution's 24-hour "charge or release" provision. The judiciary was inefficient, lacked resources, and was subject to executive influence. There were some restrictions on freedom of the press. Violence against women continued, and child abuse remained a problem. Discrimination against foreign workers also was a problem. Seychelles was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There was at least one report of the arbitrary or unlawful deprivation of life by the Government or its agents. In June a prisoner, who allegedly was killed during an attempted escape, may have been the victim of an unlawful killing. According to reports, the prisoner had more than 10 bullet wounds on his body, and he was disfigured and maimed in ways that contradicted a police report, which claimed that the prisoner's physical injuries were the result of his resisting arrest. No action was taken against the responsible officers by year's end.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution expressly forbids torture and there were no reported instances of the use of torture by the security forces.

Unlike in previous years, there were no reports that police officers forcibly dispersed crowds.

There was no action taken against the responsible police officers who used tear gas to disperse forcibly a group of soccer players and their fans in May 2001 on Praslin Island by year's end.

In March 2000 on the island of La Digue, police reportedly beat a man while he was in police custody. The family of the detainee sued the Commissioner of Police and the three police officers on duty at the time for \$4,386 (SR 25,000) in damages. Both a criminal and a civil suit have been filed; the trial was still pending at year's end.

Conditions at the Long Island prison, the only such facility in the country, remained Spartan. During the year, the number of inmates dropped to 149 of which 4 were women, 2 were under the age of 23 years, and 2 were noncitizens. Family members were allowed monthly visits, and prisoners had access to reading but not writing materials. Men were held separately from women, and juveniles were held separately from adults. There were no reports of abuse of women or juveniles by guards or other inmates.

There was no regular system of independent monitoring of prisons; however, local and international nongovernmental organizations (NGOs) were allowed to visit. There were no prison visits by NGOs or other interested parties during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides that persons arrested must be brought before a magistrate within 24 hours with allowances made for boat travel from distant islands. The law provides for detention without charge for up to 7 days if authorized by court order. Defense attorneys asserted in previous years that extended periods of detention under harsh conditions were used to extort confessions from suspects; however, there were no such incidents reported during the year. Police occasionally detained individuals on a Friday or Saturday in order to allow for a longer period of detention without charge, thereby avoiding compliance with the Constitution's 24-hour "charge or release" provision; however, the practice appeared to be diminishing during the year. The police released such persons on a Monday before the court could rule on a writ of habeas corpus.

There was no official action taken against the responsible soldiers who in the May 2001 on the island of Praslin arrested and detained for 1 day approximately 20 soccer players and fans at local police stations (*see* Section 1.c.).

Detainees have the right of access to legal counsel, but security forces, in hopes of eliciting a confession or other information, sometimes withhold this right. Free counsel was provided to the indigent. Bail was available for most offenses.

The law prohibits forced exile, and the Government did not employ it. Following the 1977 coup, a number of persons went into voluntary exile, and others were released from prison with the condition that they leave the country immediately. A number of these former exiles that returned to the country were able to reacquire their property; however, several claims remained in the court system at year's end.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, it was inefficient, lacked resources, and was subject to executive interference.

The judicial system includes magistrates' courts, the Supreme Court, the Constitutional Court, and the Court of Appeal. The Constitutional Court convenes weekly or as necessary to consider constitutional issues only. The Court of Appeal convenes three times per year for 2 weeks in April, August, and October to consider appeals from the Supreme Court and Constitutional Court only.

All judges are appointed for 7 years and could be reappointed by the President on the recommendation of the Constitutional Appointment Committee. All sitting judges were hired from other Commonwealth countries, including Mauritius, India, Sri Lanka, Nigeria, and Zambia; none were citizens, with the exception of the Chief Justice, who was a naturalized citizen. The Seychelles Bar Association criticized the Government for not advertising domestically that judicial positions were available, since 30 citizens practiced law either domestically or abroad. Some observers criticized expatriate judges for a perceived lack of sensitivity on issues such as human rights. Legal entities of the Government, such as the Attorney General's Office and the Ombudsman, were reluctant to pursue charges of wrongdoing or abuse of power against senior officials.

Defendants had the right to a fair public trial. Depending on the gravity of the offense, criminal cases were heard by magistrates' court or the Supreme Court. A jury was used in cases involving murder or treason. Trials were public, and the accused was considered innocent until proven guilty. Defendants had the right to counsel, to be present at their trial, to confront witnesses, and to appeal.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the right to privacy and freedom from arbitrary searches; however, the Government sometimes infringed on these rights. The law requires a warrant for police searches and seizures; however, there were reports that members of the police drug squad entered homes and detained persons without a warrant.

The law requires that all electronic surveillance be justified on the grounds of preventing a serious crime and approved by a judge; however, the Government maintained telephone surveillance of some political figures.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, it also provides for restrictions on speech “for protecting the reputation, rights, and freedoms of private lives of persons” and “in the interest of defense, public safety, public order, public morality, or public health,” and as a result both freedom of speech and of the press were constrained by the ease with which civil lawsuits could be filed to penalize journalists for alleged libel. The law allows the Minister of Information Technology to prohibit the broadcast of any material believed to be against the “national interest” or “objectionable”; however, the law was not used against journalists or the media during the year. The legislation also requires telecommunications companies to submit subscriber information to the Government. In most instances, citizens speak freely, including in Parliament.

In May 2001, government officials seized a shipment of copies of a local singer’s album on the grounds that the singer had not obtained an import permit for the shipment. The singer claimed the album copies were seized because they contained songs that were critical of the Government and that called for political change. In June 2001, the Government-controlled Seychelles Broadcasting Corporation (SBC) banned the musician’s songs from being broadcast on the grounds that they were seditious. The musician’s songs still were not permitted to be broadcast at year’s end. During the year, the SNP also was not permitted to broadcast its theme song in advertisements on SBC.

The Government has a near monopoly of the media, owning the only television and radio stations—the most important means for reaching the public—and the only daily newspaper, the Nation. The official media adhered closely to the Government’s position on policy issues and gave the opposition and news adverse to the Government only limited attention. While both opposition parties published an assortment of newsletters and magazines, only one significant opposition newspaper, the weekly Regar, was published. Government officials have sued Regar for libel 10 times in the last 6 years. In 2001 President Rene sued Regar and the SNP for libel, demanding \$1.5 million (SR 9 million) in damages. In the lawsuits, Rene claimed Regar and the SNP libeled him when they suggested that he had stolen money from the Government’s Children’s Fund and when Regar criticized him for using expensive imported marble in the construction of a private residence. The Supreme Court had not heard the case by year’s end.

The license fees for a private radio or television station were \$151,200 (SR 800,000) per year, while newspaper publishing licenses are \$760 (SR 4,000) plus a bank guarantee of \$19,000 (SR 100,000). The high fees still had not changed and were a deterrent to the establishment of private radio and television stations.

The Internet was available in the country, and the Government did not restrict access to it.

Academic freedom was limited due to the fact that one could not reach senior positions in the academic bureaucracy without demonstrating at least nominal loyalty to the SPPF. There are no universities; secondary school teacher appointments largely were apolitical. The Government controlled access to the Polytechnic, the most advanced learning institution.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice; however, while generally permitting SNP rallies, the police on occasion refused to grant permission to the SNP to hold rallies citing dubious reasons.

Unlike in the previous year, there were no reports that police forcibly dispersed crowds.

Some members of opposition parties claimed that they lost their government jobs because of their political beliefs and were at a disadvantage when applying for government licenses and loans.

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

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice; however, although it was not used during the year, the law allows the Government to deny passports to any citizen if the Minister of Defense finds that such denial is “in the national interest.” While the resident

departure tax of approximately \$45 (SR 250) was payable in local currency, government foreign exchange regulations and the foreign exchange shortage hindered many citizens from being able to afford foreign travel, although they might have sufficient means in local currency. According to the law, citizens cannot possess any foreign exchange unless in possession of a receipt from a licensed foreign exchange vendor. In addition, banks provided only \$95 (SR 500) to a maximum \$200 (SR 1,146) to those departing the country because of the extreme foreign exchange shortage.

The law contains provisions for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. As there have been no recent refugee cases, there were no reports of government cooperation with the office of the U.N. High Commissioner for Refugees; however, there are no indications that the Government would not cooperate if such cases arose.

The Immigration Act does not mention asylum. There were no known requests for asylum, and there were no refugees in the country. 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

Citizens exercised the right to change their government in the September 2001 presidential elections and in the 1998 National Assembly elections, despite the fact that President Rene and the SPPF dominated the elections. Suffrage was universal. In the December National Assembly elections, judged to be free and fair by international observers, the opposition SNP party won 11 of the 34 seats, an improvement on the 4 seats the opposition held following the 1998 elections.

In the September 2001 presidential election, approximately 90 percent of eligible voters participated. President Rene was reelected with 54 percent of the vote; SNP candidate Wavel Ramkalawan received 45 percent, and independent candidate Dr. Philip Boule received 1 percent. Only the chief opposition party, the SNP, chose to contest the election; the Democratic Party did not field a candidate. Many Democratic Party supporters apparently voted for Ramkalawan. Ramkalawan challenged the election results; he accused the SPPF of intimidation, vote buying, and not respecting the election rules. His court challenge remained pending at year's end. Observers from the Southern African Development Community (SADC), the Commonwealth Organization, and the Francophone Organization supervised the polling. SADC observers noted "minor hitches" but stated their satisfaction with the election and in particular observed "transparency" during vote casting and counting. However, in October 2001, the Commonwealth Organization observers released their report, which concluded that the elections were peaceful but not entirely free and fair. The report described instances of intimidation during voting and the lack of open competition during the campaign.

In August the leader of the opposition, Mr. Wavel Ramkalawan declared that there was a plot to assassinate him, and the Speaker of the Assembly made special provisions for him to be provided with security personnel. A special Assembly allocation provided him with \$2,683 (SR 15,000) per month for unarmed bodyguards.

Prior to the 2001 presidential elections, the SNP protested to the Electoral Commission that a parastatal company, whose chairman is President Rene, required employees to attend a government-sponsored political rally. The opposition party reported that employees who did not attend the rally risked losing their year-end bonuses (*see* Section 6.a.).

The President's SPPF party continued to utilize its political resources and those of the Government to develop a nationwide organization that extended to the village level. The opposition parties have been unable to match the SPPF's organization and patronage, in part because of financial limitations. In the 2000 budget, the SPPF was allocated \$54,202 (SR 308,952), the SNP \$22,889 (SR 130,470), and the Democratic Party \$10,628 (SR 60,578).

In 2000 the National Assembly amended the Constitution to allow the President to call presidential elections separately from National Assembly elections at any time after the first year of his 5-year term in office, which allowed President Rene to call presidential elections in 2001.

There were 8 women in the 34-seat National Assembly, 6 by direct election and 2 by proportional representation, and there were 3 women in the 12-minister Cabinet.

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

A number of domestic human rights groups, including churches, generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

Two private human rights related organizations operated in the country. The Friends for a Democratic Society pledged to focus on raising awareness of individual rights in a democracy; however, it was inactive. In 1999 the Center for Rights and Development (CEFRAD) published a 5-year action plan that stressed respect for human rights, participation in a civil society, and sensible approaches to development. CEFRAD did not claim any results from its 5-year plan by year's end. CEFRAD also established ties with other national and international NGO's. In 2001 Simeon Ake, an African Union (AU) representative from the Cote d'Ivoire, led a two-person delegation to the country from the Commission on Human and People's Rights. Although the AU has not released a report detailing any findings, the team urged the Government to take unspecified steps to better promote respect for human rights in the country. Possibly in response to AU encouragement, the Government ratified the Constitutive Act of the African Union, which promotes respect for human rights. The Government also established a National Humanitarian Affairs Committee (NHAC), with a diverse range of members from both civil society and the Government. The International Committee of the Red Cross acts as a technical adviser to the NHAC.

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

The Constitution affirms the right to be free from all types of discrimination, but it does not prohibit discrimination based on these factors specifically. Nevertheless, in practice there was no overt discrimination in housing, employment, education, or other social services based on race, sex, ethnicity, nationality, or disabilities.

Women.—Domestic violence against women, particularly wife beating, remained a problem and increased during the year. Police seldom intervened in domestic disputes, unless the dispute involved a weapon or major assault. The few cases that reached a prosecutor often were dismissed, or, if a case reached court, the perpetrator usually was given only a light sentence. Rape, spousal rape, and domestic abuse are criminal offenses. Between May 2000 and September 2002, the Probation Services recorded 510 domestic violence cases against women. There was growing societal concern about domestic violence and increased recognition of the need to address it. During the year, local NGOs continued awareness campaigns and training programs regarding domestic abuse for women and girls; however, the Government did not engage in any public campaigns to dissuade domestic abuse.

The society largely was matriarchal, with 76 percent of births out-of-wedlock during the year. There were no reports of societal discrimination against unwed mothers, and fathers were required by law to support their children. The age of consent was 14, and women under 20 years of age accounted for 14 percent of all births. Girls were not allowed to attend school when they were pregnant, and many did not return to school after the birth of a child. There was no officially sanctioned discrimination in employment, and women were well represented in business. Inheritance laws did not discriminate against women.

Children.—The law prohibits physical abuse of children. The Division of Social Affairs in the Ministry of Social Affairs and Manpower Development worked to protect children's rights. Children were required to attend school through the 10th grade. Free public education was available through the secondary level until age 18. Parents contributed up to two-thirds of the cost of post-secondary education and training based on their income for both in country and overseas schools. According to government figures, all children between the ages of 6 and 16 attended school, and the enrollment of boys and girls was roughly equal. There was a noncompulsory fifth year of secondary school. After completing secondary school, students can go to the Polytechnic School for Vocational Training, go abroad for university studies, or go to apprenticeship or short-term work programs. Children in the apprenticeship or short-term work programs received a training stipend, which was less than the minimum wage.

An 18-member Family Tribunal heard and decided all matters relating to the care, custody, access, and maintenance of children, except paternity cases, which remain under the courts. During the year, 367 cases came before the Tribunal. Approximately 14 percent of all cases presented to the Family Tribunal were resolved during the first hearing. The Family Tribunal also was responsible for collecting and disbursing child support payments made by family members. In 2001 it was re-

ported that as much as \$173,077 (SR 900,000) was missing from the child support funds. The Ministry of Social Affairs opened an investigation into the matter. There were no results released on the investigation; however, social security funds were transferred to cover the child support obligations.

Sexual abuse of children, usually in low-income families, was a problem; however, there were only 41 cases of sexual abuse reported during the year—generally by stepfathers and older brothers. Ministry of Health data and press reports indicated that there were a significant number of rapes committed against girls under the age of 15. Very few child abuse cases actually were prosecuted in court. The strongest public advocate for young victims is a semiautonomous agency, the National Council for Children. There was criticism that the police failed to investigate vigorously charges of child abuse.

Persons with Disabilities.—There was no discrimination against persons with disabilities in housing, jobs, or education; however, there was no legislation providing for access to public buildings, transportation, or state services.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers with the right to form and join unions of their choosing; however, police, military, prison, and fire-fighting personnel may not unionize. Between 15 and 20 percent of the workforce was unionized.

There were three trade union organizations: One dominated by the SPPF, the Seychelles Federation of Workers Union (SFWU), one independent federation, the Seychelles Workers Union (SWU), and a new trade union created during the year, the Seychelles National Trade Union (SNTU), that has close connections to the opposition SNP party.

The law prohibits antiunion discrimination by employers against union members.

Unions may affiliate freely with international bodies; the SFWU is a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The law provides workers with the right to engage in collective bargaining; however, free collective bargaining did not take place. The Government has the right to review and approve all collective bargaining agreements in the public and private sectors. There was little flexibility in setting wages. In the public sector, which employed 57 percent of the labor force, the Government set mandatory wage scales for employees. Wages in the private sector generally were set by the employer in individual agreements with the employee, but in the few larger businesses, wage scales were subject to the Government's right of review and approval. Private employers historically paid higher wages than the Government in order to attract qualified workers; however, economic problems during the year led to downward pressures on wages.

The law authorizes the Ministry of Employment and Social Affairs to establish and enforce employment terms, conditions, and benefits. Workers frequently have obtained recourse against their employers through the Ministry.

Strikes were illegal; however, a strike may be allowed if written permission or approval from the Commissioner of Police was obtained. The last recorded strike occurred in the early 1960's.

There were 26 companies that participated in an export processing zone known as the Seychelles International Trade Zone (SITZ). The SITZ was bound only by the Seychelles Trade Zone Act and was not obliged to adhere to labor, property, tax, business, or immigration laws.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution states that the minimum age for employment is 15, "subject to exceptions for children who are employed part time in light work prescribed by law without harm to their health, morals, or education." It is a criminal offense punishable by a fine of \$1,130 (SR 6,000) to employ a child under the age of 15. The Ministry of Employment and Social Services was responsible for enforcing child labor laws and investigating abuses of child labor. The Ministry handled such complaints within its general budget and staffing; no cases that required investigation were reported by year's end.

e. Acceptable Conditions of Work.—The complicated minimum wage scale was regulated administratively by the Government; it covered the public and state-owned sectors and differentiated among various job classifications. The Ministry of Employment and Social Affairs enforced minimum wage regulations. The "recommended" minimum wage was \$405 (SR 2,025) per month. Trade unions contended that government entities paid some workers less than the legal minimum wage. Even with

the free public services that were available, primarily health care and education, independent labor unions disputed that a single salary at the low end of the pay scale provided a decent standard of living for a worker and family.

The legal maximum workweek varied from 45 to 52 hours, depending on the economic sector; government employees worked fewer hours. Each full-time worker was entitled to a 30-minute break per day and a minimum of 21 days of paid annual leave. Workers were permitted to work overtime up to 60 additional hours per month. The Government generally enforced these regulations. Foreign workers did not enjoy the same legal protections.

In recent years, there was a growing trend to admit foreign workers, primarily from China, India, the Philippines, Thailand, and Madagascar, to work in the construction and commercial fishing sectors, because few citizens chose to work in these sectors. Although it was difficult to determine the living and working conditions of these workers, there was evidence that the labor laws were flouted routinely with the Government's knowledge and acquiescence. These workers were paid lower wages and forced to work longer hours than citizens.

The Ministry of Employment and Social Affairs has formal responsibility for enforcing the Government's comprehensive occupational health and safety regulations; however, the Ministry of Health also sought a role in this area. An International Labor Organization (ILO) team, which visited in 1995, found serious deficiencies in the management and effectiveness of government monitoring and enforcement efforts; however, there were never any government actions in response to the ILO criticisms. Occupational injuries were most common in the construction, marine, and port industries. A worker who removed himself from a potentially dangerous situation on the job was considered to have resigned. Safety and health inspectors rarely visited job sites. There were no work-related deaths during the year. Workers do not have the right to remove themselves from dangerous or unhealthy work situations without risking their continued employment.

f. Trafficking in Persons.—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country.

SIERRA LEONE

Sierra Leone is a constitutional republic with a directly elected President and a unicameral legislature. On January 18, the devastating 11-year civil conflict officially ended when all parties to the conflict issued a Declaration of the End of the War. The Government since asserted control over the whole country, backed by a large U.N. peacekeeping force. Revolutionary United Front (RUF) insurgents, who fought successive governments since 1991, completed disarmament and demobilization. The Civil Defense Force (CDF), a government-allied militia, also disarmed and demobilized, but many CDF members retained informal links to act in concert as a veterans' lobbying group and in their centuries-old role as members of traditional hunting societies. In May peaceful presidential and parliamentary elections were held; Ahmed Tejan Kabbah was re-elected President and his Sierra Leone People's Party (SLPP) won a large majority in Parliament. Many international monitors declared the elections free and fair; however, there were numerous reports of election irregularities and abuses. Since the resumption of the disarmament, demobilization, and reintegration (DDR) process in May 2001, an estimated 72,500 former combatants disarmed; on January 31, the disarmament and demobilization sections of the program were completed. The process of reintegration continued at year's end. The U.N. maintained a force of approximately 17,500 peacekeepers during most of the year. In September the U.N. Security Council decided to begin a gradual withdrawal of U.N. Mission to Sierra Leone (UNAMSIL) troops, to be completed by 2005. The official independent judiciary began functioning in areas abandoned during the war, but there still were sections of the country where the judiciary had not yet returned. The judiciary demonstrated substantial independence in practice but at times was subject to corruption.

Among the Government's security forces, the police officially had primary responsibility for internal order; however, on occasion, the Republic of Sierra Leone Armed Forces (RSLAF) and UNAMSIL shared responsibility with the police in security matters. The RSLAF were deployed to all vital locations and secured the country's borders with guidance and leadership from the British-led International Military Advisory and Training Team (IMATT). The Sierra Leone Police (SLP) were present in all provincial and district capitals. The Government maintained control of security forces throughout the year. During the year, more than 55,000 ex-combatants were registered with the National Commission for Disarmament, Demobilization,

and Reintegration (NCDDR). Approximately 31,000 of these ex-combatants were engaged in reintegration program activities, ranging from formal education and vocational skills training to small-scale trade, agriculture, and community development. NCDDR projected that 7,000 more ex-combatants would enter reintegrations programs every 6 months, until all registered combatants had entered the programs. Some members of the security forces committed human rights abuses.

The country had a market-based economy and remained extremely poor; per capita earnings for the population of under 5 million have declined approximately by two-thirds since 1970. The country was rich in natural resources and minerals (particularly diamonds, gold, rutile, and bauxite) and had large areas of fertile land suitable for farming. Mineral extraction and agricultural production began after a virtual standstill during the war; however, the illegal diamond industry continued to operate. There was little manufacturing, and there were few exports; approximately 60 percent of the Government's budget came from foreign assistance. Years of fighting and decades of corruption and mismanagement resulted in a devastated infrastructure.

The Government generally respected the rights of its citizens; however, there were serious problems in several areas. With the end of war and demobilization of the RUF and CDF, many systematic and serious human rights abuses ended. During the year, there were no reports of unlawful killings or other abuses by the CDF in support of the Government. RSLAF soldiers at times beat former RUF rebels. Prison conditions improved significantly during the year. The number of deaths in custody declined considerably. On March 1, civil liberties suspended under the Constitution were reinstated when the Government lifted the state of emergency. Members of the SLP continued to arrest and detain persons arbitrarily. There were reports of extortion by police. Prolonged pretrial detention, due to a severe lack of resources in the judicial system, remained a problem. The Government at times limited freedom of speech and the press during the year. Violence in Liberia, which produced an influx of more than 50,000 Liberian refugees, contributed to border areas becoming more unstable. Violence, discrimination against women, and prostitution remained problems. Female genital mutilation (FGM) remained widespread. Abuse of children was a problem; however, numerous children who fought as child soldiers continued to be released and participated in reintegration programs during the year. Residents of non-African descent faced institutionalized political restrictions. Forced labor continued to be a problem in rural areas. Child labor remained a problem. There were reports of trafficking in persons. Sierra Leone was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as an observer.

There were some reports of abuses committed by former RUF rebels. International aid groups believed that many girls who were abducted by the RUF remained sex slaves during the year. Some young ex-combatants still were dependent on their former RUF commanders for support.

There was no cross-border conflict between rebel forces and the Guinean military. During the year, there were incursions into the country by Liberian combatants. At times the combatants looted villages and abducted inhabitants, reportedly to use them as porters.

RESPECT FOR HUMAN RIGHTS

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

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

Unlike in the previous year, there were no reports that forces operating in support of the Government committed unlawful killings.

No action was taken against the CDF members responsible for the June 2001 killing of three civilians during an attack in Kono district or the June and July 2001 retaliatory attack by the RUF that resulted in three deaths.

No action was taken against the members of the security forces responsible for the following incidents in 2000: The May and June killings of 27 persons in the towns of Makeni, Magburaka, and Kambia; the July killing of civilians in Bunumbu during a helicopter gunship attack; and the July execution of an RUF fighter who allegedly was trying to surrender.

Two persons were killed during a demonstration, and alleged eyewitnesses claimed UNAMSIL troops were responsible for the killings (*see* Section 2.b.).

There were a number of deaths in custody during the year (*see* Section 1.c.). In September one RUF member who was indicted for murder died in custody.

No action was taken against the members of the Economic Organization of West African States (ECOWAS) Monitoring Group (ECOMOG) responsible for the Janu-

ary 2000 stabbing death of a civilian in a market and the April 2000 killing of an ex-Sierra Leone Army (SLA) soldier.

Unlike in the previous year, there were no reports that RUF members were responsible for killings during the year or killed ex-combatants who had fled the group. There also were no reports of mutilations that led to deaths by rebel groups.

In March RUF leader Foday Sankoh and 49 RUF co-defendants were indicted with 16 counts of murder and 54 counts of shooting with intent to commit murder in connection with the 2000 incident outside Sankoh's residence in Freetown in which 20 persons were killed and 80 persons were injured. Thirty-one members of an ex-SLA splinter group called the West Side Boys were charged with 11 counts of murder and 11 counts of robbery with aggravation in connection with incidents that took place in Port Loko District in 1999 and 2000. Sankoh, the 49 former RUF rebels, and the indicted West Side Boys remained in detention awaiting trial at Pademba Road Prison at year's end.

No action was taken against the RUF for the following incidents in 2001: The July killing of 22 persons in an attack on the village of Henekuma; the August killing of 2 persons in an attack on the village of Seria, in Koinadugu district; and the death of four former RUF members, allegedly under orders from RUF chairman Issa Sesay.

No action was taken against the RUF rebels responsible for the following killings in 2000: The April and May killings of U.N. peacekeepers; the May killings of journalists Kurt Schork and Miguel Gil Moreno; the June killings in the attack on Port Loko; and the August killing of nine civilians in the village of Folloh. Although the Special Court for Sierra Leone was expected to examine these incidents, no further action was taken by year's end.

An international forensic investigation team visited alleged mass gravesites throughout the country, including several sites in the Port Loko district. Local residents claimed that the victims were civilians executed by ex-Armed Forces Revolutionary Council (AFRC)/RUF members in 1999. Human Rights Officers from UNAMSIL and representatives from the Special Court for Sierra Leone also visited several suspected mass gravesites. In February a former RUF member reported that he had witnessed 75 CDF members killed in an "execution house" in Kailahun in 1998.

Unlike in the previous year, the Guinean army did not attack any part of the country. The Guinean army continued to occupy disputed territory in Yenga, Kailahun District. There was no further verification of reports that Guinean soldiers bombed and shelled villages in the Kambia District in 2001, killing or injuring many civilians, and no action was taken against Guinean soldiers who allegedly carried out these attacks. One Guinean commanding officer was relieved from command after leading an attack against a just-demobilized column of RUF soldiers at a disarmament site at Rokupr, Kambia District in May 2001.

There was no action taken against Guinean armed forces that reportedly participated in the following killings in 2001: The January helicopter gunship attack on the town of Kamakwie that reportedly killed 12 civilians; the February incident of Guinean artillery fire that allegedly killed 4 civilians in Sabuya; the February killing of a 3-year-old girl in the village of Rokel; and the May killing of a small child in Rokupr.

b. Disappearance.—With the demobilization and disarmament of the RUF, there were no reports that RUF rebels abducted children, women, or men as slaves or soldiers; however, some women and children remained in captivity during the year. The RUF did not exert significant control over the civilian population in any area of the country. The U.N. estimated that rebel forces abducted approximately 20,000 persons throughout the country during the 1991–1999 period. More than 10,000 victims were released and went through a formal reintegration process; most of those released were children. Many others escaped; however, former RUF rebels continued to hold some persons, including women and children as laborers or sex slaves at year's end. Some human rights monitors said that some of the women remained with their captors during the year due to a lack of viable options and intimidation by their captors (see Section 5). According to child protection officers from non-governmental organizations (NGOs), the Government was hindered severely by a lack of resources and has taken little action to secure their release. The Ministry of Social Welfare, Children, and Gender maintained a database, with the help from UNICEF, which attempted to track children separated from their families during the war.

There were no developments in the following disappearances in 2000: The February abduction of 11 passengers by the RUF from a bus near Masiaka; the July disappearance of a foreign worker following an attack by the West Side Boys; the July abduction of 18 persons by the West Side Boys during an attack on a bus; and

the August kidnaping of 15 persons by the RUF during an attack on the village of Folloh.

During the year, Liberian combatants abducted persons in the country. For example, on July 16, armed Liberian combatants abducted 28 persons from the villages of Mandavalahun, Sange, and Kolu in Kailahun District. The combatants captured 31 villagers in the raid, but 3 escaped. On July 25, an armed group from Liberia abducted 18 persons during a raid of the village of Kokobu, Kailahun District. The Liberian combatants were thought to be using the villagers primarily as porters for looted goods. RSLAF performed frequent border patrols to deter such attacks, and UNAMSIL maintained a heavy presence in Kailahun District; however, the border with Liberia was very porous, and cross-border raids were difficult to stop completely.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there was one unconfirmed report of soldiers beating a person. There also were reports that police accepted bribes and extorted money from motorists. Unlike in the previous year, there were no reports that the CDF beat or otherwise abused persons on behalf of the Government. The conduct of the RSLAF continued to improve following reorganization and increased training.

On February 12, two uniformed RSLAF soldiers allegedly beat two former RUF combatants in the presence of two police officers. The police officers allegedly did not intervene and accepted bribes from the soldiers. RSLAF officials said that the two soldiers were former SLA members and no longer were in military service. An SLP official in the Criminal Investigations Division said that the men were RSLAF members and made a formal request to the RSLAF to identify the perpetrators.

During the year, there were frequent reports that SLP officers took bribes at checkpoints, stopped and falsely charged motorists with violations, and impounded vehicles in order to extort money. Unlike in the previous year, there were no reports that drivers were beaten if they refused to pay.

Unlike in the previous year, there were no reports that the military or the CDF manned roadblocks and bridges to extort money. There was no further information on the disciplinary action taken against an SLA soldier who in 2001 reportedly beat a driver who refused to pay at a roadblock on the road from Kabala to the Guinean border.

There was no action taken against the CDF members responsible for beating, raping, or otherwise abusing the persons in the following cases from 2000: The May and June injuring of 50 persons during gunship attacks on the towns of Makeni, Magburaka, and Kambia; the July raping of 3 women who were accused of transporting goods to rebel-held areas; the August beating of 2 truck drivers because they could not produce the requested bribe; and the October beating of a journalist.

There was no action taken against the relatives of the Minister of Transport and Communication who allegedly beat a journalist, Mustapha Bai Attila, in 2000.

No one was injured by landmines during the year; very few landmines were used in the 11-year conflict.

A policeman allegedly raped a minor girl at the Jembe refugee camp. SLP personnel were removed from the camp during the investigation; however, the alleged perpetrator died and the case was closed.

During the year, there were reports that UNAMSIL soldiers raped persons. For example, on June 26, a UNAMSIL soldier allegedly raped a 14-year-old boy in Jui, Western Area. Although there was strong circumstantial and physical evidence that the rape occurred, 10 days after the alleged rape a UNAMSIL investigation did not find convincing physical evidence to validate the boy's allegation. The UNAMSIL soldier later was sent home, and UNAMSIL sent details of the allegations and findings to the soldier's government.

In April two UNAMSIL soldiers allegedly raped a woman in Joru, Kenema District. International human rights monitors talked to eyewitnesses who supported the victim's claim. UNAMSIL representatives said they carried out an investigation, although international human rights monitors claimed that the investigation was insufficient. UNAMSIL instituted a Personnel Conduct Committee to receive complaints on conduct impropriety. The UNAMSIL Human Rights Section held training sessions for peacekeepers on sexual abuse.

No action was taken against the ECOMOG employee who injured a person during an argument over a stolen vehicle in 2000.

Unlike in the previous year, there were no beatings, rapes, or abductions of women or refugees committed by organized groups of former combatants; however, it was likely that such crimes were committed by individual ex-combatants including former RUF rebels. In previous years, the RUF committed numerous abuses, including abductions, torture, beatings, and rapes, including gang rapes. There also

were no reports of deliberate mutilations during the year. UNAMSIL began systematic investigations of amputees, tracking and monitoring individual amputation cases and compiling statistics. U.N. officials and humanitarian organizations estimated that hundreds if not thousands of persons, including children, had one or both limbs amputated over the decade-long conflict. There were no more reports of RUF rebels carving the initials "RUF" into the skin of civilians. During the year, a U.S.-based plastic surgeon removed the "RUF" scars from many victims.

In September Foday Sankoh and 49 other RUF members appeared in High Court. The trial was postponed throughout the year, and the cases of Sankoh and his co-defendants had not been heard (*see* Section 1.a.).

No action was taken against RUF rebels who committed human rights abuses in 2001, including extortion, beatings, and rapes. No action was taken against RUF members who in April 2001 beat and killed a woman and beat her stepson in Seidu, Kono District.

There was no reported action taken against the RUF rebels who beat, raped, or otherwise abused the persons in the following cases from 2000: The February beating of 15 RUF combatants who tried to join the disarmament process; the March abduction and injuring of Aaron Kargbo and Aruna Sherrif, both Adventist Development and Relief Agency staff members; the April and May abduction of U.N. peacekeepers; and the May injuring of at least 1 civilian during a confrontation between British paratroopers and RUF rebels at Lungi Lo.

There were no developments on the unconfirmed reports that Guinean troops operating in the country amputated the limbs of suspected RUF members in 2001.

Prison conditions improved significantly during the year. International human rights monitors who visited Pademba Road maximum-security prison reported that conditions there were good, with adequate access to food, medical care, recreation, and vocational skills training. In July human rights monitors reported that prisons in Bo and Moyamba were generally good; however, a prison in Kenema suffered from overcrowding, and access to medical facilities was limited. In October a rebuilt detention facility opened in Kono District. Many of the problems that remained in prisons were a result of the poor state of the judicial system. A large backlog of cases led to problems with overcrowding. The Pademba Road prison, which was designed for 325 prisoners, routinely housed hundreds more. There were no reports that prisoners were held incommunicado, although it was government policy to forbid family visits to prisoners at Pademba Prison except in exceptional circumstances and on a case-by-case basis. According to international monitors, the mortality rate in Pademba Prison was within acceptable actuarial norms. Male and female prisoners were housed separately. Adults and juveniles were incarcerated together. Conditions in the holding cells in police offices were extremely poor. Pretrial detainees were held with convicted prisoners. There were no reports that prison guards tortured or beat former RUF members in prison. There was no further investigation into the March 2001 killings at Pademba Prison.

International monitors, including UNAMSIL and the International Committee for the Red Cross (ICRC), had unrestricted access to visit Pademba Prison and other detention facilities. The ICRC and UNAMSIL doctors visited and monitored the health of former RUF leader Foday Sankoh, who was said to be in poor health. At least one local human rights group claimed that it could not get unrestricted access to the prisons.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, government forces occasionally arrested and detained persons arbitrarily. The law requires warrants for searches and arrests in most cases. There were adequate judicial protections against false charges, and detainees had the right of access to family or counsel, although family visits were restricted at maximum-security Pademba Prison (*see* Section 1.c.). On March 1, the Government lifted the state of emergency, under which many of these protections were suspended. Some detainees had not been informed of their legal status, and had no access to legal advice. There were provisions for bail and there was a functioning bail system. Many criminal suspects were held for months before their cases were examined or formal charges were filed. A number of prisoners in custody had not seen a judge since 1999 and 2000 (*see* Section 1.e.).

Following the demobilization of the CDF, there were no reports that CDF members arrested or detained persons during the year.

In July and August, four Liberian children were detained without charge at Pademba Road Prison and then released.

Following the lifting of the state of emergency, a large number of persons detained without charge were released or charged accordingly. At year's end, there were 18 persons who were detained for more than 2 years without charge; 17 were former SLA members and 1 was a former SLP officer.

On September 25, the Government expelled David Bropley, a Liberian ex-combatant, to Denmark for conducting "activities incompatible with his refugee status." Bropley had been in detention for 1 month prior to his expulsion.

The Government did not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, the judiciary continued to function only in part of the country. The judiciary began to reestablish operations in areas that were abandoned during the war, although there still were large parts of the country without judicial institutions. The judiciary demonstrated substantial independence in practice but at times was subject to corruption.

The judicial system consisted of the Supreme Court, appeals courts, and a high court whose justices were chosen by the President. Local courts administered traditional law with lay judges; appeals from these lower courts moved to the superior courts.

Although the Constitution and the law provide for a speedy trial, in practice the lack of judicial officers and facilities often produced long delays in the judicial process. Trials were usually fair; however, there was evidence that corruption influenced some cases. A majority of cases on the magistrate level were prosecuted by police officers, many of whom had little or no formal legal training. In 2000 the Armed Forces of the Republic of Sierra Leone (Amendment) Act reinstated the right of members of the armed forces to appeal a sentence handed down by a court-martial to the Court of Appeal.

Traditional justice systems continued to supplement extensively the central government judiciary in cases involving family law, inheritance, and land tenure, especially in rural areas. In Kono District there were reports that former CDF and Movement of Concerned Kono Youth (MOCKY), held informal courts to settle disputes among area residents, typically those who were not satisfied with the results of the legal judicial system. MOCKY representatives denied these reports and said that they catalogued disputes and brought them for referral to the proper authorities.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution and law prohibit such practices, and government authorities generally respected these prohibitions in practice.

In March the Government lifted the state of emergency, under which the Government permitted searches without warrants and established a nightly curfew.

In February former RUF commanders in Tongo Fields, Kenema District reported that youths from the Lower Bambara chiefdom tried to drive them out of the area. The ex-RUF commanders alleged that the youths were former CDF members under the influence of the Acting Paramount Chief. The youths allegedly harassed persons in Tongo Fields and imposed fines and taxes.

On July 6, approximately 100 persons destroyed dozens of homes in Kokwima, Kono District. Local chiefs and MOCKY allegedly carried out the attacks in an effort to rid the Kono area of non-Kono persons. MOCKY representatives claimed that individuals from Tankoro, Kono District destroyed the homes because police had failed to respond to reports that the dwellings were being used to traffick drugs. An individual who owned land on which many of the homes were built said that the only homes spared belonged to Konos.

Unlike in the previous year, there were no instances of rebel forces invading, looting, or destroying private property.

Unlike in the previous year, there were no reports that rebel forces kidnaped and forcibly conscripted children (see Section 5).

There was no action taken on unconfirmed reports that in March 2001 RUF fighters forcibly conscripted civilians in Makeni into the Poro Society, one of several secret societies in the country tied to indigenous beliefs and rituals, and forced them to join the RUF.

On July 21, five armed Liberians reportedly looted the villages of Kokobu and Gbandoma.

Unlike in the previous year, there were no reports that Guinean troops destroyed private property or burned homes.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government at times limited these rights in practice. During the year, there were no bans on any newspapers, and no radio station was shut down for failure to pay fees. Unlike in the previous year, security forces did

not harass journalists. The written press and radio generally reported on security matters, corruption, and political affairs without interference.

More than 50 newspapers were published in Freetown during the year, covering a wide spectrum of interests and editorial opinion. Most of the newspapers were independent of the Government, and several were associated with opposition political parties. The number of newspapers fluctuated weekly. Many contained sensational, undocumented stories and repeated items carried by other newspapers. Newspapers openly and routinely criticized the Government and its officials, as well as the rebel forces.

The Independent Media Commission (IMC) regulated independent media outlets. Although it was an independent body, some media observers alleged that the Government influenced it. In March the IMC ordered the editor of the African Champion newspaper to stop publication and cease editorial functions for 2 months in response to two articles printed on February 6 and 11 that accused President Kabbah's son of using a Consul's diplomatic status to escape import duties. The IMC said the editor, Mohammed Koroma, had to cease publication until an investigation was complete. Koroma ignored the demand on the grounds that the IMC did not have the legal right to demand his suspension. The IMC charged Mohamed Koroma to the High Court, but the case had not been heard by year's end.

In November Paul Kamara, editor of the For Di People newspaper, was sentenced to 6 months in prison for defaming a local judge. The court sent a letter to the President recommending the banning of the paper for 6 months, however, the ban was not implemented by year's end. International press rights groups called for the repeal of the criminal libel law under which Kamara was charged.

There was no action taken against police forces that detained and interrogated the editor of the Democrat newspaper in February 2001.

There was no further development on the rumors of "killing squads" that allegedly targeted a list of seven journalists in September 2001.

Due to low levels of literacy and the relatively high cost of newspapers and television, radio remained the most important medium of public information. Several government and private radio and television stations broadcast; both featured domestic news coverage and political commentary.

In February the IMC instituted a \$2,000 (4 million Leones) annual license fee for single channel radio stations. Radio journalists and media monitors claimed that this fee was prohibitively expensive, and if enforced would limit severely the number of independent radio stations. The IMC threatened to close any radio station that did not pay the fee. At year's end, no stations had been closed.

The parastatal Sierratel communications company exercised a monopoly over Internet access in the country. The lack of competition and the poor condition of telephone lines often made Internet connectivity problematic.

The Government did not restrict academic freedom. All institutions of higher learning were open during most of the year; however, university infrastructure destroyed during the conflict was not yet restored fully by year's end.

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

Several large demonstrations took place during the year, including demonstrations involving thousands of persons before the May elections. Although some demonstrations were marred by violence, most were relatively peaceful. At times UNAMSIL forces backed up government security forces in dealing with demonstrations.

The Government did not ban any demonstrations during the year.

On July 18, two persons were killed in demonstrations relating to the death of a well-known Fullah moneychanger in Freetown. A large crowd took the body of the moneychanger from the morgue and paraded it in the streets. UNAMSIL troops were deployed to key areas in central Freetown for security reasons. According to UNAMSIL, when the crowd became aggressive, UNAMSIL troops employed a combination of persuasion, crowd dispersal tactics, and firing of warning shots in the air. A consortium of domestic human rights NGOs investigated the incident and determined through alleged eyewitness accounts that UNAMSIL troops directly fired into the crowd, killing two civilians. A UNAMSIL investigation into the incident found no conclusive evidence as to how the individuals were killed.

RUF members who opened fire on demonstrators in 2000, killing at least 20 persons and injured 80 others, remained in detention at year's end (see Section 1.a.).

The Constitution provides for freedom of association, and the Government generally respected this right in practice. There were numerous civic, philanthropic, and social organizations, and the registration system was routine and nonpolitical. No known restrictions were applied to the formation or organization of the 16 opposition political parties and the more than 60 registered civic action NGOs. In 2001

21 political parties were registered; during the year, 16 political parties were registered. Some parties were integrated into other parties, such as the Grand Alliance Party. In 2001 the RUF alleged that the Government prevented the establishment of an RUF political party as called for in the Lome Accord. However, during the year the RUF registered as a political party, changed their name to the Revolutionary United Front Party (RUF), and fielded presidential and parliamentary candidates.

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

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice; however, there were frequent reports that SLP officers manned roadblocks and stopped motorists to extort money from travelers (see Section 1.c.). Unlike in the previous year, there were no reports of RUF rebels or CDF members manning roadblocks.

Approximately 247,000 internally displaced persons (IDPs) remained at year's end. Some IDPs were housed in camps, but many lived in Freetown. Residents who feared that their homes would not be safe strongly resisted government attempts to close IDP camps. The large influx of IDPs and the lack of resources caused tension between local residents and IDPs; however, there were no reported incidents of violence. There were numerous reports that refugees and IDPs returned to find their homes occupied.

Approximately 135,000 refugees repatriated during the year. An estimated 70,000 persons remained in refugee camps in Guinea and Liberia; smaller numbers remained in Cote d'Ivoire, the Gambia, Ghana, and other countries and were likely to integrate locally in those countries.

Unlike in the previous year, there were no cross-border actions by the RUF in Guinea that contributed to the return of refugees from Guinea. Unlike in the previous year, there were no reports that the RUF raped, abducted, and killed refugees returning to the country from camps in Guinea.

The law does not provide for granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. However, in practice the Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other organizations on repatriation matters and continued to provide first asylum to an increasing number of Liberians who had fled the conflict in their home country. UNHCR reported that more than 50,000 Liberian refugees entered the country by year's end. Some camps such as Jendema Camp at times were not able to provide adequate food or shelter for the influx of refugees, which caused border areas to become unstable. However, at year's end, conditions in all camps were described as adequate.

The U.N. conducted an investigation into reports in 2001 of widespread sexual abuse of refugees in the Mano River Union, including Sierra Leone. The U.N. investigation found no evidence to support earlier claims of widespread abuse, but did confirm the report of the rape of a 14-year old returnee in Jui (see Section 1.c.). Other international aid workers reported that several cases of abuse and exploitation of refugees by aid workers took place throughout the year.

The Liberian border officially closed at times during the year due to the civil conflict in Liberia; however, authorities permitted refugees, returnees, and other persons to move between the two countries regularly. There were some unconfirmed reports of bribery or coercion at border crossing points, although UNHCR reported that the Government did not hinder or refole those seeking asylum. At year's end, the border was open for all travel.

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; however, the May elections were marred by some irregularities.

In 2001 the Government extended the term of Parliament and the President by 6 months in response to the "state of war" in the country. In December 2001, Parliament voted to amend the Constitution in order to modify the electoral system. The amendments also extended President Kabbah's term of office until July. On March 29, Parliament was dissolved until the May elections.

During the year, the Government facilitated the RUF's re-registration as a political party, the RUF. The Government did not allow Foday Sankoh to run as the RUF Presidential candidate, citing a law that required candidates to be registered

to vote and to file personally their candidacy with the National Electoral Commission (NEC). RUF leadership said that Sankoh's registration was not possible because he was in government custody. The RUF alleged that the Government unfairly was trying to ward off a potential threat in the elections, because Sankoh had considerable name recognition and support in the country.

On January 24, the Government began voter registration for the May elections; however, there were reports that the Government's voter registration efforts were unbalanced, with more support going to areas that were dominated by the SLPP. There were widespread reports of underage voter registration.

On May 14, presidential and parliamentary elections were held. Eleven political parties were represented in the elections. President Kabbah of the SLPP was re-elected with 70 percent of the popular vote. The RUF fielded presidential and parliamentary candidates but performed poorly, winning only 1.7 percent of the vote. In Parliament the SLPP won 83 seats; only 2 other parties won seats. Only the SLPP was represented in the Cabinet after two cabinet members, who were earlier considered to be independent, joined the SLPP following the elections. Many international monitors declared the elections free and fair; however, there were credible reports of significant abuse of incumbency, manipulation of vote counting, and partisan action by the NEC. There also were reports of voter coercion by party bosses and traditional leaders. These abuses reportedly did not affect substantially the overall outcome of the election.

There were reports of significant problems on election day. Voter eligibility rules were changed during the course of election day. Early in the day, voters whose names did not appear on registration lists but who held voter cards were allowed to vote. Later in the day, the NEC changed the rule, which led to confusion in some polling stations. One district, Pujehun, reported a 104 percent voter turnout. In the southern and eastern districts, results showed that opposition parties received zero votes in some areas, which was not credible given the observed participation in the election of opposition supporters in those districts.

Locally elected councils and a traditional chieftain system controlled local government. Local elections, which were to have taken place in 1999, again were postponed.

It was estimated that approximately 40 percent of women in the country voted and represented 13 percent of the candidates in the May elections. Sixteen women won seats in the 112-seat Parliament. There were three women in the Cabinet and one in the Supreme Court. A significant number of women were employed as civil servants.

No statistics were available concerning the distribution of votes among minorities. Only citizens could vote. The Constitution restricts the acquisition of citizenship at birth to persons of "patrilineal Negro-African descent." Since legal requirements for naturalization effectively denied citizenship to many long-term residents, a large number of persons of Lebanese origin, who were born and resided in the country, could not vote (*see* Section 5). There was a small percentage of the Lebanese population who had been naturalized and did vote, although the exact figure was unknown. There were no ethnic Lebanese members of Parliament.

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

A number of domestic and international human rights groups generally operated with few government restrictions, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. National Forum for Human Rights (NFHR) served as an umbrella organization for human rights groups in the country. More than 30 human rights NGOs were registered with NFHR, although only approximately 20 of these were said to be active. The majority of domestic human rights NGOs focused on human rights education, while only a few NGOs actively monitored and reported human rights abuses. The Campaign for Good Governance (CGG) oversaw widespread monitoring activities and has monitored human rights abuses in every province since 2000. CGG also undertook a conflict-mapping exercise that recorded more than 1,000 testimonies of victims and perpetrators of abuses during the war. The final report of this exercise was given to the Truth and Reconciliation Commission (TRC) and Special Court for use in carrying out these two institutions' respective mandates.

For the first time in years, human rights monitors were able to travel freely in previously rebel-held areas. Intensive reporting, data collection, and investigations started in these formerly inaccessible areas. Representatives of various international NGOs, foreign diplomats, the ICRC, and U.N. human rights officers were able to monitor trials and to visit prisons and custodial facilities during most of the year;

however, the Government on occasion attempted to restrict such visits (*see* Section 1.c.).

UNAMSIL continued to operate regional human rights offices in the provincial capitals of Bo and Makeni in addition to the UNAMSIL Human Rights section in Freetown.

In July the U.N. Special Court for Sierra Leone, whose role is to try those who “bear the greatest responsibility for the commission of crimes against humanity, war crimes, and serious violations of international humanitarian law,” began operations and was given 3 years to complete its mandate. By year’s end, investigations had begun and construction had begun on court facilities in Freetown. It was not known when the first indictments would be made.

The TRC provided a forum for publicly airing the grievances of victims and the confessions of perpetrators from the civil war. The TRC began with three interim secretariats who initiated preparations for eventual public hearings. The TRC was delayed, partly by a lack of funding, but was expected to begin public hearings in March 2003. In the interim, commissioners and staff began an education campaign throughout the country. The TRC suffered from management problems that delayed the Commission’s start date and resulted in the dismissal of nearly the entire interim secretariat staff. OHCHR provided an interim administrator in December to oversee a renewed hiring process. On December 4, 70 statement takers began collecting narratives throughout the country.

The U.N. and numerous NGOs, both domestic and international, continued to educate and sensitize the population about the TRC and the Special Court for Sierra Leone, and the Government supported these efforts.

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

The Constitution prohibits discrimination against women and provides for protection against discrimination on the basis of race and ethnicity; however, residents of non-African descent, particularly the Lebanese community, faced institutionalized political restrictions on the acquisition of citizenship.

Women.—Domestic violence against women, especially wife beating, was common. The police were unlikely to intervene in domestic disputes except in cases involving severe injury or death. In rural areas, polygyny was common. Women suspected of marital infidelity often were subjected to physical abuse. Frequently women were beaten until they divulged the names of their partners. Because husbands could claim monetary indemnities from their wives’ partners, the beatings often continued until the woman named several men even if there were no such relationships. There also were reports that women suspected of infidelity were required to undergo animistic rituals to prove their innocence.

Rape was recognized as a societal problem and was punishable by up to 14 years imprisonment. Cases of rape were underreported and indictments were rare, especially in rural areas. There were reports that former rebel forces continued to force women and girls to act as sex slaves. Medical or psychological services for rape victims were very limited. There were reports of the sexual abuse of refugees in refugee camps (*see* Section 2.d.).

FGM was practiced widely at all levels of society, although with varying frequency. The less severe form of excision was practiced. UNICEF and other groups estimated that 80 to 90 percent of women and girls had undergone the practice; however, local groups believed that this figure was overstated. FGM was practiced on girls as young as 5 years old. No law prohibits FGM. A number of NGOs worked to eradicate FGM and to inform the public about its harmful health effects. However, active resistance by women’s secret societies, in which FGM commonly occurred as part of initiation rites, countered the well-publicized international efforts against FGM.

On July 31, SLP officers arrested 10 women in Freetown in connection with the death of a 14-year-old girl following an FGM rite. The girl reportedly was found lying on the ground, bleeding from her genital area. All 10 women were suspected to be members of the Bundu secret society.

Prostitution was widespread. Many women and girls, particularly those displaced from their homes and with few resources, resorted to prostitution as a means to support themselves and their children.

The Constitution provides for equal rights for women; however, in practice women faced both legal and societal discrimination.

In particular their rights and status under traditional law varied significantly depending upon the ethnic group to which they belonged. The northern Temne and Limba tribes gave greater rights to women to inherit property than did the southern Mende tribe, which gave preference to male heirs and unmarried daughters. In the Temne tribe, women could not become paramount chiefs; however, in the Mende

tribe, there were several female paramount chiefs. Women did not have equal access to education, economic opportunities, health facilities, or social freedoms. In rural areas, women performed much of the subsistence farming and had little opportunity for formal education.

Women were active in civic and philanthropic organizations. Domestic NGOs such as 50/50 and Women's Forum raised awareness of gender equality and women's issues and encouraged women to enter politics as candidates for Parliament.

Children.—The Government was committed to improving children's education and welfare; however, it lacked the means to provide them with basic education and health services. The Ministry of Social Welfare, Gender, and Children's Affairs had primary responsibility for children's issues.

The law requires school attendance through primary school. Schools, clinics, and hospitals throughout the country were looted and destroyed during the 11-year insurgency; most were not rebuilt by year's end. A large number of children received little or no formal education. Schools were financed largely by formal and informal fees, but many families could not afford to pay them. The average educational level for girls was markedly below that of boys, and only 6 percent of women were literate. At the university level, male students predominated.

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

More than 6,000 child soldiers served alongside adults on both sides during the civil conflict, but in greater numbers on the rebel side. Some observers estimated that there were almost twice that many child soldiers. In 2001 the recruitment of children for military service by the CDF and the kidnaping and forced conscription of children into rebel forces ceased.

The National Commission for Disarmament, Demobilization, and Reintegration listed 6,845 demobilized child combatants. Girls represented 8 percent of demobilized child soldiers, and 30 percent of reunified noncombatant separated children. Because U.N. and human rights monitors estimated that girls represented 50 percent of those abducted during the war and there were reports that the rebels released disproportionate numbers of boys, these groups fear that many girls continued to be held as sex slaves. UNICEF reported in August that almost 7,000 children, including nearly 5,000 ex-combatants and nearly 2,000 noncombatant separated children, had been reunified with their families. More than 3,500 children of both groups were engaged in formal and informal education programs. Others were in special transitional centers, which were designed to help provide for their unique mental and emotional needs prior to reunification with their families. There continued to be reports that some families and communities rejected the returnees because of their perceived involvement in rebel atrocities. Child protection agencies reported that hundreds of boys and girls did not participate in the formal demobilization process. Locating the families of released child combatants often was difficult, and some did not want to assume responsibility for their children, some of whom were mentally and emotionally incapable of rejoining their families.

Persons with Disabilities.—There was no outright discrimination against persons with disabilities in housing or education; however, given the high rate of general unemployment, work opportunities for persons with disabilities were few. Public facility access and discrimination against persons with disabilities were not considered public policy priorities. Although a few private agencies and organizations attempted to train persons with disabilities in useful work, there was no government policy or program directed particularly at persons with disabilities. No law mandates accessibility to buildings or provides assistance to persons with disabilities. In May the Government made some effort to facilitate access to voting for persons with disabilities, particularly for the blind.

Some of the numerous individuals maimed in the fighting, or had their limbs amputated by rebel forces, received special assistance from various local and international humanitarian organizations. Such programs involved reconstructive surgery, prostheses, and vocational training to help them acquire new work skills; however, amputees complained that they did not receive sufficient assistance compared to ex-combatants, who received assistance through the demobilization process. Although the Lome Accord also called for the creation of a special fund to implement a program for rehabilitation of war victims, the fund had not yet been established by year's end. Attention to amputees increased the access of other persons with disabilities to health care and treatment.

National/Racial/Ethnic Minorities.—The ethnically diverse population consisted of at least 13 ethnic groups. These groups all spoke distinct primary languages and were concentrated outside urban areas; however, all ethnic groups used Krio as a second language. Little ethnic segregation was apparent in urban areas. Interethnic marriage was common. The two largest ethnic groups were the Temne in the north

and the Mende in the south. Each of these groups was estimated to make up approximately 30 percent of the population. There were reports of interethnic tension (see Section 1.f.).

Ethnic loyalty remained an important factor in the Government, the armed forces, and business. Complaints of ethnic discrimination in government appointments, contracts, military commissions, and promotions were common.

Residents of non-African descent faced institutionalized political restrictions (see Section 3). Legal requirements for naturalization, such as continuous residence in the country for 15 years or the past 12 months and 15 of the previous 20 years, effectively denied citizenship to many long-term residents, notably members of the Lebanese community.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of association, and in practice, workers had the right to join independent trade unions of their choice. Approximately 60 percent of the workers in urban areas, including government workers, were unionized, but attempts to organize agricultural workers and mineworkers have met with little success. All labor unions generally joined the Sierra Leone Labor Congress (SLLC), but membership was voluntary. There were no reliable statistics on union membership, but membership numbers declined as a percentage of all workers because of the virtual collapse of the small manufacturing sector. Police and members of the armed services were prohibited from joining unions.

The Trade Union Act provides that any five persons may form a trade union by applying to the registrar of trade unions, who has statutory powers under the act to approve the creation of trade unions. The registrar could reject applications for several reasons, including an insufficient number of members, proposed representation in an industry already served by an existing union, or incomplete documentation. If the registrar rejected an application, the decision could be appealed in the ordinary courts, but applicants seldom took such action.

The law does not prohibit antiunion discrimination against workers or employer interference in the establishment of unions; however, there were no reports of such cases during the year. An employee fired for union activities could file a complaint with a labor tribunal and seek reinstatement. Complaints of discrimination against trade unions were made to a tribunal.

Unions were free to form federations and to affiliate internationally. The SLLC was a member of the International Confederation of Free Trade Unions (ICFTU).

b. The Right to Organize and Bargain Collectively.—The Regulation of Wages and Industrial Relations Act provides the legal framework for collective bargaining. Collective bargaining must take place in trade group negotiating councils, each of which had an equal number of employer and worker representatives. Most enterprises were covered by collective bargaining agreements on wages and working conditions. The SLLC provided assistance to unions in preparations for negotiations; in the case of a deadlock, the Government could intervene. The Industrial Court for Settlement of Industrial Disputes began hearing cases in 2000; although most cases involving industrial issues continued to go through the normal court system, the Industrial Court heard more than 50 cases during the year.

Workers had the right to strike, although the Government could require 21 days' notice. There were several significant strikes in the public sector during the year. Most notably teachers and doctors went on strike over wages and unpaid salaries in the form of work stoppages and sick-outs. Teachers, doctors, and nurses went on strike during the year. Teachers struck in January, and nurses and doctors struck in February and March. According to the president of Sierra Leone Nurses' association, the Government eventually accepted 80 percent of the nurses' demands. Workers from Sierratel, a telecommunications parastatal, went on strike over refunds of pension benefits.

No law prohibits retaliation against strikers, even for a lawful strike; however, the Government did not take adverse action against the employees and paid some of them back wages.

There were no export processing zones (EPZs).

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced and bonded labor, including by children; however, forced labor remained a problem. Under the Chiefdom's Council Act, individual chiefs could impose forced labor as punishment, and have done so in the past. They also could require members of their villages to contribute to the improvement of common areas. This practice occurred only in rural areas. There was no penalty for noncompliance. There were reports of some bonded labor, possibly including labor by children, in rural areas.

Some women and girls, although in significantly less numbers than before, allegedly remained as sex slaves with former RUF rebels (see Section 5). There were reports that former RUF commanders continued to force children to mine diamonds (see Section 6.f.).

Liberian forces abducted persons for forced labor (see Section 1.b.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The official minimum age for employment was 18 years; however, children between the ages of 12 and 18 years could work in certain non-hazardous occupations, provided that they had parental consent. Due to a severe lack of resources, the Government was unable to implement these laws.

Children routinely assisted in family businesses and worked as petty vendors. Adults employed a large number of street kids to sell, steal, and beg. In rural areas, children worked seasonally on family subsistence farms. Hundreds of children, including those 10 years old and younger, mined in alluvial diamond fields. A majority of these children worked for relatives; however, some reportedly worked for former RUF commanders.

Because the adult unemployment rate remained high, few children were involved in the industrial sector. Foreign employers hired children to work as domestic laborers overseas at extremely low wages and in poor conditions. The Department of Foreign Affairs and International Cooperation was responsible for reviewing overseas work applications to see that no one under the age of 14 was employed for this purpose; however, the reviews were not effective.

The Constitution prohibits forced and bonded labor by children; however, such practices continued to exist (see Section 6.c.).

e. Acceptable Conditions of Work.—The minimum wage was approximately \$10.50 (21,000 Leones) per month; it had not been adjusted since 1997. The minimum wage was not sufficient to provide a decent standard of living for a worker and family. Most workers supported an extended family, often including relatives who were displaced by the insurgency in the countryside. It was common to pool incomes and to supplement wages with subsistence farming and child labor (see Section 6.d.).

The Government's suggested workweek was 38 hours, but most workweeks exceeded that figure.

Although the Government set health and safety standards, it lacked the funding to enforce them properly. Trade unions provided the only protection for workers who filed complaints about working conditions. Initially a union could make a formal complaint about a hazardous working condition; if this complaint were rejected, the union could issue a 21-day strike notice. If workers were to remove themselves from dangerous work situations without making a formal complaint, they risked being fired.

The law protects both foreign and domestic workers; however, there were fewer protections for illegal foreign workers.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were reports that persons were trafficked from and within the country. Child prostitution was a problem (see Section 5). With the end of the war and the demobilization of child soldiers, trafficking in persons lessened significantly. The Government acknowledged unconfirmed reports of limited trafficking within and from the country; however, it lacked resources to address the problem adequately. There were no figures available on the extent of the trafficking problem.

During the year, the Government compelled the RUF to disarm, demobilize, and release its child soldiers; however, there were concerns that a significant number of children remained with their captors. It was likely that small groups of previously captured women and girls continued to be forced to act as sex slaves (see Section 5).

Unlike in the previous year, there were no reports that rebels abducted persons to work as servants or laborers in the diamond fields; however, there were reports that former RUF commanders continued to use children to mine diamonds. The Government had not yet asserted complete control over the diamond fields by year's end.

In July Liberian soldiers abducted men, women, and children and used them as porters and other unknown purposes (see Section 1.b.).

SOMALIA¹

Somalia has been without a central government since its last president, dictator Mohamed Siad Barre, fled the country in 1991. In May 2000, in Arta, Djibouti, delegates representing all clans and a wide spectrum of Somali society participated in a "Conference for National Peace and Reconciliation in Somalia." The Conference adopted a charter for a 3-year Transitional National government (TNG) and selected a 245-member Transitional National Assembly (TNA), which included 24 members of Somali minority groups and 25 women. In August 2000, the Assembly elected Abdiqassim Salad Hassan as Transitional President. Administrations in the northwest (Somaliland) and northeast (Puntland) of the country do not recognize the results of the Djibouti Conference, nor do several Mogadishu-based factional leaders. Serious interclan and intraclan fighting continued to occur in parts of the country, notably in Puntland, the central regions of Hiran and Middle Shabelle, the southern regions of Bay, Bakol, Gedo, Lower Shabelle, Middle Juba, Lower Juba, and in Mogadishu. In Baidoa, the Rahanweyn Resistance Army (RRA) which controls Bay and Bakol splintered, resulting in continued fighting by RRA leaders to assert control over Baidoa. No group controlled more than a fraction of the country's territory. The Inter-Governmental Authority for Development (IGAD) sponsored a reconciliation conference led by Kenya, in association with Ethiopia and Djibouti. All major political and military leaders attended as well as elders, religious leaders, and members of civil society. There was no national judicial system.

Leaders in the northeast proclaimed the formation of Puntland in 1998. Puntland's leader, Abdullahi Yusuf, publicly announced that he did not plan to break away from the remainder of the country; however, the Puntland Administration did not participate in the Djibouti Conference or recognize the TNG that emerged from it. In July 2001, Yusuf announced his refusal to abide by the Constitution and step down. This led to a confrontation with Chief Justice Yusuf Haji Nur, who claimed interim presidential powers pending elections. In November 2001, traditional elders elected Jama Ali Jama as the new Puntland President. Yusuf refused to accept the elders' decision, and in December 2001, he seized by force the town of Garowe, reportedly with Ethiopian support. Jama fled to Bosasso. In early May, Yusuf seized Bosasso and controlled Puntland in general. Forces loyal to Puntland president Jama Ali Jama withdrew from Bosasso without a fight. Both Yusuf and Jama continued to claim the presidency, and there were continued efforts to resolve the conflict at year's end. A ban on political parties in Puntland remained in place.

In the northwest, the Republic of Somaliland continued to proclaim its independence within the borders of former British Somaliland. Somaliland has sought international recognition since 1991 without success. Somaliland's government included a parliament, a functioning civil court system, executive departments organized as ministries, six regional governors, and municipal authorities in major towns. During the year, Somaliland continued to be stable. In January the House of Elders extended the life of the Parliament for 1 year and postponed elections. On December 15, municipal elections were held, and more than 440,000 voted out of a population believed to be 2.5 million. A total of 379 local councilors were elected. Presidential and parliamentary elections are expected to take place in mid-2003. In May President Egal died, and his vice-president, Dahir, was sworn in as president within a week.

Clan and factional militias, in some cases supplemented by local police forces continued to function with varying degrees of effectiveness in the country. In Somaliland more than 60 percent of the budget was allocated to maintaining a militia and police force composed of former troops. The TNG had a 3,500-officer police force and a militia of approximately 5,000 persons. During the year, demobilization ceased due to lack of funding. Police and militia members committed numerous and serious human rights abuses throughout the country.

The country's population was estimated to be between 7 and 8 million. The country was very poor with a market-based economy in which most of the work force was employed as subsistence farmers, agro-pastoralists, or pastoralists. The principal exports were livestock and charcoal; there was very little industry. Insecurity and bad weather continued to affect the country's already extremely poor economic situation. A livestock ban by Saudi Arabia continued and seriously harmed an already devastated economy. The country's economic problems continued to cause severe unemployment and led to pockets of malnutrition in southern areas of the country.

¹The United States does not have diplomatic representation in Somalia. This report draws in part on non-U.S. Government sources.

The country's human rights record remained poor, and serious human rights abuses continued. Citizens' did not have the right to change their government because of the absence of an established central authority. Numerous civilians were killed in factional fighting, especially in Gedo, Bay, Bakol, Hiran, Lower Shabelle, Middle Shabelle, Middle Juba, Lower Juba, and in Mogadishu and Bosaso. Kidnaping remained a problem, particularly in Mogadishu where a number of Somali U.N. workers were kidnaped. Landmines resulted in several deaths. Prison conditions remained harsh and life threatening. Arbitrary arrest and detention remained problems. In most regions, the judicial system relied on some combination of traditional and customary justice, Shari'a (Islamic) law, and the pre-1991 Penal Code. Citizens' privacy rights were limited. There were restrictions on the freedoms of speech, press, assembly, association, religion, and movement. Violence and discrimination against women, including the nearly universal practice of female genital mutilation (FGM), continued. Abuse of children remained a problem. Abuse and discrimination against ethnic and religious minorities in the various clan regions persisted. There was no effective system for the protection of workers' rights, and there were isolated areas where local gunmen forced minority group members to work for them. Child labor and trafficking remained problems.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Political violence and banditry have been endemic since the 1991 revolt against Siad Barre. Since that time, tens of thousands of persons, mostly noncombatants, have died in interfactional and interclan fighting. The vast majority of killings throughout the year resulted from clashes between militias or unlawful militia activities; several occurred during land disputes, and a small number involved common criminal activity. The number of killings continued as a result of interclan and intraclan fighting between the following groups: The RRA and TNG; the TNG and warlord Muse Sudi in Mogadishu; warlord Hussein Aideed and the TNG; Abdullahi Yusuf's forces and those of Jama Ali Jama in Puntland; and the SRRC and Jubaland Alliance in Kismayu.

Security forces and police killed several persons; however, unlike in the previous year, there were no reports that they used lethal force to disperse demonstrators. For example, on June 22, TNG police killed Abdi Adam Jabey after he refused to pay a tax levy at Bakara market in Mogadishu. On September 22, TNG soldiers who were manning a checkpoint on the outskirts of Merka opened fire on a minibus taxi after it refused to stop and killed one person. No action was taken in either case by the TNG authorities by year's end.

No action was taken against the responsible members of the security forces in the following 2001 cases: The February forcible dispersal of a demonstration in Bosaso by security forces and police who shot and killed 1 woman and injured 11 other persons; the August killing of a small child by Somaliland police; and the alleged August killing in Mogadishu of 2 young brothers by TNG police.

No action was likely to be taken against the responsible members of TNG forces, Somaliland and Puntland forces, warlord supporters, or members of militias for numerous killings in 2000.

In August 2001, Tanzanian police arrested three individuals who reportedly killed former Siad Barre army General Yusuf Tallan in 2000; they remained in custody in Tanzania at year's end.

Numerous deaths resulted from conflicts between security and police forces and militias during the year. For example, between May 24 and May 28, more than 60 persons were killed and hundreds injured in clashes between militia loyal to Muse Sudi and TNG forces. Hospital sources said most of the casualties were civilian non-combatants, including women and children, injured by indiscriminate fire.

There were no actions taken against those responsible for the killings that resulted from conflicts between security and police forces and militias in the following 2001 cases: The March killing in Mogadishu of 4 persons, including a deputy police inspector, during a gun battle between police and militia members; the May killing of more than 50 persons and the injuring of more than 100 during fighting between Somali National Alliance (SNA) militiamen and TNG security forces; the May killing of 13 persons in Libahel town during fighting between RRA militiamen and TNG forces; the June killing of 2 persons and the injuring of several others during fighting between TNG police and militiamen; the July killing of 4 persons during clashes between security forces belonging to Islamic Court Militia in Merka and clan militiamen from the area; and the August killing of at least 18 persons during fighting between a coalition of factions supported by the Government of Ethiopia and the TNG-supported Jubaland Alliance militia in the southern port city of Kismayu.

There was no action taken against the responsible members of militias in the following 2001 cases of killing of members and supporters of the TNG: The reported January attack by RRA militia members on a convoy of TNG officials in the Bakol region in which at least 9 persons were killed and a number of others were injured, and the February attack by troops from the Somali National Front (SNF) militia belonging to warlord Abdirizak Bihi on a TNG delegation in Garbaharre town in Gedo region during which 10 persons were killed.

Attacks against humanitarian and nongovernmental organization (NGO) workers resulted in at least one death during the year. In February gunmen killed Veren Karer, a Swiss national funded by a Swiss NGO who was running a primary school and clinic. TNG police arrested several men who were suspects. The killing was apparently related to an employment dispute and was not politically motivated. Police killed one of the suspects, possibly while he was resisting arrest; the other suspects were released for lack of evidence. On October 19, armed men attacked a Medecines Sans Frontieres (MSF) clinic in Adan Yabal in Middle Shabelle. One patient was killed and two persons were injured. MSF suspended operations after the attack. No action was taken against those responsible by year's end.

There were no actions taken by year's end against the militiamen loyal to warlord Osman Atto who in July 2001 ambushed a World Food Programme (WFP) relief convoy near Mogadishu that killed six persons.

Militia attacks resulted in deaths during the year. For example, on January 11, Garah Mohammed Said Gom'ad, a prominent businessman, reportedly was killed by forces of Abdullahi Yusuf in a deliberate attack. Yusuf's militia reportedly stopped his car and shot him. On August 17, Abdullai Yusuf's bodyguards killed Sultan Ahmed Mohamoud Mohammed, a UK citizen, after respective convoys of Yusuf and Mohammed passed each other on the road approximately 2 miles south of the Puntland town of Garowe. Yusuf claimed the death was accidental and that his men only were trying to stop Mohammed to question him and fired to get the attention of the convoy. Witnesses claimed that the killing was intentional. According to the press reports, Mohammed was targeted by Yusuf for arrest as a religious extremist. No action was taken against those responsible by year's end.

No action was taken in the following 2001 cases of militia attacks that resulted in deaths: The February killing of one person during renewed border clan warfare between Somaliland and Puntland; the June killing of at least three persons in Mogadishu by armed militiamen; the June killing of five persons by unidentified heavily armed militiamen who shot at a passenger bus in Mahadday area of Lower Shabelle region; the June killing of seven persons by militiamen who fired into a minibus in Mogadishu; and the August killing by Abdullahi Yusuf's militia of four men who attempted to stop them at a roadblock while retreating to Garowe from Bosasso.

Conflicts between rival militias resulted in deaths during the year. For example, on May 30, four persons were killed and seven injured in a clash between subclan militiamen loyal to Mohammed Dere and those loyal to Dahir Dayah, TNG Interior Minister in Mir Tuug village in Middle Shabelle; on June 18, 20 more persons were killed in a clash between Dere and Dayah militiamen. On August 2, forces loyal to Abdullahi Yusuf captured Gardo from Jama Ali Jama's forces, and more than 120 persons were killed and 100 others injured. No action was taken against those responsible by year's end.

No action was taken against the militia members responsible for any 2001 cases of killing.

Fighting within militia groups resulted in numerous deaths during the year. For example, on June 1 and 2, more than 10 persons were killed and 40 injured after fighting broke out between Marehan and Haber Gedir Ayr clans that form most of the Juba Valley Alliance (JVA) coalition. No action was taken against those responsible by year's end.

No action was taken against the militia members responsible for the February 2001 killing at the Balligdogle airstrip of four persons when they began to fight among themselves.

Mining of roads occurred primarily in Gedo region where Marehan factions of the SNF fought during the year and in Middle Shabelle where warlord Mohamed Dere was involved in intraclan warfare.

Landmine explosions caused several deaths and injuries during the year (*see Section 1.c.*). On January 30, a vehicle hit a landmine about 90 miles from Mogadishu on the road to Baidoa killing two persons and injuring three.

Unknown assailants killed persons during the year. For example, on April 28, gunmen killed Dr. Dahir Sheikh Ahmed, a well-known radiologist at Mogadishu's Mount Sinai Hospital. The apparent motive was robbery. On May 3, near Johwar,

unidentified gunmen attacked a passenger bus, killing six persons and injuring six others. No action was taken against those responsible by year's end.

No action was taken against the unknown assailants responsible for the following 2001 cases: The February killing of a bystander during an attack on the Mogadishu police chief in Mogadishu; the February killing of three children in Mogadishu while returning from Koranic school; the March killing of 10 men in Jowhar in retaliation for the killing of a young girl; and the March killing of four persons at the police station in Qardho after complaining about police harassment.

Interclan fighting resulted in numerous deaths during the year. For example, on January 29, more than 40 persons were killed and 60 injured in interclan fighting in Mudug region of central Somalia. In April interclan fighting in Bula Hawa, across the border from Mandera, Kenya, resulted in numerous deaths and injuries. Approximately 7,000 refugees fled to Kenya; most returned after fighting subsided. In early October in Galkacyo, an interclan clash between Majerten and Haber Gedir resulted in 13 deaths and more than 20 injured. On December 25, at least 4 students were killed and 15 injured—all between the ages of 16 and 19—when gunmen opened fire on a school bus in Mogadishu, apparently because one clan thought the bus belonged to another clan. No action was taken in any of these incidents by year's end.

There was no action taken against those responsible for the following killings due to interclan fighting in 2001: The March killing of 6 persons in Hawl Wadag; the March killing of 40 persons during Marehan intraclan fighting; and the May killing of 7 persons in a clash between the Galjecel and Rahanweyn clans over camel rustling in Burhakaba.

There was no action taken against those responsible for the February 2001 killing of 3 persons and the burning of 13 villages in Jowhar during a land dispute.

Unlike in the previous year, there were no reports during the year that Ethiopian troops participated in fighting and killed persons.

There no further developments in the January 2001 report that Ethiopian soldiers killed 5 persons after they fired shots into a group of demonstrators in the southwest or the September 2000 reported killing of 2 persons by 30 Ethiopian soldiers during an alleged attack on Haji Salah village in Somaliland.

b. Disappearance.—There were no known reports of unresolved politically motivated disappearances, although cases easily might have been concealed among the thousands of refugees and displaced persons.

There continued to be reports of kidnappings of NGO workers during the year. For example, on February 28, a Somali UNICEF employee in Mogadishu was kidnaped; he was released several days later after TNG, U.N., and elders' pressure. On April 28, a Somali U.N. Development Program (UNDP) employee in Mogadishu was kidnaped; he was released on May 25. On August 5, a Somali Foreign Agricultural Organization employee in Mogadishu was kidnaped; he was released on August 10.

There were numerous kidnappings by militia groups and armed assailants who demanded ransom for hostages. For example, on February 9, gunmen in Mogadishu abducted a Djiboutian citizen serving as a bodyguard to then TNG Foreign Minister Ismael Hurre. A ransom was demanded; however, it was unclear whether this was an act of extortion or an attempt to undermine the TNG. The hostage escaped 2 months later. In early August off the coast of Puntland, militia members loyal to Abdullahi Yusuf hijacked a Greek-owned North Korean-registered oil tanker and asked for \$600,000 in ransom. Yusuf intervened and the ship was released. The amount of ransom paid, if any, was unknown.

Between Sept 20 and 24, approximately 10 ethnic Arabs were kidnaped. The motive for the kidnappings and whether they have been released were unknown by year's end.

In late September, approximately 100 Ethiopian soldiers abducted 12 elders who were negotiating a ceasefire between subclans in Galgudud region. The reason for abduction was unknown; however, the elders subsequently were released.

There were no investigations or action taken against the perpetrators of kidnappings that occurred during the year, in 2001, or in 2000.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Transitional National Charter, adopted in 2000 but still not implemented by year's end, prohibits torture, and the Puntland Charter prohibits torture "unless sentenced by Islamic Shari'a courts in accordance with Islamic law"; however, there were some reports of the use of torture by the Puntland and Somaliland administrations and by warring militiamen against each other or against civilians. Observers believed that many incidents of torture were not reported.

Security forces, police, and militias also injured persons during the year. Acts of violence, including several killings, continued against supporters or members of the TNG (*see* Section 1.a.).

In July a regional court found a young man guilty in Mogadishu of stealing more than \$20. The court sentenced him to amputation of his hand; however, the TNG Justice Minister and the domestic human rights group Dr. Ismael Jumale Human Rights Centre (DIJHRC) protested, and the sentence was under review at year's end.

In their annual report the DIJHRC reported that during the year there were 32 rape cases in Mogadishu, largely committed by militia members.

There were reports of numerous rapes of Somali women and girls in refugee camps in Kenya during the year. The majority of the rapes were perpetrated by Somali bandits who crossed over the border; a small number of the rapes were committed by Kenyan security forces and police. The U.N. High Commissioner for Refugees (UNHCR) documented more than 100 reported cases between February and August but estimated that the actual number was likely 10 times greater. The aid agency CARE estimated that approximately 40 women were raped every month in 4 refugee camps; other reports indicated that 10 percent of Somali women in the camps have been raped. The rapes usually followed looting attacks by bandits and occurred when women and girls left the camps to herd goats or collect firewood or at night when bandits enter the refugee camps. The victims ranged in age from 4 to 50 years of age, and many of the rapes reportedly resulted in pregnancies.

Unlike in the previous year, there were no reports that security forces killed and injured persons while forcibly dispersing demonstrations.

There were several attacks on humanitarian and NGO workers by militia and other groups, which resulted in deaths and injuries (*see* Section 1.a.).

There was at least one report of an attack with explosives during the year. In February two persons were injured seriously when unknown persons threw a grenade into the residence of TNG Prime Minister Hassan Abshir Farah.

There were no investigations or action taken against the perpetrators of numerous attacks with explosives in 2001.

No action reportedly was taken against TNG, Somaliland, and Puntland forces, warlord supporters, or members of militias responsible for torturing, beating, raping, or otherwise abusing persons in 2001 or 2000.

Landmine explosions killed and injured persons during the year (*see* Section 1.a.). Although reliable statistics were not available, a large number of persons were killed and injured as a result of interfactional and interclan fighting (*see* Section 1.a.).

Prison conditions remained harsh and life threatening. For example, Hareryale, a prison established between north and south Mogadishu, reportedly held hundreds of prisoners, including children. Conditions at Hareryale were described as overcrowded and poor. Similar conditions exist at Shirkhole prison, a prison in south Mogadishu, and at a north Mogadishu prison for Abgel clan prisoners run by warlord Musa Sudi. In September 2001, the U.N. Secretary General's Independent Expert on Human Rights, Dr. Ghanim Alnajjar, visited prisons in Hargeisa and Mogadishu. Alnajjar reported that conditions had not improved in the 3 years since his last visit.

Overcrowding, poor sanitary conditions, a lack of access to adequate health care, and an absence of education and vocational training characterized prisons throughout the country. Tuberculosis was widespread. Abuse by guards reportedly was common in many prisons. The detainees' clans generally paid the costs of detention. In many areas, prisoners were able to receive food from family members or from relief agencies. Ethnic minorities made up a disproportionately large percentage of the prison population.

Pretrial detainees and political prisoners were held separately from convicted prisoners. According to an international observer, men and women were housed separately in the Puntland prison in Bosasso; this was the case in other prisons as well. Juveniles frequently were housed with adults in prisons. A major problem continued to be the incarceration of juveniles at the request of families who wanted their children disciplined. The juveniles were held without charge, and they frequently spent long periods of incarceration with adults.

The Puntland Administration permitted prison visits by independent monitors. Somaliland authorities permitted prison visits by independent monitors, and such visits occurred during the year. The DIJHRC visited prisons in Mogadishu during the year.

d. Arbitrary Arrest, Detention, or Exile.—In the absence of constitutional or other legal protections, various factions continued to engage in arbitrary detention.

On September 15, Abdillahi Yusuf's Puntland authorities arrested a group of Muslim preachers, both foreign and local, who were on their way to Hargeisa to attend a religious gathering. They were released several days later.

In early August, Puntland authorities arrested several human rights advocates who were planning to attend a conference in Hargeisa. They were released several weeks later at the request of the visiting U.N. Independent Expert on Human Rights.

On August 27, Puntland forces raided the office of Ocean Training Promotion, a Bosasso NGO, removed equipment, and arrested seven officials. The officials were released 1 day later.

There were reports that authorities in Somaliland, Puntland, and in areas of the south detained local or foreign journalists (*see* Section 2.a.).

It was unknown whether persons detained in 2001 and 2000 were released during the year.

None of the factions used forced exile.

e. Denial of Fair Public Trial.—There was no national judicial system.

The Transitional Charter, adopted in 2000, provides for an independent judiciary and for a High Commission of Justice, a Supreme Court, a Court of Appeal, and courts of first reference; however, the Charter still had not been implemented by year's end. Some regions established local courts that depended on the predominant local clan and associated factions for their authority. The judiciary in most regions relied on some combination of traditional and customary law, Shari'a, the Penal Code of the pre-1991 Siad Barre government, or some elements of the three. For example, in Bosasso and Afmadow, criminals were turned over to the families of their victims, who then exacted blood compensation in keeping with local tradition. Under the system of customary justice, clans often held entire opposing clans or subclans responsible for alleged violations by individuals.

There were two functioning Shari'a-based entities—a new one in the Daynile area and one in the Beledweyne area; however, both largely acted as administrative units not courts.

In 2000 Somaliland adopted a new Constitution based on democratic principles but continued to use the pre-1991 Penal Code. The Constitution provides for an independent judiciary; however, the judiciary was not independent in practice. There was a serious lack of trained judges and of legal documentation in Somaliland, which caused problems in the administration of justice. Untrained police and other persons reportedly served as judges.

The Puntland Charter has been suspended since the infighting between Abdullahi Yusuf and Jama Ali Jama. The Charter provides for an independent judiciary; however, the judiciary was not independent in practice. The Puntland Charter also provided for a Supreme Court, courts of appeal, and courts of first reference. In Puntland clan elders resolved the majority of cases using traditional methods; however, those with no clan representation in Puntland were subject to the Administration's judicial system.

The Transitional Charter provides for the right to be represented by an attorney. The right to representation by an attorney and the right to appeal did not exist in those areas that apply traditional and customary judicial practices or Shari'a. These rights more often were respected in regions that continued to apply the former government's Penal Code, such as Somaliland and Puntland.

There was no investigation or action taken against the more than 50 gunmen responsible for the January 2001 attack on an Islamic court in Mogadishu during which 48 prisoners were released and the premises looted.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Transitional Charter provides for the sanctity of private property and privacy; however, looting and forced entry into private property continued in Mogadishu, although on a smaller scale than in previous years. The Puntland Charter and the Somaliland Constitution recognize the right to private property; however, the authorities generally did not respect this right.

Unlike in the previous year, there were no reports that militia members confiscated persons' possessions as punishment during extortion attempts.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Transitional Charter provides for freedom of speech and the press; however, the charter still was not implemented by year's end, and there were incidents of harassment, arrest, and detention of journalists in all areas of the country, including Puntland and Somaliland. The Puntland Charter provides for freedom of the press "as long as they respect the law"; however, this

right was not respected in practice. The Somaliland Constitution also provides for freedom of the press; however, this right was restricted in practice.

In September the Transitional National Assembly (TNA) passed a Press Bill that requires all media to register with the Minister of Information and imposes penalties for false reporting. Critics alleged that if enforced the law would give the TNG powers of censorship; however, there were no reports that the law was enforced by year's end.

Unlike in the previous year, journalists were not banned from covering proceedings of the TNA.

In January TNG police arrested a newspaper reporter allegedly for reporting inaccurately on parliamentary proceedings. He was released 2 days later.

The print media consisted largely of short, photocopied dailies, published in the larger cities and often linked to one of the factions. Several of these newspapers nominally were independent and were critical of the faction leaders.

Somaliland has two daily newspapers, one government daily, and one independent. There also was an English language weekly newspaper. The Government tolerated criticism by journalists during the year.

On March 17 in Somaliland, the editor-in-chief of the local daily Al-Jamhuriya newspaper was arrested for publishing an article that claimed that members of the House of Elders were bribed to extend the President's term for another year. He was released several days later.

In late August, a reporter for the Hargeisa-based Wartire newspaper was arrested for writing an allegedly false article that Somaliland had entered into a secret agreement to give land to Djibouti. He was released 3 days later at the request of the visiting U.N. Independent Expert on Human Rights.

The majority of the country's citizens obtained news from foreign news broadcasts, primarily the British Broadcasting Corporation (BBC), which transmitted a daily Somali-language program. The major faction leaders in Mogadishu, as well as the authorities of the self-declared Republic of Somaliland, operated small radio stations. The TNG recently began operating an FM station. In April 2001, a new radio station, funded by local businesses, began operating in the southern part of the country.

On May 22, after retaking power in Puntland, Yusuf's administration closed the privately owned Somali Broadcasting Corporation's (SBC) radio and television facilities in Bosasso, probably because the SBC had favored Yusuf's rival Jama Ali Jama.

In June Somaliland authorities banned all private radio stations; however, it subsequently permitted a BBC-funded FM station to broadcast. Government-run Hargeisa radio continued to broadcast.

On August 16, Puntland authorities prohibited two BBC correspondents from filing reports with the BBC.

Unlike in the previous year, several telephone companies and Internet providers operated and provided service throughout the country during the year.

There were restrictions on academic freedom; academics operated under restrictions similar to those imposed on members of the media. There was no organized higher education system in most of the country. There were two universities in Mogadishu and two in Somaliland.

b. Freedom of Peaceful Assembly and Association.—There is no mention of freedom of peaceful assembly in the Transitional Charter, nor is there legal protection for freedom of assembly, and although citizens were free to assemble in public, the lack of security effectively limited this right in many parts of the country. The ban on demonstrations continued; however, demonstrations occurred throughout the country during the year. On a number of occasions during the year, women demonstrated for peace in Puntland despite the ongoing factional fighting.

Unlike in the previous year, there were no reports that the authorities in Somaliland, Puntland, and the south forcibly dispersed demonstrations or used excessive force, which resulted in deaths.

The Puntland Charter provides for freedom of association; however, the Puntland Administration banned all political parties. The Somaliland Constitution provides for freedom of association. In a referendum in May 2001, Somaliland voters approved legislation governing the formation of political parties. The law limits the number of political parties allowed to contest general elections to three. An ad hoc commission, nominated by the President and approved by the House of Representatives, was responsible for considering applications. The law provides that approved parties that win 20 percent of the vote in the next Somaliland elections would be allowed to operate.

Professional groups and local NGOs operated as security conditions permit.

c. Freedom of Religion.—There was no national constitution and no legal provision for the protection of religious freedom, and there were some limits on religious freedom.

The Transitional Charter establishes Islam as the national religion. Some local administrations, including the Republic of Somaliland and Puntland, have made Islam the official religion in their regions.

Local tradition and past law make it a crime to proselytize for any religion except Islam. Proselytizing for any religion except Islam is prohibited by law in Puntland and Somaliland and effectively blocked by informal social consensus elsewhere in the country. Christian-based international relief organizations generally operated without interference, as long as they refrained from proselytizing. In early March, three Christian Ethiopian nationals were arrested in Hargeisa allegedly for proselytizing. A search of their home uncovered Bibles and tapes on Christianity. They were deported to Ethiopia.

In Puntland Abdallahi Yusuf decreed that only Shaffi'yyah, a moderate Islamic doctrine followed by most Somalis, would be allowed in Puntland. Several days later, Puntland security forces entered several mosques in Bosasso to compel compliance.

Under the regulations in Somaliland, religious schools and places of worship were required to obtain the Ministry of Religion's permission to operate. The Ministry must approve entry visas for religious groups, and certain unspecified doctrines were prohibited. In Puntland religious schools and places of worship must receive permission from the Ministry of Justice and Religious Affairs to operate.

Non-Sunni Muslims often were viewed with suspicion by members of the Sunni majority. There was strong social pressure to respect Islamic traditions. Organized Islamist groups whose goal was the establishment of an Islamic state included Al-Islah, which openly operated primarily in Mogadishu, and Al-Ittihaad, which during the mid-1990's organized and operated training camps, continued to have adherents throughout the country but did not appear to have a central structure during the year. There was a continued influx of foreign Muslim teachers into the country to teach in private Koranic schools; however, there were reports that these schools required the veiling of small girls and other conservative Islamic practices normally not found in the local culture.

There was a small, low-profile Christian community. Christians, as well as other non-Muslims who proclaimed their religion sometimes faced societal harassment.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Transitional Charter and the Puntland Charter provide for freedom of movement; however, this right continued to be restricted in some parts of the country. Checkpoints manned by militiamen loyal to one clan or faction inhibited passage by other groups. In the absence of a recognized national government, most citizens did not have the documents needed for international travel.

On April 2, a TNG minister was detained in Hargeisa and sent back to Mogadishu. Somaliland authorities said he did not have permission to be in Somaliland. TNG authorities said he was transiting Somaliland to attend a conference in Cairo.

In 2001 in the Qoryoley district, militia members reportedly created checkpoints along the river where residents obtained water and charged them to take water from the river. The militia members also reportedly charged money from persons who were going into or out of the town. Persons who refused to comply with the extortion attempts reportedly were punished by having their belongings taken or were killed by militia members.

There are approximately 300,000 IDPs in the country, representing approximately 4 percent of the population. The majority of IDPs in the country reportedly lived in old schools and former government buildings.

As security conditions continued to improve in many parts of the country, refugees and IDPs returned to their homes. During the year, 50,216 Somali refugees returned to the country from Ethiopia under the auspices of the UNHCR. Despite sporadic harassment, including the theft of humanitarian provisions and convoys by militiamen, repatriation generally took place without incident. The U.N. Independent Expert on Human Rights visited several IDP camps in Somaliland and found them among the worst in the world. He reported that the camps were overcrowded, had poor sanitation, and there was little or no access to employment and education. No local, regional, or U.N. authorities have taken responsibility for the camps.

Despite the relative stability in many parts of the country, many citizens continued to flee to neighboring countries, often for economic reasons. Most migrants left

from the northeast and traveled via boat to Yemen. There were reports that hundreds of such migrants drowned in accidents at sea during the year.

The U.N. estimated that approximately 305,000 Somalis were living as refugees in neighboring countries, including approximately 139,000 in Kenya at year's end, a decrease from more than 400,000 at the height of the humanitarian crisis in 1992. There were approximately 60–70,000 Somali refugees in Ethiopia and 23,872 Somali refugees in Djibouti at year's end.

As there was no functioning central government, there was no policy of first asylum, nor were there any laws with provisions for the granting of asylum or refugee status. A small number of Ethiopian refugees remained in the country, mostly in the northeast near Bosasso. The authorities in Somaliland have cooperated with the UNHCR and other humanitarian assistance organizations in assisting refugees.

In October 2001, approximately 106 Tanzanian refugees arrived in Mogadishu from Kenya. Some of the refugees were living in an open yard at the Hamar School at year's end, and some of the refugees returned to Tanzania. Also in October 2001, a second group of approximately 93 Tanzanian refugees arrived in Mogadishu; the group moved to another location until the TNG's National Refugee Agency was able to renovate abandoned buildings in the city for their use.

There were numerous reports of rapes of Somali women and girls in refugee camps in Kenya (*see* Section 1.c.).

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

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

In the absence of a fully functioning national government, citizens cannot exercise the right to change their government. In most regions, local clan leaders function as de facto rulers. Although many such groups derived their authority from the traditional deference given clan elders, most faced opposition of varying strength from clan groups and political factions.

With the fall of the Barre regime in 1991, fighting among rival faction leaders resulted in the killing, displacement, and starvation of thousands of persons and led the U.N. to intervene militarily in 1992. Following the U.N. intervention, periodic attempts at national reconciliation were made, but they did not succeed.

In 2000 in Arta, Djibouti, more than 900 delegates representing all clans and a wide spectrum of Somali society were selected for a "Conference for National Peace and Reconciliation in Somalia." The Conference adopted a charter for a 3-year Transitional National Administration and selected a 245-member Transitional Assembly, which included 24 members of Somali minority groups and 25 women. The assembly elected Abdiqassim Salad Hassan as Transitional President. Ali Khalif Gallayr was named Prime Minister, and he appointed the 25-member Cabinet. In October 2001, the TNA passed a vote of no confidence in the TNG, and Gallayr was dismissed as Prime Minister. In November 2001, Abdiqassim appointed Hassan Abshir Farah as the new Prime Minister.

The Transitional Charter, adopted in 2000, but still not implemented by year's end, provides for universal suffrage. Both of the Puntland and Somaliland administrations provided for universal suffrage.

In the Republic of Somaliland, a clan conference led to a peace accord in 1997 that demobilized militia groups, established a constitution and bicameral parliament with proportional clan representation, and elected a president and vice president from a slate of candidates. The Hargeisa authorities have established functioning administrative institutions in virtually all of the territory they claim, which equaled the boundaries of the Somaliland state that achieved international recognition in 1960. Nine new political parties were formed in Somaliland during the year. In May 2001, a referendum was held with 97 percent of voters supporting Somaliland independence; voters also ratified the political party legislation approved in 2000 by Parliament. Parliamentary and presidential elections were scheduled for January 2003. President Egal died in May; however, there was a peaceful transition, and Vice-President Dahir was sworn in as President.

In 1998 Puntland was established as a regional government during a consultative conference with delegates from six regions, including traditional community elders, the leadership of political organizations, members of legislative assemblies, regional administrators, and civil society representatives. Representatives of Puntland-based subclans chose Abdullahi Yusuf as President. Puntland has a single chamber quasi-legislative branch known as the Council of Elders, which played a largely consultative role. Political parties were banned in Puntland. Regional elections in Puntland were held during 2001; however, President Yusuf refused to step down, and Chief Justice Nur assumed powers as interim president. In November 2001, elders elected

Jama Ali Jama as the new President of Puntland, and he assumed power in Garowe. Yusuf refused to accept the decision, and, in December 2001, he militarily seized Garowe, reportedly with Ethiopian support, which forced Jama to flee to Bosasso. In May Abdullahi Yusuf, who claimed that Jama was elected president illegally, occupied Bosasso by force and declared himself President of Puntland.

The Somaliland and Puntland administrations do not recognize the results of the Djibouti Conference, nor do several Mogadishu-based factional leaders.

Somaliland and Puntland continued to contest the Sanaag and Sol regions and the Buhodle district during the year. Both governments sent administrators to the Sanaag and Sol regions, and both governments exerted influence in various communities. In December the Somaliland president traveled to Las Anod in Sool to assert Somaliland authority. A battle with Puntland forces took place and several persons were killed.

On October 15, a reconciliation conference in Eldoret, Kenya, that brought together political and military leaders, as well as civil society representatives, from throughout Somalia with the exception of Somaliland, which refused to attend. The conference was ongoing at year's end.

No women held prominent senior public positions; however, several women were important behind-the-scenes figures in the various factions. There were 5 female members of the 69-seat Puntland Council of Elders. In the TNA there were 25 women in the 245-seat Assembly.

Minorities were allocated 25 seats in the TNA.

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

Several local human rights groups were active during the year, including the Mogadishu-based DIJHRC, Isha Baidoa Human Rights Organization in Bay and Bakol regions, and the Hargeisa-based Horn of Africa Human Rights Watch Committee (Horn Watch). The DIJHRC investigated the continuing causes of conflict in the Mogadishu area, conducted effective human rights monitoring, protested the treatment of prisoners before the Islamic Shari'a courts, and organized periodic demonstrations for peace. The Horn of Africa Human Rights Watch Committee monitored human rights in Somaliland. Women's NGOs also played an important role in galvanizing support in the country for the Djibouti process.

In August, with funding from foreign embassy in Kenya, the DIJHRC and Horn Watch sponsored a human rights training workshop in Hargeisa attended by more than 25 human rights activists from throughout the country. A seven-member advocacy committee was established.

NGOs and aid agencies operated freely throughout the country, except in Puntland. After resuming power in Puntland in May, Abdullahi Yusuf refused access to the U.N., EU, and NGO agencies claiming many of their employees had sided with his rival Jama Ali Jama.

Numerous international organizations operated in the country during the year, including the Red Cross, CARE, Save the Children, and various demining agencies such as the Halo Trust. The TNG and Somaliland authorities permitted visits by U.N. human rights representatives during the year. Sporadic security problems complicated the work of some local and international organizations, especially in the south. There were reported incidents of harassment against NGOs, resulting in at least one death and some injuries (*see* Sections 1.a., 1.b., and 1.c.). Several attacks on NGOs disrupted flights and food distribution during the year. For example, on September 2, local militia that were hired to guard U.N. vehicles opened fire on the plane carrying U.N. Resident and Humanitarian Coordinator while it was on the ground in Garbaharrey in Gedo region. No one was injured and the plane was not hit, but the U.N. temporarily closed Gedo to U.N. flights and international staff.

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

The Transitional Charter, adopted in 2000 but not implemented by year's end, contains provisions that prohibit discrimination on the basis of sex and national origin; however, societal discrimination and violence against women and widespread abuse of children continued to be serious problems. The Somaliland Constitution also contains provisions that prohibit discrimination on the basis of sex and national origin; however, these rights were not respected in practice.

Women.—Domestic violence against women existed. Women suffered disproportionately in the civil war and in the strife that followed. There was no information available on the prevalence of domestic violence in the country. There were no laws that specifically address domestic violence; however, both Shari'a and customary law address the resolution of family disputes (*see* Section 1.e.). Rape commonly was practiced in interclan conflicts. There was a reported marked increase in the num-

ber of rapes in Mogadishu, most perpetrated by militia members. Laws prohibiting rape exist; however, they generally were not enforced. There were no laws against spousal rape. A few rapes were prosecuted during the year. There were reports of numerous rapes of Somali women and girls in refugee camps in Kenya during the year (*see* Section 1.c.).

FGM was a near-universal practice. Estimates placed the percentage of women who have undergone FGM at 98 percent. The majority of women were subjected to infibulation, the most harmful form of FGM. In Somaliland FGM remained illegal under the Penal Code; however, the law was not enforced. In Puntland legislation banned FGM in northeastern areas of the country; however, in practice the law was not enforced strictly. U.N. agencies and NGOs have made intensive efforts to educate persons about the danger of FGM; however, no reliable statistics were available on the success of their programs.

Trafficking in women for the purposes of sexual exploitation continued to be a problem (*see* Section 6.f.).

Women were subordinated systematically in the country's overwhelmingly patriarchal culture. Polygyny was permitted, but polyandry was not. Under laws issued by the former government, female children could inherit property, but only half of the amount to which their brothers were entitled. Similarly according to the Shari'a and Somali tradition of blood compensation, those found guilty in the death of a woman must pay only half as much to the aggrieved family than if the victim were a man.

Several women's groups in Mogadishu, Hargeisa (Somaliland), Bosasso (Puntland), and Merka (Lower Shabelle) actively promoted equal rights for women and advocated the inclusion of women in responsible government positions. During the year, the local NGO "Save Somali Women and Children" held a workshop in Mogadishu to discuss human rights and Shari'a.

Children.—Children remained among the chief victims of the continuing violence. Boys as young as 14 or 15 years of age have participated in militia attacks, and many youths were members of the marauding gangs known as "morian," "parasites," or "maggots." Even in areas with relative security, the lack of resources has limited the opportunity for children to attend school. Approximately 10 to 20 percent of the school-age population attended school; more boys than girls were enrolled in school. There were three secondary schools in Somaliland and more than three secondary schools in Mogadishu; however, only 10 percent of those few children who entered primary school graduated from secondary school. Parents generally paid fees for their children's education. Schools at all levels lacked textbooks, laboratory equipment, and running water. Teachers were trained poorly and paid poorly. The literacy rate was estimated at 25 percent throughout the country; however, reliable statistics did not exist. There was a continued influx of foreign Muslim teachers into the country to teach in private Koranic schools. These schools were inexpensive and provide basic education; however, there were reports that these schools required the veiling of small girls and other conservative Islamic practices normally not found in the local culture.

During August and September, the U.N. Independent Expert on Human Rights visited Bosasso, Puntland, and Hargeisa, Somaliland. He reported that children were recruited as soldiers in Puntland and that many juveniles were incarcerated with adults by their parents for disciplinary problems (*see* Section 1.c.).

Medical care was rudimentary, and only a small percentage of children had access to adequate medical facilities.

There was no information available on the prevalence of child abuse in the country.

There were reports of numerous rapes of Somali girls in refugee camps in Kenya during the year (*see* Section 1.c.).

FGM was performed on approximately 98 percent of girls (*see* Section 5, Women).

Trafficking in children for forced labor reportedly was a problem (*see* Section 6.f.).

Persons with Disabilities.—In the absence of a functioning state, the needs of persons with disabilities were not addressed. There were several local NGOs in Somaliland that provided services for persons with disabilities.

National/Racial/Ethnic Minorities.—More than 80 percent of citizens shared a common ethnic heritage, religion, and nomadic-influenced culture. In most areas, members of groups other than the predominant clan were excluded from effective participation in governing institutions and were subject to discrimination in employment, judicial proceedings, and access to public services.

Minority groups and low-caste clans included the Bantu (the largest minority group), the Benadiri, Rer Hamar, Brawanese, Swahili, Tumul, Yibir, Yaxar, Madhiban, Hawrarsame, and Faqayaqub. Inter-marriage between these groups and mainstream clans was restricted. These groups had limited access to whatever social

services were available, including health and education. Members of minority groups continued to be subjected to killings, harassment, intimidation, and abuse by armed gunmen of all affiliations.

Section 6. Worker Rights

a. The Right of Association.—The 1990 Constitution provided workers with the right to form unions, but the civil war and factional fighting negated this provision and broke up the single labor confederation, the then government-controlled General Federation of Somali Trade Unions. In view of the extent of the country's political and economic breakdown and the lack of legal enforcement mechanisms, trade unions did not function freely.

The Transitional Charter, the Puntland Charter, and the Somaliland Constitution established the right of freedom of association, but no unions or employer organizations existed.

b. The Right to Organize and Bargain Collectively.—Wages and work requirements in the traditional culture were established largely by ad hoc bartering, based on supply, demand, and the influence of the worker's clan.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The pre-1991 Penal Code prohibited forced or bonded labor, including by children; however, local clan militias generally forced members of minority groups to work on banana plantations without compensation. There are reports that in Middle and Lower Juba, including the port of Kismayu, Bantus were used as forced labor.

d. Status of Child Labor Practices and Minimum Age for Employment.—The pre-1991 Labor Code prohibited child labor; however, there were reports that child labor occurred, and that there were child soldiers (*see* Section 5). Formal employment of children was rare, but youths commonly were employed in herding, agriculture, and household labor from an early age. Substantial numbers of children worked. In 1999 it was reported that 42 percent of children between the ages of 5 and 14 years worked; however, the percentage of children engaged in labor was believed to be higher than 42 percent during the year. The lack of educational opportunities and severely depressed economic conditions contributed to child labor.

e. Acceptable Conditions of Work.—There was no organized effort by any of the factions or de facto regional administrations to monitor acceptable conditions of work during the year.

f. Trafficking in Persons.—The pre-1991 Penal Code prohibited trafficking; however, there were reports of trafficking during the year. In 2000 Djibouti law enforcement authorities arrested members of a group that was smuggling Somali women to destinations such as Lebanon and Syria to work in brothels. The number of women being trafficked from the country appeared to be small.

Trafficking in children for forced labor was a serious problem. There were reports of an increase in the smuggling of children out of the country to relatives and friends in western countries where they worked or collected welfare and sent money back to family members in the country.

SOUTH AFRICA

South Africa is a multiparty parliamentary democracy in which constitutional power is shared between the President and the Parliament. The Parliament consisted of the National Assembly and the National Council of Provinces. President Thabo Mbeki led the African National Congress (ANC) party, which held 266 seats in the 400-seat National Assembly. The Parliament was elected in free and fair elections in 1999; the Parliament, in turn, elected the President. The country continued to consolidate the democratic transformation initiated by the 1994 elections. The Government included ministers and deputy ministers from the ANC, the Inkatha Freedom Party (IFP), a predominantly Zulu-based party whose support is concentrated in KwaZulu-Natal, the Azanian People's Organization (AZAPO), and the New National Party (NPP), but was dominated by the ANC. In October 2001, the New National Party (NNP) formed a coalition with the ANC. In 2001 the ANC and NNP took control the Western Cape Province and appointed Marthinus van Schalkwyk as Premier of the Western Cape Province during the year. The judiciary, including the Constitutional Court, was independent but overburdened.

The South African Police Service (SAPS) has primary responsibility for internal security, although the Government continued to call on the South African National Defense Force (SANDF) to provide support for the SAPS in internal security situa-

tions. The SAPS continued its major restructuring and transformation from a primarily public order security force to a more accountable, community service-oriented police force; however, it remained ill-equipped, overworked, and undertrained. The SANDF and the SAPS border control and policing unit shared responsibility for external security. The Government continued to train and organize the new Directorate of Special Operations (DSO), dubbed the Scorpions, to coordinate efforts against organized crime and corruption. The civilian authorities maintained effective control of the security forces. Some members of the security forces committed serious human rights abuses.

The country has a population of approximately 44,560,000. The economy continued to undergo important fundamental changes as the manufacturing, wholesale and retail trades, transportation and travel services, and communication services continued to grow and the contributions of agricultural and mining sectors to the economy declined. The distribution of income and wealth remained highly skewed along racial lines and between urban and rural citizens. Official unemployment remained high at approximately 29 percent, with some studies indicating that it was even higher. More than one-third of employed persons worked outside the formal economy. The country suffered from a significant shortage in skilled workers, and many black citizens were poorly educated, ill housed, unemployed, and ill equipped to function in a globalized economy.

The Government generally respected the human rights of its citizens; however, there were serious problems in several areas. Some members of the security forces committed unlawful killings due to use of excessive force, and there also were deaths in police custody. Although declining in number, politically motivated or extrajudicial killings committed by nongovernment persons remained a problem. Some members of the security forces were responsible for torture, excessive use of force during arrest, and other physical abuse. Some members of the police beat, raped, tortured, and otherwise abused suspects and detainees. The Government took action to investigate and punish some of those involved and committed itself to curbing future killings and other abuses. Prisons were overcrowded, and prison employees and other prisoners abused prisoners. The judiciary was overburdened, and lengthy delays in trials and prolonged pretrial detention were problems. The Government generally respected citizens' privacy; however, the law provides for state monitoring of all telecommunications in criminal investigations. Legislation posed a potential threat to the independence of the media, and self-censorship existed. Police forcibly dispersed a demonstration during the year. Xenophobia continued to be a problem, and there were a number of violent attacks on foreigners, including refugees and asylum seekers. Violence against women and children remained serious problems, and discrimination against women and persons with disabilities also remained problems. Child labor, including forced child labor, was a problem. Child prostitution and trafficking in persons were serious problems. Gang violence continued to be a serious problem in the Western Cape, and vigilante violence and mob justice continued throughout the country. South Africa was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

The Truth and Reconciliation Commission (TRC), created to investigate apartheid-era human rights abuses, made recommendations for reparations for victims, and granted amnesty in return for full disclosure of politically motivated crimes. The TRC concluded its activities at the end of 2001; however, the final report was not released by year's end.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Police use of lethal force during apprehensions resulted in numerous deaths, and deaths in police custody was a problem. The Government took action to investigate and punish some of those involved and to prevent future abuses. The Government's Independent Complaints Directorate (ICD) investigated deaths in police custody and deaths as a result of police action. During the period from April 2001 until March, there were 214 deaths in police custody and 371 deaths as a result of police action. The ICD's report listed subcategories under deaths in police custody, which included natural causes, suicide, injuries in custody, injuries prior to custody, and possible negligence. The Government's cooperation with the ICD was poor.

According to the ICD, shootings accounted for 88 percent of all deaths by police action. Of the killings committed by police, 90 occurred in KwaZulu-Natal, 82 in Gauteng, and 48 in the Eastern Cape. The Free State had the fewest with five killings. During the year, police in pursuit of fleeing suspects shot and killed 20 in-

nocent bystanders. There also were 18 cases in which SAPS vehicles struck innocent bystanders or were involved in motor vehicle accidents that resulted in death. The ICD reported three cases of death as a result of Municipal Police Service (MPS) personnel shootings during the course of an arrest. Two cases involved the Durban Metropolitan Police Department and one case involved the Johannesburg Metro Police Department.

The ICD investigated a number of incidents during the year. For example, on June 21, Inspector Leonard Hlagala died after three police officers allegedly assaulted him. The police officers arrested him on suspicion of being involved in the theft of a car and took him for questioning to an office in Polokwane police station where he was assaulted. He later died of injuries sustained in the assault. The Directorate of Public Prosecutions (DPP) charged the three officers; the next court appearance for the accused is in January 2003.

On June 24, five gas station attendants were shot and killed during an armed robbery at a service station at Grassy Park on the Cape Flats. A SAPS sergeant, Ishmael Hendricks, surrendered voluntarily to police and confessed to the killings. Hendricks was referred to the Valkenberg psychiatric hospital for 30 days of observation. Prior to the killings, the SAPS authorities confiscated Hendricks' service pistol after complaints by colleagues about his mental state; however, subsequently he was issued a private gun license. The ICD completed its investigation, and ICD officials were awaiting a psychological report, which will determine whether Hendricks is competent to stand trial at year's end. If he is found to be incompetent to stand trial, the case will be dismissed.

In June the Cape High Court found the SAPS liable for millions of dollars in damages for issuing a firearm license to Erna McArdell, a diagnosed paranoid psychotic. She shot and paralyzed Ian Hamilton in 1994, during an argument about a parking spot. Hamilton then sued the Minister of Safety and Security for nearly \$1.9 million (19 million Rands) for negligence and failure to take McArdell's character and mental illness into consideration when issuing the permit.

Two police officers of a SAPS dog unit charged with the January 2001 killing of Thokozani Nhlapho in Newcastle, KwaZulu-Natal Province, appeared in Dundee Circuit Court on September 2 and 4; they were found not guilty.

A police captain, who allegedly shot and killed Makawe Makiti in March 2001, was not suspended. During the year, the SAPS completed its investigation of the case and forwarded it to authorities for a decision. There was no decision whether to prosecute by year's end.

There were no developments in the March 2001 case of a woman who died from injuries sustained during shooting between the police and residents in Avilla Park.

The three police officers in the Eastern Cape Province charged with the murder of a 14-year-old boy in April 2000 still were awaiting trial at year's end.

On April 11, Dr. Wouter Basson, who was charged with murders of hundreds of members of the Namibian Liberation Movement between 1980 and 1987 when he was head of the chemical weapons program of the former government, was acquitted of all charges. State prosecutors stated they would appeal the verdict; however, no appeal was filed by year's end. Namibian authorities stated that they were considering an application to extradite Basson to stand trial.

Racial tensions in the military between white commanding officers and their black subordinates continued. There was one killing during the year. In February a black corporal, serving on the peacekeeping mission in Burundi, shot and seriously injured a white officer. Another member of the defense forces attempted to intervene and also was shot and injured by the corporal. He returned fire and killed the corporal; he later was found to have acted in self-defense for shooting the corporal. A 2001 Ministry of Defense report on the shootings and racism within the SANDF in general still was not released by the Parliament by year's end. However, the Defense Minister stated publicly that racism was likely a motivating factor in the past killings.

The South Africa Institute for Race Relations (SAIRR), a nongovernmental organization (NGO) concerned with political killings, reported 46 politically motivated killings during the first 7 months of the year, compared with 53 for the same period in 2001. Of the 46 killings, 29 took place in KwaZulu-Natal.

The 2001 kidnaping and killing of two members of the Zulu royal family likely were robbery related. No arrests were made in the case by year's end.

A peace process continued between the IFP and the ANC, the two parties most closely associated with the political violence in KwaZulu-Natal. Although violence in KwaZulu-Natal remained higher than in other provinces, resulting in dozens of deaths during the year, there was an increased level of tolerance attributable to the IFP-ANC peace process, as well as an increased police presence. Isolated rural areas

in KwaZulu-Natal that previously experienced violence remained tense at times; however, the overall level of violence continued to decrease.

Factional and intraparty rivalry and violence in the Nongoma area increased during the year. Violence was mainly taxi-related but had political overtones. In March the IFP claimed that some of its top officials were on an ANC assassination list, which the ANC denied. The ANC reported several politically motivated deaths in KwaZulu-Natal during the year. For example, in August a member of the ANC died in political violence in the Abaqulusi area of KwaZulu-Natal. On October 24, a prominent municipal councilor and school principal, Bhekisisa Buthelezi, was shot and killed while walking in King Dinizulu suburb. No action was taken by year's end.

On August 16, two IFP supporters, Gcinokwakhe Lindinkosi and Victor Khumalo, were sentenced at the Durban High Court to life in prison for the 1999 murder of ANC leader Prince Zulu.

Unlike in the previous year, there were no reports of politically motivated murders by the United Democratic Movement (UDM) and the ANC in the Western Cape during the year.

There were no developments in September 2001 killings of a UDM branch leader and an ANC member in Philippi, Western Cape. There also were no developments in the investigation into the killings of UDM members primarily in the Cape Flats areas of Nyanga and Philippi.

Since witnesses did not show up for court proceedings in the 2000 killing of five persons during local elections near Johannesburg, the prosecutors dropped all charges and the accused were released.

Unlike in the previous year, there was a significant decrease in reports of taxi-related violence; however, in KwaZulu-Natal, 13 members of the Sundumbili Taxi Owners' Association were killed during the year.

There were no developments in the following 2001 cases of taxi-war deaths in KwaZulu-Natal: The March killing of a prominent taxi boss, Thula Maxwell Sithole, and his wife; the August killing of an 8-year-old child, Lungile Zikalala; the August killing of taxi-driver Musa Zondi; and the August killing of Mxwayiseli Ntuli and a passenger in his taxi.

In March a Western Cape Taxi Council was established, among other things, to work towards unity within the minibus taxi industry and eradicate violence and conflict by introducing mechanisms for conflict resolution.

There were no developments in the investigations of the 2001 killings of seven persons during a taxi-related violence near Cape Town or in the 2001 cases of more than 30 deaths related to taxi violence in the Eastern Cape.

Domestic terrorism resulted in deaths during the year. For example, in October a series of bomb explosions in Soweto resulted in at least one death and one injury. In November an extremist right-wing Afrikaaner group, the Boeremag, claimed responsibility for the bombings. The group threatened further attacks if 18 of its supporters (*see* Section 5) on trial in connection with a plot to overthrow the Government and reinstate apartheid were not released. In December five men believed to be members of the Boeremag were arrested in connection with the bombings; Brothers Wilhelm, Johan, and Kobus Pretorius, Herman van Rooyen, and Rudi Gouws were charged with terrorism, high treason, and sabotage, and remained in custody at year's end (*see* Section 1.c.).

Vigilante action and mob justice continued throughout the country during the year. The Institute for Security Studies (ISS) reported a continuation in vigilante action as a result of police inefficiency and the perception that the courts failed to deliver justice. The ISS reported that mob justice still was a major problem, although no figures were available. Gang violence still was rampant in the Cape Flats area of Cape Town and elsewhere in the Western Cape. In late April and early May, police and soldiers were sent into Cape Flats to quell unrest after 37 persons were killed in 4 weeks of intensive gang violence. During the year, vigilantes lynched at least 14 alleged gangsters in the Western Cape neighborhoods of Khayelitsha and Nyanga, causing at least 10 deaths. In activity apparently unrelated to organized vigilantism, in May three men hacked with axes and shot seven men who were alleged to have been robbing Khayelitsha homes. Three of the alleged robbers died of their injuries. The three men who perpetrated the axing and shootings were arrested and faced charges of murder and attempted murder at year's end.

A vigilante group called Mapogo A Mathamaga has grown in membership and offices in at least nine cities, including Pretoria. Mapogo A Mathamaga reportedly has more than 90 branches and 50,000 members throughout the country. Mapogo members attacked and tortured suspected criminals and beat persons with clubs and whips. Mapogo targeted persons whom they suspected of property crimes against their members.

On December 10, Mapogo members reportedly beat two men, Adam Potgeiter and Samuel Moletsane, for allegedly stealing construction equipment from a site where they worked. On December 13, Bertrams Pringle, the construction company owner, Willie Skhosana, and Mapogo A Mathamaga member Robert Van der Colff, appeared at the Delmas magistrate's court and were charged with murder. The case was postponed to February 2003.

During the year, two Mapogo members, Ockert Werner and Marius van Antwerp, were convicted on charges of attempted murder, assault with the intention to do grievous harm, and kidnaping in the 2000 case of the beating of two men and the death of one from injuries. Werner was sentenced to 16 years in prison and van Antwerp was sentenced to 14 years.

There were no further developments in the 2001 cases of two Mapogo members charged with murder in connection with the killing of a man in Kruger National Park in 2000.

During the year, Jan Lourens Botha, the former head of Mapogo in Bronkhorstspuit, was charged with the murder of Thulane Justice Nkosi in 1998. In February the charges were changed to defeating the ends of justice; however, in July prosecutors dropped all charges against Botha relating to the death of Nkosi. Two other Mapogo members, James Masia and Sipho Mkhatswa, admitted guilt on charges of culpable homicide and defeating the ends of justice in the Nkosi case.

Unlike in the previous year, there were no reports that People Against Drugs and Violence (PADAV), the Eastern Cape counterpart to People Against Gangsterism and Drugs (PAGAD), killed or attacked criminals in instances of vigilante violence. PAGAD is an Islamic-oriented, community-based organization with a mandate calling for stronger action against crime and drugs. In 2001 the Organized Crime Unit arrested 12 PADAV members for a series of vigilante crimes committed between September 2000 and July 2001, and a trial was underway at the Port Elizabeth Regional Court at year's end.

Numerous court cases involving PAGAD continued throughout the year. There were hundreds of cases under investigation against suspected members of PAGAD and scores of trials pending based on charges, which included murder, attempted murder, possession of explosives, possession of an unlicensed firearm, armed robbery, and conspiracy to commit murder. Reportedly no PAGAD members were arrested and one was released on bail by year's end; there were no cases of bail denial during the year. The Muslim community protested the infrequent availability of bail and staged periodic small-scale protests, criticizing the treatment as unfair compared with the judicial treatment of non-Muslims. In May Anees Adams was convicted of murder and sentenced to 25 years in prison; however, his codefendant, Moegamat Zain Cornelison was acquitted. On September 19, Moegamat Isaacs was convicted of three counts of murder and was sentenced to life imprisonment. On December 20, Ebrahim Jeneker and Abdulla Maansdorp, alleged PAGAD members who were charged with the 2000 killing of a police captain, were convicted on numerous charges and sentenced to three concurrent life imprisonments. The one PAGAD member who escaped October 4, 2001, Abubakar Jacobs, was rearrested December 12. At year's end, he was in police custody awaiting trial for his suspected role in a drive-by shooting that killed four persons.

There were instances of murder and intimidation of witnesses who were testifying against PAGAD members; a total of eight witnesses (five named, three unnamed) were shot and killed during 2001. No action was taken against those responsible by year's end.

On March 6, the chief coordinator of PAGAD, Abdus Salaam Ebrahim, and his three fellow defendants in the Rashaad Staggie murder trial were found not guilty by the Cape High Court. The judge said there was not sufficient evidence to link them to the actual murder; however, three of them were found guilty on the charge of public violence. Abdus Salaam Ebrahim was sentenced to 5 years in prison, Abdur Razaq Ebrahim was sentenced to 3 years in prison, and Moegsien Mohammed received a 3-year suspended sentence. On May 14, the three were refused permission to appeal their convictions and sentences. Salie Abader was acquitted on both charges.

Murders of farm families in rural parts of the country continued. There was widespread concern among white farmers that they were targeted for racial and political reasons; however, according to police and academic studies of farm attacks, the perpetrators reportedly were common criminals motivated by financial gain. It also was reported that in the majority of cases, the perpetrators were not farm workers. Official statistics were not available; however, according to Agriculture South Africa (AgriSA), 1,000 farm attacks and 145 killings took place during the year, and that there were 639 farm attacks and 91 killings during 2001 and 905 attacks and 144 killings in 2000. AgriSA also reported that there were 5,972 attacks and 1,241 mur-

ders since 1991. In August 2001, HRW released a report titled, "Unequal Protection: The State Response to Violent Crime in South African Farms." The report concluded that the Government failed to protect adequately residents of commercial farms from attacks and that black farm residents, especially black women, were most vulnerable to abuse. The Government established Priority Committees, consisting of the South African Police Service (SAPS), South African National Defense Forces (SANDF), and farming communities to coordinate the activities of law enforcement and other relevant actors to address violent crime on farms. The committees were operational and attempted to prevent farm attacks; however, security forces actions largely were viewed as responding to attacks, not preventing them.

There were incidents of abuse and killings of black farm laborers by their white employers. NGOs claimed that rural police and courts refused to arrest or prosecute whites in many cases. In 2001 the South African Human Rights Commission (SAHRC) launched an inquiry into the human rights situation in farming communities, and a national conference was expected to prepare an action program in March 2003 (*see* Section 2.d.). AgriSA participated in the hearings; they alleged that unsubstantiated claims were made at the hearings that wrongly implicated farmers in human rights abuses.

In May the trial of nine white men accused of the March 2001 murder of teenager Tshepo Matloha ended in the acquittal of six and the conviction of two, Riaan Botha and Ben Korff, on charges of murder. Both were sentenced to 18 years in jail. Botha and another accused, Kobus Joubert, received 4-year sentences for attempting to defeat the ends of justice by putting Matloha's body into a dam.

Foreigners were killed in violent attacks during the year (*see* Section 2.d.). For example, in March a Nigerian man was beaten to death after escaping from the Lindela Repatriation Center.

Occasional witchcraft-related incidents occurred during the year, a number of which took place in KwaZulu-Natal (*see* Section 1.c.). For example, on May 10, a 56-year-old woman died after a mob accused her of witchcraft and set her on fire in Marianhill. On July 23, community members accused a 66-year-old man, Mr. Ntimbane, of witchcraft and allegedly assaulted him. He subsequently disappeared and was found hanging from a tree on July 25.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution's Bill of Rights prohibits such practices and provides for the right to be free from all forms of violence from either public or private sources; however, some members of the police beat, raped, tortured, and otherwise abused suspects and detainees. Some incidents of torture and ill-treatment by the police and SANDF occurred during interrogation, arrest, detention, and searches of persons' homes. The ICD reported 37 incidents of torture and 14 rapes committed by police officers between April 2001 and March. During the year, the Government investigated these allegations and prosecuted some offenders. For example, in July Constable Mzamu Edward Mlomo was convicted of murder and sentenced to life imprisonment for the October 2000 murder of Phinidiwe Majobela. On September 25, SAPS Reservist Constable Ronald Mannie was convicted, and sentenced in November to 15 years imprisonment, for the April 2001 murder of Moses Makila.

The investigation was ongoing at year's end into the March 2001 injuring of six and the death of one civilian during a shooting between residents and police in Vredendal, Western Cape Province.

Incidents of police harassment and attacks against foreigners continued, particularly during coordinated police raids of areas where foreign nationals resided. Some state hospitals reportedly routinely refused treatment to indigent foreigners, despite regulations that required such treatment.

The 2001 trials of two police officers from the Pretoria SAPS dog unit, who pled not guilty to using their dogs to attack two Mozambican immigrants, were pending at year's end.

There were reports of police abuse of detainees awaiting deportation (*see* Section 2.d.). Problems remained at the Lindela Repatriation Center, the largest detention facility for undocumented immigrants in the country, particularly as a result of occasional overcrowding after Home Affairs conducted sweeps of squatter camps and sent illegal immigrants to Lindela to await repatriation. Some of the refugees alleged that Home Affairs employees assaulted them and requested bribes.

There were no new developments by year's end in the unresolved cases of police attacks on illegal immigrants in 2000.

During the year, police injured persons while forcibly dispersing a strike (*see* Section 2.b.).

The Government made efforts to address abuses with an official antitorture policy and training programs for police and SANDF officers. Broad efforts to reform police practices continued to reduce the number of abuses, and the ICD investigated reports of police misconduct and corruption (*see* Section.a.). During the year, the ICD reported 30 cases of corruption and 2,253 incidents of misconduct, including negligent or improper performance of duty and failure to perform duties and responsibilities. During the year, new material on human rights was introduced into the curriculum at the police basic training level, and the training division provided classes to police officers whose basic training took place prior to the introduction of the new material.

The SAPS continued to institute reforms designed to create partnerships between local police forces and the communities they served and establish metropolitan police forces in major cities with local control. However, the SAPS continued to have deficiencies in midlevel leadership and institutional memory that were harmful to its overall performance. The SAPS continued to be ill-equipped, overworked, and undertrained.

There was no action taken in the case of the September 2001 shooting and injuring of ANC councilor Wandile Nkwele in Philippi, Western Cape.

Conflict between warring taxi companies led to gun battles and other street violence and resulted in the deaths and injuries of bystanders (*see* Section 1.a.).

There were incidents of bombings during the year. For example, in October and November, a series of bombings attributed to the extremist right-wing Afrikaaner group the Boeremag resulted in one death and one injury (*see* Section 1.a.).

There were no developments in the numerous 2000 and 2001 bomb attacks by year's end.

Vigilante action and mob justice resulted in attacks on suspected criminals and drug dealers, some of whom were tortured (*see* Section 1.a.).

Xenophobia continued to worsen during the year. Xenophobia was expressed in institutional and social interactions with foreigners, particularly those from other African countries. There were a number of violent attacks on foreigners, including refugees and asylum seekers (*see* Sections 1.a. and 2.d.). Many of those attacked were hawkers and street vendors.

There were incidents of abuse of black farm laborers by their white employers, and NGOs claimed that rural police and courts refused to arrest whites in many incidents (*see* Section 1.a.). According to AgriSA, many of the claims of human rights abuses against farm workers were unfounded and untrue.

There were a few illegal strikes that resulted in some worker violence, in particular incidents of intimidation and threats of violence by striking workers against nonstriking and replacement workers (*see* Section 6.b.). No government action was likely to be taken in the 2000 killing of two guards in Cape Town in what police believed was a strike-related attack.

There was no action taken against students responsible for the March 2001 attack and robbery of bystanders, motorists, and journalists in central Johannesburg.

In Limpopo Province, where traditional beliefs regarding witchcraft remained strong, there were occasional reports of attacks on persons accused of witchcraft by their rural communities (*see* Section 1.a.). The Ministry of Safety and Security, with the assistance of the quasi-governmental Commission on Gender Equality, and traditional leaders instituted programs to end violence against suspected practitioners of witchcraft during 2001. Traditional leaders cooperated with the programs and reported threats against persons suspected of witchcraft to the police. In March an off-duty police sergeant at Paulpietersburg in northern KwaZulu-Natal shot a 70-year-old woman he accused of killing his father, mother, and son by witchcraft. The woman was seriously injured.

Prisons did not meet international standards, and prison conditions did not always meet the country's minimum legal requirements. Severe overcrowding in some prisons led to poor health; as many as 75 inmates may occupy a cell designed to hold 40 inmates. The Department of Correctional Services (DCS), which manages prisons, reported that in January there were 176,588 prisoners in custody, with 5,576 awaiting sentences, in facilities designed to hold only 105,000. In January it was reported that 68 percent of prisons were overcrowded. Prisoners often were required to sleep in shifts because of a lack of space. Overcrowding was cited as the main reason for the high rate of HIV/AIDS infection in prisons and a reported increase of more than 300 percent in deaths among inmates.

Concerns have been raised over the potential health threat to thousands of juvenile offenders. In the first 7 months of 2001, 1,101 inmates died of HIV/AIDS. Prison employees and other prisoners abused and assaulted prisoners physically and sexually. Press reports indicated that some detainees awaiting trial contracted HIV/AIDS through rape. Food, especially for prisoners with HIV/AIDS and other medical

problems, frequently was of poor quality and insufficient quantity. NGOs reported that prison employees stole food from prisoners. Although prisoners generally had access to health care, prison officials sometimes withheld prescribed treatment as punishment.

Male and female prisoners were held separately; however, female prison wards often were on the same grounds as male wards, and Amnesty International reported that male prisoners raped women prisoners. DCS statistics from September 2001 documented that there were 29,873 youth offenders (prisoners under age 21), 3,556 of whom were 17 years of age or younger. Juveniles normally were not housed with adults; however, in April 2001, 320 juveniles under 18 years of age awaiting trial were transferred to secure care centers after it was discovered that they were detained with adult prisoners at Pollsmoor Prison near Cape Town. There were credible reports that youths from juvenile wards were sold to adult prisoners for sexual exploitation, including rape. Juveniles between the ages of 14 and 18 accused of serious crimes, including murder or rape, sometimes were placed in pretrial detention in prisons with adult offenders (see Section 5). Pretrial detainees were not held separately from convicted prisoners.

Immigrant children detained in the Lindela Repatriation Center received the same general treatment as adult detainees, were not provided with separate sleeping facilities from adults, and were not always provided with food and clothing by the facility (see Section 1.c.).

On June 18, a television news program aired footage from a hidden video camera showing prison employees at the Grootvlei prison in Bloemfontein selling a gun to a prisoner serving a sentence for double murder, bringing a juvenile prisoner to another prisoner for sex, selling illegal drugs to prison inmates, purchasing frozen chickens stolen from the prison kitchen, and fraternizing and drinking alcohol with prisoners. Authorities suspended 22 implicated prison employees. After their hearings, four of the prison employees were dismissed, and another resigned. The hearings for the other 17 employees continued at year's end.

C-MAX prisons were designed to hold the country's most dangerous criminals. Human rights groups have raised serious concerns regarding C-MAX facilities, including the Government's criteria for transferring prisoners from other prisons to a C-MAX facility and the restrictive, solitary conditions of the prisons. In May an additional C-MAX prison was opened in Kokstad, KwaZulu-Natal.

The Government generally permitted independent monitoring of prison conditions, including visits by human rights organizations; however, only those organizations that were able to send lawyers were allowed to visit prisons. Other prisoners' rights organizations routinely were denied access. The Judicial Inspectorate visited prisons during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Bill of Rights prohibits detention without trial; however, prolonged pre-trial detention was a problem. The Bill of Rights also provides that every detained person has the right to be informed promptly of the reasons for the detention; to be advised promptly of the right to remain silent and the consequences of waiving that right; to be charged within 48 hours of arrest; to be detained in conditions of human dignity; to consult with legal counsel at every stage of the legal process; to communicate with relatives, medical practitioners, and religious counselors; and to be released (with or without bail) unless the interests of justice require otherwise. Courts and police generally respected these rights; however, there continued to be a problem with bringing detainees to trial expeditiously.

Legislation regulates pretrial detention of juvenile offenders accused of serious crimes. The law states that any child under the age of 14 must be released within 24 hours into the custody of a parent or guardian when possible.

Human rights groups, judges, and judicial scholars have expressed concern about the Criminal Procedure Second Amendment Act of 1995, which mandates minimum jail sentences and prohibits bail in certain cases, thus raising concerns about judicial independence and civil liberties. The laws have contributed to prison overcrowding by imposing an increased number of long-term prison sentences.

According to the SAHRC, prisoners waited an average of 6 months to be tried in the regional courts and 6 months to 1 year in the high courts; however, in extreme cases detention may extend up to 2 years. This problem primarily was the result of an understaffed, underfunded, and overburdened judiciary (both magistrates and prosecutors), with more cases than it can handle efficiently (see Section 1.e.). In June 2001, the Government initiated a pilot project called the Court Process Project (CPP), which was designed to control criminal cases in a more structured way, from the police stations where they originated through the adjudication process until the convicted person was handed over to the appropriate prison or welfare/health authorities. This process included electronically storing the fingerprints and

picture of the accused, which assisted authorities in minimizing the incidence of mistaken identity or deliberate identity switching by detainees, thereby limiting the chances of escape. The system also was designed to prevent docket thefts and to curtail the activities of corrupt police and court officials. The CPP in Durban was effective in eliminating lost dockets, prioritizing certain crimes such as violence against women and children cases, and electronically managing dockets.

There were reports that authorities abused detainees awaiting deportation. Under the provisions of the law, an illegal immigrant may be detained for 48 hours pending the determination of his or her status. A person declared illegally in the country may be detained for an additional 30 days pending his or her removal from the country. In practice persons may be held in detention for several days before being declared as an illegal immigrant or released, and those declared as illegal regularly were held for more than 30 days. In March an investigation by the SAHRC found that conditions at the Lindela Repatriation Center had improved and met every provision under the Constitution; however, some problems remained (*see* Section 1.c.).

There were no reports of forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent and impartial judiciary subject only to the Constitution and the law, and the Government generally respected this provision in practice.

Under the Constitution, the Constitutional Court is the highest court for interpreting and deciding constitutional issues, while the Supreme Court of Appeal is the highest court for interpreting and deciding other legal matters. Generally magistrates courts and high courts were the courts of original jurisdiction in criminal cases.

Judges and magistrates hear criminal cases. There is a presumption of innocence for criminal defendants. The presiding judge or magistrate determines guilt or innocence. The law requires that a panel of lay assessors hear cases along with a magistrate in cases involving murder, rape, robbery, indecent assault, and assault leading to serious bodily harm. The two assessors may overrule magistrates on questions of fact. Magistrates also can use assessors in an advisory capacity in bail applications and sentencing. The Office of the National Director of Public Prosecutions exercised national control over prosecution policy and applied a consistent national policy for the prosecution of offenses. There were nine provincial directors and offices to coordinate and streamline prosecutions.

The Bill of Rights provides for due process, including the right to a fair, public trial within a reasonable time after being charged, and the right to appeal to a higher court. It also gives detainees the right to state-funded legal counsel when “substantial injustice would otherwise result.” In practice the law functioned as intended; however, a general lack of information on the part of accused persons regarding their rights to legal representation and the Government’s inability to pay the cost of those services were continuing problems. The Government planned to open 60 justice centers in the country, comprised of the Departments of Justice, Correctional Services, Welfare and Health, along with the SAPS, to speed up the administration of justice, free up the court rolls, and alleviate overcrowding in prisons; 23 such centers were established during the year. There were serious backlogs in the numbers of cases that have gone to trial. The ISS reported that there were 2.58 million crimes recorded by the police in 2000. Of 610,000 criminal cases, the prosecution service actually prosecuted 271,000. The other cases were withdrawn or settled out of court. Of the initial 2.58 million cases, slightly more than 210,000 or 10.5 percent ended in convictions. For serious crimes, the conviction rates were lower: Carjacking 2.3 percent, aggravated robbery 2.8 percent, and rape 8 percent.

In February 2001, justice officials began a program called Saturday Courts to address the huge backlog of cases in the courts. It was estimated that it would take 2 years for this program to clear the backlog completely. Officials also instituted privately contracted Additional Courts, which operated in specific districts where there were significant backlogs and where space was available in existing court buildings. The Additional Courts used private sector employees or retirees with judicial experience. In September the National Director of Public Prosecutions reported that there were 3,027 Saturday and Additional Courts that had 10,153 additional court days and had completed 24,570 cases; however, there were 128,656 cases in district courts and 42,758 in regional courts that remained backlogged at the end of July.

In 2001 business managers from the private sector and the NGO Business Against Crime were appointed by the Minister of Justice and Constitutional Development to oversee the overall functioning of the courts; however, there were no results reported by year’s end.

There was public concern about the capacity of the criminal justice system to deal with the high level of crime, and the increasing incidence of vigilante justice reflected this concern (*see* Section 1.a.).

The Promotion of Equality and Prevention of Unfair Discrimination Act provides for the establishment of Equality Courts within magistrates' courts and High Courts to adjudicate complaints. All High Courts were equality courts for their areas of jurisdiction. During the year, Parliament passed legislation amending the Equality Act to simplify the accreditation of magistrates as equality court judges.

The amnesty committee of the TRC finished the last two volumes of the final report in September, and the Cape High Court was expected to hear an IFP suit to remove or correct parts of the final report in January 2003. At year's end, the National Directorate of Public Prosecutions (NDPP) was reviewing all cases that were considered by the TRC to determine which cases to prosecute. The NDPP considered for prosecution only those cases in which amnesty was not granted or those in which the individual did not apply for amnesty.

In May the Eastern Cape 33 prisoners, mostly ANC and PAC members, who were refused amnesty by the TRC, received presidential pardons. The pardoning of the Eastern Cape 33 generated criticism from many, including the former chairperson of the TRC. The Justice Minister stated that between April 2001 and March, 339 presidential pardons were granted from 846 applications. According to opposition parties, these pardons undermined the TRC amnesty process. On September 19, one of the Eastern Cape 33 prisoners, Dumisani Ncamazana, was arrested on charges of murder and illegal possession of a firearm and charged with the May slaying of East London businessman Martin Whitaker. In December Ncamazana and his brother were found guilty and sentenced to life imprisonment.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, and the Government generally respected these prohibitions. Violations generally were subject to effective legal sanction; however, there were reports of police abuses during sweeps and home searches (*see* Section 1.c.).

On November 1, more than 10 police officers entered the house of the Mchunu family in Soweto, looking for someone not known to the family. The police officers entered without any warning and broke the back and front doors. Sam Radebe, a visitor, was allegedly sprayed in the face with a spray can and assaulted by the police officers. No action was taken against the responsible officers by year's end.

The Transvaal Agricultural Union accused the SAPS of harassing and intimidating citizens during November and December pre-dawn raids on homes and farms without warrants. No action was taken against the responsible officers by year's end.

In November the Parliament passed the Regulations of Interception and Provision of Communication-Related Information Bill that provides for state monitoring of all telecommunications systems for criminal investigations, including cell phones, the Internet, and e-mail. The Bill requires an order from a judge in most cases; however, in some cases, high-ranking police or army officers were authorized to grant permission. The President had not signed the legislation into law by year's end.

The Promotion of Access to Information Act is to assist authorities in obtaining personal information and is used solely in criminal investigations; however, opposition parties and human rights NGOs objected to its broadly defined provision that enabled the Government to access an individual's personal information.

During the year, the Department of Home Affairs conducted sweeps of squatter camps and sent illegal immigrants to Lindela Repatriation Center to await repatriation (*see* Section 1.c.).

The Land Claims Court settled cases previously screened and evaluated by the Commission on Restitution of Land Rights. Claims only could be filed for land dispossessions that occurred after the promulgation of the Natives Land Act of 1913, although this does not include dispossessions that occurred in 1913, the year of the former government's most significant land redistribution. The various forms of compensation offered to claimants were the return of the original land, a deed to another piece of land, financial remuneration, or preferential access to government housing. The Commission ceased accepting applications after 1998, but the cases have moved slowly, which has caused increasing tension and frustration and has resulted in some land occupations by squatters. In March 2001, the Commission began a process to determine which claims were valid, and the process was 92 percent complete by year's end. The Ministry of Land Affairs was authorized to offer settlements without first going to court, which has expedited the resolution process. At year's end, 36,279 restitution claims, involving 85,005 households and 437,145 beneficiaries had been settled. There was no action taken, nor was any likely to be taken, against those responsible for the 2001 illegal selling of land to squatters in the East Rand.

There were reports that farm residents were evicted illegally by farmers; however, the Department of Land Affairs could not substantiate some alleged illegal evictions and many such evictions apparently were not reported.

There were reports that persons accused of witchcraft were driven from their villages in rural communities (*see* Sections 1.c. and 5). Some survivors of attacks and their families were driven from their villages and were living in “witch villages” for safety in Limpopo Province. The villages have no running water or electricity. Although some persons accused of witchcraft returned to their homes, many persons remained in the villages and requested government assistance for schools and basic infrastructure. During the year, in KwaZulu-Natal, individuals or mobs attacked and, in some cases, killed persons who they accused of witchcraft-related activities.

On June 16, three members of a family in Ezibeleni in northern KwaZulu-Natal were arrested after they allegedly set fire to a house of a woman they believed to be practicing witchcraft. The owner of the house was unharmed, and the three were charged with arson.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, these rights can be limited by law in some circumstances. Several apartheid-era laws that remained in force posed a potential threat to media independence; the South African National Editors’ Forum (SANEF) recommended that between 13 and 15 laws should be reviewed for possible revocation. The Justice Department agreed to establish a committee with SANEF to review the legislation in question; however, the review had not occurred by year’s end. The Constitution bans the advocacy of hatred based on race, ethnicity, gender, or religion that constitutes incitement to cause harm. The press criticized both the Government and the opposition during the year.

In May songwriter Mbongeni Ngema released a song called *Ama-Ndiya* (Indians). The song immediately was viewed as racist and anti-Indian. The Broadcasting Complaints Commission said the lyrics were “inflammatory” and “promoted hate in sweeping, emotive language against Indians as a race.” On June 11, a Durban scriptwriter won an interim injunction against the distribution or sale of the song. In July the South African Human Rights Commission and the Broadcasting Complaints Commission criticism led to the banning of the song from the airwaves.

All newspapers were owned by conglomerates. One of the prominent companies, New Africa Media, was a black-owned consortium that controlled the country’s largest circulated daily newspaper, *The Sowetan*, as well as a larger publishing business, Times Media Limited.

Print media reached approximately 20 percent of the population. This was due to high levels of illiteracy, the lack of newspapers in rural areas, and the cost of newspapers. The majority of the population received the news through radio broadcasts from the national broadcaster (SABC) and community radio stations.

The Government used both legislative and structural means to encourage greater diversity in the media. The media offered a broad range of news, opinion, and analysis. Coverage of news and expression of opinion were vigorous. High-ranking government officials on occasion reacted sharply to media criticism of government programs and problems and at times accused journalists, particularly black journalists and editors, of disloyalty and white journalists and editors of racism.

Several laws remained in effect that permitted the Government to restrict the publication of information about the police, the national defense forces, prisons, and mental institutions. While these laws were not used often, journalists perceived them to be a threat to constitutional free press rights. The Criminal Procedure Act may be used to compel reporters to reveal their sources. The Western Cape Provincial Director of Public Prosecutions invoked a section of the Criminal Procedure Act and subpoenaed two photographers and an editor of *Die Burger* newspaper because of their film footage of the events on the night drug lord Rashaad Staggie was killed. The photographers and the editor contested their subpoenas in court under the clauses related to media freedom and freedom of speech in the Bill of Rights. In 2001 the Government first withdrew then reissued the subpoenas. In February the Cape High Court decided that the photographers could submit affidavits confirming they had taken certain published photographs rather than providing direct testimony in the trial.

Some journalists expressed concern that the Government wanted to control the media. A larger number of journalists believed that the Government’s sensitivity to criticism caused self-censorship in the media. SANEF and the Freedom of Expression Institute (FXI) were concerned that the Government’s alleged attempts to silence expressions of dissent eventually could be codified into law.

The Government-owned SABC, a limited liability company, continued to own and control the majority of the television and radio outlets. The SABC was scheduled to be split into two operational units—a public broadcasting company and a commercial entity; however, the restructuring had not occurred by year's end. The SABC was managed by black executives, provided broadcasting in the country's main African languages, and offered news coverage of the Government and the leading opposition parties. The SABC maintained editorial independence from the Government, although the balance between editorial independence and national interest remained a delicate topic with governmental officials. Critics alleged that top officials were chosen for political reasons without regard for media expertise or relevant experience.

The only commercial television station, e-TV, reaches 75 percent of the population; however, its share of the viewership was only approximately 10 percent. Most of e-TV's schedule consisted of newscasts and foreign-produced programs; the Government urged e-TV to meet its licensing conditions, which required programming to include at least 30 percent local content. Majority ownership of e-TV was held by Midi Television, a black-owned consortium composed of a number of associations and syndicates representing workers, women, and persons with disabilities.

In addition to e-TV, the SABC competes with two pay-per-view broadcasters, M-NET (encoded UHF transmissions) and MultiChoice (satellite broadcasts); several commercial radio broadcasters; and a large number of low-power, not-for-profit community radio stations.

Government broadcast regulators regularly issued community radio licenses; many of the more than 80 stations operating continued to experience financing and personnel problems. Nevertheless, community radio provided special event information and news tailored for specific interest groups. In March 2001, Radio Islam, the Muslim community radio station, applied for and was granted a 12-month temporary license. During the year, it received an additional 12-month extension and applied for a 4-year license, which was pending at year's end.

There were several government agencies with media-related responsibilities such as the Independent Communications Authority of South Africa (ICASA). The ICASA has less independence from the Ministry of Telecommunications than previously was granted to the Independent Broadcast Authority. In September 2001, the Department of Telecommunications introduced a bill to Parliament that included further limits to the power of ICASA and gave greater authority to the Minister of Communications. This bill was the subject of a great deal of domestic and foreign media scrutiny and criticism. SANEF regarded it as a regressive step by the Government that could result in very little independence for the regulator of the broadcasting and telecommunications media. The bill was passed by the Parliament in November 2001; however, the President had not signed it into law by year's end.

The Minister of Communications has a direct role in the awarding of telecommunication-service licenses.

The Foreign Publication Board, formerly the Government Board of Censors, reviewed and judged written and graphic materials published in or imported into the country. The Board had the power to edit or ban books, magazines, movies, and videos, and it regularly exercised that power, mostly regarding pornographic material. The Government Communications and Information Service (GCIS) coordinated and facilitated communications with the citizenry through its Directorate for Media Diversity and Development.

Internet access was unrestricted for persons with the ability to pay for the service. The number of Internet users continued to expand quickly. All major newspapers maintained Internet sites, most of which were updated daily with the latest news and features. In November the Parliament passed a bill that provides for state monitoring of telecommunications, including the Internet and e-mail (*see* Section 1.f.).

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedoms of assembly and association, and the Government generally respected these rights in practice. However, on July 11, police used tear gas and rubber bullets to disperse forcibly a crowd of approximately 100 persons during a South African Municipal Workers' Union strike in Cradock; 10 persons were injured.

There was no action taken against the responsible police officers who forcibly dispersed approximately 100 persons in February 2001, injuring 2 of them, and who forcibly dispersed striking postal workers in March 2001.

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

The Bill of Rights prohibits the State from unfairly discriminating directly or indirectly against anyone on religious grounds, and it states that persons belonging to

a religious community may not be denied the right, with other members of that community, to practice their religion and to form, join, and maintain religious associations. Cases of discrimination against a person on the grounds of religious freedom can be taken to the Constitutional Court.

Relations between the various religious communities generally were amicable.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected 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 Refugees Act provides that no person shall be expelled, extradited, or returned to any other country if he or she faced persecution due to race, religion, or political affiliation, or when “his or her life, physical safety, or freedom would be threatened.” The act also stipulated that designated refugees lose their status if they voluntarily return to their country of origin, take citizenship of another country, or if the circumstances that caused their flight from the country of origin changed; however, the act stipulated that in order to renew their temporary residency permits, asylum seekers must return to the town in which they originally submitted their applications to be recognized as refugees. Permits that were lost, stolen, or destroyed were not renewed. If found without a valid permit, asylum seekers were subject to arrest, detention, and deportation. The act was supported by the new Immigration Bill that was passed by the Parliament and signed into law in May.

The U.N. High Commission for Refugees (UNHCR) assisted the Government in processing asylum applications. The Department of Home Affairs was required to interview asylum seekers within 14 days of entry and to determine their status within 180 days of the interview; however, asylum applications were not processed efficiently due to poor management and insufficient resources. There were interview delays of up to 3 months, followed by a 6-month adjudication period; under new procedures, applicants were prohibited from working or attending school until asylum was granted. NGOs continued to encourage the Government to give equal access to health, education, and legal protection to foreigners. Human rights groups criticized the Department of Home Affairs for not following the provisions of the act. New applicants for asylum and NGOs assisting refugees reported abuse and assaults by immigration authorities and requests for bribes to process applications for permits to remain in the country. Human rights groups also reported asylum seekers being turned away at borders or repatriated immediately upon arrival at airports without benefit of formal asylum processing. The SAHRC lawsuit against the Department of Home Affairs to compel it to process all applications by asylum seekers as required by the Refugees Act still was pending at year’s end. The UNHCR, the National Consortium on Refugee Affairs, and the SAHRC continued their “Roll Back Xenophobia” campaign to raise public awareness of the situation and rights of refugees and the difference between refugees and economic migrants. The campaign produced publications, organized several public relations events, and instituted a Police Training Initiative in cooperation with the SAPS to sensitize police officers on the need to protect refugees and to deal properly with foreign nationals.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees. The Government provided first asylum. The Department of Home Affairs reported that as of August, 65,798 persons had applied for asylum since 1994. Of this number, 58,721 applications had been finalized, including 19,106 granted asylum and refugee status, 35,268 refused, and others falling into various other categories such as applications withdrawn, cancelled, or manifestly unfounded; 7,077 were awaiting a decision at year’s end. At year’s end, there were approximately 89,000 asylum seekers in the country; 23,000 had been granted refugee status. The majority of recognized refugees came from Somalia, the Democratic Republic of the Congo (DRC), and Angola; there also were refugees from Rwanda, Burundi, and the Republic of the Congo.

The majority of illegal immigrants came from Mozambique and Zimbabwe. Illegal immigrants were processed for deportation at a central facility and sent back to Mozambique and Zimbabwe by weekly trains. Inadequate security on the trains allowed many deportees to jump from the train en route, perpetuating the illegal immigration problem. Despite numerous procedural safeguards, efforts to combat a growing illegal immigration problem occasionally resulted in the wrongful deportation of aliens who legally were in the country; however, there were no reports of the forced return of persons to countries where they feared persecution.

There were credible reports of overcrowded, unhygienic detention facilities; beatings by security personnel in detention centers; and the theft of money and personal possessions from refugees by security personnel (*see* Section 1.c.).

Unlike in the previous year, there were no reports that police used their dogs to attack immigrants (*see* Section 1.c.).

Xenophobia led to a number of violent attacks on foreigners (*see* Section 1.a.). In January three Angolans and one citizen were killed and a house burned in clashes between locals and refugees in the Joe Slovo area in Milnerton, a Cape Town suburb. Detectives were investigating the case at year's end; however, they were hampered seriously by the lack of witnesses willing to testify.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic free and fair elections held on the basis of universal suffrage. In June 1999, national elections were held that observers deemed to be free and fair. There was an improved level of overall tolerance during the campaigning and voting period compared with the 1994 elections, attributable to IFP-ANC talks, as well as to an increased police presence. Complaints primarily concerned posters being removed or defaced, individuals being threatened because of political affiliation, and other incidents of intimidation. In May a commission led by Dr. Frederik van Zyl Slabbert was appointed by the Minister of Home Affairs to study possible alternatives for the electoral system which would become effective in the 2004 general elections. A consultative process was completed and final recommendations were pending at year's end.

The country has a bicameral parliament, an executive state presidency, and an independent judiciary, including a constitutional court.

The two houses of Parliament are the National Assembly, with 400 members, and the National Council of Provinces (NCOP), consisting of 6 permanent and 4 rotating delegates from each of the 9 provinces. The NCOP, created to give a greater voice to provincial interests, was mandated to approve legislation that involved shared national and provincial concerns according to a schedule in the Constitution and to concur on other legislation. There was an 18-member Council of Traditional Leaders, which the Constitution accords an advisory role in matters of traditional law and authority.

Four parties—the ANC, the IFP, AZAPO, and the NNP—shared executive power. The ANC dominated the Government and gained in parliamentary strength in the 1999 elections. ANC members occupied 24 of the 27 ministerial positions. In 1999 the ANC leader, Thabo Mbeki, succeeded Nelson Mandela as President and Head of State. As a result of the 1999 national elections, the official opposition party in the National Assembly was the Democratic Party (DP), which joined with the smaller Federal Alliance (FA) to constitute the Democratic Alliance (DA). In November 2001, the NNP left the DA and reached an agreement to cooperate in government with the ANC at national, provincial, and local levels. The National Assembly also included the UDM, the African Christian Democratic Party, the Pan-Africanist Congress, the United Christian Democratic Party, the Freedom Front, the Afrikaner Unity Movement, the AZAPO, and the Minority Front.

The UDM challenged in the Constitutional Court legislation that allows elected officials to change political parties without losing their seat in the legislature. On October 4, the Constitutional Court ruled that it was constitutional for elected officials at the municipal and local levels of government to defect (“cross the floor”) to another party without losing their seats on city or municipal councils. As a result, power could change hands on many local councils. The court also ruled that defections at provincial and national levels satisfied constitutional requirements; however, the court held that a procedural flaw in the legislation necessitated a constitutional amendment.

The questions surrounding traditional leaders and their authority at the local level and participation in local councils were not resolved by year's end. The traditional leaders claimed that municipal demarcations split and diminished their hereditary status and power bases. They also complained that new municipal structures and legislatures denied them voting rights in local councils, which controlled development funds for local communities. In February President Mbeki implied that the Government would address this issue; however, it had not done so by year's end. There were reports that leaders in some areas actively hindered government activities where they infringed upon areas under traditional rule.

There were very few reports of violence or irregularities during the 2000 local elections; however, in the East Rand area of Johannesburg, there were reports that five persons were killed in acts that may have been politically motivated. On March

28, the case came before the Germiston Regional Court and was withdrawn since all the witnesses failed to appear in court. The witnesses allegedly were intimidated into not testifying.

There were no legal impediments to women's participation in government or politics. There were 117 women in the 400-seat National Assembly, and there were 18 women among the 54 permanent delegates of the NCOP. Women occupied three of four parliamentary presiding officer positions (speaker and deputy speaker of the National Assembly, and chair of the NCOP). Women held 9 of 27 ministerial positions, as well as 8 of 16 deputy ministerial slots.

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

A number of domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. Many organizations participated in governmental bodies that sought to gather public input and to fashion policies related to human rights.

The Government-created SAHRC was tasked with promoting the observance of fundamental human rights at all levels of government and throughout the general population. The SAHRC also has the power to conduct investigations, issue subpoenas, and hear testimony under oath. In 2001 the SAHRC began research into allegations of abuse of black farm workers, local justice system prejudice against farm workers, and violence against white farm owners (*see* Section 1.a.). In July and August, there were public hearings in the nine provinces concerning the human rights situation in farming communities. National hearings were conducted in Johannesburg in October. The SAHRC undertook a number of other activities during the year, including a national action plan and strategy to combat racism, the "Roll Back Xenophobia" campaign, a study of socio-economic rights, and an inquiry into sexual offenses against children (*see* Section 5).

The Office of the Public Protector investigated abuse and mismanagement by the Government, and acted as an office of last resort to which citizens reported unfair treatment by government entities. Such complaints generally took the form of concerns over lost pension checks or unfair hiring practices. The office handled an increasing number of complaints but was hampered by severe resource constraints.

The TRC was empowered by legislation to investigate apartheid-era gross human rights abuses committed between 1960 and 1994, to grant amnesty to perpetrators of a broad range of politically motivated crimes, and to recommend compensation for victims of human rights abuses. The amnesty committee concluded its proceedings in June 2001, but a committee of the TRC still was compiling the last two volumes of the seven-volume TRC report. The two volumes—one by the amnesty committee and the other a comprehensive victims list—will end formally the TRC's work and activate the state's obligation to consider the recommendations of the commission. The final report was scheduled for submission to the President in September; however, it was delayed, pending a court decision on IFP leader Mangosuthu Buthelezi's suit to prevent publication of the report. An estimated 80 to 90 percent of the 7,112 applications for amnesty were from persons already incarcerated. A total of 1,146 applicants were granted amnesty.

The Department of Justice was tasked with making a final decision on the reparations issue and implementing the decisions. The TRC officially expressed concern regarding delays in implementing reparation measures and doubt about the level of government support for reparation funding. Final decisions could only be made after the final report has been given to the President. The more than 21,000 victims identified by the TRC have received some interim reparations but have been waiting 5 years longer than expected for final reparations.

On June 26, the Khulumani support group filed a suit in the Cape High Court, demanding access to information held by the TRC. Archbishop Tutu, Justice Minister Maduna, and President Thabo Mbeki were named as correspondents. Khulumani claimed that attempts to get access to the state's draft reparation policy have been blocked repeatedly. The goal of the Khulumani Victims Support Group was to become involved in the discussions on reparations and to speed up the process.

The Human Rights Investigative Unit has authority to prosecute those persons who failed to ask for amnesty or to whom amnesty had been denied. All human rights abuses addressed by the TRC's amnesty committee were scrutinized by the unit. In October 2001, the TRC's amnesty committee submitted its final report; it was estimated that no more than 20 cases potentially could be prosecuted, which could take up to 5 years. The case against Dr. Basson was the first case pursued

by this unit to go to trial; in April Dr. Basson was acquitted of all 46 charges (*see* Section 1.a.).

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

The Constitution prohibits discrimination on the grounds of race, disability, ethnic or social origin, color, age, culture, language, sex, pregnancy, or marital status. The Promotion of Equality and Prevention of Unfair Discrimination Act places a responsibility on the State and any person in the public domain to promote equality. The act addresses discrimination in a broad context in the workplace, health care, education, services, pensions, and other socio-economic areas. Legal recourse was available to those who believed that they have been discriminated against; however, entrenched attitudes and practices, as well as limited resources, restricted the practical effect of these protections.

Women.—There was a high rate of domestic violence, including physical, sexual, emotional, and verbal abuse, as well as harassment and stalking of former partners. Entrenched patriarchal attitudes towards women were a significant factor in under-reporting. It was difficult for abused women's cases to be prosecuted effectively, and abused women often were treated poorly by doctors, police officers, and judges.

A study conducted in 1999 in three provinces by the Medical Research Council (MRC), a statutory body, found that 27 percent of women in the Eastern Cape, 28 percent of women in Mpumalanga, and 19 percent of women in the Northern Province had been abused physically in their lifetimes by a current or ex-partner. In a 1999 study by the MRC of 1,394 men working for 3 Cape Town-area municipalities, approximately 44 percent admitted to abusing their female partners. In a MRC study of 1,800 working men in the Western Cape Province over a 10-year period, 22 percent reported forcing their wives or girlfriends to have sexual intercourse.

The law defines victims of domestic violence, facilitates the serving of protection orders on abusers, requires the police to take victims to a place of safety, and allows police to seize firearms at the scene and arrest abusers without a warrant. The law defines marital rape as a criminal offense and permitted women to obtain injunctions against abusive husbands in a simple, less expensive, and more effective manner. The law extends legal protection from domestic abuse to persons who are not in legal or common-law marriages. Violating a protection order is punishable by a prison sentence of up to 5 years, or 20 years if additional criminal charges, including indecent assault, rape, incest, attempted murder, malicious damage to property, or pointing a firearm, are made.

The implementation of domestic violence legislation was hampered by societal attitudes and a lack of infrastructure, resources, and training for law enforcement officials. Researchers at the University of Cape Town's Institute of Criminology reported that while many police and other judicial system officials were committed to complying with the law, it was not implemented adequately. It was believed that the number of women who filed complaints represented only a fraction of those who suffered abuse. Statistics on prosecution and conviction of domestic abusers were not available at year's end. In August 2001, the Constitutional Court ruled that a woman could be awarded damages on the basis that the Government failed to protect her security.

Domestic violence was the subject of extensive media coverage, much of which was focused on the need to improve implementation of domestic violence legislation and to impose longer sentences on convicted abusers. The parliamentary monitoring committee on women's affairs completed consultations with NGOs and local and national government officials regarding defects in the domestic violence laws. During the year, the Parliament's Joint Monitoring Committee on the Quality of Life and Status of Women approved a report on defects in the domestic violence laws, and the National Assembly adopted the report. The committee followed up the report with an active monitoring program and remained concerned about problems in this area.

The Government financed 25 shelters for abused women. This number was inadequate, particularly in the rural areas. The SAPS operated 12 Family Violence, Child Protection, and Sexual Offenses (FCS) Units, which dealt specifically with these issues and which were intended to increase victims' confidence in the police and lead to increased reporting of such crimes. Six training courses for FCS Investigating Officers were held annually, and there were numerous additional workshops and seminars for other members of the police force, including gender sensitivity training. The Government conducted domestic violence awareness campaigns such as the 16 Days of Activism of No Violence Against Women and Children campaign in December and counseling services in partnership with the Network of Violence Against Women, an NGO consortium.

Rape, including spousal rape, was illegal. There was an extremely high incidence of rape for reasons that included a poor general security climate and societal attitudes condoning sexual violence against women. In the large majority of rape cases, the perpetrator went unpunished.

The SAPS reported that between January and March 2001, there were 144.2 rapes reported per day or 29.5 rapes per 100,000 persons; however, according to a 1998 SAPS survey cited in the Statistics South Africa (StatsSA) report, only half of all respondents who were raped reported the incident to the police. Of the cases reported, 47.6 percent were referred to court after an investigation. The Rape Crisis Organization of South Africa reported that only 8.9 percent of reported rapes resulted in a conviction (*see* Section 1.e.).

Rape, sexual assault, and sexual harassment of black female farm workers by farm owners, managers, and by other farm workers was common.

The Office on the Status of the Women, located in the Presidency, reported in the 2000 National Policy Framework for Women's Empowerment and Gender Equality that "there are few support structures for victims of rape. At police stations, rape victims face a lack of facilities coupled with the unsympathetic treatment women frequently receive from both the police and the justice system." Although judges in rape cases generally followed statutory sentencing guidelines, judges occasionally were criticized by women's advocacy groups for using questionable criteria, such as the victim's behavior or relationship to the rapist, as a basis for imposing lighter sentences.

The Government established 22 sexual offense courts throughout the country, designated waiting rooms for victims, established counseling, installed more than 2,000 intermediary facilities at courts, and trained judicial officers.

The issue of rape was covered widely in the media during the year. There were a number of demonstrations against rape, such as the October massive protest against child abuse and child rape, which culminated with the presentation of a petition to Minister of Home Affairs Mangosuthu Buthelezi.

Unlike in the previous report, there were no reports that female immigrants and asylum seekers were abused sexually during detention.

Female genital mutilation (FGM) was practiced in some areas of the Eastern Cape and KwaZulu-Natal; however, it was not considered to be widespread and was confined to isolated cases. The law specifically prohibits FGM as unfair discrimination.

Prostitution was illegal, but it was widespread and practiced rather openly. In August 2001, the Pretoria High Court ruled that sections that prohibited prostitution in the Sexual Offences Act were unconstitutional. There were incidents of harassment by policemen demanding sexual favors of prostitutes under threat of penalizing them for lewd conduct or public loitering. There was no law that specifically prohibited sex tourism, although it was covered under the general prohibition against prostitution. The Government was not involved in sex tourism.

There were reports that women were trafficked into the country for prostitution (*see* Section 6.f.).

Although no official statistics were available, there was anecdotal evidence that sexual harassment was a widespread problem. An attorney from the Women's Legal Center, an NGO, estimated in July 2001 that 76 percent of women had experienced some form of sexual harassment; 40 percent of these women had left their jobs or changed jobs as a result of the harassment. Perpetrators of sexual harassment can be prosecuted under a number of laws; however, there were few successful prosecutions.

Discrimination against women remained a serious problem despite equal rights under family law and property law with regard to inheritance, divorce, and custody of children, and equal legal rights under the judicial system.

Polygyny continued to be practiced by several ethnic groups. Exacting a bride price ("lobola") also was a traditional practice of some ethnic groups. The Recognition of Customary Marriages Act of 2000 recognizes customary marriages, both monogamous and polygynous; however, it did not address religious marriages, which were not recognized by the law.

Discrimination against women in the workplace was prohibited under the law, which included both antidiscrimination and affirmative action provisions; however, in practice women experienced economic discrimination in areas such as wages, extension of credit, and access to land. For example, township housing transfer schemes favored existing titleholders who tended to be men, and women in rural areas found it hard to obtain security of tenure, which was a precondition for accessing housing subsidies. Women, especially black women, typically had lower incomes and less job security than men. Most women were engaged in poorly paid domestic labor and micro-enterprises, which did not provide job security or benefits. Domestic workers usually did not have contracts with their employers and had little recourse

for unfair treatment or abuse. Female farm workers often experienced discrimination. Female farm workers' access to housing often was dependent on their relationship to male farm workers. Women generally occupied the less well-paid farming jobs or received lower wages than men who performed the same type of work. Many female farm workers were denied maternity leave in violation of the law or were allowed only the minimum time to give birth and return to work.

According to data supplied in 2000 by employers with 50 or more employees, women held 13 percent of all top management positions, 20 percent of all senior management positions, and 43 percent of professional and middle management positions. This last figure was high because of the disproportionate representation of women within the nursing and teaching professions, which were included in those categories. Approximately 17 percent of women who worked were domestic laborers; the majority of these workers were black women with little or no education.

The Department of Trade and Industry ran a program to provide incentive grants to promote the development of small and medium businesses and microenterprises for women, young persons, and persons with disabilities in the areas of manufacturing, tourism, arts and crafts, and imports and exports.

A number of governmental and nongovernmental organizations monitored and promoted women's human rights. The Office on the Status of Women, located in the Office of the President, coordinated departmental gender desks, which developed strategies to ensure integration of gender concerns into governmental policy and planning. The Commission on Gender Equality (CGE), a constitutionally mandated body, was authorized to investigate allegations of gender discrimination and make recommendations to Parliament on any legislation affecting women; however, the CGE was hampered by a lack of funding during the year. Parliament's Joint Committee on Improvement of Quality of Life and Status of Women was mandated to monitor the effects of government programs and policies on women. In 2001 the committee devoted special attention to monitoring gender equity in the Government budget process. In October the Parliament approved a 2000 report by the committee on the impact of HIV/AIDS on women, which included a recommendation that the Government provide pregnant women who are HIV-positive with antiretroviral medication.

There were numerous active women's rights groups that focus on such areas as violence against women and the economic advancement of women.

Children.—The Constitution stipulates that children have the right “to security, education, basic nutrition, and basic health and social services.” The Government remained committed to providing these services and has made some progress toward developing the mechanisms for delivering them, including improvements in the provision of education and a campaign against child abuse; however, the demand for such services far exceeded the resources available. The Government was unable to provide for the rapidly growing number of children who were affected by HIV/AIDS, including both infected children and AIDS orphans.

The law provides greater educational opportunities for disadvantaged children—traditionally black children—through a uniform system for the organization, governance, and funding of schools. It mandated compulsory education from ages 7 to 15 and ensured that children cannot be refused admission to public schools due to a lack of funds. According to the Department of Education, approximately 90 percent of 7- to 15-year-olds and 83 percent of 16- to 19-year-olds were enrolled in school. In its 2001 South Africa Statistics report, StatsSA reported that 50.3 percent of all students in public and independent schools were girls, and women comprised 55 percent of all university students and 43 percent of all technicon (technical colleges) students; however, the Office of the Status of Women reported in the 2000 National Policy Framework for Women's Empowerment and Gender Equality that a number of factors, including unplanned pregnancies, domestic responsibilities (particularly in rural areas), and gender stereotypes contributed to high drop-out rates and lower secondary school pass rates for girls. Although girls comprised 55 percent of those taking senior certificate exams, they only represented 52 percent of those passing, according to the StatsSA report.

The school funding formula, based on norms and standards tied to physical resources and performance, devoted 60 percent of nonpersonnel resources toward the 40 percent that were the most needy schools. Each of the nine provincial departments of education had responsibility for the schools in their provinces, which resulted in the uneven distribution of educational facilities. The disparity affected the areas of Eastern Cape, the Northern Province, and KwaZulu-Natal most severely. The availability and quality of primary schooling still was a problem, especially in rural areas where schools may not be easily accessible or where children worked (*see* Section 6.d.). Most schools in rural and urban KwaZulu-Natal reportedly faced many problems of inadequate learner support materials, long-vacant teaching posts, over-

crowding, late pupil registration, and vacation time vandalism; however, despite the setbacks and poor matriculation pass rate, school principals said there was a promise of improved support and delivery from provincial officials, greater community involvement, and better inter-school cooperation. To address this problem, the Government continued to build new schools and introduced basic skills development and prevocational training into the curriculum.

Student populations on university campuses were becoming more representative of the general population, with the most prestigious government-administered universities making an active effort to recruit students from disadvantaged communities.

There were a number of governmental social welfare programs for children, known as "Presidential Initiatives," including free health care for pregnant women and children under 6 years of age and school meal programs for primary school children. In practice it sometimes was difficult for persons in rural areas to obtain access to health care facilities and other social welfare programs. NGOs called for reforms of social security programs, including programs targeted at children, particularly in response to the increasing number of HIV/AIDS orphans. The Government was criticized widely by HIV/AIDS activists for failing to protect adequately young children from HIV/AIDS transmission through the provision of antiretroviral medication to pregnant and breast-feeding women. The Cabinet continued to withhold approval for programs to reduce the rate of mother-to-child transmission of HIV/AIDS during the year; however, the director of AIDS programs allowed provincial governments to implement the programs without cabinet approval. The Constitutional Court has ruled that the National government has a constitutional responsibility to provide an effective HIV/AIDS prevention program to reduce mother to child HIV transmission.

Violence against children, including domestic violence, remained widespread. The law prohibits domestic violence against children and requires medical, educational, and other practitioners working with children to report such abuse immediately. While the Government, the public, and the media paid increased attention to the problem, a lack of coordinated and comprehensive strategies to deal with violent crimes continued to impede the delivery of needed services to young victims. In July 2001, a senior police officer reported to a parliamentary committee that there was a significant increase in reports of child abuse. Although corporal punishment in schools was prohibited by law, there were reports that teachers used physical violence to discipline their students. In addition, there continued to be racially motivated violence among students in schools.

Reports of child rape increased significantly, as have reports that men were committing rape due to a growing myth that having sexual intercourse with a virgin can cure HIV/AIDS. Between January 2000 and June 2001, the police reported 31,780 cases of rape and attempted rape of children; however, observers believed that these figures represented a small percentage of the actual incidents of child rape, because most cases involved family members and were not reported. The country had a low conviction rate for rape and child abuse. The conviction rate in cases of child abuse in Johannesburg reportedly was 2.6 percent. The minimum sentence for rape of a child was life in prison, but judges have the discretion to grant more lenient sentences. In November 2001, a 9-month-old girl was raped in Upington; six men were arrested for the crime, but later released when DNA tests showed no link between the men and the rape. The incident was part of a series of rapes of baby girls that continued during the year.

In March 2001, HRW released a report entitled "Scared at School: Sexual Violence Against Girls in South African Schools," which documented widespread rape, sexual abuse, sexual harassment, and assaults of girls at school by teachers, students, and other persons in the school community. According to the report, girls "are confronted with levels of sexual violence and sexual harassment in schools that impede their access to education on equal terms with male students." The report stated that the Government was working to improve its responses to domestic and sexual violence, but recommended "a more proactive, coordinated, and system-wide response." In July the Minister of Education requested that schools establish hot lines to the local police stations and that trauma centers be set up wherever possible to support the Department of Education's commitment to a national toll free line that would deal with all aspects of violence in schools. The law requires schools to disclose sexual abuse to the authorities; however, administrators often disregarded the obligation by concealing sexual violence or delaying disciplinary action. The report further noted that "sexual violence and harassment in South African schools erect a discriminatory barrier for young women and girls seeking an education."

A 2000 survey documented that 39 percent of sexually active teenage girls reported being raped. According to HRW, girls who experienced sexual violence often

left school temporarily, changed schools, or quit attending school to escape continuing abuse; those who remained in school had difficulty completing their studies. The level of sexual violence in schools also increased the risk for girls of contracting HIV/AIDS or other sexually transmitted diseases, as well as unwanted pregnancies.

The Government introduced initiatives to address school violence; however, it does not have a national policy to address sexual violence and harassment in schools. HRW reported an absence of standard procedural guidelines governing how schools should treat persons accused of sexual violence or harassment.

Virginity testing on young girls and traditional male circumcision still were prevalent in various parts of the country. Virginity testing was a violation of the law. In 2001 HRW reported that virginity tests were conducted at some schools in KwaZulu-Natal. Several teenage boys died or were mutilated and hospitalized as a result of unsafe practices during traditional circumcision rituals in Eastern Cape and KwaZulu-Natal. In June five boys died of wounds and exposure during a traditional initiation process near Heidelberg, and another 18 boys were admitted to a hospital after suffering from complications. The initiation school was closed. In June a 30-year-old traditional surgeon in the Eastern Cape was arrested for performing 90 unlawful circumcisions without parental consent. The Eastern Cape Provincial government introduced legislation to regulate traditional male circumcision and improve health standards during the ritual; however, at least 8 initiates died in the Eastern Cape alone during the winter circumcision season, and at least 49 initiates were hospitalized.

FGM still was performed on young girls in some rural areas of the Eastern Cape and KwaZulu-Natal (*see* Section 5, Women).

Child prostitution was a problem (*see* Section 6.f.).

Persons with Disabilities.—The Constitution prohibits discrimination on the basis of disability; however, in practice government and private sector discrimination against persons with disabilities in employment existed. Society increasingly was open to the concept of persons with disabilities as a minority whose civil rights must be protected. The Government attempted to ensure that all government-funded projects take account of the needs of citizens with disabilities. The law mandates access to buildings for persons with disabilities; however, such regulations rarely were enforced, and public awareness of them remained minimal. The law requires employers with more than 50 workers to create an affirmative action plan with provisions for achieving employment equity for persons with disabilities. The National Environmental Accessibility Program, an NGO comprising consumers with disabilities as well as service providers, established a presence in all nine provinces to lobby for compliance with the regulations and to sue offending property owners when necessary. In August the Ministry of Labor introduced a new code to protect persons with disabilities from any kind of harassment. The code, which works in conjunction with the Employment Equity Act, also provides guidelines on the recruitment and selection of persons with disabilities, reasonable accommodation for persons with disabilities, and guidelines on proper handling of employee medical information. In August 2001, the Public Service Commission reported to a parliamentary committee that persons with disabilities constituted only 0.02 percent of the public service workforce, compared with 5.9 percent of the general population.

National/Racial/Ethnic Minorities.—The law prohibits discrimination on 19 grounds and requires employers with 50 or more employees to ensure that previously disadvantaged groups—defined as blacks, women, and persons with disabilities—are represented adequately at all levels of the workforce. However, these previously disadvantaged groups remained underrepresented in the workforce, particularly at the professional and managerial levels. The Government continued efforts to reorganize and redesign the educational, housing, and health care systems to benefit all racial and ethnic groups in society more equally. A comprehensive analysis of workforce profiles by an NGO based on 2000 and 2001 Department of Labor data indicated that blacks held 9 percent of top management positions, 59 percent of the skilled position, and 83 percent of semi-skilled and unskilled positions. The employers cited a lack of training and development, poor recruitment processes, and an antagonistic corporate culture as the main impediments to affirmative action. The armed forces have struggled with the process of integrating blacks into the predominantly white officer corps (*see* Section 1.a.).

Xenophobia led to a number of attacks on foreigners (*see* Section 2.d.). Foreigners faced harsh reactions from anti-immigrant groups such as the Unemployed Masses of South Africa, which criticized immigrants for job losses.

The continued killings of mostly white farm owners by black assailants created concern among white farmers that they were being targeted for racial and political reasons (*see* Section 1.a.). There also were reports that white employers abused and

killed black farm laborers but avoided penalty due to collusion with the authorities (see Section 1.a.).

During the year, police arrested 18 right-wing conspirators who allegedly planned to overthrow the Government and reinstate apartheid. At year's end, they were being held on charges of high treason, contravening the Internal Security Act, and a variety of weapons charges. The 18 men allegedly were members of the Boeremag, an extremist right-wing Afrikaaner group.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association, and this right was given statutory effect in the Labor Relations Act (LRA). All workers in the private sector were entitled to join a union. Workers in the public sector, with the exception of members of the National Intelligence Agency (NIA) and the Secret Service, also were entitled to join a union. Members of the SANDF were allowed to join a union, but they were prohibited from striking. Union membership in the private sector continued to decline steadily, as a result of job layoffs and declining formal sector employment, including in industries that were heavily unionized, such as mining and manufacturing. The largest trade union federation, the Congress of South African Trade Unions (COSATU), lost approximately 200,000 members in the past 5 years, bringing its membership down to 1.8 million. However, some public sector unions experienced growth. Total union membership was approximately 3.3 million persons, which constituted 26 percent of the economically active population.

COSATU was aligned formally with the ANC and the South African Communist Party (SACP). Several ANC members of Parliament and the Cabinet had a COSATU leadership background, and the premier of Gauteng, the country's richest province, was a former COSATU general secretary. COSATU's largest rival, the Federation of Unions of South Africa (FEDUSA), was a nonpartisan labor federation. A relatively minor labor federation, the National Council of Trade Unions (NACTU), was independent of any political grouping. Some unions did not belong to any federation.

Although labor laws protected farm workers, the COSATU-affiliated South African Agricultural, Plantation and Allied Workers, Union (SAAPAWU), and the NACTU-affiliated National Union of Farmworkers have encountered difficulties trying to organize farm workers, because union organizers were considered trespassers on private property. In addition, farm workers or farm residents who attempted to organize were harassed and evicted. The Department of Labor (DOL) and unions have enlisted the cooperation of the national farmers' organization to educate farmers about worker rights. The DOL reported that 4.5 percent of the agricultural labor force was unionized. In 2000 the DOL conducted a survey on the prevailing conditions in the agricultural sector; however, the results were not yet available. According to DOL statements and media reports, the survey found that the majority of farm workers were not unionized and were exploited by employers. In December the Minister of Labor announced minimum wage standards for farm workers that were expected to take effect in March 2003.

The Government did not restrict union affiliation with regional or international labor organizations. COSATU, FEDUSA, and NACTU were affiliated with the International Confederation of Free Trade Unions (ICFTU).

b. The Right to Organize and Bargain Collectively.—The law defines and protects the rights of workers to organize and bargain collectively. The Government did not interfere with union organizing and generally has not interfered in the collective bargaining process; however, some COSATU unions claimed that NIA agents have infiltrated their ranks. The LRA statutorily provides for "organizational rights," such as trade union access to work sites, deductions for trade union dues, and leave for trade union officials, which strengthened the ability of trade unions to organize workers.

The LRA was designed to create an industrial relations regime that is stable and recognizes that basic worker rights need to be protected. The law, which applies to both the public and private sectors, protects workers against unfair dismissal, recognizes their right to form trade unions, provides for the right to strike, and establishes a simple set of procedures that protect striking workers from the threat of dismissal. Essentially, for a strike to proceed, all that was required was that a dispute be referred for conciliation. There was no time limit on conciliation efforts; however, if conciliation failed to resolve the dispute or lasted more than 30 days, a trade union was entitled to advise an employer of intent to strike as long as it gave 48-hours notice to a private sector employer or 7-days notice to a state employer. Organized labor also had the right to engage in "socioeconomic protest," whereby workers may demonstrate, without fear of losing their jobs, in furtherance

of broader social objectives. The LRA also allows employers to hire replacement labor for striking employees, but only after giving 7-days' notice to the striking trade union. Employers have the right to lock out workers if certain conditions were met. Public sector employees, with the exception of essential services and the three components of the security services, also had the right to strike. Strikes by workers in essential services, such as police and hospital workers, were prohibited. If disputes between workers in essential services and their employers cannot be resolved through collective bargaining or conciliation, they were referred to arbitration.

There were several strikes over wage disputes throughout the year, including a 1-day strike of the Communication Workers' Union in May and a 2-day strike of brick makers in Grahamstown in August. In July the South African Clothing and Textiles Workers' Union (SACTWU) members at the Team Puma factory in Cape Town went on strike for 15 weeks. In a landmark decision, the Labor Court ruled in September that a solidarity strike by non-Puma workers was legal and protected.

In July one man was killed and another injured during a 3-week municipal strike when a senior municipal official allegedly opened fire on demonstrators in the Louis Trichardt municipality in Limpopo province. Another man was injured during the same strike when fireworks exploded in a crowd of strikers in Cape Town.

In October there was an antiprivatization strike, which was organized by COSATU. Both the Government and businesses adopted a "no work, no pay" policy. Most workers did not heed COSATU's call for a mass stay-away action.

During a wage-related strike at the East Rand Proprietary Mines (ERPM), which was organized by members of the National Union of Mineworkers, two security guards allegedly opened fire on the ERPM employees after they attempted to enter the mine, killing two and injuring 14. A court injunction was in place restricting miners from gaining access. The security guards were terminated and the security company lost its contract with the mine. The 5-day ERPM strike coincided with COSATU's October antiprivatization stay-away action and involved casual employees who were contracted by the private recruiting company "Circle Labour." The illegal strike culminated in the firing of the striking workers, 2,300 of whom were rehired by ERPM after being interviewed. ERPM terminated its contract with "Circle Labour."

A November taxi strike in Durban was in response to "Operation Shanela," a government crackdown on unlicensed or unroadworthy taxis. The KwaZulu-Natal Taxi Council members struck for a week at the end of November and early December, protesting "Operation Shanela." The strike reportedly turned violent when strikers stoned private and municipal buses and their passengers.

Union participation as an equal partner with business and government in the National Economic Development and Labor Council (NEDLAC), a tripartite negotiating forum, ensured a direct voice for labor in the formulation of economic, social, and labor policy. Through NEDLAC, organized labor has been able to participate in the formation of the country's labor legislation as well as initiatives such as the 1998 Presidential Job Summit.

To further reduce the adversarial nature of labor relations, the LRA also created a Commission for Conciliation, Mediation, and Arbitration (CCMA). The CCMA has resolved successfully many disputes referred to it and remained critical to the emergence of a less confrontational business climate. The CCMA also gradually was beginning to play an interventionist role by becoming involved in disputes before they deteriorated into full-fledged strikes or lockouts. Other important mechanisms created by the LRA included a labor court and a labor appeals court. The labor court has jurisdiction to resolve disputes that the CCMA was unable to mediate to the satisfaction of both parties. Notwithstanding the existence of the CCMA and specialist courts for labor disputes, the aim of industrial relations was to minimize the need for judicial intervention in labor relations, leaving it to the contending parties to resolve disputes whenever possible. No employee may be fired or discriminated against because of membership in or advocacy of a trade union.

The LRA allows for the establishment of workplace forums that are intended to promote broad-based consultation between management and labor over issues such as work organization, corporate downsizing, and changes in production processes. The forums, in order to receive statutory protection, could be established by trade unions only in businesses with more than 100 employees. Although trade unions in only a few factories reportedly have established workplace forums, the intent of the law was to build wide support within the trade union movement and business for such cooperative workplace relationships.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, there were reports that children were forced into prostitution or exploited by their parents to earn money for their families

(see Section 5). According to a survey conducted by StatsSA, up to 2,000 children worked to pay off outstanding debts to employers or obligations to their landlords (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of a child under 15 years of age. It was a criminal offense to employ a child between 15 and 18 years of age if such employment “places at risk the child’s well-being, education, physical or mental health, or spiritual, moral, or social development.” This policy was enforced effectively in the formal non-agricultural sector and less effectively in other sectors by DOL inspectors. The DOL was required to ensure that all of its inspections addressed child labor problems; however, many inspectors were so poorly trained that investigations of cases involving child labor often were dismissed by courts. The inspectors attempted to resolve most problems by counseling employers, child workers, and parents, and by cooperating with the Departments of Welfare and Education. The violation of the laws regulating child employment was a criminal offense, punishable by a maximum prison sentence of 3 years; however, criminal prosecution frequently was reserved for “extreme circumstances,” and there were no prosecutions by year’s end. Inspectors often had difficulty gaining access to farms where children may have been employed.

Many children, especially in the rural areas of the country, were expected to help with household chores and school maintenance. According to a survey conducted by StatsSA, 45 percent of children between the ages of 5 and 17 worked for 1 hour or more per week in an economic activity, 5 hours or more per week in school labor, or 7 hours or more in household chores. The most common economic activity for children was gathering wood and water for domestic use, which occupied 4.5 million of the 13.4 million children between the ages of 5 and 17 years for 1 hour or more per week. Of the 2 million children who spent at least 1 hour per week in activities for pay, profit, or family economic gain, 59 percent were involved in agriculture and 33 percent in trade.

Child laborers from Zimbabwe and Mozambique worked in the country on commercial farms, for the taxi industry, or as domestic servants.

The Government was preparing an action program for coordinating interdepartmental action on child labor; however, the program had not been announced by year’s end. The Government has prepared training manuals and conducted a number of courses on enforcing child labor laws. The Child Labor Intersectoral Group (CLIG) was composed of representatives of trade unions, employers, organizations, NGOs, and officials of the Departments of Labor, Welfare, and Education. The CLIG debates policy options and ensures coordination of initiatives between these different groups.

The DOL began provincial consultations in order to develop and complete a comprehensive program of action to implement the International Labor Organization’s Convention 182. The DOL released its survey of child labor at year’s end.

There were reports that children were forced into prostitution and that some children work in conditions that amount to bondage (see Sections 5 and 6.c.).

e. Acceptable Conditions of Work.—There was no legally mandated national minimum wage. Unionized workers in the formal sector of the economy set wage rates on an industry-by-industry or plant-by-plant basis through annual negotiations with employers or employer organizations. Such wages generally were sufficient to provide a decent standard of living for a worker and family. In those sectors in which workers were not organized sufficiently to engage in the collective bargaining process, the law gives the Minister of Labor the authority to set wages, including for farm laborers and domestic workers; however, income disparities between skilled and unskilled workers and the income distribution gap between rural and urban workers meant that many unskilled or rural workers were unable to provide a decent standard of living for themselves and their families. On September 1, new regulations outlining conditions of employment and minimum wage for domestic workers took effect.

The law standardizes time-and-a-half pay for overtime, establishes a 45-hour workweek, and authorizes 4 months of maternity leave for women. A ministerial determination exempted businesses employing fewer than 10 persons from certain provisions of the act concerning overtime and leave.

Occupational health and safety issues were a top priority of trade unions, especially in the mining and heavy manufacturing industries. Although attention to these issues increased significantly, the country’s industrial and mining processes were dangerous and sometimes deadly. The law provides for the right of mine employees to remove themselves from work deemed dangerous to health or safety. In addition, a tripartite mine health and safety council and an inspectorate of mine

health and safety, were tasked with enforcing the act and monitoring compliance with its provisions. The law specifically made it an offense for a company to discriminate against an employee who asserted a right granted by the law (for example, to leave a hazardous work site) and required mine owners to file annual reports that provided statistics on health and safety incidents for each mine being worked. During the year, 288 persons were killed in mine accidents.

Working conditions on farms generally were poor. There were many incidents of physical abuse of farm workers, nonpayment of wages, and other forms of arbitrary treatment generally by white farm owners (*see* Section 1.a.). In September 2001, the DOL published a report on employment conditions in the agricultural sector which found that “most South African farm workers live in circumstances of absolute and relative poverty” and recommended minimum farm wages ranging from \$40 to \$75 (400 to 750 Rands), depending on the farm’s location. Many farmers did not measure accurately working hours, and they often required their laborers to work 11 hours per day and 6 days per week. In addition, 12-hour days were common during harvest time, and few farmers provided overtime benefits. HRW reported low wages and the absence of basic services in farm workers’ housing. There were reports that farmers ignored laws relating to health and safety and other labor rights for their workers. Health and safety regulations often were not observed during the use of chemicals in agricultural work.

There were no laws or regulations in other industries that permitted workers to remove themselves from work situations deemed dangerous to their health or safety without risking loss of employment; however, the law protects employees from retaliation who with “reasonable belief that the health or safety of an individual has been, is being, or is likely to be endangered,” disclosed dangerous workplace conditions to the appropriate authorities.

Illegal foreign workers had no protection under the law. They often were underpaid and forced to work long hours in very poor, unsanitary, and unsafe conditions. Several “sweatshop” type locations were uncovered, and their owners were fined during the year. In May the owner of a Newcastle factory was ordered by the DOL to pay his 87 workers \$50,129 (501,287 Rands) in backpay. At the same factory, an investigation found workers locked in the building overnight. There were no accurate numbers on Zimbabweans entering the country and working on farms; however, it was reported that the Government deported approximately 40,000 illegal Zimbabweans during the year.

f. Trafficking in Persons.—The law does not prohibit specifically trafficking in persons, and the country was a transit and destination point for the trafficking of persons from other countries in Africa, Asia, Eastern Europe, and the states of the former Soviet Union for prostitution and forced labor. Women and children were trafficked into the country by domestic and international organized crime syndicates for the sex industry.

Child prostitution increased, primarily in Cape Town, Durban, and Johannesburg. NGOs estimated that there were 10,000 children working as prostitutes in Johannesburg and at least 1,000 in Cape Town. Along trucking routes, child prostitutes were sought after because of the belief that they were more likely to be disease-free or that, if they were virgins, sex with them cured diseases such as HIV/AIDS. The child sex industry increasingly has become organized, with children either forced into prostitution by gangs or exploited by their parents to earn money for the family. The law prohibits the commercial sexual exploitation of children, sexual intercourse with children under 16, and permitting a female under 16 to stay in a brothel for the purpose of prostitution. The Government established a task force to develop a plan of action to combat the sexual exploitation of children and created training courses for the police force and the judiciary regarding the problem; however, the 33 SAPS Child Protection Units lacked the capacity to deal adequately with the problem of child prostitution.

The country has laws that can be applied to prosecute offenses related to trafficking, including laws dealing with illegal aliens, employment, occupational health and safety, sexual offenses, domestic violence, and organized crime. Various entities of the Government investigated trafficking cases on an ad hoc basis. The Government made efforts to address the trafficking problem with investigations and arrests by the police. These efforts were hampered by police corruption, lack of training, and understaffing. The 2001 criminal case against the owner of brothel in Johannesburg in which prostitutes from Thailand, Bulgaria, Russia, the Czech Republic, Romania, and Zambia were found and various civil cases were pending at year’s end. The courts generally dealt with trafficking through deportations and fines, rather than exacting criminal penalties.

The extent of trafficking operations was not known; however, it was estimated that an average of 1,000 women were trafficked across the country’s borders every

month. In 2000 Molo Songololo, an NGO in Cape Town, conducted a study of 44 women working in the sex industry in the country and found that women who were trafficked to the country were 18 to 25 years of age with limited English skills, limited job opportunities, and dependent families. Ten of the 44 women surveyed were trafficked from Thailand, Eastern Europe, and the states of the former Soviet Union; the remaining women were South African.

Women and children were lured by traffickers with the promise of jobs and decent wages and then forced to work as prostitutes, in some cases to pay off debts to those who smuggled them into the country. While many women came willingly, some claimed that they were tricked into coming or that they were forced to continue working as prostitutes until they had paid off the cost of their transport. The Eastern European syndicates contacted women through acquaintances and offered employment opportunities in the South African hospitality industry, usually offering to pay airfare and obtain travel documents; the women usually entered the country with a holiday visa or claimed political asylum. The women generally traveled alone; upon arrival they were met by an agent at the airport and taken to a house in Gauteng Province, Eastern or Western Cape, or KwaZulu-Natal. Trafficked women usually were threatened if they did not comply, and their documents were confiscated.

In Asia employment agencies, female agents, and newspaper advertisements were used to recruit women with promises of employment in the hospitality, catering, teaching, or service industries. These agencies created "books" with photographs and personal information on the women, which were circulated among prospective buyers who were either agents or brothels and escort service owners. The women were "ordered" and brought to South Africa, where they resided in the same house and were monitored closely. The women usually were debt-bonded to the agent who recruited them and were required to make a profit for both their trafficker and employer.

African women were trafficked from neighboring countries including Angola, Zimbabwe, Lesotho, Swaziland, Zambia, Cameroon, Malawi, and Rwanda. Namibia and Botswana reportedly were transit countries. The trafficking operations were run by Nigerian, Angolan, and Congolese networks; South Africans also were involved in trafficking syndicates. The method of recruiting in Africa reportedly was with promises of employment in the hospitality industry, and women were transported via roads into the country; the trafficked victims were indebted to the recruiting organizations.

The country also was a transit point for trafficking operations between developing countries and Europe, the United States, and Canada. Migrants from foreign countries, particularly China, India, the Middle East, Eastern European countries, and other African countries, were lured to the country with accounts or promises of money and jobs in the West. Once in the country they were provided with documentation and accommodation before being moved to final destinations, where they were forced into prostitution, drug dealing, or other criminal activity until they paid off the debt of their travel expenses. Traffickers apparently had identified the country as one in which temporary entry permission often was granted without difficulty, fraudulent documents were easy to obtain, and direct flight and shipping routes were available to most countries in the developed world.

There were four major criminal syndicates in the country that trafficked women: The Chinese Mafia, Bulgarian syndicates from Eastern Europe, the Russian Mafia, and African criminal groups, mainly from Angola, Nigeria, and the DRC. The African syndicates appeared to be the managers and owners of specific establishments within the sex industry. Individual criminals from South Africa and neighboring countries also engaged in trafficking. It was reported that women from Eastern Europe were trafficked by a well-organized syndicate that was run by ex-military personnel of senior rank.

Trafficked women who worked in the sex industry lived with other trafficked victims in segregated areas; were under constant surveillance; had no money or identifying documents; were indebted to the agents who arranged their travel; worked up to 18 hours each day; worked double shifts, on weekends, and when ill; were fined for infractions of strict rules; and had little communication with other workers.

The Government did not focus on trafficking, and allocated few resources to combat it. There was no plan or program in place to assist trafficking victims. There was no specialized training for dealing with trafficking victims; however, during the year, the border police set up a special Trafficking Unit at the Johannesburg International Airport, the major entry point for trafficked women and children from outside the Southern Africa region.

There were no reported government antitrafficking awareness campaigns or other programs to prevent trafficking. Terre D'Homme, an NGO working in the trafficking

field, conducted a media campaign to promote awareness of trafficking in persons in the Southern African region. In addition, magazines and local newspapers published several articles on the subject during the year.

SUDAN

Sudan has an authoritarian government in which all effective political power was in the hands of President Omar Hassan al-Bashir. Bashir has controlled the Government since he led a 1989 military coup, with the instigation and support of the fundamentalist National Islamic front (NIF), which overthrew the country's democratically elected government. In 1999 Bashir broke with the ideological leader of the NIF, Dr. Hassan al-Turabi, disbanded Parliament, suspended the 1998 presidentially decreed Constitution, and declared a state of national emergency that suspended basic liberties. In 2000 Bashir was reelected and his political party, the National Congress/National Islamic Front (NC/NIF), won 340 out of 360 seats in the Parliament in deeply flawed presidential and parliamentary elections that all major opposition parties boycotted. Parliament resumed 14 months later in February 2001, and in December 2001, the state of emergency was extended for another year. Turabi's popular National Congress Party (PNC) was disestablished and continued to be a proscribed political organization. NC/NIF members and supporters continued to hold key positions in the Government, security forces, judiciary, academic institutions, trade unions, professional associations, and the media. The major opposition political parties for the most part remained marginalized from the political process. The judiciary was not independent and was subject to government influence.

In 1993 the leaders of Eritrea, Ethiopia, Uganda, and Kenya launched a peace initiative under the auspices of the Intergovernmental Authority on Development (IGAD) to end the country's civil war. The peace initiative stalled several times, and the emergence of an alternative peace initiative launched in July 2000 by Libya and Egypt also complicated the IGAD effort. In July negotiations between the Government and the Sudan People's Liberation Movement (SPLM)—the political wing of the Sudan People's Liberation Army (SPLA)—resumed in Machakos, Kenya. The parties reached fundamental agreement on self-determination for the south and on the question of religion and the state. On October 15, the parties signed a memorandum of understanding (MOU) that called for a cessation of hostilities and unimpeded humanitarian access to all areas of the country, and which both parties largely have respected. The ensuing talks at Machakos focused on power and wealth sharing, and on November 18, the two sides agreed to extend the ceasefire and humanitarian access agreements until March 2003. They also signed an additional MOU outlining 15 areas of consensus on power sharing. The next round of talks was set to begin in January 2003.

In addition to the regular police and the Sudan People's Armed Forces, the Government maintained an external security force, an internal security force, a militia known as the Popular Defense Forces (PDF), and a number of police forces, including the Public Order Police (POP), a law enforcement entity that enforced Islamic law (Shari'a). The POP's mission included enforcing proper social behavior such as restrictions on alcohol and "immodest dress." The security forces were under the effective control of the Government. Members of the security forces committed numerous, serious human rights abuses.

Civil war, destruction of infrastructure, economic mismanagement, and the existence of more than 4 million internally displaced persons and refugees in a country of an estimated 30 million persons continued to cripple the country's mostly agricultural economy. The infusion of Islamic banking and financial assets as well as increased revenue from oil production injected new capital into some sectors of the economy; however, corruption, mismanagement and increasing military expenditures limited the impact. The country took some steps towards transitioning from a socialist to a market-based economy; however, the Government and NC supporters remained heavily involved in the economy. Approximately 86 percent of the labor force was engaged in agriculture.

The Government's human rights record remained extremely poor, and although there were some improvements in a few areas, it continued to commit numerous, serious abuses. Citizens did not have the ability to change their government peacefully. Government security forces were responsible for extrajudicial killings, and there were reports of government responsibility for disappearances. Government security forces regularly beat, harassed, arbitrarily arrested, and detained incommunicado opponents or suspected opponents of the Government, and there were reports of torture. Government security forces and associated militias beat refugees, reportedly raped women abducted during raids, and reportedly harassed and detained per-

sons on the basis of their religion. Government security forces and progovernment militias acted with impunity. Prison conditions remained harsh and life threatening, prolonged detention was a problem, and the judiciary continued to be subservient to the Government. The authorities did not ensure due process and the military courts summarily tried and punished civilians. The Government continued to infringe on citizens' privacy rights. The Government continued to conscript forcibly men and boys. The Government still did not fully apply the laws of war to the southern insurgency, has taken few prisoners of war (POWs), and did not cooperate with the International Committee of the Red Cross (ICRC) regarding access to or treatment of POWs. Cooperation with U.N.-sponsored relief operations generally was poor, although there was some improvement. Government forces continued to obstruct the flow of humanitarian assistance. Problems with relief flights in the south were caused by the Government's frequent denials of visas or work permits to foreign humanitarian workers as well as aircraft clearances to the U.N.'s Operation Lifeline Sudan (OLS).

During the year, restrictions on press freedom under the National Security Emergency decree continued as the Government frequently arrested editors and journalists and suspended publications that criticized or disagreed with government policy; however, there were a few media articles critical of the Government. The Government continued to restrict severely the freedoms of speech, assembly, association, religion, and movement. The Government continued the Islamization and Arabization of the country, and there were credible allegations of forced Islamization of non-Muslims. Fears of Arabization and Islamization and the imposition of Islamic law (Shari'a) increased support for the armed opposition throughout the country. Local human rights NGOs were harassed routinely. Violence and discrimination against women and abuse of children remained problems. Female genital mutilation (FGM) remained widespread. Discrimination and violence against religious and ethnic minorities and government restrictions on worker rights persisted. Child labor was widespread. Slavery and trafficking in persons remained significant problems. Government security forces and associated militias were responsible for forced labor (including forced child labor), the abduction of women and children, and the forced military conscription of underage young men.

Antigovernment insurgent groups and associated militia forces also continued to commit numerous, serious abuses. There were reports of SPLM/SPLA violations to citizens' rights, despite its claim that it was implementing a 1994 decision to assert civil authority in areas that it controlled. During the year, the SPLM/A was responsible for extrajudicial killings, beatings, rape, arbitrary detention, and forced military conscription of underage young men. In addition, SPLM/A officials were involved in the theft and destruction of property of nongovernmental organizations (NGOs) and U.N. agencies operating in the south. Both the Government and the SPLM/A continued to manipulate humanitarian assistance for military advantage. The SPLM/A observed some of the basic laws of war; it took prisoners on the battlefield and permitted ICRC visits to some of them.

The participation of the Government and the SPLM in the IGAD peace process during the year produced some improvement in the overall human rights situation in the south by lessening (but not eliminating) military and militia attacks against civilians and by expanding the delivery of relief assistance to people affected by the war and continuing drought. The parties' agreement to an internationally monitored ceasefire also led to some improvement in the human rights situation in the Nuba Mountains' region.

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 numerous reports of extrajudicial killings. Government forces and allied militia still pursued a scorched earth policy aimed at removing populations from the areas of the oil pipeline and oil production. On numerous occasions, the Government attacked civilian facilities and housing, which resulted in numerous civilian deaths, including of children (*see* Section 1.g.). Deaths resulted from landmines during the year.

There were reports of government-supported killings (*see* Section 1.g.). For example, in July and August, government-allied militia launched a series of attacks in the oil regions to the southwest of Bentiu, Western Upper Nile, which displaced thousands of persons and reportedly killed many of them. During the year, government planes repeatedly bombed civilian targets in the south (*see* Section 1.g.).

Government-allied militias also continued to raid Dinka villages in Bahr el-Ghazal, killing men, abducting women and children, and destroying and looting property (*see* Section 1.g.).

There was no known action taken in the following 2001 cases: The March death in custody of Hassan Omar Bul Reish; the April killing of three persons during a demonstration at All Saints Cathedral; and the August killing of two students by police during a demonstration at Gezira University.

There was no known action taken, nor was any likely to be taken, in the following 2000 cases: The February reported PDF attack on several villages in northern Bahr el-Ghazal, during which 156 civilians were killed; the June attack in the vicinity of a Catholic mission, which reportedly resulted in the deaths of 32 persons; the September incidents in which security forces in several cities forcibly dispersed some demonstrations and killed several persons; and the unconfirmed November PDF attacks on the village of Guong Nowh in which several persons were killed.

Government forces routinely killed rebel soldiers captured in battle. Only a small group of prisoners captured before the 1989 coup and a few soldiers taken in the east in 1998 reportedly were held as POWs in government-controlled areas. The Government did not admit that it held POWs. It has not responded to ICRC inquiries about POWs and has refused the ICRC access to POWs.

During the year, attacks by progovernment Arab militias on the Four tribe of Darfour left 23 persons dead, 26 injured, and more than 150 houses destroyed. On November 13, 300 progovernment Arab militia members attacked villages in the northern Kass area killing 15 persons, including a pregnant woman. There was no known action taken against the responsible militia members by year's end.

There were no reports that the Government prosecuted or otherwise penalized the attacking militia or made efforts to protect civilian victims from attacks; government forces provided logistic and transportation support, and weapons and ammunition, to progovernment militias.

In August government- and rebel-laid landmines resulted in some deaths in and around Torit and the oil fields of Western Upper Nile.

Rebel forces reportedly committed political and other extrajudicial killings, particularly in areas of active conflict such as the Nuba Mountains and northern Bahr el-Ghazal; however, details generally were unavailable.

Rebel forces killed a large number of civilians during their attacks on government forces (*see* Section 1.g.). There were reports that SPLA forces and allied militias summarily executed persons in the southern part of the country. Rebel forces laid landmines indiscriminately on roads and paths that killed and maimed both soldiers and civilians (*see* Section 1.g.).

In March an attack, allegedly by a SPLM/A commander on the village of Tuhubak, resulted in the deaths of at least 25 persons and the burning of 173 homes. Estimates of the damage to the village by a consortium of NGOs concluded that all the homes had been destroyed, along with 400 granaries.

In August after the SPLA captured the town of Torit, there were credible reports that SPLA commanders summarily executed captured government soldiers and PDF prisoners.

In late April and early May, Human Rights Watch (HRW) reported that the Lord's Resistance Army (LRA), a Ugandan armed opposition group in the south, killed more than 470 civilians in Imatong villages.

There was no known action taken, nor was any likely to be taken, in the following 2001 and 2000 cases of rebel killings: The January 2001 killing of two relief workers in an attack by unidentified assailants; the January 2001 attack by rebels believed to be from the LRA on a humanitarian vehicle that killed eight aid workers; the November 2000 National Democratic Alliance (NDA) attack on Kassala in which 52 civilians and soldiers were killed during fighting between government and rebel troops.

Unlike in the previous year, there were no reports of interethnic and intraethnic violence that resulted in deaths.

b. Disappearance.—There were continued allegations that the Government was responsible for the arrest and subsequent disappearance of persons suspected of supporting rebels in government-controlled zones in the south and the Nuba Mountains. Persons arrested by government security forces often were held for long periods of time in unknown locations without access to lawyers or family members.

There were reports that during raids on civilian settlements, government forces abducted persons, including women and children (*see* Sections 1.g. and 6.c.). In the last 15 years, approximately 15,000 Dinka women and children have been abducted and between 10,000 and 12,000 mostly Dinka persons remained abducted or unaccounted for at year's end. Observers believed that some of those abducted were sold into slavery, while others were used as forced labor or drafted into the military. In some cases, the abductees escaped or eventually were released or ransomed; however, in other cases, they were killed.

Unlike in the previous year, there were no reports government forces or progovernment militias abducted NGO workers during the year.

There was no known action taken in the following 2001 cases: The September disappearance of Aladin Omer Agabani Mohammed who converted from Islam to Christianity and was last seen telling friends that he was going to report to the Government security office, and the October disappearance of Wilson Wani, an employee of OLS. Their whereabouts remained unknown at year's end.

There was no action taken, nor was any likely to be taken, on the alleged February 2000 PDF abduction of more than 300 women and children from northern Bahr el-Ghazal or the November 2000 unconfirmed PDF abduction of 24 persons from the village of Guong Nowh.

There was no action taken, nor was any likely to be taken, in the February 2000 case in which a progovernment militia detained two pilots, a U.N. worker, and a Sudanese relief worker for 1 week.

In January the Government reorganized the Committee to Eradicate the Abduction of Women and Children (CEAWAC) with supposedly broader powers and greater support. In the past CEAWAC lacked the necessary funding to document, rescue, and transport abductees back to their families, and there was no significant change after the reorganization. During the year, CEAWAC formed 22 joint-tribal committees and has conducted two field missions resulting in the documentation of more than 150 cases of abduction. In November CEAWAC documented 55 abductees, reunified 29 with their families, and transported 26 to a facility in Fulla until their families could be located. Refusal to provide flight clearances prevented additional reunifications of abductees with their families.

In May the International Eminent Persons Group completed its investigation into the extent of slavery, abductions, and associated abuses by both sides in the conflict. The Group concluded that armed progovernment militias were responsible for committing these crimes and operated with virtual impunity. The Group also concluded that abductions did fall under prescribed definitions of slavery; however, the Group was unable to determine the scale of abduction and enslavement.

There also were reports of periodic intertribal abductions of women and children in the Eastern Upper Nile (see Section 5).

There continued to be reports of abduction by SPLA forces and allied militias. For example, during the summer, an SPLA commander reportedly captured, robbed, and then released several local health workers involved in a polio vaccination program. In September HRW reported SPLA forces looted the village of Today (north of Abyei), abducting 45 civilians, including children under the age of 15. The civilians were released after 2 weeks to return home by dangerous routes through SPLA and government contested territory.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture; however, government security forces continued to beat, torture, and harass suspected opponents and others. Members of the security forces were not held accountable for such abuses.

In accordance with Shari'a, the Criminal Act provides for physical punishments including flogging, amputation, stonings, and crucifixion—the public display of a body after execution. The Government officially exempted the 10 southern states, in which the population was mostly non-Muslim, from parts of the law that permits physical punishments based on Shari'a. There were no reports of court-ordered Shari'a punishments, other than lashings, in government-controlled areas of the south. The law legally can be applied in the south, if the state assemblies approve it.

On January 24, after being charged and tried, a sentence of amputation was carried out on a 46-year-old man imprisoned in Khartoum. He was accused of theft, and held in Kober prison in Khartoum from May 2000 until the date of his amputation.

In February an appeals court in Nyala sentenced a southern Christian woman accused of adultery to 75 lashes, instead of an initial December 2001 lower court sentence of execution by stoning.

On May 8, there were 14 prisoners charged with armed robbery who were sentenced to death by hanging; however, they were not executed by year's end.

In November 17 women from the village of Munwashi, Darfour, were convicted of adultery and received 100 lashes. None of the women had legal representation.

Amnesty International (AI) reported the case of five men sentenced to cross amputation and execution were executed in 2000. These men were accused of a 1998 bank robbery in Nyala. The Supreme Court heard and rejected their appeal.

Credible reports suggested the number of student victims of torture increased during the year. Security forces beat and otherwise abused youths and student leaders and others deemed to be opponents of the Government. For example, in October se-

curity officers arrested 11 students during demonstrations at Khartoum and Bahr el-Ghazal Universities who reportedly were tortured while in custody.

In November a progovernment Islamic student militia beat students at Khartoum University, injuring several students and requiring the admission of 14 to a local hospital. The student militia also was responsible for an attack on student hostels at Shambat, which seriously injured at least 11 students. Reports indicated that many of the students attacked by the militia were arrested and tortured while in police custody.

Refugees were subjected to beatings and mistreatment by security forces (*see* Section 2.d.).

Soldiers, PDF members, and progovernment militia forces raped women (*see* Section 1.g.).

During the year, security forces injured persons while forcibly dispersing demonstrations (*see* Section 2.b.).

There was no information at year's end in the 2001 cases of Sebit Hassan Ramadan or Osman Robon and no action was taken against security forces who tortured, beat, raped, or otherwise abused persons in 2001 or 2000.

Government forces and allied militias were responsible for injuring many civilians during attacks on rebel forces, during raids on civilian settlements, and during bombing attacks on civilian targets (*see* Section 1.g.). There were reports that persons abducted during raids were subjected to torture, rape, and forced servitude (*see* Section 6.c.).

Insurgent forces were responsible for a number of civilian injuries and for raping women. For example, early in the year, SPLA-affiliated forces attacked a camp that contained approximately 18,000 internally displaced persons (IDPs) at Mbiya, killing a tribal leader and raping numerous women. According to the HRW, there were instances of rape and other abuses in Raga, Western Bahr el-Ghazal. HRW inquiries with the SPLM/A regarding these attacks, including the alleged killings in Tuhubak (*see* Section 1.a.), went unanswered.

During the year, both sides laid landmines indiscriminately on roads and paths, killing and maiming both soldiers and civilians.

Conditions in government prisons remained harsh, overcrowded, and life threatening. Most prisons were old and maintained poorly, and many lacked basic facilities such as toilets or showers. Health care was primitive, and food was inadequate. Prison officials arbitrarily denied family visits to prisoners. High-ranking political prisoners reportedly often enjoyed better conditions than did other prisoners.

The Government routinely mistreated persons in custody. In June 88 members of the Rizeigat tribe in Nyala, including 2 14-year-old children, were beaten badly while in custody. The tribal members were arrested following armed clashes with the Ma'aliya tribe. In July the 88 persons were charged and tried for the crimes of murder, armed robbery, and public disturbance and were sentenced to death.

Female prisoners were housed separately from men and rape in prison reportedly was rare.

Minors often were held with adults. In order to care for their children, many women prisoners were forced to take their children with them into the prison. Inside the prison, the children were unable to receive an education. In December it was reported that 652 women and 161 children were incarcerated at Omdurman prison with 12 of the women awaiting trial.

The Government did not permit regular visits to prisons by human rights observers. No independent domestic human rights organizations monitored prison conditions.

In previous years, prisoners reportedly have died while in SPLM/A custody due to poor prison conditions. The SPLM/A gave the ICRC access to approximately 550 POWs in 12 camps in southern Sudan but denied ICRC access to POWs in Kapoeta and Torit following battles there. The ICRC reported that living conditions in SPLM/A prisons were similar to living conditions for the general southern population. Some prisoners were released due to poor health.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention without charge; however, in practice the Government continued to use arbitrary arrest and detention under the state of emergency provisions. Under the Constitution and the Criminal Code, an individual may be detained for 3 days without charge, which can be extended for 30 days by order of the Director of Security and another 30 days by the Director of Security with the approval of the prosecuting attorney. Under the amended National Security Act, which supercedes the Criminal Code when an individual is accused of violating national security, that individual may be detained for 3 months without charge, and the detention is renewable by the Director of Security for another 3 months. Under the state of emergency, the Government was not constrained by the National Security

Act and could detain individuals indefinitely without judicial review, which reportedly it did. Persons arrested by government security forces often were held incommunicado for long periods of time in unknown locations without access to their lawyers or family members.

The law allows for bail, except for those accused of crimes punishable by death or life imprisonment.

In general the Government detained persons for a few days before releasing them without charge or trial; however, detentions of PNC and NDA members generally were much longer. There were unconfirmed reports that security forces tortured, detained without charge, and held incommunicado members of the PNC. In addition to detentions, government security forces frequently harassed political opponents by summoning them for questioning, forcing them to remain during the day without questioning, and then ordering them to return the following day. This process sometimes continued for days.

Authorities continued to detain political opponents of the Government during the year. Dr. Hassan Al-Turabi, former Speaker of the National Assembly and head of the PNC, was arrested in February 2001 and charged with posing a threat to national security and the constitutional order because he signed a MOU with the SPLM/A calling for citizens to rise against President Bashir. Al-Turabi subsequently was placed under house arrest. In August a presidential decree renewed Al-Turabi's detention for another year, and he was moved from house arrest to a maximum-security prison then to a house owned by the Government. He remained in detention at year's end.

A number of journalists were arrested and detained during the year (*see* Section 2.a.). In July security forces arbitrarily arrested 11 leaders of the Fuar tribe for reporting recent attacks by members of Arab militia.

Security forces continued to detain persons because of their religious beliefs and activities (*see* Section 2.c.). Generally detentions based nominally on religion were of limited duration; however, the Government routinely accused persons arrested for religious reasons of common crimes and national security crimes, which resulted in prolonged detention.

Security forces often targeted southern women in IDP camps because they produced and sold a traditional home-brewed alcohol. Such women were arrested and imprisoned for up to 6 months under Shari'a (*see* Section 1.c.).

There were reports that detainees were abused and tortured while in custody (*see* Section 1.c.).

There was no information on whether 10 to 12 civilians, including Ishmael Mohammad Ibrahim and Dr. Najib Nigom El Din, remained in custody at year's end, and there was no information on persons who remained in detention from 2000.

During the October battle to recapture the southern garrison town of Torit, the Government imprisoned 24 SPLM/A as POWs. They were under indefinite detention at year's end.

In September and October, SPLM/A officials detained local staff members of international humanitarian organizations on suspicion of espionage and holding sensitive information. Each of these persons was held without charge for approximately 2 weeks before being released. In response to these organizations' concerns about the arbitrary arrest of their staff, the SPLM/A has responded that the security forces have the right to take whatever action was necessary to assure SPLM/A security.

The law prohibits forced exile, and the Government did not use it; however, opposition leaders remained in self-imposed exile at year's end.

e. Denial of Fair Public Trial.—The judiciary was not independent and largely was subservient to the Government or the President. The Chief Justice of the Supreme Court was nominated by a Judiciary Committee and appointed by the President. As the senior judge in the judicial service, the Chief Justice also controlled the judiciary. On occasion some courts displayed a degree of independence. For example, appeals courts on several occasions overturned decisions of lower courts in political cases, particularly decisions from public order courts.

The President appoints the Constitutional Court's seven members. Within the regular court system, there were civil and criminal courts, appeals courts, and the Supreme Court.

The judicial system included four types of courts: Regular courts, both criminal and civil; special mixed security courts; military courts; and tribal courts in rural areas to resolve disputes over land and water rights and family matters. The 1991 Criminal Act governs criminal cases, and the 1983 Civil Transactions Act applies in most civil cases. Shari'a was applied in the north. There continued to be reports that non-Muslims were prosecuted and convicted under Shari'a "hudud" laws. Courts did not apply formally Shari'a in the south. Public order cases were heard in criminal courts.

The Constitution provides for fair and prompt trials; however, this was not respected in practice in many cases. Trials in regular courts nominally met international standards of legal protections. The accused normally had the right to an attorney, and the courts were required to provide free legal counsel for indigent defendants accused of crimes punishable by death or life imprisonment; however, there were reports that defendants frequently did not receive this right and that counsel in some cases could only advise the defendant and not address the court. In some cases, courts refused to allow certain lawyers to represent defendants.

Military trials, which sometimes were secret and brief, did not provide procedural safeguards. Military trials sometimes have taken place with no attorney permitted and did not provide an effective appeal from a death sentence. Witnesses may be permitted to appear at military trials.

The Special Courts Act created special three-person security courts to deal with a wide range of offenses, including violations of constitutional decrees, emergency regulations, some sections of the Penal Code, as well as drug and currency offenses. Special courts, on which both military and civilian judges sat, handled most security-related cases. Attorneys could advise defendants as “friends of the court” but normally could not address the court. Lawyers complained that they sometimes were granted access to court documents too late to prepare an effective defense. Sentences usually were severe and implemented at once; however, death sentences were referred to the Chief Justice and the Head of State. Defendants could file appellate briefs with the Chief Justice. The special civilian tribunals, which were supposed to operate in the border regions that separated the north and south, were not operational during the year.

In 2001 the Government established emergency tribunals in the western part of the country to try banditry cases. The emergency tribunals were composed of civil and military judges. Defendants were not permitted access to legal representation. The emergency tribunals ordered sentences such as death by stoning and amputations during the year. Sentences ordered by emergency tribunals were carried out quickly with only 1 week allowed for appeal to the district chief justice; there were reports that persons were executed the day after sentencing. Emergency tribunals ordered executions during the year. For example, according to AI, on May 14, numerous men in the Darfur region were hanged after being convicted of robbery by emergency tribunals. While executions by stoning were ordered, none were carried out. Executions were by hanging.

Lawyers who wished to practice must maintain membership in the Government-controlled Bar Association. The Government continued to harass and detain members of the legal profession who it viewed as political opponents.

Civil authorities and institutions did not operate in parts of the rebel-held south and the Nuba Mountains. Parts of the south and the Nuba Mountains fell outside effective judicial procedures and other governmental functions. According to credible reports, government units summarily tried and punished those accused of crimes, especially for offenses against civil order.

Magistrates in SPLM/A-held areas followed a penal code roughly based on the 1925 Penal Code. The SPLM had a judicial system of county magistrates, county judges, regional judges, and a court of appeals. While officials have been appointed for most of these positions, the court system did not function in many areas due to lack of infrastructure, communications, funding, and an effective police force. Some cases were heard at the magistrate and county levels. The SPLM recognized traditional courts or “Courts of Elders,” which usually heard matters of personal affairs such as marriages and dowries, and based their decisions on traditional and customary law. Local chiefs usually presided over traditional courts. Traditional courts particularly were active in Bahr el-Ghazal. The SPLM process of conducting a needs assessment for the courts continued during the year. In rural areas outside effective SPLM control, tribal chiefs applied customary laws.

There was an unknown number political prisoners in the country, although the Government maintained that it held none. The Government usually charged political prisoners with a crime, which allowed the Government to deny their status as political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of communication and privacy; however, the Government routinely interfered with its citizens’ privacy. Security forces frequently conducted night searches without warrants, and they targeted persons suspected of political crimes. Government forces occupied PNC offices during the year. In the north, security forces also searched the residences of persons suspected of making alcoholic beverages, which were illegal under Islamic law (*see* Section 1.d.).

Security personnel routinely opened and read mail and monitored telephones. The Government continued to restrict the ownership of satellite dishes by private citi-

zens through use of its licensing requirement. A wide network of government informants conducted pervasive surveillance in schools, universities, markets, workplaces, and neighborhoods.

The Government razed some squatter dwellings; however, the practice continued to decrease in frequency.

Government forces pursued a scorched earth policy aimed at removing populations from around the oil pipeline and other oil production facilities, which resulted in deaths and serious injuries (*see* Section 1.g.). Government armed forces burned and looted villages and stole cattle (*see* Section 1.g.).

The Government continued to conscript citizens forcibly for military service, including high school age children (*see* Section 5).

A Muslim man may marry a non-Muslim, but a Muslim woman cannot marry a non-Muslim, unless he converts to Islam (*see* Section 5); however, this prohibition was not observed or enforced universally, particularly in the south and among Nubans. Non-Muslims may adopt only non-Muslim children; no such restrictions apply to Muslim parents.

The insurgent SPLM/A generally was not known to interfere with privacy, family, home, or correspondence in areas that it controlled; however, rebel factions continued to conscript citizens forcibly, including high school age children.

During the year, there were reports that the SPLA forcibly recruited Sudanese refugees in northern Uganda for service in their forces.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Since the civil war resumed in 1983, more than 2 million persons have been killed and more than 4 million persons displaced as a result of fighting between government and insurgents in the south, interethnic conflict, and famine. The principal antigovernment faction was the SPLM, the political wing of the SPLA. In 1995 a coalition of internal and exiled opposition parties in the north and the south created the NDA as an antigovernment umbrella group. This broadened the scope of the civil war, making it a center-periphery rather than just a north-south conflict.

In 1994 the IGAD peace initiative promulgated the Declaration of Principles, which aimed to identify the essential elements necessary to achieve a just and comprehensive peace settlement: The relationship between religion and the state, power sharing, wealth sharing, and the right of self-determination for the south. After several unsuccessful peace efforts, the Government and the SPLM/A again met for peace negotiations in Machakos, Kenya, under the auspices of the IGAD. On July 20, the two sides signed the historic Machakos Protocol that resolved two of the most contentious issues in the civil war: The role of religion and the state during an interim period and the right of self-determination for the south. The terms of the Protocol called for a 6½-year interim period and a referendum for southerners in which they could vote to remain unified with the north or vote for secession. Talks continued through July and August, were suspended in September, and resumed in October. The next round of talks was scheduled for January 2003.

In the southern war zone, the SPLA controlled large areas of the states of Equatoria, Bahr el-Ghazal, and Upper Nile and also operated in the southern portions of the states of Darfur, Kordofan, and Blue Nile. The Government controlled a number of the major southern towns and cities, including Juba, Wau, and Malakal. During the year, military activity intensified throughout the south. All sides in the fighting were responsible for violations of humanitarian law. In the second half of the year, the SPLM attacked and captured the Government garrison towns of Kapoeta and Torit. In late September, the Government recaptured Torit; however, the SPLM/A and its northern allies launched a military offensive along the border with Eritrea that led to the capture of the symbolically important town of Hamesh Khoreb and the displacement of several thousand local inhabitants. The Government continued efforts to strengthen its control of the oil producing areas in Western Upper Nile. Government forces routinely killed, injured, and displaced civilians, and destroyed clinics and dwellings intentionally during offensive operations. There were confirmed reports of government-allied militia intentionally attacking noncombatant civilians, looting their possessions, and destroying their villages. Despite having signed a Cessation of Hostilities Agreement with the SPLM in October, the Government and allied militia launched a series of military actions on December 31.

As part of the Agreement on the Protection of Civilians from intentional military attack, the Government and the SPLA agreed to allow the international community to form a Civilian Protection Monitoring Team (CPMT). Located in Rumbek and Khartoum, the team was staffed with expert personnel experienced in investigating allegations of military attacks against civilians. On December 15, the CPMT released the report of its first investigation, the bombing at Lui/Mundri. The details of the report included recommendations on what both sides could do to prevent fu-

ture unintentional attacks on civilians. The CPMT also initiated an investigation into the military attacks that took place in Western Upper Nile at year's end.

The Government and government-associated forces implemented a scorched earth policy along parts of the oil pipeline and around some key oil facilities. These forces have injured persons seriously, destroyed villages, and driven out inhabitants in order to create an uninhabited security zone. There was a significant increase in indiscriminate government bombing of civilian locations in September and October. The bombings often were associated with military actions by both sides or continuing government efforts to clear the population from near the oil producing areas in Western Upper Nile and adjacent areas.

During the year, the Government's PDF militia reportedly attacked several villages in northern Bahr el-Ghazal, killing civilians, abducting women and children, stealing cattle, looting and burning villages, raping women, and displacing persons. For example, on February 9, a government helicopter gunship attacked the village of Akuem in Western Bahr el-Ghazal killing 2 children and injuring 10 others. There was no known action taken against the responsible PDF members by year's end. At year's end, government-allied militias attacked villages in Western Upper Nile, abducting the inhabitants and looting their possessions.

In his August report the U.N. Special Rapporteur for Human Rights in Sudan reportedly dropped 16 bombs between Mayam and Manken, killing 15 persons and seriously injuring 35 others. On the same day, government planes reportedly dropped 16 additional bombs on Rier, killing 11 persons and injuring 95 others. In June government airstrikes killed 34 civilians.

The Government also conducted bombing raids that targeted NGOs and impeded the flow of humanitarian assistance to the south. For example, on February 20, a government helicopter gunship attacked a World Food Program (WFP) distribution compound in Bieh, Western Upper Nile, killing 17 civilians and injuring dozens of other persons. The Government later announced that an investigation would be held; however, the results of the investigation were not made public and it was not known if any disciplinary action was taken by year's end.

There was no known action taken in the 2001 cases of government aerial bombings.

In addition to bombings that have made humanitarian assistance difficult, the Government routinely denied flight clearances during the year. In September the Government banned all relief flights to Eastern and Western Equatoria. It prohibited flights over these provinces, effectively halting OLS operations for more than 2 weeks. The Government frequently denied visas and work permits to foreign humanitarian workers and aircraft clearances to the U.N.'s OLS. A subsequent agreement between the Government and OLS resulted in greater humanitarian access; however, complete unrestricted access, particularly in the areas of Southern Blue Nile and the east, was not granted.

Government forces, antigovernment insurgents, and military militias loyal to both sides raped women and forcibly conscripted men and boys.

Despite an agreement to stop using antipersonnel mines, during the year both sides continued to lay mines. A government militia raided a relief center at Mading and placed landmines in an NGO compound, forcing the permanent evacuation of the center. Reportedly the SPLA continued to lay landmines in Eastern Equatoria for defense purposes. Injuries continued to occur during the year from landmines previously laid by the Government to protect garrison towns and from landmines left by the SPLM/A and its allies during the war.

Insurgent forces routinely displaced, killed, and injured civilians and destroyed clinics and dwellings intentionally.

The SPLM/A has taken a number of POWs over the years. The SPLM/A often cooperated with the ICRC and allowed regular visits to the POWs (*see* Section 1.c.). The SPLM/A released a limited number of POWs for health reasons during the year. The Government did not permit access to POWs for any reason and did not return any POWs during the year.

The ICRC cooperated with UNICEF to remove child soldiers during the year.

There were credible reports of SPLM/A taxation and occasional diversion of relief supplies. The SPLM/A leadership repeatedly committed itself to eliminating these problems; however, in practice it appeared unable to impose consistently those commitments on its forces in the field. During the year, there were reports that SPLA-allied forces attacked international relief organizations, which jeopardized relief operations. In addition, there were reports that the Sudan Relief and Rehabilitation Association diverted humanitarian food to the SPLA or its allied forces and that humanitarian food was diverted in general.

During the year, a joint-monitoring commission was established in the Nuba Mountains to monitor a ceasefire. Conditions in the Nuba Mountains region had improved dramatically by year's end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedoms of thought, expression, and of the press “as regulated by law”; however, the Government severely restricted these rights in practice. Government detentions, intimidation, and surveillance of journalists as well as suspensions of newspapers continued to inhibit open, public discussion of political issues. There was self-censorship by journalists, and the Government confiscated entire issues of newspapers if it objected to an article.

There were a large number of independent daily newspapers, mainly in urban areas, and differing political views publicly were reflected to some extent. Several newspapers also reprinted articles from the international press, some of which were critical of government policies. There was coverage of debates in the National Assembly, which allowed the press to report much that was previously ignored. There was one government-controlled newspaper. Four publications remained under intensive scrutiny and experienced intimidation, interruption, and arrest of their editors.

The Government exercised control of news reporting, particularly of political topics, the war, and criticism of the Government, through the National Press Council and security forces. Newspapers were prohibited from publishing articles about the war with the exception of information provided by the Ministry of Defense or official government statements. Nevertheless, the local press did report the findings of the CPMT investigations. The National Press Council applied the Press law and was directly responsible to the President. It was charged with licensing newspapers, setting press policy, and responding to complaints. In the event of a complaint, it can give a newspaper a warning or suspend it for up to 15 days. It also can suspend a newspaper indefinitely and suspend journalists for up to 2 weeks. The National Press Council consisted of 21 members: 7 selected by the President; 5 from the National Assembly; 7 directly elected by journalists from the Journalists' Union; and 2 selected by the Journalists' Union leadership. Observers believed the Journalist's Union was government-controlled. The National Press Council was active in suspending journalists and newspapers in 2001. The National Press Council operated during the year.

During the year, the National Security Offices imposed restrictions on press freedom by suspending publications, detaining journalists and editors, confiscating already printed editions, conducting prepublication censorship, and restricting government advertising to progovernment media only. For example, on January 9, police interrogated a journalist for political views expressed in a newspaper column that was critical of the Government.

On March 7, two journalists were arrested in Khartoum for publishing caricatures of government officials and released after a few days. Security forces seized 3,000 copies of the newspaper.

On November 9, security forces arrested the editor of a Khartoum daily newspaper for criticizing the actions of the Government during October clashes between students and police at several universities (*see* Section 2.b.) and released him after a week. At the same time, two daily newspapers were seized for failing to obey government instructions on how to report the student protests at Khartoum University.

The PNC newspaper *Rai-al-Sh'ab* (People's View) remained banned at year's end.

Radio and television were controlled directly by the Government and were required to reflect government policies. During the year, there was a marked expansion of government-controlled regional radio and television. Television has a permanent military censor to ensure that the news reflected official views. There were no privately owned television or radio stations, although the Government and private investors jointly owned one television cable company. The Government often charged that the international, and particularly the Western, media had an anti-Sudan and anti-Islam bias.

In spite of the restrictions on ownership of satellite dishes (*see* Section 1.f.), citizens had access to foreign electronic media; the Government did not jam foreign radio signals. In addition to domestic and satellite television services, there was a pay cable network, which directly rebroadcast uncensored Cable News Network, the British Broadcasting Company, the London-based, Saudi-owned Middle East Broadcasting Corporation, Dubai-TV, Kuwait-TV, and a variety of other foreign programs.

Internet access, which was potentially monitored, was available through two Internet service providers.

The Government restricted academic freedom. In public universities, the Government appointed the vice-chancellors who were responsible for running the institu-

tions. While many professors lectured and wrote in opposition to the Government, they exercised self-censorship. Private universities were not subject to direct government control; however, professors also exercised self-censorship. The Government continued to determine the curriculum.

In January the Government introduced Student Discipline and Code of Conduct Acts in many universities. The new code required strict Islamic standards of dress and association, applied to Muslim and non-Muslim students alike (*see* Section 2.c.). A progovernment Islamic student militia attacked students during the year (*see* Section 1.c.).

On February 2, a student human rights activist was suspended for 12 months from Omdurman College of Technological Science for carrying out human rights activities. On March 2, security forces arrested a male student member of the SDF in Khartoum and severely beat him with water hoses and empty bottles.

In November the University of Khartoum was closed after progovernment administration officials banned student protests that called for student union elections. The administration refused new elections on the grounds that the students were not prepared for such elections, and that a large segment of the student body was fighting with the military forces in the south.

The Government officially required that young men between the ages of 17 and 19 enter military or national service to be able to receive a certificate upon leaving secondary school; the certificate was a requirement for entry into a university.

The SPLM/A and the NDA provided few opportunities for journalists to report on their activities. The SPLM/A restricted the freedom of speech among populations under its control.

b. Freedom of Peaceful Assembly and Association.—The continuing National Security Emergency decree and the Criminal Procedure Act, which requires government approval for gatherings involving more than five persons, effectively circumscribed the right of assembly, and the Government continued to severely restrict this freedom. The authorities permitted only government-authorized gatherings and routinely denied permission for or disrupted gatherings they view as politically oriented. Islamic orders associated with opposition political parties, particularly the Ansar and Khatimia, continued to be denied permission to hold large public gatherings during the year. In June 2001, the Government declared a ban on all rallies and public demonstrations in the country, and announced that no permits would be authorized or issued; the ban remained in effect at year's end.

Security forces used excessive force, including beatings, tear gas, and firing of live ammunition to disperse unapproved demonstrations. For example, in October police used tear gas and rubber bullets to disperse a crowd of protesting university students. The students had gathered to mark the anniversary of the October 1964 protests against the military government of General Abboud. Also in October, security forces in Khartoum used tear gas and live ammunition to disperse forcibly demonstrations by students at Khartoum University; two persons were killed and several were injured.

No action was taken against security forces who forcibly dispersed demonstrations or meetings in 2001 or 2000.

The Government severely restricted freedom of association. There were 20 officially registered political parties; however, the law includes restrictions that effectively prohibit traditional political parties if they were linked to armed opposition to the Government. During the year, the Government amended the Political Parties Act to allow some former banned political parties to resume their activities; however, the parties still were unable to participate in elections unless the registrar was notified in writing. In November a loyalist of Hassan al-Turabi was jailed for hosting an "Iftar" dinner, an act the Government stated was a ruse for a political party meeting. Observers believed that the Government controlled professional associations.

The Government restricted diplomatic, international, and regional organizations' contact with any Sudanese political organizations, including the NDA, that the Government considered to be waging war against it.

In 2000 the SPLA implemented a 1999 MOU that was negotiated between the SPLM, NGOs, and donors and discussed increased SPLA control over NGO interaction with local communities, SPLA control over the planning and distribution of humanitarian assistance, a requirement to work "in accordance with SPLA objectives" rather than solely humanitarian principles, the payment of "security fees," and additional fees for services, including charges for the landing of aircraft carrying humanitarian aid and for NGO movement within SPLA-held areas. The MOU was in effect; however, it did not affect substantially NGO operations.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the Government severely restricted this right in practice. The Constitution states that “Shari’a and custom are the sources of legislation,” and in practice the Government treated Islam as the state religion and declared that Islam must inspire the country’s laws, institutions, and policies. Ten southern states, whose population was mostly non-Muslim were exempted from Shari’a.

There were reports that security forces harassed and at times threatened use of violence against persons on the basis of religious beliefs and activities. There continued to be reports that Christian secondary school students in Khartoum were not allowed to continue their compulsory military service because they attended church. New codes of dress and association based on strict Islamic standards were introduced by universities during the year, which reflected an effort by the Government to force religious observance on male and female members of opposition and non-Muslim student groups. During the year, Islamic students harassed, beat, and otherwise abused non-Sudanese African students; part of the motivation for such acts appeared to be religious (*see* Section 1.c.).

The Government placed the same restrictions on churches as it did on nonreligious corporations. Religious groups must register in order to be recognized or worship legally. Government approval was required for the use and construction of houses of worship. The Government permitted non-Muslims to participate in services in existing and otherwise authorized places of worship only. Registered religious groups were exempt from most taxes. Nonregistered religious groups found it impossible to construct a place of worship and were harassed by the Government. Registration reportedly was very difficult to obtain in practice, and the Government did not treat all groups equally in the approval of such registrations and licenses.

Authorities continued to restrict the activities of Christians, followers of traditional indigenous beliefs, and other non-Muslims, as well as certain Islamic groups. The Government generally was least restrictive of Christian groups that historically had a presence in the country, including Coptic, Roman Catholics, and Greek Orthodox and was more restrictive of newer Christian groups. Although the Government considered itself an Islamic government, restrictions often were placed on the religious freedoms of Muslims, particularly on those orders linked to opposition to the Government.

Applications to build mosques generally were granted in practice; however, the process for applications for non-Muslim churches was more difficult. The Government did not authorize the construction of any churches in the Khartoum area or in the district capitals; the Government often claimed that local Islamic community objections restricted the issuance of permits. While the Government permitted non-Muslims to participate in services in existing, authorized places of worship, the Government continued to deny permission for the construction of any Roman Catholic churches, although some other Christian groups have received permission. However, the Government permitted some makeshift structures in displaced persons camps to be used for Roman Catholic services.

Under the 1991 Criminal Act, non-Muslims may convert to Islam; however, conversion by a Muslim was punishable by death. In practice converts usually were subjected to intense scrutiny, ostracization, intimidation, torture by authorities and encouraged to leave the country.

PDF trainees, including non-Muslims, were indoctrinated in the Islamic faith. In prisons and juvenile detention facilities, government officials and government-supported Islamic NGOs pressured and offered inducements to non-Muslim inmates to convert. Some persons in the Government-controlled camps for IDPs reportedly at times were pressured to convert to Islam. Children, including non-Muslim children, in camps for vagrant minors were required to study the Koran, and there was pressure on non-Muslim children to convert to Islam. Unlike in the previous year, there were no credible reports of forced circumcision during the year. There were credible reports that some children from Christian and other non-Muslim families, captured and sold into slavery, were converted forcibly to Islam.

In late October, there was a case involving the alleged abduction and forced conversion to Islam of a Coptic Christian woman in Omdurman. The lack of transparency in the case and ongoing allegations by the woman’s parents that their daughter was forced into marriage and conversion against her will brought into question the fairness of the judicial system and its ability to ensure due process for all citizens. Nevertheless, the allegations of forced conversion were not confirmed.

Muslims could proselytize freely in the Government-controlled areas, but non-Muslims were forbidden to proselytize.

Authorities sometimes harassed foreign missionaries and other religiously oriented organizations; and delayed their requests for work permits and residence visas. For example, Catholic priests in the north continued to have problems obtain-

ing visas and occasionally were subjected to interrogations by internal security agents.

The Government required instruction in Islam in public schools in the north. In public schools in areas where Muslims were a minority, students had a choice of studying Islam or Christianity. Christian courses were not offered in the majority of public schools, ostensibly due to a lack of teachers or Christian students, which meant that many Christian students attended Islamic courses.

Children who have been abandoned or whose parentage was unknown—regardless of presumed religious origin—were considered Muslims and citizens and could be adopted only by Muslims (*see* Section 1.f.).

Minority religious rights were not protected. In government-controlled areas of the south, there continued to be credible evidence of prejudice in favor of Muslims and an unwritten policy of Islamization of public institutions, despite an official policy of local autonomy and federalism. In the past, some non-Muslims lost their jobs in the civil service, the judiciary, and other professions. Few non-Muslim university graduates found government jobs. Some non-Muslim businessmen complained of petty harassment and discrimination in the awarding of government contracts and trade licenses. Reports continued that Muslims (particularly supporters of the NIF) received preferential treatment for the limited services provided by the Government, including access to medical care.

Aerial bombings by the Government in southern rebel-held areas at times have struck hospitals, schools, mosques, Christian churches, and interrupted religious services (*see* Section 1.g.). For example, in June, four bombs dropped in Ikotos struck the residence of the Christian bishop.

In SPLA-controlled areas, Christians, Muslims, and followers of traditional indigenous beliefs generally worshiped freely, however, many of the region's Muslim residents have departed voluntarily over the years. The SPLM officially favored secular government; however, Christians dominated the SPLM and local SPLM authorities often had a very close relationship with local Christian religious authorities.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement and residence, including exit from and entry into the country; however, the Government severely restricted these rights in practice.

Movement generally was unhindered for citizens outside the war zones; however, travelers who failed to produce an identity card at checkpoints risked arrest. Foreigners needed permits for domestic travel outside of Khartoum, which often were difficult to obtain and sometimes refused; however, foreign diplomats could travel to many locations with a government escort. Foreigners must register with the police on entering the country, obtain permission to move from one location to another, and re-register at each new location within 3 days of arrival. Foreign NGO staffs at times had problems obtaining entry visas as well as work or travel permits once they had entered the country. In December 2000, the Government announced restrictions on travel by diplomatic, international, and regional organizations, and others into rebel-controlled areas without prior written permission from the Ministry of External Affairs. These restrictions remained in force at year's end.

The Government denied exit visas to some categories of persons, including policemen and physicians, and maintained lists of political figures and other citizens who were not permitted to travel abroad. For example, the Government has banned all travel to several outspoken human rights activists in Khartoum. Some former political detainees have been forbidden to travel outside Khartoum. The Government also restricted the external travel of Joseph Okel and other southern political leaders who were arrested in 2000 after meeting with a foreign diplomat. During the year, the Government claimed it had canceled the exit visa requirement for its citizens; however, in practice the Government still denied travel privileges to certain individuals when they arrived at exit ports (such as airports). The Government denied exit visas to NDA representatives during the year. Women cannot travel abroad without permission of their husbands or male guardians.

The SPLM/A restricted freedom of movement among populations under its control. Citizens from the north or from government-controlled areas reportedly were denied permission to enter SPLM areas and were treated as foreigners. Insurgent movements also required foreign NGO personnel to obtain permission before traveling to areas that they controlled; however, they generally granted such permission. NGO workers who have worked in government-held areas encountered problems receiving permission to work or travel in insurgent-held areas. There were reports in June 2001 that SPLM/A commanders were ordered not to permit persons to attend a reconciliation conference in Kisumu, Kenya. In addition, a conference held by Justice

Africa in Kampala on Nuba and Blue Nile civil society was attended poorly because the SPLM/A did not permit the participants to obtain transportation clearance.

There were estimates that up to 4 million persons were displaced internally due to the civil war. Tens of thousands of persons, largely southerners and westerners displaced by famine and civil war, continued to live in squatter slums in the Khartoum area. The Khartoum state government planned to upgrade conditions in some camps, requiring the movement of populations to other areas so that roads may be built or enlarged and services established. The state government was in contact with foreign NGOs and U.N. agencies concerning this effort. During the year, displaced persons were included in a government housing development plan and were granted land in a new planned settlement area.

Nearly 500,000 Sudanese were refugees in neighboring countries. Refugees have fled to Uganda, Ethiopia, Eritrea, Kenya, the Democratic Republic of the Congo, and the Central African Republic.

The law includes provisions for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian assistance organizations and accorded refugees generally good treatment. The UNHCR reported that there were 349,209 refugees, primarily from Eritrea, Ethiopia, Chad, Uganda, the Democratic Republic of the Congo, and Somalia. Approximately 150,000 refugees were in camps, and the rest were scattered in urban areas throughout the country. The Government provided first asylum; however, no statistics were available for the year.

In 2000 the Government signed an agreement with the Government of Eritrea to repatriate longtime Eritrean refugees in the country. Although fighting between the Government and the NDA along the eastern border with Eritrea delayed the process, most Eritrean refugees that lived near the border voluntarily returned to Eritrea during the year. Security authorities also arrested, fined, imprisoned, and deported many Eritreans in Khartoum during October and November for alleged conspiracy with the Government of Eritrea to pass information on the mobilization of government forces.

In 2000 the UNHCR signed an agreement with the Government of Sudan and the Government of Ethiopia to repatriate pre-1991 Ethiopian refugees to their homeland by the end of the year. In 2001 and during the year, more than 12,000 Ethiopians chose to return with UNHCR assistance. The UNHCR also signed an agreement with the Governments of Sudan and Eritrea in 2001 to encourage the repatriation of some 300,000 Eritrean refugees. Although fighting along the Eritrea-Sudan border slowed the repatriation process, almost 100,000 refugees returned to Eritrea with UNHCR assistance by year's end.

There were some reports of the mistreatment of refugees, including beatings and arbitrary arrests by government officials. Refugees could not become resident aliens or citizens, regardless of their length of stay. The Government allowed a large number of refugees to work.

There were no reports that the Government forcibly returned persons to a country where they feared persecution.

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

Citizens had no genuine opportunity to change their government peacefully. Presidential and parliamentary elections were held in December 2000, and there were allegations of serious irregularities, including official interference, electoral fraud, inadequate opportunities for all voters to register, and inadequate election monitoring. All major opposition parties boycotted the election. Bashir was elected to another 5-year term, and the NC/NIF won 340 out of 360 seats in Parliament in the deeply flawed process.

The Constitution, which provides in theory for a wide range of rights, was passed by referendum in June 1998, and implemented in early 1999. There was widespread skepticism about the Government's claims that the constitutional referendum passed with 96.7 percent approval and 91.9 percent participation. Critics of the 1998 Constitution charged that it neither was drafted nor passed with truly national participation. Some critics also objected to the statement that Shari'a would be among "the prevalent sources of law" in regard to amending the Constitution. Despite the adoption of the Constitution promulgated by presidential decree in 1998, the Government continued to restrict most civil liberties.

In 1999 President Bashir disbanded the Parliament, suspended the Constitution, and decreed a state of national emergency, which suspended basic civil liberties. Parliament resumed 14 months later in February 2001. The state of emergency remained in effect at year's end.

The law allows the existence of political parties (*see* Section 2.b.). The Government continued routinely to deny permission for and disrupt gatherings that it viewed as politically oriented (*see* Section 2.b.). Security forces arrested, detained, and on occasion, beat political opponents during the year (*see* Sections 1.c. and 1.d.). During the year, authorities seized and occupied PNC offices.

The federal system of government slowly was developing a structure of 26 states, with governors and senior state officials appointed by the President from Khartoum. The Government considered this strategy as a possible inducement to the rebels for accommodation through a principle of regional autonomy; however, southerners were underrepresented in the central government, and local appointees were not viewed universally as representative of their constituencies. This underrepresentation remained a key obstacle to ending the rebellion.

Women had the right to vote. There was 12 women members in the 360-seat Parliament. There were two female ministers, the Minister of Social Welfare and a member of the Council of Ministers. There also were two female State Ministers.

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

Due to government restrictions, there were only two independent domestic human rights group—the Sudan Human Rights Group and the Sudan Human Rights Organization (SHRO). The SHRO operated out of Cairo until 2000 when the Egyptian government asked them to close their offices. There also were two local NGOs that addressed health concerns related to the practice of FGM and other “traditional” practices (*see* Section 5).

During the year, there was at least one report a government helicopter gunship attacked an NGO in Bieh (*see* Section 1.g.).

The Human Rights Advisory Council, a government body whose rapporteur was the Solicitor General for Public Law, continued its role in addressing human rights problems within the Government. The Council was composed of representatives of human rights offices in 22 government ministries and agencies. While the council was charged with investigating human rights complaints, its effectiveness was hampered by lack of cooperation on the part of some ministry and agency offices. In January the Government reactivated the CEAWAC, which in turn formed mechanisms to identify and return abductees (*see* Section 1.b.).

Dr. Gerhart Baum served as Special Rapporteur for Human Rights in Sudan. In November Dr. Baum presented his report to the U.N. Human Rights Commission, which highlighted ongoing human rights abuses during the year and noted the continuation of the state of emergency and the virtual impunity enjoyed by the security services. The Commission has assigned a representative to work with the U.N. Development Program in Khartoum who was active in organizing human rights courses for security and police forces; however, he had no human rights monitoring responsibilities.

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

The Constitution prohibits discrimination based on race, sex, or religious creed; however, discrimination against women and ethnic minorities continued. Mechanisms for social redress, especially with respect to violence against women and children, were ineffective.

Women.—Violence against women was a problem; however, since reliable statistics did not exist, its prevalence was unknown. Many women were reluctant to file formal complaints against such abuse, although it was a legal ground for divorce. The police normally did not intervene in domestic disputes.

Displaced women from the south were vulnerable to harassment, rape, and sexual abuse. The Government did not address the problem of violence against women, nor was it discussed publicly. The punishment for rape under the Criminal Act varied from 100 lashes to 10 years imprisonment to death. In most cases, convictions were not publicized; however, observers believed that sentences often were less than the maximum provided for by law.

FGM was widespread, especially in the north. An estimated 90 percent or more of girls and women in the north have undergone FGM, with consequences that have included severe urinary problems, infections, and even death. Infibulation, the most severe type of FGM, was the most common type. Usually it was performed on girls between the ages of 4 and 7 by traditional practitioners in improvised, unsanitary conditions, which caused severe pain, trauma, and risk of infection to the child. No form of FGM was illegal under the Criminal Code; however, the health law forbade doctors and midwives from performing infibulation. Unlike in the previous year, there was no evidence that women displaced from the south to the north reportedly were imposing FGM increasingly on their daughters, even if they themselves have

not been subjected to it. A small but growing number of urban, educated families were abandoning the practice completely. A larger number of families, in a compromise with tradition, have adopted the least severe form of FGM, "sunna," as an alternative to infibulation. The Government neither arrested nor prosecuted any persons for violating the health law against infibulation. The Government does not support FGM, and it has introduced information about FGM in some public education curriculums. One local NGO was working to eradicate FGM.

Prostitution is illegal but was a growing problem. Trafficking in women was a problem (*see* Section 6.f.).

The law prohibits sexual harassment; however, it occurred.

Some aspects of the law discriminated against women; including certain provisions of Shari'a interpreted and applied by the Government, and many traditional law practices. Gender segregation was common in social settings. In accordance with Shari'a, a Muslim woman has the right to hold and dispose of her own property without interference. Women were assured an inheritance from their parents; however, a daughter inherited half the share of a son, and a widow inherited a smaller percent than did her children. It was much easier for men to initiate legal divorce proceedings than for women. These rules only applied to Muslims and not to those of other faiths for whom religious or tribal laws applied. Although a Muslim man may marry a non-Muslim, a Muslim woman cannot marry a non-Muslim unless he converted to Islam; however, this prohibition was not observed or enforced in areas of the south not controlled by the Government or among Nubans. Unofficial, nonregistered marriages, known as "orfy" or traditional weddings, are valid legally but do not guarantee the wife's legal rights. For example, in an orfy customary marriage, a woman is not entitled to alimony or pension, has no judicial protection without official recognition by her spouse, and must file a legal petition to establish her children's parentage. Women cannot travel abroad without the permission of their husbands or male guardians; however, this prohibition was not enforced strictly for women affiliated with the PNC.

A number of government directives required that women in public places and government offices and female students and teachers conform to what the Government deemed an Islamic dress code (*see* Section 2.a.). At the least, this necessitated wearing a head covering; however, enforcement of the dress code regulations was inconsistent.

In February there were a number of incidents in which young women were detained at police stations and sometimes beaten for alleged improprieties of appearance or behavior. There were reports that police demanded bribes in exchange for releasing the women. In addition, a Khartoum-based NGO received an increasing number of reports of female students threatened with rape while detained at police stations.

Women generally were not discriminated against in the pursuit of employment; however, in July 21 women arbitrarily were dismissed from their jobs at the Customs and Excise forces (CEF) headquarters in Khartoum. No reason was given.

Children.—Education was compulsory through grade eight; however, attendance reportedly was declining and was less than the 1990 level of 61 percent. There were wide disparities among states and some gender disparity especially in the eastern and western regions; for example, enrollment was 78 percent in Khartoum State and only 26 percent in South Darfur State. In the northern part of the country, boys and girls generally had equal access to education (50 percent and 47 percent respectively), although many families with restricted income choose to send sons and not daughters to school. Although there was little data on enrollment rates, it was estimated that the vast majority of the school age children of IDPs were not receiving an education. Nomadic groups also were disadvantaged. Although the gender gap in enrollment between boys and girls was only 3 to 5 percent in favor of the boys, girls were more affected by early withdrawal due to family obligations or early marriage. In the urban areas of the south, primary school age children in basic education were estimated at 68 percent of all boys and 67 percent of all girls. More than 50 percent of university students were women, in part because men were conscripted for war.

The Government operated camps for vagrant children. Police typically send homeless children who have committed crimes to these camps, where they were detained for indefinite periods. Health care and schooling at the camps generally were poor, and basic living conditions often were primitive. All of the children in the camps, including non-Muslims, must study the Koran, and there was pressure on non-Muslims to convert to Islam (*see* Section 2.c.). There were reports that boys in these camps and in homes for delinquent youths were forced to undergo circumcision. Male teenagers in the camps often were conscripted into the PDF, including some girls in the south (*see* Section 1.f.). There were reports that abducted homeless and

displaced children were discouraged from speaking languages other than Arabic or practicing religions other than Islam.

FGM was performed frequently on girls (*see* Section 5, Women).

A large number of children suffered abuse, including abduction, enslavement, and forced conscription (*see* Sections 6.c. and 6.f.).

The Government forcibly conscripted young men and boys into the military forces to fight in the civil war (*see* Section 2.a.). There were reports of at least 50 cases this year of children taken from the markets of Khartoum and conscripted into the PDF. Government authorities frequently carried out conscription by raiding buses and other public places to seize young men. No one was jailed during the year for evading compulsory military service.

Rebel factions have conscripted citizens forcibly, including high school age children. During the year, the SPLM/A actively engaged in efforts to demobilize child soldiers; however, there were reports that child soldiers were involved in military incidents during December, which raised concerns that the SPLM/A again was using forced recruitment of children.

Persons with Disabilities.—The Government did not discriminate against persons with disabilities, but has not enacted any special legislation for persons with disabilities, such as mandating accessibility to public buildings and transportation. The law requires equal educational opportunities for persons with disabilities.

National/Racial/Ethnic Minorities.—The estimated population of 27.5 million was a multiethnic mix of more than 500 Arab and African tribes with numerous languages and dialects. Northern Muslims, who formed a majority of approximately 16 million persons, traditionally have dominated the Government. The southern ethnic groups fighting the civil war (largely followers of traditional indigenous religions or Christians) total approximately 6 million and sought independence, or some form of regional self-determination or autonomy from the north.

The Muslim majority and the Government continued to discriminate against ethnic minorities in almost every aspect of society. Citizens in Arabic-speaking areas who did not speak Arabic experienced discrimination in education, employment, and other areas. For university admission, students completing high school were required to pass examinations in four subjects: English language; mathematics; Arabic language; and religious studies. Even at the university level, examinations in all subjects except English language were in the Arabic language, placing nonnative speakers of Arabic at a disadvantage.

There were periodic reports of intertribal abductions of women and children in the south, primarily in the Eastern Upper Nile. The abductions were part of traditional warfare in which the victor took women and children as a bounty and frequently tried to absorb them into their own tribe. There were traditional methods of negotiating and returning the women who were taken in these raids. During the year, there was at least one serious incident near Pibor in which members of the Murlle tribe abducted women and children from other tribes.

There were deaths in conflicts between ethnic groups, such as continued fighting between Dinka and Nuer or between Nuer tribes.

Intertribal fighting among Nuer tribesmen increased during the year. In November battles, which took place near Bentiu, resulted in numerous deaths.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of association for economic and trade union purposes; however, the Government restricted this right in practice. The Government prescribed severe punishments, including the death penalty, for violations of its labor decrees. The Trade Union Act established a trade union monopoly. There were no independent trade unions. Only the Government-controlled Sudan Workers Trade Union Federation (SWTUF) can function legally, and all other unions were banned.

Former workers' union leaders were arrested during the year.

The law does not prohibit antiunion discrimination by employers.

SWTUF, the official government union, affiliated with international bodies, such as the African Workers' Union and the Arab Workers' Union.

b. The Right to Organize and Bargain Collectively.—The emergency decree passed in December 2001 still was in effect. Labor organizing committees have the right to organize and bargain collectively; however, government control of the steering committees meant that in practice the Government dominated the process of setting wages and working conditions. The continued absence of labor legislation allowing for union meetings, the filing of grievances, and other union activity greatly reduced the value of these formal rights. Local union officials have raised some grievances with employers, although few raised them with the Government. There were cred-

ible reports that the Government intervened routinely to manipulate professional, trade union, and student union elections (*see* Section 2.a.).

A tripartite committee comprising representatives of the Government, the SWTUF, and business set wages. Specialized labor courts adjudicated standard labor disputes; however, the Ministry of Labor has the authority to refer a dispute to compulsory arbitration. A labor code has been in effect since December 2000, which strengthened government control over trade unions and continues to deny trade unions autonomy to exercise their basic right to organize or to bargain collectively. The code provides that unions should be democratic, national, and neutral, defend the welfare of their members, and should raise productivity. There was nothing in the code regarding organizational structure, strikes, or term limits. Union funds were subject to control by the auditor general. A 30 percent salary increase was scheduled to take place in January 2003 but only in Khartoum.

The Government continued to dismiss summarily military personnel as well as civilian government employees whose loyalty it considered suspect.

Strikes were banned and were considered illegal unless the labor office granted approval, which never has been given. In most cases, employees who tried to strike were subject to employment termination. No action was taken against members of the security forces who forcibly dispersed strikes in previous years.

There was one export processing zone.

c. Prohibition of Forced or Bonded Labor.—The 1998 Constitution prohibits forced or bonded labor, including by children; however, slavery and forced labor persisted, affecting women and children in particular. The enslavement of women and children, particularly in the war zones, and their transport to the central and northern parts of the country continued.

Some NGOs reported that victims of government bombings and of the civil war in general who fled to government-controlled peace camps were subject to forced labor.

There were frequent and credible reports that militia raiders, “*murahileen*”, with the support of forces directly under the control of government authorities, systematically raided villages and captured women and children as remuneration for their services in Bahr el-Ghazal and Upper Nile. The Government took no action to halt these practices and continued to support tribal militias. Abductees frequently were forced to herd cattle, work in the fields, fetch water, dig wells, or do housework. They also were subjected to arbitrary punishment, torture, and rape, and at times, killed. These practices had a pronounced racial aspect, as the victims exclusively were black southerners and members of indigenous tribes of the Nuba Mountains. There were reports of the sale and purchase of children, some in alleged slave markets; however, the Government continued to deny slavery and forced labor existed but acknowledged that abductions occurred (*see* Section 1.b.).

Both the Government and rebel factions continued to conscript men and boys forcibly into the fighting forces (*see* Section 5). There were reports that the Government’s PDF seized underage recruits from the streets of Khartoum. Conscripts faced significant hardship and abuse in military service, often serving on the frontline.

The ILO Conference Committee urged the Government to punish the perpetrators of these abductions and to enforce ILO Convention 29 on forced labor. The ILO also has recommended an ILO “direct contact” mission to investigate the situation. The Government rejected this suggestion.

The rebel factions continued to force southern men to work as laborers or porters.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution provides that the Government protect children from exploitation; however, the Government did not enforce the provisions. The legal minimum age for workers was 18 years; however, the law was not enforced in practice. Children as young as 11 or 12 years of age worked in a number of factories, particularly outside the capital, including the factories at Um Ruwaba that produced edible oils. In addition, severe poverty has produced widespread child labor in the informal economy. In rural areas, children traditionally assisted their families with agricultural work from a very young age.

The Government did not adhere to ILO Convention 182 on the worst forms of child labor and has not taken any action to investigate abuses or protect child workers.

There were credible reports that children were taken as slaves (*see* Section 6.c.). Child labor existed in SPLM/SPLA-held areas, particularly in the agricultural sectors. Child labor in such areas was exacerbated by lack of schools, extreme poverty, and the lack of an effective legal minimum age for workers.

e. Acceptable Conditions of Work.—The legislated minimum wage was enforced by the Ministry of Labor, which maintained field offices in most major cities. Employ-

ers generally respected the minimum wage. Workers who were denied the minimum wage could file a grievance with the local Ministry of Labor field office, which then was required to investigate and take appropriate action if there was a violation of the law. The Ministry of Finance approved a 30 percent increase in the minimum wage effective January 2003 for all workers only in Khartoum. The minimum wage was \$26 (6,881 SD), an insufficient amount to provide a decent standard of living for an average worker and family. There were reports during the year that some workers were not paid their regular wages.

The workweek was limited by law to an 8-hour day, with a day of rest on Friday, which generally was respected. Legal foreign workers had the same labor rights as domestic workers.

Although the laws prescribe health and safety standards, working conditions generally were poor, and enforcement by the Ministry of Labor was minimal. The law does not address the right of workers to remove themselves from dangerous work situations without loss of employment.

Legal foreign workers had the same labor rights as domestic workers. Illegal workers had no such protections and, as a result, typically worked for lower wages in worse conditions than legal workers. Southern IDPs generally occupied the lowest paying occupations and were subject to economic exploitation in rural and urban industries and activities.

f. Trafficking in Persons.—Although the law does not prohibit specifically trafficking in persons, the Constitution specifically prohibits slavery and forced labor; however, slavery, forced labor, and trafficking in persons persisted, particularly affecting women and children (*see* Sections 1.b. and 6.c.). The capturing and abduction of women and children as slaves and their transport to other parts of the country continued; the majority of abductees were taken to the Government-controlled part of the country. During the year, there were credible reports of abductions of women and children by government and government-associated militia and their use as domestic servants, forced labor, or sex slaves.

The Government has pledged to end abduction and slavery, and the CEAWAC has resulted in the return of approximately 300 abducted individuals (*see* Section 1.b.); however, an estimated 10,000 to 12,000 women and children remained in captivity and subject to forced servitude at year's end. The Government did not identify publicly the abductors or forced labor owners and chose not to prosecute them.

During the year, the Government's refusal to approve flight clearances for the transfers of the abductees prevented additional reunifications.

In November 2001, the Government announced the establishment of special civilian tribunals in the border regions separating the south and the north of the country to prosecute persons involved in the abduction, transport, holding, and selling or exchanging of women and children from war zones. The tribunals were not set up nor were administrative procedures promulgated by year's end.

Libyans have been implicated in the purchase of Sudanese slaves, particularly women and children who were captured by government troops.

There are credible reports that intertribal abductions of women and children continued in the southern part of the country; abductees were absorbed into tribes or kept as domestic servants or sex slaves (*see* Section 5).

There were continuing reports that the SPLA forcibly recruited Sudanese refugees in northern Uganda for service in their forces.

During the past 10 years, between 3,000 and 10,000 Ugandan children were kidnaped by the LRA, taken to the southern part of the country, and forced to become sex slaves or soldiers. There also were reports in previous years that the LRA had sold and traded some children, mostly girls, or provided them as gifts, to arms dealers in Sudan. In March the Government signed an agreement to stop supporting the LRA and permit Ugandan army access in the south to pursue the LRA. The LRA continued to operate in the south and to hold a large number of child abductees during the year.

SWAZILAND

Swaziland is a modified traditional monarchy with executive, legislative, and limited judicial powers ultimately vested in the King (Mswati III). The King ruled according to unwritten law and custom, in conjunction with a partially elected parliament and an accompanying structure of published laws and implementing agencies. The 2001 municipal elections and 1998 parliamentary elections increased representative government; however, political power continued to rest largely with the King and his circle of traditional advisors, including the Queen Mother. The judici-

ary was generally independent; however, the King exerted certain judicial powers, and High Court judges struggled to resist pressure to yield any powers to those outside the judiciary.

Both the Umbutfo Swaziland Defense Force (USDF) and the Royal Swaziland Police (RSP) operated under civilian control and were responsible for external and internal security. Some communities questioned the ability of the National Police to operate effectively at the community level and have formed community police. Members of both the National Police and the community police committed human rights abuses.

The country had a free market economy, with relatively little government intervention; its population was approximately 1.1 million. The majority of citizens were engaged in subsistence agriculture and the informal marketing of agricultural goods, although a relatively diversified industrial sector accounted for the largest component of the formal economy. The country depended heavily on South Africa, from which it received almost all of its imports and to which it sent the majority of its exports. A quasi-parastatal organization established by royal charter, and responsible to the King, maintained large investments in major sectors of the economy, including industry, agriculture, and services. This parastatal required partnership with foreign investors and international development agencies.

The Government's human rights record was poor, and it continued to commit serious abuses. Citizens were not able to change their government peacefully. Police used excessive force on some occasions, and there were reports that police tortured and beat some suspects. The Government generally failed to prosecute or otherwise discipline officers who committed abuses. The Government interfered with the judiciary and infringed on citizen's privacy rights. The Government continued to limit freedom of speech and of the press. The Government restricted freedom of assembly and association and prohibited political activity, although numerous political groupings operated openly and voiced opinions critical of the Government. The police on several occasions harassed political activists. There were some limits on freedom of movement. Legal and cultural discrimination and violence against women, as well as abuse of children, remained problems. Some societal discrimination against mixed race and white citizens persisted. Trafficking in persons occurred.

RESPECT FOR HUMAN RIGHTS

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

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

Unlike in the previous year, there were no reports of deaths in police custody.

There were no developments in the February 2001 police killing of a 20-year-old man who they claimed was trying to escape from police custody in the village of Sithobelwini, or the March 2001 death by poisoning in police custody of two 20-year-olds.

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

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law does not prohibit specifically such practices, although under the 1963 Prison's Act correctional facility officers may be prosecuted if they engage in such practices; however, there were reports that government officials employed them. There were credible reports by criminal defendants that the security forces used torture during interrogation and abused their authority by assaulting citizens and using excessive force in carrying out their duties. For example, in January a woman accused of theft complained that she was beaten, slammed against the wall, and slapped with a knife by police attempting to elicit a confession.

Police sometimes beat criminal suspects and occasionally used the "tube" style of interrogation, in which police suffocate suspects through the use of a rubber tube around the face and mouth. According to unofficial reports, police still used the Kentucky method of interrogation in which the arms and legs of suspects are bent and tied together with rope or chain, then the person is beaten. The Government generally failed to prosecute or otherwise discipline police officers for such abuses. An internal complaints and discipline unit investigated reports of human rights abuses by the police, but no independent body had the authority to investigate police abuses. Courts have invalidated confessions induced through physical abuse and have ruled in favor of citizens assaulted by police.

Police also banned and forcibly dispersed prayer meetings that unions and members of banned political parties attempted to attend (*see* Section 2.b.).

Prison conditions generally met international standards; however, government detention centers remained overcrowded, and conditions were generally poor. The use

of nonbailable provisions resulted in the continued overcrowding and other unfavorable conditions in government detention centers where suspects were held during pretrial detention. Suspects often were released for time served after being sentenced (*see* Section 1.d.).

Women and juveniles are held in separate prison facilities.

The Government routinely permitted prison visits by diplomats, journalists, human rights monitors, and representatives of international organizations. During the year, a foreign diplomat and the Assistant Secretary General for the U.N. International War Crimes Tribunal for Rwanda conducted visits to prison facilities (*see* Section 4).

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the Government generally respected these prohibitions. The law requires warrants for arrests, except when police observed a crime being committed or believed that a suspect might flee. Detainees may consult with a lawyer of their choice and must be charged with the violation of a statute within a reasonable time, usually 48 hours, or, in remote areas, as soon as the judicial officer appeared.

The Government continued to limit the provisions for bail for crimes appearing in the Non-Bailable Offenses Order, which listed 11 offenses. The Minister of Justice may amend the list by his own executive act. The mere charge of the underlying offense, without any evidentiary showing that the suspect was involved, was sufficient to employ the nonbailable provision. In May 2001, the Court of Appeals ruled that the nonbailable order was unconstitutional; however, in June 2001, the King overruled the Court's decision by decree. The nonbailable offense provision exacerbated ongoing judicial problems such as lengthy pretrial detention, the backlog of pending cases, and prison overcrowding. In November the Court of Appeals ruled that the King could not rule by decree, which invalidated the nonbailable offense order (*see* Section 1.e.).

During the year, the cases against the remaining 9 of 15 union representatives who were arrested in January 2001 were dismissed (*see* Section 2.b.).

In September the High Court acquitted Mario Masuku, the president of the banned political party People's United Democratic Movement (PUDEMO), of sedition.

Also during the year, the 1999 case of an editor of an independent newspaper who was arrested for criminal defamation was dismissed without explanation.

The Government did not use forced exile.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, the King has certain judicial powers, and government officials, including the King, the Prime Minister, the Minister of Justice and Constitutional Affairs, and the traditional governor of the royal family, challenged the judiciary's independence on several occasions by attempting to influence and also to reverse court decisions. High Court judges resisted pressure to yield any powers to those outside the judiciary; however, the Government ignored judgements that did not favor them. For example, the Government ignored a September 2000 ruling by the Chief Justice that prohibited the eviction of two traditional chiefs. In October 2000, the Chief Justice rescinded the injunction against the eviction after the Attorney General (AG) gave him an affidavit stating that the King had decreed the evictions and that the High Court had no jurisdiction over the case. The case was appealed to the Court of Appeals, which ruled in December 2000 that the Chief Justice's original ruling was correct. In 2001 the King succeeded in overruling a subsequent decision made by the Court of Appeals ordering the Government to compensate citizens who also were expelled forcibly from their homes when the chiefs were evicted in October 2000. During the year, when the Commissioner of Police refused to enforce a court order permitting the evicted residents to return to their homes, one of the residents sought relief from the High Court. The AG, acting on behalf of the Police Commissioner, urged the High Court judge hearing the case to be "executive minded" when ruling on the matter. The judge refused to yield to pressure and held the Commissioner in contempt of court.

In October the AG, allegedly acting on orders from King Mswati III, accompanied by the Police Commissioner, the Prison Commissioner, and the Commander of the USDF, advised the Chief Justice of the High Court and two other High Court judges to dismiss a case, which the mother of a young woman taken by the King's emissaries to become his 10th wife alleged was an abduction (*see* Section 5). The AG told the judges that if they proceeded to hear the case they should resign immediately upon rendering judgment or the AG would arrange for their removal. The judges refused to yield to the pressure; however, the mother asked for the matter to be postponed.

On November 8, the Director of Public Prosecutions (DPP) brought obstruction of justice and sedition charges against the AG based on his attempted coercion of the High Court judges. On November 12, the Prime Minister, the AG, and a member of the National Council ordered the DPP to withdraw the charges or resign his post. If the DPP did neither he was threatened with removal and possible bodily harm. On November 20, he was locked out of his office; however, he was eventually let back into his office. The Government has blocked the DPP's efforts to prosecute the AG by refusing to serve process in the case. The DPP advised the Government that he would resign if he received full payment of his salary through the term of contract, which expires in 2005. The Government stalled negotiations on this and threatened to arrest the DPP on unrelated matters pertaining to a car accident that the DPP was involved in several years ago.

In February the Prime Minister, acting in defiance of a court order, ordered the Commissioner of Police to prevent the Clerk of Parliament from resuming his position after the court determined that the Prime Minister had improperly transferred him to the Ministry of Agriculture. After the court ruled that the Prime Minister was in contempt of court for his conduct, he withdrew his instructions to the Commissioner of Police. In November the Prime Minister again ordered the Clerk of Parliament transferred to the Ministry of Agriculture, stripped him of his administrative powers, and transferred those powers to the Principal Secretary in the Prime Minister's office. The Clerk challenged his transfer and has requested the intervention of the Labor Commissioner.

On November 22, the Court of Appeals ruled that King Mswati has no authority to rule by decree until a new constitution was put in place, which invalidated the Non-Bailable Offenses Order. On November 28, the Government declared it would disregard the court's ruling because it challenged the "legitimate authority of the King." As a result of this statement, the judges on the Court of Appeal all resigned. On December 19, the High Court ruled that the Government could not seek relief in court until the Prime Minister withdrew his statement the Government would not abide by the judgements; however, the Prime Minister did not withdraw his statement and the Court did not reverse its position by year's end.

Judicial powers are vested in a dual system, one independent and based on Western law, the other based on a system of national courts that followed unwritten traditional law and custom. In treason and sedition cases, the King can circumvent the regular judiciary by appointing a special tribunal, which may adopt rules and procedures different from those applied in the High Court; however, this power has not been used since 1987.

The Western judiciary consisted of the Court of Appeals (composed entirely of expatriate, usually South African, judges), the High Court, and magistrate courts, all of which were independent of executive and military control. The expatriate judges, frequently distinguished members of their respective bars, served on the basis of 2-year renewable contracts. Local judges served indefinitely with good behavior. In magistrate courts, defendants were entitled to counsel at their own expense. Court-appointed counsel was provided in capital cases or when difficult points of law were at issue. There were well-defined appeal procedures up to the Court of Appeals, the highest judicial body. A lack of an independent court budget, lack of trained manpower, inadequate levels of salary remuneration, and casework management remained problems for the judiciary.

Most citizens who encountered the legal system did so through the traditional courts. The authorities may bring ethnic Swazis to these courts for minor offenses and violations of traditional law and custom. In traditional courts, defendants were not permitted formal legal counsel but could speak on their own behalf and were assisted by informal advisers. Sentences were subject to review by traditional authorities and could be appealed to the High Court and the Court of Appeals. The public prosecutor legally has the authority to determine which court should hear a case, but in practice the police usually made the determination. Accused persons had the right to transfer their cases from the traditional courts. Delays in trials were common.

In 1998 the King issued an administrative order that strengthened the judicial powers of traditional chiefs appointed by the King. The order provided for chiefs' courts with limited civil and criminal jurisdiction and authorized the imposition of fines up to approximately \$30 (300 emalangeni), and prison sentences of up to 3 months. Accused persons were required to appear in person without representation by a legal practitioner or advocate. However, chiefs' courts only were empowered to administer customary law "insofar as it is not repugnant to natural justice or morality," or inconsistent with the provisions of any law in force. The order provides that defendants may appeal decisions of the chief's court to regional appeal courts and to the higher courts of appeal. Appeals in criminal matters can be taken to the Judi-

cial Commissioner as a last resort, and the High Court was the court of last resort for civil matters. Human rights organizations and the press expressed serious concern over issuance of the 1998 Administrative Order.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law requires a warrant from a magistrate before police may search homes or other premises; however, at times police did not respect this requirement in practice. Police officers with the rank of subinspector or higher had the right to conduct a search without a warrant if they believed that evidence might be lost through the delay in obtaining a warrant. Searches without warrants occurred (*see* Section 2.b.).

On February 26, police searched the house of a member of the banned political party Ngwame National Liberatory Congress without a warrant after threatening the homeowner with guns to gain access.

In October police searched and harassed a member of a banned political party for more than 1 hour on the roadside before letting her proceed.

There were no developments in the February 2001 case in which police officers raided the home of a citizen and his foreign wife and reportedly were abusive.

There were instances of physical surveillance by the police on members of labor unions and banned political groups. On February 7, police harassed and searched a car transporting leaders of a banned political party who were on their way to South Africa. Police also used video cameras to record meetings of union members.

In 2000 the Operation Support Service Unit (OSSU) of the RSP and the USDF evicted and relocated from their residences two Swazi chiefs representing the areas of KaMkhweli and Macetjani, members of their families, and others who opposed the appointment of Prince Maguga Dlamini to replace the chiefs. In June 2001, the Court of Appeals ordered the Government to assist and compensate the evicted residents, allow them to return to their homes, and allow them to remain in their homes until final judgement was decided by the High Court; however, King's Decree No. 2 overturned the Court of Appeals' ruling. In July 2001, police again evicted the chiefs and approximately 23 persons who had returned to their residences.

On March 2, approximately 50 residents of kaMkhweli marched to the Siphophaneni police station to deliver a petition calling for the return of chiefs Mtfuso and Mliba, the departure of police from kaMkhweli and Macetjeni, the removal of Prince Maguga from the area, and a time to conduct burial rites for the deceased son of chief Mtfuso. Some of the women in the crowd of 50 tore off their mourning strings and threw them to the ground as an act of protest. Viewing this action as an insult, the officer-in-charge ordered police to detain the women and police subsequently rushed the crowd and beat those women who threw down their mourning strings. Many of the residents then fled to the Siphophaneni clinic for shelter. After the initial attack, police raided and ransacked approximately 60 nearby huts in an attempt to apprehend some of the residents. Police eventually detained a young woman and the grandfather of evicted chief Mtfuso.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law does not provide for freedom of speech and of the press, and the Government limited these rights through a continuing formal ban on political parties and occasional harassment of journalists. The Government also discouraged critical news coverage of the royal family, and journalists practiced self-censorship in regard to the immediate royal family and national security policy.

There was one daily independent newspaper and a daily government-financed newspaper. In general both the Government-owned and independent newspapers covered a wide variety of sensitive topics and criticized government corruption, inefficiency, and waste, frequently using harsh invective. However, the Government used the same media to rebut such allegations. With some exceptions, the Government continued to withhold its advertising from the independently owned daily newspaper. The Prime Minister's office distributed a free weekly circular reporting on government policy and activities.

During the year, the Government did not make any progress in drafting a media policy to replace the proposed media council bill.

There were no developments in the 2001 appeal by the Government of High Court ruling against the Government's 2001 proscription of a weekly newspaper.

During the year, the 1999 case against an editor of an independent newspaper charged with criminal defamation was dismissed.

Police beat a journalist attempting to attend a prayer service (*see* Section 2.b.).

The Government had a monopoly over television and radio programming. There were two government-owned radio stations. There was one independent radio station, which only broadcast religious programs. The Government-owned television

and radio stations—the most influential media in reaching the public—generally followed official policy positions. Government broadcast facilities retransmitted Voice of America (VOA) and British Broadcasting Corporation (BBC) news programs in their entirety.

Private companies and church groups owned several newsletters, magazines, and one radio station that broadcast throughout the region but generally avoided political controversy. The Christian Broadcasting Company radio station was allowed to operate despite the fact that it was government policy not to permit private broadcasters to operate.

The Government did not restrict use of the Internet.

The practice of self-censorship and the prohibition of political gatherings limited academic freedom. On December 3, police evacuated the University of Swaziland and suspended classes following 2 days of protests of the Government's proposal to buy a jet for King Mswati and recent attacks on the independence of the judiciary and the rule of law.

b. Freedom of Peaceful Assembly and Association.—The law does not provide for freedoms of assembly and association, and the Government restricted these rights in practice. King Sobhuza's 1973 decree prohibits meetings of a political nature, processions, or demonstrations in any public place without the consent of the Commissioner of Police. The authorities routinely withheld permission to hold such meetings.

During the year, the police forcibly dispersed several demonstrations and meetings (see Sections 1.f. and 2.a.). For example, in October and November, police dispersed forcibly persons attempting to attend community prayer services in connection with the evictions of the two chiefs and their supporters from KaMkwaheli and Macetjani.

During the year, police harassed, arrested, and disrupted the meetings of pro-democracy activists and members of banned political parties (see Section 1.f.). For example, on November 19, police prevented PUDEMO leader Masuku from holding a press conference at a privately owned conference center.

Police also banned and dispersed meetings held by workers' unions. Police generally took such actions when they believed that political discussions were occurring, or were likely to occur, at these meetings. On November 2, police searched Swaziland Federation of Trade Union (SFTU) representatives and their vehicles without warrants and then forbade them from proceeding to the site of the prayer service on the grounds that the group had dispersed. Police beat a journalist attempting to attend the same service.

There was no action taken against the responsible police officers who in October 2001 used tear gas and beat several persons while dispersing forcibly a demonstration in the KaMkwaheli and Macetjani areas, or the police who forcibly disrupted a press conference also in October 2001 and reportedly injured 18 students.

No action was taken against police officers in the following 2001 incidents: The police officers who dispersed forcibly a Swaziland National Association of Teachers (SNAT) union meeting in January, or the police banning of an impromptu meeting called by the Swaziland Agricultural Plantation and Allied Workers Union (SAPAW) in August.

There were no developments in the January 2001 case of nine persons who were charged with misconduct for compromising their political impartiality and for violating a government order that prohibited them from attending a November 2000 political meeting in South Africa.

Several traditional forums existed for the expression of opinion, including community meetings, national councils, and direct dialog with area chiefs; however, these local channels were not meant as a vehicle for political change. They often depended on the interests of leaders and were not consistently effective channels for expressing political dissent.

King Sobhuza's 1973 decree prohibits political parties. In January 2001, police arrested 15 labor union and political group members for organizing protest actions and for political association. In September 2001, the Magistrate court acquitted six of these union members, and during the year, the cases of the remaining nine union representatives were dismissed.

c. Freedom of Religion.—There is no formal legal provision for freedom of religion; however, the Government generally respected freedom of religion in practice, although there were a few restrictions. Followers of all religious faiths generally were free to worship without government interference or restriction.

New religious groups or churches were expected to register with the Government upon organizing in the country. In order to be considered organized, a religious group or church must demonstrate either possession of substantial cash reserves or

financial support from outside religious groups with established ties to western or eastern religions. For indigenous religious groups or churches, authorities considered demonstration of a proper building, a pastor or religious leader, and a congregation as sufficient to grant organized status. However, there is no law describing the organizational requirements of a religious group or church. All religions were recognized unofficially.

Government permission was required for the construction of new religious buildings. Non-Christian groups sometimes experienced minor delays in obtaining permits from the Government.

In October and on November 2, police banned and dispersed people attempting to attend community prayer services (see Section 2.b.).

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The law does not provide for these rights, and the Government placed some limits on them in practice. Citizens may travel and work freely within the country; however, under traditional law, a married woman requires her husband's permission to apply for a passport, and an unmarried woman requires the permission of a close male relative. Citizenship law nominally permits nonethnic Swazis to obtain passports and citizenship documents; however, individuals seeking these documents sometimes experienced lengthy processing delays, in part due to occasional prejudice that mixed-race and white persons were not real Swazis (see Section 5). Political dissenters often had their citizenship questioned and could experience difficulty in obtaining travel documents. The Constitutional Review Commission (CRC) made a recommendation that effectively could render a child stateless should it be born to a Swazi mother and a foreign father.

The Government treated several thousand ethnic Swazis living across the border in South Africa as virtually indistinguishable from Swazi citizens and routinely granted them travel and citizenship documents.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated fully with the office of the U.N. High Commissioner for Refugees (UNHCR), as well as the various nongovernmental organizations (NGOs) involved in the care of refugees. According to the UNHCR, there were an estimated 1,000 refugees in the country, the majority coming from the Great Lakes region of Africa and Angola. The issue of provision of first asylum did not arise during the year.

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

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

Citizens were not able to change their government peacefully. The King retained ultimate executive and legislative authority, and political parties were prohibited. Passage of legislation by Parliament required the King's assent to become law, which he was not obliged to give. When Parliament was not in session, the King could legislate by decree under his residual emergency powers. The King chooses the Prime Minister and, in consultation with the Prime Minister, also chooses the Cabinet, many senior civil servants, and the heads of government offices.

Citizens elected most members of the lower house of Parliament. According to law, 55 seats in the 65-seat House of Assembly are popularly contested. Parliamentary elections were held by secret ballot in October 1998 for 53 of the 55 elected seats (the King appoints the remaining 10 members), and a by-election was held in December 1998 for 1 of the 2 remaining constituencies. The final remaining constituency held its by-election in 1999.

As provided under law, the House of Assembly nominated 10 members from the public at large to serve in the upper house or Senate. The King appointed the additional 20 Senate members. The Cabinet of Ministers included only three elected Members of Parliament, with the balance drawn from appointed members of the House and Senate.

King Sobhuza, the King's father who died in 1982, suspended the 1968 Constitution in 1973 with a decree that bans political parties, meetings, and processions; these meetings can be held only in local "Tinkhundla" administrative centers or as authorized by the police. The King had the authority to issue decrees that carry the force of law and exercised this authority in June 2001, when he issued Decree No. 2. Decree No. 2 reasserted and strengthened his absolute authority, provided further restrictions on freedom of speech and the press, reinstated a nonbailable offense provision, and provided a mechanism to neutralize the powers of the judiciary and Par-

liament. On July 24, the King repealed the decree after the Government received strong criticism from foreign governments and domestic and international groups; however, the King retained the nonbailable offense provision(see Section 1.d.).

Pressure has been building for several years to modernize the political system, and both the King and the Government recognized that there was a need for political reform, including the drafting of a new constitution and, specifically, a bill of rights. The CRC compiled a constitutional framework, including portions of the 1968 Constitution still in force, the 1973 decree as currently amended, and the 1992 Establishment of Parliament Order, and in August 2001, after 5 years of deliberation, the CRC publicly released its findings. In general the report concluded that most citizens want a continuation of the status quo, a strengthening of the King's powers, a continued ban against political parties, greater emphasis on traditional law and custom, and stiffer penalties for those who speak against the state. The CRC was disbanded after submitting its report.

Domestic and international groups criticized the CRC report as flawed. These groups specifically cited the commission's composition that consisted predominantly of traditionalists, the internal disputes that led to the resignation of four members, and the commission's controversial terms of reference. These controversial terms of reference included prohibition of media coverage, prohibition of group submissions, and possible fines and imprisonment of those persons interfering in the commission's activities. During the constitutional review process, human rights organizations, church groups, labor unions, and other NGOs conducted their own active programs of constitutional and human rights civic education.

In January the King appointed a Constitutional Drafting Committee and instructed the committee to prepare a constitution within 8 months. The release of the draft Constitution was delayed until 2003.

Chiefs were custodians of Swazi law and custom and were responsible for the day-to-day running of their chiefdom. Although law and customs were not codified, chiefs essentially were responsible for maintaining law and order in their respective chiefdoms. For example, chiefs had their own community police who may arrest a suspect and bring the suspect before an inner council within the chiefdom for a trial. Besides the Swazi Administration Act of 1998, chiefs traditionally were empowered by virtue of unwritten customary laws to impose fines and some form of punishment to their subjects. Chiefs were an integral part of society and acted as overseers or guardians of families within the communities and traditionally reported directly to the King. Local custom mandates that chieftaincy was hereditary.

The continuing ban on political parties and restrictions on political activity prompted some political groupings and trade unions to call for a boycott of the 1998 elections by their members. Members of the SFTU who participated in the electoral process were threatened with disciplinary measures by the labor federation. Election officials reported that approximately 200,000 of the 400,000 eligible citizens registered for the parliamentary elections, and that approximately 120,000 citizens voted, although critics questioned that figure.

There was no formal international observer presence during the 1998 elections, but there was intensive coverage by local and foreign media, and resident diplomats were granted accreditation to observe the proceedings freely. Candidates or their representatives also were allowed to monitor the elections. Election procedures generally were carried out in an orderly fashion; however, the decision to open polling stations for further voting a week after the election because of torrential rains led to irregularities, including persons being found with multiple copies of registration certificates. Alleged irregularities led to legal challenges in four constituencies, and the High Court overturned the result in one constituency as a result. Opposition political groupings remained highly critical of the entire electoral process, due to the continuing formal ban on organized political party activity.

In September 2001, elections were held by secret ballot without major difficulties to select new municipal councils in 11 cities and towns across the country. Voter turnout was low, with percentages ranging from 12 percent to 40 percent across all cities and towns. There were no reports of intimidation or violence.

Women generally had full legal rights to participate in the political process; however, in accordance with societal practice, widows in mourning (for periods that can vary from 6 months to 3 years) are prevented from appearing in certain public places and from being near the King and, as a result, can be excluded from voting or running for office. There were 4 women in the 65-member House of Assembly, 4 women in the 30-seat Senate, and 2 women among the 16 ministers in the Cabinet. A woman served as Secretary to the Cabinet and the head of the civil service. Three women served as principal secretaries, the most senior civil service rank in the ministries.

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

A number of domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views. Human rights groups have spoken out on a number of occasions, criticizing the lack of accountability and transparency in government circles. In May 2001, Amnesty International visited the country to conduct investigative work on the state of human rights in the country, and issued a press release condemning the Government's interference with the independence of the judiciary and failure to respect the rule of law.

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

The law forbids employers to discriminate on the basis of race, sex, or political affiliation. Under the law, employees may bring suit against employers for discrimination, and there also were provisions for criminal prosecutions. The law reportedly has been used on occasion to bring moral suasion to bear against employers. Mixed race citizens sometimes experienced governmental and societal discrimination.

Women.—Domestic violence against women, particularly wife beating, was common, despite traditional restrictions against this practice. Women have the right to charge their husbands with assault under both the Western and the traditional legal systems, and urban women frequently did so, usually in extreme cases when intervention by extended family members failed to end such violence. Rural women often had no relief if family intervention did not succeed, because the traditional courts could be unsympathetic to “unruly” or “disobedient” women and were less likely than the modern courts to convict men for wife beating. Rape also was common and regarded by many men as a minor offense, while women often were inhibited from reporting such crimes by a sense of shame and helplessness, especially when incest was involved. In the modern courts, sentences frequently resulted in several months in jail, a fine, or both. The law provides some protection from sexual harassment, but its provisions were vague and largely ineffective. Several NGOs provided support for victims of abuse or discrimination.

Women occupied a subordinate role in society. In both civil and traditional marriages, wives were treated as minors legally, although those who married under civil law may be accorded the legal status of adults, if stipulated in a signed prenuptial agreement. A woman generally required her husband's permission to borrow money, open a bank account, obtain a passport, leave the country, gain access to land, and, in some cases, take a job. An unmarried woman required a close male relative's permission to obtain a passport (*see* Section 2.d.). Despite the law's requirement for equal pay for equal work, men's average wage rates by skill category usually exceeded those of women.

The dualistic nature of the legal system complicated the issue of women's rights. Since uncodified law and custom govern traditional marriage, women's rights often were unclear and change according to where and by whom they were interpreted. Couples often married in both civil and traditional ceremonies, creating problems in determining which set of rules applied to the marriage and to subsequent questions of child custody and inheritance in the event of divorce or death. In traditional marriages, a man may take more than one wife. For example, in October King Mswati III, who has nine wives, allegedly instructed his agents to take three additional young women into royal custody while he considered whether or not to take them as wives. In November the King announced that he would take one of the three women, the mother of whom sued in court alleging that her daughter's taking was an abduction (*see* Section 1.e.). The status of the two other women remained unknown at year's end. A man who marries a woman under civil law legally may not have more than one wife, although in practice this restriction sometimes was ignored. Traditional marriages considered children to belong to the father and to his family if the couple divorced. Children born out of wedlock were viewed as belonging to the mother. Under the law, a woman did not pass citizenship automatically to her children. Inheritances were passed through male children only.

Changing socioeconomic conditions, urbanization, and the increasing prominence of female leaders in government and civic organizations were breaking down barriers to equality. Women routinely executed contracts and entered into a variety of transactions in their own names. The Government has committed itself to various women's initiatives, and the Ministry of Home Affairs coordinated women's issues. Although gender sensitization was not part of the formal school curriculum, some schools have organized debates and other mechanisms to address gender issues. The University Senate also has a subcommittee that encouraged students and faculty to hold seminars and workshops on gender issues.

Children.—The Government has passed a number of laws directly addressed children's issues. The Government did not provide free, compulsory education for children. The Government paid teachers' salaries while student paid fees for books and into the building fund. Supplemental money sometimes must be raised for building upkeep, including teachers' housing; however, the country had a 99 percent primary school enrollment rate. The public school system ends at grade 12. Children were required to start attending school at the age of 6 years. Most students reach grade 7, which was the last year in primary school, and a large percentage of students finish grade 10. A government task force educated the public on children's issues.

In general medical care for children was inadequate. The wait for medical care was long, nursing care in public hospitals was poor, and hospitals were overcrowded and understaffed. Most prescription drugs were available in urban facilities, but rural clinics had inadequate supplies of certain drugs.

Child abuse was a problem, and the Government has not made specific efforts to end such abuse. Children convicted of crimes sometimes were caned as punishment. There were a growing number of street children in Mbabane and Manzini. The law prohibits prostitution and child pornography and provides protection to children under 16 years of age from sexual exploitation and sets the age of sexual consent at 16 years of age; however, female children sometimes suffered sexual abuse, including by family members. There were reports that Mozambican girls worked as prostitutes in the country (see Section 6.f.).

Persons with Disabilities.—The Ministry of Home Affairs has called for equal treatment of persons with disabilities; however, there were no laws that protect the rights of those with disabilities or that mandate accessibility for persons with disabilities to buildings, transportation, or government services. There has been no progress on legislation that would give preferential treatment to persons with disabilities for building access and other needs; however, all new government buildings under construction included improvements for those with disabilities, including accessibility ramps.

National/Racial/Ethnic Minorities.—Governmental and societal discrimination was practiced widely against nonethnic Swazis, namely white persons and persons of mixed race. Although there were no official statistics, an estimated 2 percent of the population were nonethnic Swazis. Nonethnic Swazis have experienced difficulty in obtaining official documents, including passports (see Section 2.d.). Nonethnic Swazis also suffered from minor forms of governmental and societal discrimination such as needing special permits or stamps to buy a car or house, delays in receiving building permits for houses, and difficulties in applying for a bank loan.

Section 6. Worker Rights

a. The Right of Association.—The 2000 Industrial Relations Act (IRA) provides that employees who are not engaged in essential services have the right to participate in peaceful protest action to promote their socioeconomic interests. However, during the year, the Government continued to ignore certain foreign direct investors who violated international labor standards and domestic labor laws with impunity.

The main trade union federation was the SFTU. A second trade union federation was the Swaziland Federation of Labor (SFL).

Unions were free to draw up their own constitutions within the framework of the IRA. The IRA specifies a number of provisions that must be addressed in a constitution, including the election of officers by secret ballot. There was no collusion between the Government and business in relation to worker rights. The Labor Commissioner may reinstate unions quickly, once they have met all the legal requirements of the IRA.

The law requires employers to recognize a union when it achieves more than 50 percent membership among employees. Employers must allow representatives of legally recognized unions to conduct union activities on company time. Although many employers resisted union recognition and forced the issue to the Industrial Court, the Court generally ruled in favor of the unions in these cases.

The law forbids antiunion discrimination; however, antiunion discrimination continued to be prevalent and manufacturers continued to refuse to recognize duly elected unions. In the case of unfair dismissal, the court can order reinstatement and compensation for the employee, as well as fine the employer. Union leaders have made credible charges that management in various industries dismissed workers for union activity.

Unions were free to associate with international labor bodies and maintained regular contact.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively. The IRA, with the 2001 amendments, is a com-

prehensive law providing for the collective negotiation of the terms and conditions for employment and dispute resolution mechanisms. In addition to these provisions, the law provides for the administration of a court devoted to the adjudication of labor related issues and establishes a tripartite labor advisory board. Collective bargaining was widespread; approximately 80 percent of the formal private sector were unionized, and a number of collective bargaining agreements were reached during the year. The Industrial Court may refuse to register collective bargaining agreements in the event of nonobservance of any requirement of the IRA. The IRA permits workers councils, which were to be established in factories with 25 or more employees in the absence of a trade union, to negotiate terms and conditions of work, wages, and welfare.

Disputes were referred to the Labor Commissioner and the Industrial Court, if necessary. The IRA also provides for disputes to be referred to the Conciliation, Mediation, and Arbitration Committee (CMAC). The Chief Executive Officer chaired the CMAC. By year's end, the CMAC had adjudicated approximately 2,200 cases.

The IRA details the steps to be followed when disputes arise, including the definition of a legal or illegal strike. The IRA shortened the notice that an organization or federation was required to give before it commenced a protest action. The IRA empowers the Government to mediate employment disputes and grievances through the Labor Advisory Board. When disputes arose, the Government often intervened to try to reduce the chances of a strike, which may not be called legally until all avenues of negotiation have been exhausted, and a secret ballot of union members has been conducted. The IRA prohibits strikes in "essential" services, which included police and security forces, correctional services, fire fighting, health, and many civil service positions.

In recent years, there have been a number of strikes, usually over wages and benefits, or the dismissal of fellow workers.

In March the Industrial Court ordered the Government to pay back wages to 32 state television employees who were dismissed in 1999; however, the Government had not done so by year's end.

During the year, the Government maintained that all outstanding labor issues have been addressed; however, the SFTU continued to press for action on the 27 demands it presented in 1994, including calls for fundamental political change. These demands addressed a wide range of issues, including recognition of affirmative action, a national uniform minimum wage, an end to discrimination against women, the provision of better housing for workers, inclusion of worker representatives in constitutional discussions, and the lifting of the 1973 Decree that suspended the Constitution and outlawed political parties.

There were widespread allegations that some garment manufacturers did not comply with the labor laws and that the Government did not enforce the law effectively within this sector. It was reported that the AG did not bring any cases against garment manufacturers for labor law violations, despite government inspectors having identified several manufacturers that were in violation of the law.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and the Government generally enforced this prohibition effectively; however, the SFTU cited the 1998 Administrative Order as a form of forced labor, because it reinforced the tradition of residents doing traditional tasks without receiving compensation for chiefs and allowed the chiefs to fine their subjects for failing to carry out the manual labor.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the hiring of a child below the age of 15 in an industrial undertaking, except in cases where only family members were employed in the firm, or in technical schools where children were working under the supervision of a teacher or other authorized person. Legislation limits the number of night hours that can be worked on schooldays, and limits children's work hours overall to 6 per day and 33 per week. Employment of children in the formal sector was not usual; however, children below the minimum age frequently were employed in the agricultural sector, particularly in the eastern cotton-growing region. Children also were employed as domestic workers, and as herd boys in rural areas. The Ministry of Labor was responsible for enforcement, but its effectiveness was limited by personnel shortages.

A fact finding mission from the International Labor Organization (ILO) visited the country in August and encouraged the Government to participate in the ILO's International Program for the Elimination of Child Labor program; however, the Government had not yet decided to participate by year's end.

e. Acceptable Conditions of Work.—There was a legally mandated sliding scale of minimum wages depending on the type of work performed. These minimum wages

generally did not provide a worker and family with a decent standard of living. The minimum monthly wage for a domestic worker was approximately \$30 (300 emalangeni), for an unskilled worker \$42 (420 emalangeni), and for a skilled worker \$60 (600 emalangeni).

Labor, management, and government representatives have negotiated a maximum 48-hour workweek in the industrial sector except for security guards, who worked up to six 12-hour shifts per week. The law permits all workers 1 day of rest per week. Most workers received a minimum of 12 days annual leave. The Labor Commissioner enforced standards in the formal sector; however, enforcement was lax or nonexistent especially in the textile and apparel sector. There were extensive provisions allowing workers to seek redress for alleged wrongful dismissal; these provisions frequently were invoked. There also were penalties for employers who conduct unauthorized lockouts; however, penalties were not imposed during the year.

The law protects worker health and safety. The Government set safety standards for industrial operations, and it encouraged private companies to develop accident prevention programs. Recent growth in industrial production necessitated more government action on safety issues; however, the Labor Commissioner's office conducted few safety inspections in recent years because of staffing deficiencies and an alleged desire not to "scare off foreign investors." Workers had no formal statutory rights to remove themselves from dangerous work places without jeopardizing their continued employment; nor did any collective bargaining agreements address the matter.

There were allegations that working conditions within some garment factories were substandard. In particular, there were allegations that women who tried to take maternity leave were dismissed, that employers paid employees at casual or probationary wage scales regardless of their position or length of service, and that some supervisors were abusive to employees. The Government has indicated a willingness to increase labor inspections in order to address these allegations.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were reports of trafficking. Underage Mozambican girls reportedly worked as prostitutes in the country. There also were reports than Swazi women were trafficked to South Africa for prostitution.

TANZANIA

The United Republic of Tanzania is a multiparty democracy led by the President of the mainland, Benjamin Mkapa. The islands of Zanzibar were integrated into the United Republic's governmental and party structure; however, the Zanzibar government, which has its own President and Parliament, exercised considerable autonomy. When the country held its second multiparty national elections for President and Parliament in 2000, Mkapa was reelected, and the ruling Chama Cha Mapinduzi (CCM) party made significant gains in its majority in Parliament. On the mainland, international observers concluded that the October 2000 elections were free and fair and conducted peacefully. However, the presidential and parliamentary elections that took place in Zanzibar, were marred by irregularities, voter intimidation, and politically motivated violence. Votes were cancelled in 16 constituencies, and new votes were held in November 2000. The opposition Civic United Front (CUF) boycotted the new vote in protest. The ruling CCM and the CUF parties engaged in a dialog throughout 2001 in an attempt to resolve outstanding issues concerning the 2000 elections and the subsequent violence. In October 2001, the parties reached an agreement, which was designed to lay the foundation for a multiparty democracy in Zanzibar. During the year, both sides made efforts to follow through on the agreement, and several steps were taken to improve the electoral process. The national judiciary was formally independent but was corrupt, inefficient, and subject to executive interference, although there were jurists who were working to improve the judicial function.

The police force had primary responsibility for maintaining law and order. It formerly was supported by citizens' patrols known as "Sungusungu," which remained active in rural areas, but virtually disappeared from urban areas. There also were Sungusungu groups composed of refugees in most refugee camps that acted as quasi-official security forces. The military was composed of the Tanzanian People's Defense Force (TPDF). The People's Militia Field Force (FFU) was a division of, and directly controlled by, the national police force. The security forces were under the full control of, and responsive to, the Government. The security forces regularly committed human rights abuses.

Agriculture provided 82 percent of employment for the population of approximately 35 million. The Government continued macroeconomic reforms that liberalized agricultural policy; privatized over 300 parastatals; rescheduled foreign debt payments; freed the currency exchange rate; stimulated economic growth; and reduced the rate of inflation. The GDP growth rate was 5.6 percent. While the Government attempted to improve its fiscal management, pervasive corruption constrained economic progress.

The Government's human rights record remained poor; while there were improvements in a few areas, serious problems remained. The right of citizens to change their government in Zanzibar was circumscribed severely by abuses of and limitations on civil liberties in 2000. On November 4, the joint commission to investigate reported abuses committed in January 2001 in Zanzibar released its final report. Police were more disciplined during the year; however, members of the police and security forces committed unlawful killings. Police officers mistreated suspected criminals. Unlike in the previous year, there were no reports that police used torture in Zanzibar. Prison conditions throughout the country remained harsh and life threatening. Arbitrary arrest and prolonged detention remained problems. The inefficient and corrupt judicial system often did not provide expeditious and fair trials. Pervasive corruption continued. The Government limited freedom of speech, the press, assembly, and association, particularly for Muslim demonstrators in Zanzibar. In the western part of the country, anti-refugee resentment and hostility continued. The Government pressured Burundian and Rwandan refugees to voluntarily repatriate; however, no forced repatriations occurred. The National Human Rights Commission heard several cases during the year and worked to heighten public awareness of human rights problems. Sexual and gender-based violence and discrimination against women and girls remained problems throughout the country, including in refugee camps. Female genital mutilation (FGM) remained a serious problem. Trafficking of children and child prostitution were problems. The Government continued to infringe on workers' rights, and child labor persisted. Mob justice remained widespread. Tanzania was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings during the year; however, there were reports of unlawful killings.

On January 24, two soldiers killed a man after catching him viewing military aircraft through binoculars. No further information was available about punitive measures taken within the military at year's end.

In a February 4 account, a soldier shot and killed a policeman who attempted to arrest suspects carrying an illegal local beverage. The soldier allegedly joined a group of onlookers who threw rocks at the policeman to stop him from arresting the suspects. The soldier killed one policeman and injured two others, allowing the suspects to escape.

On May 15, a police officer in Pemba shot and killed a mentally disabled man for ignoring an order to stop throwing stones. Witnesses indicated that the police were aware of the man's condition.

During the year, police used excessive force to disperse demonstrations, which resulted in the deaths of demonstrators (*see* Section 2.b.).

On November 4, the independent commission to investigate police responsibility in the January 2001 violent dispersal of demonstrators on Pemba released its final report. The report stated that police lacked proper riot gear and resorted to live bullets. The report also stated that police used batons, canes, and electric wires to torture suspects in custody and recommended providing police with modern riot gear and civic training. No action was taken during the year against individual police officers responsible for the killings (*see* Section 2.b.).

No action was taken during the year against police officers that shot and killed one CUF member and injured another in Stonetown, Zanzibar, in January 2001.

There were deaths in custody during the year (*see* Section 1.c.).

There were no reports of any investigation or action taken in the May 2000 case in which FFU officers in Iringa were accused of beating a man to death for not paying a "development levy"; the July 2000 case in which police killed a prisoner while he was in remand; or the case of a prisoner who died in Moshi Prison in 2000.

There were some reports of violent clashes between clans. For example, in January four persons were killed during a conflict between pastoralists and Asian farmers.

Mob justice against suspected criminals persisted, despite government warnings against it. Throughout the year, the media reported numerous incidents in which mobs killed suspected thieves who were stoned, lynched, beaten to death, or doused with gasoline and set on fire. The Government took some measures to prosecute those who participated in mob justice. On June 7, three persons were sentenced to death after the High Court convicted them of murder in a mob justice prosecution; however, the sentence had not been carried out by year's end. The crime occurred in 1997, when the innocent victim was killed before a local businessman arrived on the scene and attested to his innocence.

The widespread belief in witchcraft in some instances led to the killing of alleged witches by their "victims," aggrieved relatives, or mobs. Government officials criticized these practices, and some arrests were made; however, most perpetrators of witch killing or mob justice eluded arrest, and the Government did not take preventive measures during the year.

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

Unlike in the previous year, there were no reports during the year of children being abducted from refugee camps in the western part of the country.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were reports that police officers threatened, mistreated, or occasionally beat suspected criminals during and after their apprehension and interrogation. The Government seldom prosecuted police for abuses in practice. During the year, police used force to disperse one large gathering (*see* Section 2.b.). There continued to be numerous reports that police officers used torture, including beatings and floggings, during the year.

Unlike in the previous year, there were no reports of police officers threatening, mistreating, beating, or arresting relatives of criminal suspects.

The police and the judicial system continued to use corporal punishment. On June 4, a high court in Dodoma ordered six cane strokes for a juvenile convicted of manslaughter. In July Justice Minister Mwapachu said that the issue of whether to continue the practice of caning offenders would be suspended until the Government carried out thorough investigations.

No action was taken against the members of the security forces responsible for torturing, beating, or otherwise abusing persons in the following cases from 2000: The April beatings and police brutality in Stone Town in Zanzibar; the October beating of persons who violated the 7 p.m. curfew imposed in Wete, Pemba; the October beating of a man in custody; the October shooting of six CUF supporters; the October beating of a man during a CUF meeting; the October beating of Fortunatus Masha, an opposition candidate who was vice-chairman of his party; the October injuring of several arrested persons in Pemba; the November beating of several CUF officials in Stone Town in Zanzibar; the November case in which police reportedly broke the jaw of a detainee; and the November beating and reported torture of opposition officials in Zanzibar.

Sexual abuse and rape of detainees was a problem; however, the Government took some steps during the year to discourage and punish such abuses. On March 25, following public protest, the Minister of Home Affairs ordered the Inspector General of Police to investigate a policeman who allegedly raped a 16-year-old girl in November 2001 while she was at a police station. The action was ordered after complaints that the suspect had not yet been charged or summoned to court. The investigation was pending at year's end.

In previous years, security forces regularly used beatings, tear gas, and other forms of physical abuse to disperse large gatherings. During the year, police forces were more disciplined in their handling of demonstrations; however, in February they used tear gas to disperse one large gathering, which resulted in deaths and injuries (*see* Section 2.b.).

The Government promoted police training during the year in an effort to reduce police impunity. On December 2, the first Civil Disorder Management training session was held; 35 police officers attended from throughout the country, including Zanzibar.

In response to police corruption and impunity, the Inspector General of Police transferred 74 police officers from the Arusha Central Police Station following allegations that they were complicit in a series of thefts. In June 2001, the Inspector General of Police reorganized the police force. The action included transfers of police officials throughout the country, some for suspected misconduct, in order to improve police performance and fight corruption in the police force. The internal investigation of a police officer accused of harassing and attempting to bribe a local businessman was ongoing at year's end. Despite these actions and those of the Prevention of Corruption Bureau (a separate and ineffectual arm of the police force tasked with

combating police corruption), there were numerous complaints from civil society groups about police corruption during the year.

The People's Militia Laws grant quasi-legal status to the traditional Sungusungu neighborhood and village anticrime groups. The Sungusungu still exist, particularly in rural areas such as the Tabora, Shinyanga, and Mwanza regions, and in refugee camps. Members of Sungusungu have additional benefits similar to those given to police officials, including the right to arrest persons. In return members of Sungusungu were expected to be held accountable for any abuses.

In January radical Muslims bombed popular bars in Zanzibar Town because they served alcohol and employed prostitutes.

By year's end, no group had claimed responsibility for the 2000 bomb explosion at a school in Stone Town, Zanzibar that was used as a polling office for the November 2000 re-run elections or for the December 2001 bomb explosions in Zanzibar Town.

A general lack of trust in the police force and in the court system resulted in a high incidence of mob justice during the year.

There was significant hostility and resentment against Burundian refugees during the year and continuing concern regarding violence allegedly perpetrated by some armed Burundian and Rwandan refugees. Local officials reported incidents of banditry, armed robbery, and violent crime, perpetrated by refugees in the areas surrounding refugee camps. Sexual and gender-based violence remained a problem in refugee camps (*see* Sections 2.d. and 5). There also were credible reports that some refugees engaged in vigilante justice within camps, occasionally beating other refugees.

Prison conditions remained harsh and life threatening. In April the Minister of Justice stated that the Government had failed to implement the U.N. standard rules for treatment of prisoners, due to massive overcrowding at prisons nationwide, which prevented the Government from housing serious offenders separately. The prisons were designed to hold 21,000 persons, but the actual prison population was estimated at more than twice that number. The Government expanded prisons, but its efforts have not kept pace with the growing number of prisoners. The Government did not release statistics on the prison expansion program or on the extent of overcrowding during the year. Some prisoners were paroled or received suspended sentences as a means of relieving overcrowding.

Prisoners were subjected to poor living conditions, and the daily amount of food allotted to prisoners was insufficient to meet their nutritional needs. Convicted prisoners were not allowed to receive food from outside sources and often were moved to different prisons without notifying their families.

Prison dispensaries offered only limited treatment, and friends and family members of prisoners generally had to provide medication or the funds with which to purchase it. Serious diseases, such as dysentery, malaria, and cholera, were common and resulted in numerous deaths. There were reports that guards abused prisoners during the year. Pretrial detainees were held with convicted prisoners but were allowed to receive food from the outside.

On November 2, one man died in custody; post-mortem evidence indicated that he died from a head injury.

On November 17, 17 prisoners suffocated to death in a jail cell in Mbeya. The cell, which was built to hold 30 prisoners housed 112 prisoners when the deaths occurred. Another 17 prisoners received medical treatment at a hospital. Five police officers, including the Officer Commanding District (OCD), were arrested and charged with murder; no trial date was set by year's end.

The Prisons Act requires prisoners to be separated based on age and gender, and female prisoners were held separately from male prisoners in practice. Women sent to remand prison reported that they were forced to sleep naked and subjected to sexual abuse by wardens. Juveniles were protected under both the Prisons Act and the Young Persons Ordinance Act, which also requires separation according to age. However, there were limited resources to provide for juveniles and only two juvenile detention facilities existed in the country. As a result juveniles were not always separated from adults in practice.

Local nongovernmental organizations (NGOs) were permitted to monitor prison conditions; however, the Government did not grant permission to international NGOs to monitor prison conditions. The ICRC visited prisoners on Zanzibar and Pemba as well as combatants imprisoned in the western part of the country, provided surgical supplies, financial support, and trained to the region's medical facilities, which treated war-wounded from Burundi and the Democratic Republic of the Congo (DRC). The U.N. High Commissioner for Refugees (UNHCR) monitored conditions in the small prison that held special categories of refugees. The Government permitted UNHCR visits to prisons holding refugees in Dar es Salaam.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention were problems. The law requires that a person arrested for a crime, other than a national security detainee under the Preventive Detention Act, be charged before a magistrate within 24 hours; however, in practice the police often failed to comply. In some cases, accused persons were denied the right to contact a lawyer or talk with family members.

The law restricts the right to bail and imposes strict conditions on freedom of movement and association when bail is granted. Bail was set on a discretionary basis by judges based on the merits of each case; however, there was no bail in murder or armed robbery cases.

Bribes often determined whether bail was granted or whether a case was judged as a civil or criminal matter. There were reports of prisoners waiting several years for trial because they could not bribe police and court officials. Because of backlogs, an average case took 2 to 3 years or longer to come to trial. Observers estimate that approximately 5 percent of persons held in remand ultimately were convicted, and often those convicted already had served their full sentences before their trials were held. The authorities acknowledged that some cases had been pending for several years.

Under the Preventive Detention Act, the President may order the arrest and indefinite detention without bail of any person considered dangerous to the public order or national security. This act requires that the Government release detainees within 15 days of detention or inform them of the reason for their detention. A detainee also was allowed to challenge the grounds for detention at 90-day intervals. The Preventive Detention Act has not been used for many years nor was it used during the year. The Court of Appeals ruled that the act cannot be used to deny bail to persons not considered dangerous to society; however, the Government still has not introduced corrective legislation. The Government has additional broad detention powers under the law, which permit regional and district commissioners to arrest and detain for 48 hours persons who may “disturb public tranquility.”

During the year, the May 2001 hunger strike by 12 inmates in Keko was resolved when court officials met with the strikers. The inmates had been imprisoned for as many as 10 years without trials. Their cases reportedly continued to progress through the courts, and at least one case was in the appeals process.

In October 2001, 18 CUF defendants accused of treason, who were released in 2000 after spending more than 2 years in prison without being convicted, introduced a civil suit against the Government seeking compensation for time in prison. The case remained pending at year’s end.

The Government used arbitrary arrest on a few occasions. For example, on August 4, opposition leader Christopher Mtikila of the Democratic Party was arrested and charged with making seditious remarks after alleging that President Mkapa was a national of Mozambique. These statements prompted the Registrar of Political Parties to threaten to deregister the Democratic Party if Mtikila was convicted of sedition. There was no further information on the case by year’s end.

During the year, persons were arrested following the forcible dispersion of demonstrations (*see* Section 2.b.).

Police continued to make arbitrary arrests to extort money. For example, on June 5, two police detectives were arrested after they solicited and obtained \$100 (100,000 shillings) from persons who they accused of possessing stolen property.

There were reports that the police arrested and detained refugees (*see* Section 2.d.).

In October 2001, all charges against persons arrested in connection with the January 2001 demonstrations were dropped, and all detainees were released as part of the October 10 reconciliation agreement between the CCM and the CUF, which called for the release of all persons in custody who were associated with the January 2001 events (*see* Section 2.b.).

In 2001 police arrested Tanzania Labor Party (TLP) chairman Augustine Mrerna and Lawyers’ Environment Action Team (LEAT) President Nshala Rugemeleza and charged them with seditious intent for LEAT’s role in investigating claims that miners were killed at Bulyanhulu in 1996; the case was still pending at year’s end.

Unlike in previous years, police in Zanzibar did not detain, arrest, or harass CUF members and suspected supporters.

There were reports that nongovernment militiamen detained persons. In October local militiamen in Tarime town detained 20 suspected criminals in a small room in a warehouse for more than 2 weeks without delivering them to the police for legal action.

The Constitution does not permit the forced exile of its citizens, and the Government did not use forced exile in practice.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary was corrupt, inefficient, and subject to executive influence.

The higher courts increasingly demonstrated independence from the Government. Senior police or government officials no longer pressured or reassigned judges who made unpopular rulings. However, independent observers continued to criticize the judiciary, especially at the lower levels, as corrupt and inefficient and questioned the system's ability to provide a defendant with an expeditious and fair trial. Clerks took bribes to decide whether or not to open cases and to hide or misdirect the files of those accused of crimes. Magistrates occasionally accepted bribes to determine guilt or innocence, pass sentences, withdraw charges, or decide appeals. In 2000 the Minister of Justice acknowledged in public statements that problems within the judiciary included unwarranted delays in the hearing of cases, falsified recording of evidence in court records, bribery, improper use or failure to use bail, and unethical behavior on the part of magistrates. For example, on September 4, 12 persons detained for operating a "sex parlor" were denied bail because police failed to transport the detainees from the prison to the court in order to plead bail.

The Government made little progress in addressing judicial corruption. Judicial ethics committees failed to offer recommendations to improve the credibility and conduct of the judiciary. The Prevention of Corruption Bureau (PCB) received 16 reports of judicial bribery during the year. For example, on November 22, a Primary Court magistrate was arrested after she received \$50 (50,000 shillings) of a \$150 (150,000 shillings) bribe that she demanded from the accused in a case about grazing rights. The magistrate previously had been reprimanded on numerous occasions for soliciting bribes.

Of the magistrates and court clerks arrested in 2000 and 2001 for corruption, three remained in prison at year's end. The others were acquitted; however, they received administrative penalties, including suspension from work, dismissal, and forced retirement.

The legal system was based on the British model, with modifications to accommodate customary and Islamic law in civil cases. Christians were governed by customary or statutory law in both civil and criminal matters. Muslims could apply either customary law or Islamic law in civil matters. The court system consists of primary courts, district courts, the High Court, and the Court of Appeals. Advocates defended clients in all courts, except in primary courts. There was no trial by jury. In addition to judges, there were district (or resident) magistrates. The law also provides for commercial courts, land tribunals, housing tribunals, and military tribunals. However, military tribunals have not been used in the country since its independence. Military courts did not try civilians, and there were no security courts. Defendants in civil and military courts could appeal decisions to the High Court and Court of Appeal. In refugee camps, Burundian mediation councils, comprised of male refugee elders, often handled domestic abuse cases of Burundian refugees even though the law does not allow these councils to hear criminal matters.

Zanzibar's court system generally parallels that of the mainland but retained Islamic courts to adjudicate Muslim family cases such as divorce, child custody, and inheritance. Islamic courts only adjudicated cases involving Muslims. Cases concerning Zanzibar constitutional issues were heard only in Zanzibar's courts. All other cases could be appealed to the national Court of Appeal.

Criminal trials were open to the public and to the press; courts were required to give reasons on record for holding secret proceedings. In November Parliament passed the Prevention of Terrorism Act, which excludes everyone except the interested parties from trials of terrorist suspects and suppresses information to protect the identity of witnesses in those trials. The law had not been implemented by year's end. Criminal defendants had the right of appeal.

The law provides for a right to defense counsel. The Chief Justice assigns lawyers to indigent defendants charged with serious crimes such as murder, manslaughter, and armed robbery. There were only a few hundred practicing lawyers in the country, and most indigent defendants charged with lesser crimes did not have legal counsel.

There was a separate facility for young offenders; however, the court was underutilized and many juvenile offenders still were tried in adult courts. Some cases continued to be sent through the traditional court system where they were processed faster due to a less significant backlog than in the regular civil court system.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution generally prohibits such actions without a search warrant; however, the Government did not respect consistently the prohibitions in practice. The Pre-

vention of Terrorism Act permits the police to conduct searches without a warrant in certain urgent cases.

The law authorizes police officials, including the civilian anticrime groups, to issue search warrants; however, the act also authorizes searches of persons and premises without a warrant if necessary to prevent the loss or destruction of evidence connected with an offense or if circumstances are serious and urgent. In practice police and members of other security services rarely requested warrants and often searched private homes and business establishments at will. The security services reportedly monitored telephones and correspondence of some citizens and foreign residents.

Unlike in the previous year, there were no reports that police officers broke into homes and businesses in Zanzibar, or that police officers in Pemba conducted house-to-house searches for opposition supporters. There also were no reports that telephone communications from Pemba were monitored or that connections were cut off during telephone calls.

The CCM remained influential. While in the past CCM membership was necessary for advancement in political and other areas, CCM membership was voluntary.

Unlike in the previous year, there were no reports of police officers threatening, mistreating, beating, or arresting relatives of criminal suspects.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government limited these rights in practice. The law limits the media's ability to function effectively. Government ministries and the Registrar of Newspapers pressured journalists to practice self-censorship. The Government allowed political opponents unrestricted access to the media.

Citizens on both the mainland and in Zanzibar generally enjoyed the right to discuss political alternatives freely; however, there were instances in which freedom of speech was restricted severely. Political parties were required by law to support the continuation of the Union. Opposition political party members and others openly criticized the Government and ruling party in public forums; however, persons using "abusive language" against the country's leadership may be subject to arrest, and the Government used this provision to detain some opposition figures (*see* Section 1.d.).

The press on the mainland was outspoken and unrestricted. Even the Government-owned newspaper regularly reported events that portrayed the Government unfavorably. There were 10 daily newspapers and 22 other newspapers in English and Kiswahili, along with another dozen periodicals, some of which political parties, both the CCM and the CUF, owned or influenced. There was no official censorship, but throughout the year the Government continued to pressure newspapers to suppress or change articles unfavorable to it. In 2001 two newspapers were forced to close reportedly because of lewd content, and they remained closed at year's end.

In Zanzibar the Government implemented a restrictive policy with regard to print media. The Zanzibar News Act circumscribed journalists' freedom of action by giving the authorities greater protection to harass, detain, and interrogate journalists. Private mainland newspapers were available widely in Zanzibar, and many residents could receive mainland television.

Private radio and television stations broadcast in Dar es Salaam and in a few other urban areas, although their activities may be circumscribed. The Government reportedly did not censor news reports, but it attempted to influence their content. In Zanzibar the Government controlled radio and television. Some journalists, such as those in Zanzibar, exercised self-censorship on sensitive problems. Journalists who reported arrests could be charged with obstructing police activity under the Police Act. The law authorizes the Government to prevent television cameramen from filming the swearing-in of an opposition M.P.

The Media Council operated with limited effectiveness during the year. The Council served as an adjudicating body when journalists infringe upon the voluntary code of ethics and has the power to impose fines. The Council resolved 12 cases during the year: In 6 cases, the newspapers were ordered to print a public apology and a corrected story; in 4 cases, they were fined; and in 2 cases, they were absolved. There were 21 pending cases at year's end.

In 2000 the Government banned the book, "The Mwembechai Killings and the Political Future of Tanzania" for being "incendiary."

The Government did not restrict academic freedom. Academics, increasingly outspoken in their criticism of the Government, continued their calls for reform during the year.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government limited this right in practice. To hold rallies, political parties were required to obtain police permission in advance. Police had the authority to deny permission on public safety or security grounds or if the permit seeker belonged to an unregistered organization or political party. The authorities arrested citizens for assembling without the appropriate permit.

Security officials interfered with citizens' rights to assemble peacefully on a few occasions. On February 13, police intervened and fired tear gas at a Muslim prayer meeting to commemorate the 1998 Mwembechai mosque riots. Security forces shot and killed one resident who allegedly resisted arrest. A group of youths severely beat a police officer, who later died from his injuries. The organizers claimed that the event had been peaceful until the police intervened; the police used tear gas to disperse demonstrators and prevent a clash between rival Muslim groups. The Government subsequently convinced Muslim groups to cancel a series of demonstrations planned for March 29 to protest the February events. Following the violence, the police arrested eight Muslims, including two leaders, charged them with murder, and denied them bail. In August all charges were dropped, and they were released from prison.

Opposition parties at times were unable to hold rallies. CUF meetings were banned periodically. On October 25, the CHADEMA Member of Parliament was arrested for holding a mass rally for which the police had denied a permit. The police claimed they had banned the open-air rally to prevent the spread of meningitis. Security officials interfered with citizens' rights to assemble peacefully on a few occasions.

During the year, Amnesty International (AI) and Human Rights Watch (HRW) published reports detailing violations of peaceful assembly on Zanzibar and Pemba in January 2001. The Government released its own independent commission's report, which made recommendations to prevent the recurrence of violence; however, no action was taken against individual officers who were responsible for killings, torture, rape, beatings, and looting during the forcible dispersal of the demonstrations (see Section 1.a.).

The cases against 41 Muslims arrested during a demonstration in August 2001 remained pending at year's end.

No action was taken against the police who used excessive force to disperse the August 2001 Muslim demonstrations.

No action was taken against the police who used excessive force to disperse the following rallies and demonstrations in Zanzibar in 2000: The January use of tear gas to disperse riots that began when hundreds of CUF supporters were not allowed to observe the trial of 18 CUF supporters accused of treason; the October beatings and use of tear gas, rubber bullets, and live ammunition against CUF opposition activists in Zanzibar; and the October beatings and use of excessive force against both demonstrators and bystanders during rallies and demonstrations in the Darajani district of Stone Town in Zanzibar.

The Constitution provides for freedom of association; however, the Government limited this right in practice. The Registrar of Political Parties has sole authority to approve or deny the registration of any political party and is responsible for enforcing strict regulations on registered parties. During the year, the Registrar deregistered two political parties, the Tanzanian People's Party (TPP) and the Popular National Party (PONA), for a lack of compliance with their respective constitutions. The Democratic Party of Christopher Mtikila, which in the past was not allowed to register due to a lack of representation on Zanzibar, officially was registered, bringing the total to 14 political parties.

Under the amended Constitution and various laws, citizens may not form new political parties independently, but must comply with certain requirements to register a new party with the Office of the Registrar. The Electoral Law prohibits independent candidates; requires all standing M.P.'s to resign if they join another party; requires all political parties to support the union with Zanzibar; and forbids parties based on ethnic, regional, or religious affiliation. Parties granted provisional registration may hold public meetings and recruit members. They have 6 months to submit lists of at least 200 members in 10 of the country's 25 regions, including 2 regions in Zanzibar, to secure full registration and to be eligible to field candidates for election. Unregistered parties were prohibited from holding meetings, recruiting members, or fielding candidates. In November 2001, two political parties, Chama Cha Demokrasi Makini and CHAUSTA, obtained registration.

Under the Societies Ordinance, the Ministry of Home Affairs must approve any new association. There were 2,700 registered NGOs. During the year, the Government continued a general suspension of registration of religious NGOs on the grounds that many were being formed for the purpose of evading taxes.

A number of professional, business, legal, and medical associations addressed political topics.

Zanzibar has the same NGO registration policy as the mainland, and NGOs conducted activities in Zanzibar during the year.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice, subject to measures that it claimed were necessary to ensure public order and safety; however, there were some limits on freedom of religion.

Government policy forbids discrimination against any individual on the basis of religious beliefs or practices; however, individual government officials allegedly favored persons who shared the same religion in the conduct of business.

The Government required that religious organizations register with the Registrar of Societies at the Home Affairs Ministry. To register, religious organizations must have at least 10 followers and provide a constitution, the resumes of their leaders, and a letter of recommendation from their district commissioner. Groups no longer were required to provide three letters of recommendation from the leaders of registered Christian churches or from registered mosques; however, some Muslim groups claimed that they still were required to submit a letter of recommendation from BAKWATA, the National Muslim Council of Tanzania. There were no reports during the year that the Government refused the registration of any group.

The Government banned religious organizations from involvement in politics, and banned politicians from using language designed to incite one religious group against another or to encourage religious groups to vote for certain political parties. The law imposes fines and jail time on political parties that campaign in houses of worship or educational facilities.

In October 2001, the Zanzibar government passed a bill to establish an Islamic leader (mufti) office on the island, similar to that which exists on the mainland. Government officials claimed that a mufti office was needed to coordinate Islamic activities and improve religious understanding; however, several Muslim organizations criticized the proposal as an effort by the union government to institutionalize government oversight of Islamic organizations.

The law prohibits preaching or distribution of materials that are considered inflammatory and represent a threat to the public order. In 2000 the Government banned as inflammatory the publication and distribution of a book by a Muslim academic. Unlike in the previous year, urban Muslims did not distribute videotapes of the Mwembechai riots to document perceived human rights abuses; the Government outlawed these videotapes for being incendiary.

The Muslim community claimed to be disadvantaged in terms of its representation in the civil service, government, and parastatal institutions, in part because both colonial and early post-independence administrations refused to recognize the credentials of traditional Muslim schools. As a result, there was broad Muslim resentment of certain advantages that Christians were perceived to enjoy in employment and educational opportunities. Muslim leaders complained that the number of Muslim students invited to enroll in government-run schools still was not equal to the number of Christian students. In turn Christians criticized what they perceived as lingering effects of undue favoritism toward Muslims in appointments, jobs, and scholarships by former President Ali Hassan Mwinyi, a Muslim. Christian leaders agreed that the Muslim student population in institutions of higher learning was disproportionately low; however, they blamed this condition on historical circumstances rather than discrimination.

The Government failed to respond to growing tensions between the Muslim and Christian communities. The Government recognized that a problem existed, but it did not take action. Senior Muslim officials in the Government appeared unwilling to address the problem beyond general criticism of those who fomented religious conflict.

During the year, police forcibly disrupted a Muslim prayer meeting (*see* Section 2.b.).

Unlike in the previous year, there were no reports of violence or harassment on Pemba.

In December 2001, police in Zanzibar arrested more than 20 leaders of the Answar Sunna sect for conducting Eid el Fitr prayers on a day other than that designated by the Government of Zanzibar. No further information was available at year's end.

Generally there were stable relations between the various religious communities; however, there was some tension between Muslims and Christians, and some tension between moderate and fundamentalist Muslims. It was estimated that the mainland was 60 percent Christian and 40 percent Muslim, while Zanzibar was 97 percent Muslim. Some urban Muslim groups claimed there was discrimination in

government hiring and law enforcement practices. Rural Muslim groups did not appear to share urban Muslims' concerns to the same extent.

Some observers reported signs of increasing tension between secular and fundamentalist Muslims, as the latter felt that the former had joined with the Government for monetary and other benefits. The fundamentalist Muslims accused the Government of being a Christian institution, and Muslims in power as being interested only in safeguarding their positions. Fundamentalist Muslims severely criticized secular Muslims who drank alcohol or married Christian women. Muslim fundamentalists attempted, unsuccessfully, to introduce Muslim traditional dress into the national school system. Fundamentalist groups also exhorted their followers to vote only for Muslim candidates.

In January radical Muslims detonated a petrol bomb in a hotel/guesthouse in Zanzibar, where alcohol and prostitutes were available.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them; however, bureaucratic inefficiency and corruption delayed implementation in practice. Passports for foreign travel at times were difficult to obtain, mostly due to bureaucratic inefficiency and officials' demands for bribes. Citizens could return to the country without difficulty.

Unlike in the previous year, no curfews were imposed during the year.

During the year, there were no reports of roadblocks in Pemba.

Mainlanders were required to show identification to travel to Zanzibar, although the requirement largely was ignored in practice. Zanzibaris needed no special identification to travel to the mainland. Mainlanders were not allowed to own land in the islands, except in partnership with foreign investors. There was no prohibition against mainlanders working in the islands; however, in practice few mainlanders were hired.

In February 2001, the Government declared that four government and party officials were noncitizens and therefore no longer could retain their positions. Those persons designated by the Government as noncitizens included a well-known journalist, the High Commissioner to Nigeria, a regional CCM chairman, and the Zanzibar CCM publicity secretary. The four were instructed to apply for resident permits. During the year, the Government restored the citizenship in three of the four cases, but the case of the journalist was still pending at year's end.

Following the outbreak of violence in Pemba in January 2001, several hundred refugees fled to Kenya. In May 2001, refugees began to return to Pemba, and most of the refugees had returned to the country by year's end.

In July 2001, following violent clashes that broke out in Tarime District in the northwest between members of the Walyanchoka and Waanchari clans, numerous persons fled across the border into Kenya (see Section 5). Most of those who fled had returned by year's end.

The law includes provisions for the granting of refugee and asylum status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and these provisions generally were respected in practice with a few exceptions. The Government generally cooperated with the UNHCR; however, relations were strained following the pressuring of Burundian and Rwandan refugees to repatriate. The Government maintained an open border policy both with regard to neighboring countries' refugees and to persons seeking political asylum. The UNHCR estimated that there were approximately 987,000 refugees in the country during the year. The country continued to provide first asylum to refugees, particularly those fleeing conflict in the region. During the year, the country hosted 517,000 refugees living in 12 UNHCR assisted camps in the northwest, as well as 470,000 "old caseload" Burundian refugees who have lived in the country since the 1970s and largely have integrated into local communities. Of the 517,000 refugees living in UNHCR camps, approximately 70 percent were Burundian. The country also hosted 139,000 Congolese, 15,000 Rwandans, and 3,000 Somalis in the camps. Refugees continued to arrive in the country during the year, most of them fleeing instability and conflict in Burundi and the DRC. A smaller number returned to their homes, mostly in Rwanda and some parts of Burundi.

Unlike in previous years, there were no reports that local authorities forcibly expelled refugees; however, following the establishment of Burundi's transitional government in November 2001, the Government promoted the "facilitated return" of Burundian refugees. Between March and August, approximately 20,000 Burundians voluntarily repatriated, and 80,000 more registered to return. UNHCR officials stated during the year that they did not believe conditions in Burundi were conducive for safe and sustainable return, and some returnees expressed fears that the Gov-

ernment would force them out of the country if they did not leave voluntarily. Many Burundian refugees reportedly repatriated under the perceived threat of refolement or diminished food supplies. However, the UNHCR, with strong encouragement from the Government, continued to facilitate limited returns to designated areas in Burundi that were considered secure. From April to July, more than 220 Burundian children were imprisoned at Mwisa separation facility in violation of agreed procedures for detaining refugees.

In October the Minister of Home Affairs announced plans for the remaining Rwandan refugees in the country to return home by year's end. On November 28, the Minister of Home Affairs said that the Government would revoke refugee status to all Rwandans who remained in the country at year's end. The Government of Rwanda agreed to receive the refugees. The Government joined with UNHCR and the Rwandan government to issue a communique describing plans to intensify UNHCR's voluntary repatriation program.

Antirefugee sentiment among local citizens was high due to the provision of goods and services for refugees that were not available to the local population; however, the UNHCR, NGOs, and international organizations made many of these services available to the local population to alleviate some tension.

There were 12 refugee camps in the country. It was illegal for refugees to live outside of the camps or settlements or to travel outside a 2.5-mile radius of their respective camps without permission. However, refugees in the Kasulu region often had to travel more than 5 miles to collect firewood because local supplies were inadequate; these refugees, usually women and children, were subject to theft, physical abuse, or rape. Food and water shortages and outbreaks of disease (including meningitis) plagued refugee camps in the west during the year. The authorities restricted employment opportunities outside the camps. There were reports that some refugees engaged in vigilante justice within camps, occasionally beating other refugees.

Sexual and gender-based violence continued to be a problem in the refugee camps. The Government did not adequately investigate, prosecute, or punish perpetrators of abuses in refugee camps. There was no mechanism within refugee camps to punish abusers, and most cases were not referred to local authorities. Police officials lacked special training in the area of domestic abuse, and local and traditional courts, which both handled domestic violence cases, lacked necessary resources (*see* Section 5). Among Burundian refugees, mediation councils comprised of male refugee elders often handled domestic abuse cases (*see* Section 1.e.).

There was continuing concern over violence allegedly perpetrated by some armed refugees. Local officials reported incidents of killings, banditry, armed robbery, and violent crime perpetrated by refugees in the areas surrounding refugee camps. There were several reports that Burundian rebels conducted training and recruitment in the camps; however, unlike in the previous year, there were no reports that Burundian rebels abducted children from refugee camps.

The UNHCR conducted an investigation into a report that 24 Burundian refugees were burned alive, but it found no evidence to substantiate the allegation.

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

The Constitution provides citizens with the right to change their government peacefully; however, this right was circumscribed severely in 2000. The Government engaged in a dialog with the opposition throughout 2001 and during the year to ensure a more open and transparent process for the next elections. The Government of Zanzibar announced that it would schedule by-elections for March 2003, to fill the parliamentary seats declared vacant as a result of disputes originating in the 2000 elections. In preparation for those by-elections, the Government worked during the year to reform the Zanzibar Electoral Commission (ZEC) as required by the October 2001 reconciliation agreement.

In October 2000, the country held its second multiparty elections on the mainland and Zanzibar. On the mainland, international observers concluded that the elections were free and fair and conducted peacefully; however, in Zanzibar four separate international observer teams concluded that the vote was marred by irregularities, voter intimidation, and politically motivated violence. The incumbent President of the mainland, Benjamin Mkapa, was reelected with 71 percent of the vote. Thirteen parties participated in the election; six won seats in Parliament. The ruling CCM party increased its majority in Parliament, winning 167 out of 181 seats. Opposition candidates gained 11 seats in 6 of the 19 mainland regions for a total of 14 seats on the mainland; the CUF won 16 seats in Zanzibar. The CUF refused to recognize the election results in Zanzibar, demanded new elections, and boycotted the union and Zanzibar elections. In April 2001, the National Assembly passed a law that al-

lows by-elections to fill seats that remain vacant for 2 years, and the Speaker announced that the 15 boycotted CUF seats from Pemba were vacant.

During the year, the Government arrested an opposition member for sedition (see Section 1.d.).

In 2000 local authorities in Mwanza forced persons attempting to register to vote to provide documentary proof that they had paid local government taxes before they allowed them to register, even though there was no legal requirement for voters to prove payment of taxes to register. In Zanzibar there were credible reports of irregularities during the voter registration process conducted in preparation for the 2000 elections.

Voting irregularities during the 2000 elections included the late arrival and absence of ballots and the late opening of polling stations. Four groups of international election observers criticized the Zanzibar vote and called for a re-run election in all of the Zanzibar constituencies; however, new elections were held in only 16 of the 50 constituencies in November 2000.

Voter turnout for the November 2000 elections was low. The opposition boycotted the re-run election, claiming that the elections already had been compromised. After the re-run, the ruling party announced that it had won all of the constituencies in Zanzibar and four constituencies in Pemba (where they previously did not hold any seats). The final results of the re-run election gave the ruling CCM party 34 seats in the 50-seat House of Representatives and 35 seats in the 50-seat National Assembly. CCM candidate Amani Karume was declared the new Zanzibari President.

Government security forces and CCM gangs increased harassment and intimidation of CUF members on the Zanzibar islands of Pemba and Ugunja in the 3 months before the 2000 elections. Security forces forcibly dispersed gatherings and intimidated, harassed, arrested, and beat persons (see Section 1.c.). During the re-run elections, police beat and reportedly tortured opposition officials.

Following the January 2001 demonstrations in Zanzibar and the ensuing violence, domestic political pressure and international donor pressure encouraged the CCM and CUF to engage in a dialog on the future of electoral politics in Zanzibar. The dialog concluded with a reconciliation agreement signed in October 2001. The CCM and CUF agreed to implement fully an earlier accord that the Commonwealth had brokered in 1999 to resolve conflicts stemming from the 1995 elections on Zanzibar. Provisions of the 1999 accord that never fully were implemented were incorporated into the 2001 agreement, which included provisions to: Appoint an independent and impartial ZEC and judiciary; create a Joint Presidential Supervisory Commission, comprised of 5 members from each party, to implement the accord; eliminate discrimination in government hiring; and eventually organize by-elections for 16 parliamentary seats; appoint an independent commission to investigate the extent and cause of the January 2001 violence, with all pending police charges against demonstrators dropped and humanitarian assistance provided to families of the victims; and allow for the safe return of all remaining Pemban refugees in Kenya, with immunity from prosecution for any crimes that may have been committed during the January 2001 violence. Several of the provisions were implemented, including the return of all refugees in Kenya and the dropping of police charges against demonstrators.

There were no legal restrictions on the participation of women in politics and government. Women occupied 60 seats in Parliament: 12 female M.P.'s were elected members of the CCM; 47 female M.P.'s occupy "Special Women" seats, which were appointed by political parties based on the elected percentages of the constituent seats; and 1 M.P. was nominated by President Mkapa. Women occupied seven seats in the Zanzibar House of Representatives. The 13th Amendment to the union Constitution, ratified in February 2001, requires that women occupy 20 percent of seats in Parliament. Four of the Cabinet's 27 ministers were women.

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

Several domestic human rights groups generally operated without government interference, investigating and publishing their findings on human rights cases. The Government generally was responsive to their views. In August the Legal and Human Rights Center, a local NGO, held its second annual general meeting, which was attended by a number of prominent domestic human rights activists as well as representatives of grassroots organizations. However, corruption at the grassroots level hampered NGO access and efforts to monitor violations of human rights. In the past, the Government delayed by 6 months to 1 year the registration of NGOs, including human rights groups. The Government continued to refuse registration of the African Human Rights and Justice Protection Network on the grounds that it was politically oriented. In November Parliament passed the NGO Act, which re-

quires the registration of all NGOs, including human rights NGOs. It also requires all currently registered NGOs to reregister and makes failure to register a legal offense. However, the NGO Act had not been implemented by year's end.

In 2001 the Government appealed a High Court decision ordering the reinstatement of the National Women's Council, an NGO that the Government had deregistered in 1997; the Court had not heard the case by year's end, and the National Women's Council continued to operate throughout the year.

Representatives from HRW and AI visited in 2001 and during the year to conduct followup investigations on the January 2001 violence (*see* Section 2.b.). In its report, issued in January, AI welcomed the formation of the independent commission of inquiry that the Government established after the October 2001 reconciliation agreement. In April HRW released a report on the January 2001 violence, also based on investigations that were carried out in 2001. HRW concluded that "security forces committed gross abuses, killing at least 35 people and wounding more than 600 others, when they ruthlessly suppressed opposition demonstrations in Zanzibar."

The ICRC was accredited as a legal entity in December 2001.

In 2001 after more than 2 years of debate and intense pressure from AI and other NGOs, the Government passed a law to establish the Commission for Human Rights and Good Governance. On March 15, the Commission's seven commissioners officially assumed their duties in a ceremony attended by President Mkapa. The Commission has the power to investigate human rights abuses on its own initiative upon receipt of a complaint or allegation; however, it does not have jurisdiction over any matter that is pending before a court or other tribunal or any dispute that involves relations between the Government and a foreign state or international organization. Critics of the Commission's mandate and structure criticized the organization's lack of independence from the Government, arguing that it would render the entity ineffective. Critics specifically pointed to the selection process to choose commissioners, in which five commissioners are appointed by the President based on the recommendation of a government selection committee. During the year, the Commission received 2,765 new complaints in addition to the 1,000 complaints filed prior to its inception. The Commission had investigated 517 complaints by year's end.

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

The Constitution prohibits discrimination based on nationality, tribe, origin, political affiliation, color, or religion. Discrimination based on sex, age, or disability was not prohibited specifically by law but was discouraged publicly in official statements. Discrimination against women and ethnic minorities persisted. Ethnic tensions in society continued. In 2001 Parliament created the Tanzania Parliamentarians AIDS Coalition (TAPAC) to address discrimination against persons infected with HIV/AIDS in the country.

Women.—Domestic violence against women remained widespread. Legal remedies exist in the form of assault provisions under the Criminal Code; however, in practice these provisions were difficult to enforce. The Marriage Act includes a declaration against spousal battery, but does not prohibit it nor provide for any punishment. Traditional customs that subordinate women remained strong in both urban and rural areas, and local magistrates often upheld such practices. Women may be punished by their husbands for not bearing children. It is accepted for a husband to treat his wife as he wishes, and wife beating occurred at all levels of society. Cultural, family, and social pressures prevented many women from reporting abuses to the authorities. The Tanzania Media Women's Association (TAMWA), a local NGO, reported that as many as 6 out of 10 women were beaten by their husbands. According to TAMWA, between October 2000 and September 2001, there were a total of 346 cases of domestic violence reported at the TAMWA crisis center. No updated statistics were available at year's end. Government officials frequently made public statements criticizing such abuses, but action rarely was taken against perpetrators. Police often had biases against pursuing domestic abuse cases and demanded bribes to investigate allegations.

The law provides for life imprisonment for persons convicted of rape and child molestation. Several persons were prosecuted and convicted for rape and battery under this law during the year. There were reports that members of the police raped women in Zanzibar and Pemba in the period following the 2000 elections and following the January 2001 demonstrations. Sexual and gender-based violence continued to be a problem in the refugee camps (*see* Section 2.d.). In 2001 Norwegian People's Aid (NPA) reported 76 rape cases committed by both citizens and refugees; however, in only 5 cases were the perpetrators jailed and sentenced.

Although the Government officially discouraged FGM, it still was performed at an early age by approximately 20 of the country's 130 main ethnic groups.

On July 16, a 10-year-old girl died following an FGM procedure in Singida; police arrested three women who were responsible. The women were prosecuted; however, the outcome still was pending at year's end.

On October 18, there was a report that a young girl died following an FGM procedure in Dodoma.

According to a 1996 health survey conducted by the Bureau of Statistics (the most recent study), FGM affected 18 percent of the female population. There were no updated statistics available by year's end. In some ethnic groups, FGM was compulsory, and in others, a woman who had not undergone the ritual may not be able to marry. Government data showed this to be a problem that varied by region, with the most affected regions being Arusha (81 percent of women), Dodoma (68 percent), Mara (44 percent), Kilimanjaro (37 percent), Iringa (27 percent), Tanga/Singida (25 percent), and Morogoro (20 percent). FGM was almost nonexistent in the rest of the country.

There was no law that specifically prohibited FGM. The country's educational curriculum did not include instruction on FGM, although the problem was covered occasionally in secondary schools. Government officials called for changes in practices that adversely affected women, and the Sexual Offenses Special Provisions Act, which prohibits cruelty against children, was used as the basis for campaigns against FGM performed on girls; however, there was no legal protection for adult women. In addition, police did not have adequate resources to protect victims. Some local government officials began to combat the practice. They convicted and imprisoned some persons who performed FGM on young girls, and there were prosecutions during the year. Seminars sponsored by various governmental organizations and NGOs were held regularly in an attempt to educate the public on the dangers of FGM and other traditional practices. These practices included the tradition of inherited wives, which critics contended contributed to the spread of HIV/AIDS, and child marriages, which are sanctioned with parental consent under the law for girls 12 years of age or older. Local authorities and NGOs believed that the incidence of FGM had declined; however, no new study of the practice had been made since 1996, when the Government reported an increasing trend. The Ministry of Health continued an educational campaign on FGM as part of its Safe Motherhood Initiative. The enforcement of policies to stop FGM remained difficult because some regional government officials were in favor of the practice or feared speaking out against it because of the power of traditional leaders.

Sex tourism, particularly in Zanzibar, remained a problem (*see* Section 6.f.).

In 2000 Parliament amended the Constitution to prohibit sexual harassment against women in the workplace by a person in authority. In 2000 several persons were arrested under the new law. Male colleagues sometimes harassed women seeking higher education, and the authorities largely ignored the practice.

Although the Government advocated equal rights for women in the workplace, it did not ensure these rights in practice. In the public sector, which employed 80 percent of the salaried labor force, certain statutes restricted women's access to some jobs or hours of employment. For example, in general women may not be employed between 10 p.m. and 6 a.m., although this restriction usually was ignored in practice (*see* Section 6.e.). While progress on women's rights was more noticeable in urban areas, strong traditional norms still divided labor along gender lines and placed women in a subordinate position. Discrimination against women was most acute in rural areas, where women were relegated to farming and raising children and had almost no opportunity for wage employment. Custom and tradition often hindered women from owning property and could override laws that provide for equal treatment.

The overall situation for women was less favorable in Zanzibar. Although women generally were not discouraged from seeking employment outside the home, women there and on many parts of the mainland faced discriminatory restrictions on inheritance and ownership of property because of concessions by the Government and courts to customary and Islamic law. While provisions of the law provide for certain inheritance and property rights for women, the application of customary, Islamic, or statutory law depended on the lifestyle and stated intentions of the male head of household. The courts have upheld discriminatory inheritance claims, primarily in rural areas. Under Zanzibari law, unmarried women under the age of 21 who become pregnant were subject to 2 years' imprisonment.

Several NGOs provided counseling and education programs on women's rights problems, particularly sexual harassment, sexual and gender-based violence, and molestation.

Children.—The law provides for 7 years of compulsory education through the age of 15; however, education was not free on the mainland or in Zanzibar. Fees were charged for books, enrollment, and uniforms, with the result that some children

were denied an education. In 2001 Parliament voted to provide free primary school education for all children under the age of 12. The legislation went into effect in January; however, there were inadequate numbers of schools, teachers, books, and other educational materials to meet the demand. In some cases, children were unable to attend school because poorly paid teachers demanded money to enroll them. The primary school dropout rate was between 30 and 40 percent. The literacy rate was approximately 70 percent; for girls it was 57 percent compared with 80 percent for boys. There were overall increases in the rate of girls' participation in school since 1990; however, the rate of girls' enrollment in school was lower than that of boys and generally declined with each additional year of schooling. In some districts, the attendance of girls continued to decline as the result of the need to care for younger siblings, household work, and early marriage, often at the behest of parents. Despite a law to permit pregnant girls to continue their education following maternity absences, the practice of forcing pregnant girls out of school continued.

Government funding of programs for children's welfare remained low. The Government made some constructive efforts to address children's welfare, including working closely with UNICEF and other international and local organizations to improve the well-being of orphans and neglected children. A WHO program for children under 1 year of age reportedly decreased the number of severe cases of malaria in the country, and the Government cooperated with the WHO in administering this program.

FGM was performed on girls, primarily in the central region (*see* Section 5, Women).

The law criminalizes child prostitution and child pornography. The minimum age for protection from sexual exploitation is 18 years. Under the law, sexual intercourse with a child under 18 years is considered rape regardless of consent; however, the law was not effective in practice because it is customary for girls as young as 14 years of age to be considered adults for the purposes of sexual intercourse and marriage. There were reports of child prostitution and other forms of trafficking in children (*see* Section 6.f.).

Unlike in the previous year, there were no reports that Burundian rebels abducted children from refugee camps in the country.

Persons with Disabilities.—Although there was no official discrimination against persons with disabilities, in practice persons with physical disabilities effectively were restricted in their access to education, employment, and other state services due to physical barriers. The Government did not mandate access to public buildings, transportation, or government services for persons with disabilities and provided only limited funding for special facilities and programs.

National/Racial/Ethnic Minorities.—In the past, the Government discriminated against the Barabaig and other nomadic persons in the north. These ethnic groups continued to seek compensation for past government discrimination seeking to make them adopt a more modern lifestyle and to restrict their access to pastoral lands that were turned into large government wheat farms. By year's end, there was no further information on the 1994 Barabaig class action suit against the Government and its appeals in 2001.

The Asian population, which was viewed unfavorably by many African citizens, declined by 50 percent in the past decade to approximately 50,000 persons. There were no laws or official policies that discriminated against Asians; however, as the Government placed great emphasis on market-oriented policies and privatization, public concern regarding the Asian minority's economic role increased. This led to demands by small, populist opposition parties for policies of "indigenization" to ensure that privatization did not increase the Asian community's economic predominance at the expense of the country's African population.

Section 6. Worker Rights

a. The Right of Association.—Both the Constitution and the Trade Union Ordinance provide for freedom of association for workers, and the Government respected this right in practice. Worker rights were handled separately by the Union and Zanzibar governments. The Union government enforced labor laws for the mainland and the Zanzibar government enforced legislation specific to Zanzibar and Pemba islands. The labor law that applies to the mainland applies to both public and private sector workers, but restricts the right of association for those workers broadly defined as "essential." The labor law in Zanzibar applies only to private sector workers.

Only approximately 5 to 7 percent of the country's 2 million wage earners were organized. Registered trade unions nominally represented 50 percent of workers in industry and government. According to the ILO, the number of workers who were

unionized declined because workers no longer believed that unions could be agents for change. Union membership continued to decline during the year primarily due to the growth in the informal sector and the general feeling that unions remained ineffective. Seeking to bolster unions' effectiveness, the Trade Union Congress of Tanzania was established in 2000. All workers, including those classified broadly as essential service workers, were permitted to join unions, but essential workers were not permitted to strike.

The Trade Union Act permits workers to form unions voluntarily without requiring membership in an umbrella organization. There were a total of 12 unions operating in the country by year's end, including the teacher's union, which was the largest and most active union, as well as health workers' unions, and other job-specific groups.

The Registrar of Trade Unions has the power to interfere with union activities. The law permits the imposition of large fines, imprisonment, or both for failing to register a trade union. The Registrar also was permitted to deregister the smaller of two trade unions when more than one exists in an industry and to order the smaller union to rescind memberships. The Registrar can suspend a trade union for contravening the law or the union's own rules, suspend a union for 6 months on grounds of public order or security, and invalidate the union's international trade union affiliation if certain internal union procedures are not followed. The Registrar did not use these powers during the year.

The Security of Employment Act prohibits discriminatory activities by an employer against union members. Employers found guilty of antiunion activities were required under the law to reinstate workers. The Warioba Commission, in its White Paper Report, found that bribes often determined whether a worker dismissed from his job actually was reinstated. The labor law in Zanzibar does not protect trade union members from antiunion discrimination.

Unions were permitted to affiliate with international bodies. The local transport union was affiliated with the International Federation of Transport Unions, and the teacher's union was affiliated with Educators International.

b. The Right to Organize and Bargain Collectively.—Collective bargaining was protected by law but did not apply to the public sector. The Government sets wages for employees of the Government and state-owned organizations administratively, although privatization and reductions in public sector employment reduced such employees to approximately 5 percent of the work force.

Unions directly negotiated with the Association of Tanzanian Employers on behalf of private sector members. Collective agreements must be submitted to the Industrial Court for approval and may be refused registration if they do not conform with the Government's economic policy. The ILO observed that these provisions were not in conformity with ILO Convention 98 on Collective Bargaining and the Right to Organize. By year's end, 11 of the 12 unions had collective bargaining agreements.

There were no laws prohibiting retribution against legal strikers; however, workers had the legal right to strike only after complicated and protracted mediation and conciliation procedures leading ultimately to the Industrial Court, which received direction from the Ministry of Labor and Youth Development. If a union was not satisfied with the decision of the Industrial Court, it then could conduct a legal strike. The mediation and conciliation procedures can prolong a dispute for months without resolving it. Frustrated workers staged illegal wildcat strikes and walkouts pending a resolution of their cases in the Industrial Court. The regional ILO office continued to call upon the Government to ratify the other core conventions. In October 2001, the Government created a task force for labor reform that underwent training in ILO standards and regional trends. In July the task force began gathering input from stakeholders and the public. A final report was scheduled for release in January 2003.

During the year, Parliament passed the Export Processing Zone (EPZ) Act to establish EPZs on the mainland; three EPZ's already were established in Zanzibar. Working conditions were comparable to those in other areas. Labor law protections applied to EPZ workers.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred. In some rural areas, villagers still were obligated to work in the village community gardens or on small construction projects such as repairing roads.

There continued to be reports that forced and bonded labor by children occurred. The ILO and UNICEF reported that children who left home to work as domestic laborers in other towns or villages often were subjected to commercial sexual exploitation. Children worked in mines, commercial agriculture, or as domestic laborers, child soldiers, or prostitutes (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Government prohibits children under the age of 14 from working in the formal wage sector in both urban and rural areas, and the Government enforced this prohibition; however, the provision did not apply to children working on family farms or herding domestic livestock. Child labor continued to be a problem. The ILO estimated that 3.4 million out of 12.1 million children in the country under the age of 18 worked on a regular basis, and that 1 of every 3 children in rural areas was economically active, as compared to 1 in 10 in urban areas. The minimum age for work of a contractual nature in approved occupations is set at 15 years. Children between the ages of 12 and 15 may be employed on a daily wage and on a day-to-day basis, but they must have parental permission and return to the residence of their guardian at night.

The law prohibits young persons from employment in any occupation that is injurious to health and that is dangerous or otherwise unsuitable. Young persons between the ages of 12 and 15 may be employed in industrial work but only between the hours of 6 a.m. and 6 p.m., with some exceptions. The Ministry of Labor and Social Welfare and Youth Development was responsible for enforcement; however, the number of inspectors was inadequate to monitor conditions. The effectiveness of government enforcement reportedly declined further with increased privatization.

Approximately 3,000 to 5,000 children engaged in seasonal employment on sisal, tea, tobacco, and coffee plantations. Children working on plantations generally received lower wages than their adult counterparts, even if in comparable jobs. Work on sisal and tobacco plantations was particularly hazardous to children. Between 1,500 and 3,000 children worked in unregulated gemstone mines. Small children, so-called snake boys, worked in dangerous tanzanite mines where deaths were known to occur. The Mererani Good Hope Program for Youth, a member of the ILO's International Program to Eliminate Child Labor (IPEC), reported 12 deaths of snake boys under the age of 16 during the year. Girls often were employed as domestic servants, mostly in urban households and sometimes under abusive and exploitative conditions. In the informal sector, children assisted their parents in unregulated piecework manufacturing. Children were engaged in labor in the areas of mining, domestic service, fishing, commercial agriculture, and prostitution.

Several government ministries, including the Ministry of Labor and Youth Development, the Bureau of Statistics, and the Department of Information Services, have special child labor units. The Government worked with NGOs to establish a specific prohibition against child labor. The Government worked with the ILO's IPEC plan of action to address the problem of child labor, and during the year implemented a program for the elimination of child labor. The Government also worked with the ILO to make significant progress toward launching the "Time Bound Program to Eliminate the Worst Forms of Child Labor." The Government began the program in September, as one of three pilot projects worldwide to collaborate with the ILO in this effort.

The Constitution does not specifically prohibit forced or bonded child labor, and there continued to be reports that it occurred (*see* Section 6.c.).

e. Acceptable Conditions of Work.—The legal minimum wage for employment in the formal sector was raised in July from approximately \$33 (30,000 shillings) per month to \$53 (48,000 shillings) per month. Even when supplemented with various benefits such as housing, transport allowances, and food subsidies, the minimum rate was not always sufficient to provide a decent standard of living for a worker and family, and workers had to depend on their extended family or on a second or third job. Despite the minimum wage, many workers, especially in the small but growing informal sector, were paid less.

There was no standard legal work week; however, a 5-day, 40-hour work week was in effect for government workers. Most private employers retained a 6-day, 44- to 48-hour work week. In general women could not be employed between 10 p.m. and 6 a.m. Several laws regulate safety in the workplace. The Ministry of Labor and Social Welfare and Youth Development managed an Occupational Health and Safety Factory Inspection System, which was set up with the assistance of the ILO; however, its effectiveness was limited. Labor standards were not enforced in the informal sector.

The Employment Services Promotion Act provides for a facility to promote job creation through self-employment opportunities, allows the Government to collect reliable data and information on vacancies for the unemployed, and facilitates employment with other agencies and private sector. The facility, the Labor Exchange Center, opened in August 2001 to match the skills, experience, education, and other qualifications of job seekers in Dar es Salaam with job qualification requirements of employers.

Union officials claimed that enforcement of labor standards was effective in the formal sector; however, no verification studies were performed. A large percentage of the workforce was employed in the informal sector, which was unregulated by labor standards.

Workers could sue an employer through their union if their working conditions did not comply with the Ministry of Labor's health and environmental standards. Workers who lodged and won such complaints did not face retribution; however, workers did not have the right to remove themselves from dangerous situations without jeopardizing their employment.

f. Trafficking in Persons.—The law does not prohibit trafficking, and there continued to be reports that children were trafficked away from their families to work in mines, commercial agriculture, and as domestic laborers (*see* Section 5). The Sexual Offenses Special Provision Act of 1998 prohibits trafficking of persons for sexual purposes. It sets punishment for procuring at 10 to 20 years of imprisonment, or a fine of \$100 (100,000 shillings) to \$300 (300,000 shillings). The ILO and UNICEF reported that children who left home to work as domestic laborers ("housegirls") in other towns or villages often were subjected to commercial sexual exploitation. Some girls were trafficked to Zanzibar from different parts of the mainland and Mombasa to work as prostitutes for Zanzibaris and in the tourist industry.

Unlike in the previous year, there were no reports that rebels abducted children from refugee camps.

The Government participated in the ILO's "Time Bound Program to Eliminate the Worst Forms of Child Labor" to help end child prostitution.

TOGO

Togo is a republic dominated by President Gnassingbe Eyadema, who came to power in 1967 following a military coup. Eyadema and his Rally of the Togolese People party (RPT), strongly backed by the armed forces, have continued to dominate political power and maintained firm control over all levels of the country's highly centralized government. Despite the Government's professed intention to move from authoritarian rule to democracy, institutions established to accomplish this transition did not do so in practice. Procedural problems and significant fraud, particularly in the misrepresentation of voter turnout, marred the 1998 presidential elections. In February the Government made unilateral changes to the electoral code and in May replaced the national independent electoral commission (CENI) with a committee of seven magistrates to manage the legislative elections. In response to these changes, the traditional opposition boycotted the legislative races, held October 27. The RPT won 72 of 81 seats in the National Assembly; the remaining nine seats, eight went to newly formed opposition parties and one to an independent candidate. On December 30, the newly elected National Assembly modified the 1992 Constitution, which limited the president to two terms to allow President Eyadema to run again. These 34 constitutional changes also helped to consolidate presidential power. Eyadema and his supporters maintained firm control over all facets and levels of the country's highly centralized government. The executive branch continued to influence the judiciary.

The security forces consisted of the army (including the elite Presidential guard), navy, air force, the Surete Nationale (including the national police), and the Gendarmerie. The police and Gendarmerie performed domestic intelligence functions. Approximately 90 percent of the army's officers and 70 percent of its soldiers were from the Kabye ethnic minority. Although the Minister of the Interior nominally was in charge of the national police and the Defense Minister had nominal authority over most other security forces, President Eyadema effectively controlled all security forces. Members of the security forces effectively curtailed civil liberties of regime opponents, especially in the northern part of the country. Members of the security forces committed serious human rights abuses.

Approximately 80 percent of the country's estimated population of 5 million was engaged in subsistence agriculture, but there also was an active commercial sector. Economic growth continued to lag behind population growth. The Government privatized several companies during the year. Anti-corruption efforts continued, but the Government's budgetary and fiscal discipline eroded. International and bilateral donors continued to suspend foreign aid because of the Government's weak democratization efforts and poor human rights record, as well as repayment arrears.

The Government's human rights record remained poor, and it continued to commit numerous abuses. Citizens' right to change their government was restricted. As in the past, human rights abuses increased as the country neared elections; how-

ever, because of the mainline opposition boycott, there were few confrontations during the October 27 legislative elections. Nevertheless, the Government forcibly dispersed political rallies and protests, seized independent newspapers, and jailed political opponents and critics of the Government. Although there were no confirmed reports of extrajudicial killings, security forces beat civilians. The Government in general did not investigate or punish effectively those who committed abuses, nor did it prosecute persons responsible in previous years for extrajudicial killings and disappearances. Prison conditions remained very harsh. Arbitrary arrest and detention was a problem, and prolonged pretrial detention was common. The Government continued to influence the understaffed and overburdened judiciary and did not ensure fair and expeditious trials. Security forces often infringed on citizens' privacy rights. The Government and the security forces restricted freedom of speech and of the press, often using investigative detention and criminal libel prosecutions to harass journalists and political opponents. The Government restricted academic freedom and freedom of assembly, association, and movement. The National Commission for Human Rights (CNDH) continued to be dominated by supporters of the President, and the Government restricted and impeded the work of independent human rights groups. Violence and societal discrimination against women remained a problem. Female genital mutilation (FGM) persisted among some ethnic groups. Discrimination against ethnic minorities remained a problem. The Government limited workers' rights to collective bargaining. Child labor was a problem. Trafficking in women and children remained problems.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—There were no confirmed reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents during the year, and no extrajudicial killings from previous years were discovered during the year. However, one person died during the year when police and demonstrators clashed (*see* Section 2.b.).

There were no developments in the investigation of the March 2000 killing of an alleged government-paid agitator at the University of Benin (now known as the University of Lome).

In April at the annual meeting of the U.N. Human Rights Commission, the U.N./Organization of African Unity (OAU) Commission of Inquiry into allegations of extrajudicial killings disbanded without further investigations. In February 2001, the Commission released the results of its investigation into reports that the Government threw hundreds of bodies into the sea during the 1998 presidential elections (*see* Sections 1.b. and 4), including what it called credible evidence of some extrajudicial killings that merited further investigation. The Commission's report also alleged that security forces or militias linked to government authorities were responsible for the following previously unreported extrajudicial killings or disappearances during the 1998 elections: Kodjo Ahadji; Anani Teko Allyn; Koffi Amouzou; Koffi Roger Ahiakpo; Kossi Kossi; Koffie Tenou; Germain Palanga N'Gamnouwe; Pele Keleou; and Hoffia Messan Pomeavor. In March 2001, the Government established a National Commission of Inquiry to investigate the Commission's allegations, which concluded that these allegations were unfounded and took no further action in any of the cases.

Following the September 1998 killing of Koffi Mathieu Kegbe, an activist in the opposition Action for Renewal Committee (CAR) party, police arrested Kodjovi Akomabu in 2001. He was found to be the leader of a criminal gang and was sentenced to 6 years in prison. He appealed the sentence, and it was raised to 10 years. Akomabu began serving his time in August 2001. He was transferred to the prison in Kara in the north during the year.

There still was no investigation into the April 2001 lynchings in Akodessewa of Anani Adable and Apelete Koffi Klutse, two alleged thieves; there was no suspicion of government involvement.

b. Disappearance.—There were no reports of politically motivated disappearances. In a final report released in February 2001, the U.N./OAU Commission of Inquiry reported the disappearance of the following six persons, previously unreported, last seen under arrest by security forces in 1998: Koffi "Hitler" Akakpessa; Nicolas Assiongbon; Adrisse "Ringo" Djiewone; Yao Homawoo; Kokou Akakpo; and Eugene Senyo. The Government denied it had anything to do with their disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and physical abuse of prisoners and detainees; however, security forces often beat detainees after arresting them. Some suspects claimed

credibly to have been beaten, burned, or denied access to food and medical attention. Impunity remained a problem, and the Government did not prosecute publicly any officials for these abuses.

On June 26, security forces detained two opposition CAR Party members who claimed they were beaten at the Para-Commando military camp in Kara. They were released June 30. They were accused of distributing political tracts, reportedly endorsing a proposed presidential bid by RPT figure Dahuku Pere.

In November 2001, Union of Forces for Change (UFC) members Andre Kuevi and Atanai Aboubakar were attacked and beaten in the northern city of Kara. Kuevi was beaten on the head with iron bars and required a blood transfusion. Atanai reportedly slipped into a coma for 3 days. The Government vowed to investigate; however, there were no developments during the year.

Security forces harassed, intimidated, and beat journalists (*see* Section 2.a.).

Security forces dispersed demonstrators forcibly (*see* Section 2.b.).

On February 5, the Government forcibly retired former Army Chief of Staff LTC Kouma Bitenewe. Following his April 2001 arrest, Bitenewe accused troops of holding him incommunicado and torturing him. He was under house arrest for much of 2001.

There was no investigation into the April 2001 incident in which the UFC claimed that RPT militants doused UFC Secretary General Jean-Pierre Fabre with gasoline and threatened to set him on fire.

Prison conditions reportedly remained very harsh, with serious overcrowding, poor sanitation, and unhealthy food. According to the First Instance Court, a bureau of the Appellate Court in the Ministry of Justice, Lome's central prison, built for 350 prisoners, housed 1,100 inmates at its peak during the year. In December the total prison population for Lome was 1,146, including 35 women awaiting trial and 3 judged guilty as well as 871 men awaiting trial and 275 judged guilty. Medical facilities were inadequate, and disease and drug abuse were widespread. Prison guards in the overcrowded civil prison of Lome charged prisoners a small fee to shower, use the toilet, or have a place to sleep. Sick prisoners reportedly had to pay \$2 (1,500 CFA francs) to guards before being allowed to visit the infirmary.

The children of convicted adults often were incarcerated with the female inmates, who were housed separately from the male prisoners. Juvenile prisoners were held separately from adults. Political prisoners and pretrial detainees were not held separately from convicted prisoners.

Although some international and local private organizations had access to prisons for monitoring purposes, the International Committee of the Red Cross (ICRC) did not request a visit during the year.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention remained problems. Judges or senior police officials may issue warrants. Although detainees have the right to be informed of the charges against them, police sometimes ignored this right. The law allows authorities to hold arrested persons incommunicado without charge for 48 hours, with an additional 48-hour extension in cases deemed serious or complex. Family members and attorneys officially had access to a detainee after 48 or 96 hours of detention; however, authorities often delayed, and sometimes denied, access. The law stipulates that a special judge conduct a pretrial investigation to examine the adequacy of evidence and decide on bail; however, in practice detainees could be, and often were, held without bail for lengthy periods with or without the approval of a judge.

A shortage of judges and other qualified personnel, as well as official inaction, resulted in lengthy pretrial detention—in some cases several years—and confinement of prisoners for periods exceeding the time they would have served if tried and convicted. For example, Kokou Alowou and Dela Atidepe were arrested in 1993, charged with armed robbery and manslaughter, and still were awaiting trial at year's end. In December an estimated 70 percent of the prison population was pretrial detainees (*see* Section 1.c.).

The Government continued to use brief investigative detentions of less than 48 hours to harass and intimidate opposition activists and journalists (*see* Section 2.a.). The Government at times has resorted to false charges of common crimes to arrest, detain, and intimidate opponents. On August 17, three members of the UFC opposition party were arrested and briefly detained for urging people to attend a political rally scheduled for August 24. Five persons were arrested, detained, and ultimately convicted of crimes for political reasons during the year (*see* Section 1.e.).

On September 24, a member of the opposition CAR party, Kokou Avigan, was arrested and charged with distributing political tracts to Alabi Sofiou, another CAR member. At year's end, both men remained in jail without being formally charged or given a trial.

After forcibly dispersing demonstrations during the year, members of the security forces arrested and detained participants, sometimes without charges (*see* Section 2.b.).

Unlike in the previous year, there were no records that members of the security forces detained human rights monitors and activists during the year. The Constitution prohibits exile, and the Government generally respected this prohibition; however, several opposition and human rights workers remained in self-imposed exile because they feared arrest. For example, some students who fled in 2000 remained in Ghana due to fear of arrest if they returned to the country.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the executive branch continued to exert control over the judiciary. A majority of the members of the Supreme Council for the Magistrature were supporters of President Eyadema. Judges who belonged to the pro-Eyadema Professional Association of Togo Magistrates (APMT) reportedly received the most prestigious assignments, while judges who advocated an independent judiciary and belonged to the National Association of Magistrates (ANM) were marginalized.

The Constitutional Court stands at the apex of the court system. The civil judiciary system includes the Supreme Court, Sessions (Court of Assizes), and Appeals Courts. A military tribunal exists for crimes committed by security forces, but its proceedings are closed. General Seyi Memene served as Justice Minister. The court system remained overburdened and understaffed. Magistrates, like most government employees, were not always paid on time. The judicial system employs both traditional law as well as the Napoleonic Code in trying criminal and civil cases. Trials were open to the public, and judicial procedures generally were respected. Defendants have the right to counsel and to appeal. The Bar Association provides attorneys for the indigent. Defendants may confront witnesses, present evidence, and enjoy a presumption of innocence. In rural areas, the village chief or council of elders may try minor criminal and civil cases. Those who reject the traditional ruling may take their cases to the regular court system, which was the starting point for cases in urban areas.

Opposition figures were imprisoned for expressing political opinions and frequently were denied a fair trial. On January 10, an appeals court ruled in favor of opposition CAR Party President Yawovi Agboyibo, but only after President Eyadema issued instructions for his release from prison after 7 months. Agboyibo had been convicted in August 2001 of defaming then Prime Minister Agbeyome Kodjo. The trial was flawed; there were serious irregularities, including a disregard for proper judicial procedure. In September former Prime Minister Kodjo blamed President Eyadema for Agboyibo's imprisonment, saying that Eyadema forced him to bring the suit against the opposition party leader.

In June Yawovi Jules Kpizia, an opposition CAR political party official, was released from prison after serving 1 year for defamation of the President's son, LTC Ernest Gnassingbe.

In September the Government tried Claude Ameganvi, leader of an opposition labor party and union activist, for defamation of the President. The prosecutor allegedly changed Ameganvi's statement; the prosecutor insisted the text included typographical errors. The presiding judge rejected demands to withdraw the document. Ameganvi was sentenced to 4 months for defamation of the president's image and an additional 2 months after the public prosecutor raised the sentence.

In June 2001, Harry Olympio, former Human Rights Minister and opposition Rally for the Support of Democracy and Development (RSDD) president, was arrested and convicted in a seriously flawed trial for the production and possession of explosives. He was sentenced to 18 months in prison and fined \$500 (360,000 CFA francs); however, President Eyadema pardoned him in 2001.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the sanctity of residences, the confidentiality of correspondence and telecommunications, and prohibits searches and seizures not prescribed by law; however, security forces often infringed on these rights. In criminal cases, a judge or senior police official may authorize searches of private residences, and in political and national security cases, the security forces need no prior authorization. Police conducted searches without warrants, searching for arms caches as well as for criminals, often under the guise of searching for identity cards. Armed security checkpoints existed throughout the country, and security forces regularly searched vehicles, baggage, and individuals in the name of security (*see* Section 2.d.).

Security forces entered private residences, particularly in the north, for the purpose of disrupting meetings among opposition political figures. On July 3, gendarmes and other security officials reportedly searched the home of Dany Ayida, a

journalist and director of a human rights center in Lome who was exiled in France and mistreated his wife. He remained in Benin at year's end.

Citizens believed that the Government monitored telephones and correspondence, although this surveillance was not confirmed. The Government maintained a system of informers on the university campus (*see* Section 2.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government restricted these rights in practice. The Government repeatedly harassed and intimidated print media journalists through threats, detentions, and criminal libel prosecutions. Police and gendarmes occasionally harassed newspaper vendors and confiscated issues of some opposition newspapers. Advertisers reportedly often were intimidated. Few opposition newspapers were allowed distribution outside the Lome area, particularly in areas not known to be ruling party strongholds.

On September 3, the National Assembly approved another revision of the 1998 Press and Communication Code, further restricting freedom of expression in the country. The revision focused on Article 91, enacting a 5-year term of imprisonment (up from 3 years in the previous code) and a \$7,600 (up from \$2,500) fine for any journalist found guilty of defamation of military or of government officials. The severest penalties were reserved for offenses to the “honor, dignity . . . and the public functions” of “the president, prime minister, national assembly president, parliamentarians, members of government and public institutions.” In addition, the new code requires independent newspapers to constitute their reporting staffs with at least one-third “professional journalists,” a status accorded only by the Government-appointed authority.

During the year, persons were charged with defamation (*see* Section 1.e.).

Despite government interference, there was a lively press, most of which was heavily politicized, and some of which was highly critical of President Eyadema. More than 15 privately owned newspapers published with some regularity. The only daily newspaper, Togo-Presse, was government-owned and controlled. There were several independent newspapers that published on weekly and biweekly schedules.

There was no pre-publication censorship of print media in law or practice; however, journalists practiced varying degrees of self-censorship, and security forces frequently threatened or detained print media journalists and interfered with the distribution of newspapers.

During the year, authorities seized copies of newspapers that criticized the Government. For example, on April 4, security agents seized all copies of *La Tribune du Peuple*, apparently for publishing an article entitled “Togo State of Terror: FAT (Armed Forces of Togo) Members Mistreated Agbekodo.”

On April 9, agents confiscated copies of the newspaper *Le Regard* for commenting on a Human Rights Commission meeting in Geneva in which the Amnesty International (AI) report entitled “Togo: A State of Terror” was discussed. A former minister threatened to put the director of *Le Regard* in jail for life.

On April 16, security forces unsuccessfully sought to confiscate all copies of *Le Regard* that contained a letter written by Member of Parliament (M.P.) Dahuku Pere, a member of the ruling RPT Party's Central Committee, that called on the RPT to convene a party congress to discuss the party's performance and image (*see* Section 3). On April 22, security agents seized copies of two newspapers, *Le Combat du Peuple* and *Motion d'Information*, for publishing Pere's letter.

Members of the security forces arrested and detained journalists, sometimes without charging them with any offense.

For example, in June Basile Agboh, publisher of the weekly newspaper *Aekle*, was jailed for publishing a story claiming that the President's eldest son, LTC Ernest Gnassingbe, had made death threats against then-Prime Minister Agbeyome Kodjo. He was released after 70 days of detention.

On August 5, Julien Ayi, editor of *Agoo Nami*, and Alphonse Klu, director of *Nouvel Echo*, were arrested for publishing unsubstantiated information allegedly given to them by Claude Ameganvi that *Forbes Magazine* had named President Eyadema one of the world's wealthiest people. Ameganvi was arrested the next day (*see* Section 1.e.). On September 13, Ameganvi and Ayi were sentenced to 4 months in jail and each fined \$150 (100,000 CFA francs). Klu, still in hiding, was sentenced to 6 months in prison and fined the same amount. At the time of sentencing, the Government had not enacted the new press code.

In October 2001, the Gendarmerie arrested journalist Komi Nemvame Klu for publishing false information about a public figure. He was released on October 30, 2001.

Unlike in the previous year, no press offices were closed due to government threats.

Radio remained the most important medium of mass communication. Two government-owned and 53 private radio stations were officially licensed in December in response to the first government-enacted licensing operation. Two of these, Radio Avenir and Galaxy FM, were associated with the ruling RPT Party. Some private radio stations broadcast domestic news; however, they offered little of the political commentary and criticism of the Government that was widespread in the print media. A private station, Kanal FM, was a foreign affiliate and carried several hours of news, music, and commentary daily.

Beginning on September 17, the Government blocked transmission of Radio France International to prevent the broadcast of an interview with former Prime Minister Kodjo. In the interview, Kodjo criticized President Eyadema for controlling the judicial and legislative as well as the executive branches of the Government. He said that Eyadema's stepping down was the only way for the country to complete its democratic transition.

The Government-owned and controlled Television Togo, and the independent TV-2 were the only major television stations in the country. TV-2 carried France-based TV-5's international news programming. Three smaller television stations operated during the year but their broadcasts were limited to certain localities, and their content primarily was of a religious or entertainment nature.

The Constitution mandates equal access to state media; however, the official media heavily slanted their contents in favor of the President and the Government. The High Authority for Audio-Visual and Communications (HAAC) was charged with providing equal access to state media, as mandated by the Constitution. Although nominally independent, in practice HAAC operated as an arm of the Government. It was dominated by Eyadema supporters and had not increased opposition access to the Government controlled media. Two opposition representatives were appointed in 2001 to improve the HAAC's balance. In February HAAC sent a letter to Radio Victoire telling it to stop all programming until it signed the convention that authorized all broadcasting.

The Togolese Media Observatory (OTM), a nongovernmental organization (NGO), was established to protect press freedom and to improve the professionalism of journalists. OTM's board and membership included both government and private journalists. During the year, it met regularly to discuss journalistic ethics and professional standards.

There were no reports that the Government restricted access to the approximately 15 Internet service providers in the country. Most Internet users were businesses rather than households. Access to the Internet and fax machines also was available in many small stores and cafes in Lome and other cities.

At the country's sole university, the University of Lome, previously known as the University of Benin, academic freedom was constrained by potential harassment by the Government and anti-opposition militants, or both, and the lack of a Rector elected by the faculty. Teachers' salaries and students' stipends rarely were paid on time. Drastic increases in tuition and cuts in scholarships reduced the total number of students, and as a result, there were fewer interruptions to university classes during the year. A government informer system reportedly continued to intimidate students. The only officially tolerated student groups; the High Council of the Student's Movement (Haut Conseil des Mouvements Etudiants) and the General Union of Students and Interns of Togo (Union General des Etudiants et Stagiares du Togo), were pro-Eyadema. The independent student organization CEUL has had longstanding unofficial recognition, and its elected representatives have participated on university committees.

Unlike in the previous year, security forces did not forcibly disperse student protests at the University of Lome.

Thomas Ghandi and Kodjo Gbodzisi, the President and Vice President of the CEUL, remained expelled at year's end, and no action was taken against security forces who allegedly tortured them following protests by students and professors over their May 2001 expulsion.

There were no developments in the 2000 case of former CEUL leader Lorempo Lamboni.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. Opposition political parties rarely were permitted to hold public meetings in Lome, and authorities systematically interfered with the freedom of political opponents attempting to assemble in the central and northern regions. Government officials prohibited, and security forces forcibly dispersed, some public demonstrations critical of the Government. For example, on August 3, Claude Ameganvi, coordinator of a

group called "What Solution for Togo," organized a demonstration commemorating the 10th anniversary of the murder of opposition political leader Tavio Amarin. In response to a request by the UFC party to hold a rally August 3, the Minister of Interior organized a "Clean the City" day, forcing the UFC party members to postpone the rally until the following day. Police dispersed the participants using batons, injuring several marchers, including one who required medical treatment.

On August 17, UFC members were arrested for inviting people to attend another rally scheduled for August 24. The Minister of Interior convoked UFC leaders to his office and complained about the statements made in the August 4 rally and the blocked August 24 rally.

On September 28, security forces used tear gas and batons to break up a public opposition UFC Party meeting, and at least one UFC member was injured slightly. Police arrested Secretary General Jean-Pierre Fabre but released him a few hours later.

On November 9, security forces broke up a march organized by a coalition of opposition parties. Police and opposition members clashed when the group attempted to change from the pre-approved route. Numerous persons from both sides were injured, and one protestor, Alex Hedeka, a member of the opposition UFC party, died a few days later from his injuries.

Opposition groups continued to accuse Northern Military Zone Commander LTC Ernest Gnassingbe, the President's son, of blocking or breaking up public and private political demonstrations and meetings.

There were no official reports of student demonstrations during the year. However, security forces remained present on the University of Lome campus (*see* Section 2.a.).

No known action was taken against security forces that used excessive force when dispersing demonstrations in 2001 and 2000.

Unlike in the previous year, the Government did not ban opposition gatherings.

Under the Constitution, citizens have the right to organize associations and political parties; however, the Government restricted this right in practice. While political parties were able to elect officers and register, few opposition party offices and no pro-opposition newspapers operated in most towns in the central and northern regions.

There were many NGOs; they were required to register with the Government.

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

The Government has established requirements for recognition of religious organizations outside the three main faiths—Roman Catholicism, Protestantism, and Islam—which were recognized officially. Applications for recognition must be submitted to the Interior Ministry's Division of Civil Security. The Interior Ministry issues official recognition. The Civil Security Division also has enforcement responsibilities when there are problems or complaints associated with a religious organization. The Government recognized 109 religious groups, of which most were smaller Protestant groups and some new Muslim groups as well as new traditional religious groups. Members of those religions not officially recognized were permitted to practice their religion, but had no legal standing. During the year, 12 religious groups submitted applications to the Government requesting official recognition. Since 1991, 329 groups have applied for recognition. There was no information available regarding the criteria for recognition, the number of rejections, or details about the groups that had been rejected. If an application provided insufficient information for recognition to be granted, the application often remained open indefinitely.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government restricted them in practice. Armed security checkpoints and arbitrary searches of vehicles and individuals were common, and government security forces searched cars throughout the country. Undisciplined acts of some soldiers manning roadblocks, such as frequent demands for bribes before allowing citizens to pass, impeded free movement within the country. The Government prevented opposition political parties from traveling and campaigning in the north of the country and from traveling or entering certain towns.

In June the Government placed former Prime Minister Agbeyome Kodjo's French-citizen wife under house arrest, blocked her attempts to leave her house, and prevented others from visiting her. After 1 month, and appeals from the French Em-

bassy and international groups, the Government removed the security forces. The Government insisted the troops had been placed there for her protection.

In August the Government refused to act on the passport application by the son of Dahuku Pere, a prominent critic of the Government from within the ruling RPT, apparently in retaliation for his father's views. By year's end, Pere's son still had not been issued a passport. The Government permitted citizens to use a national identity card instead of a passport for travel to other member countries of the Economic Community of West African States. The Government required that a married woman have her husband's permission to apply for a passport.

There was no law that provided for the granting of asylum or refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. However, the Government provided first asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. During the year, a National Refugee Assistance Coordination (CNAR) group was established.

In December UNHCR estimated there were 11,000 refugees from Ghana living in the northern areas of the country, near the cities of Bassar, Sotouboua, and Dankpen. A total of 508 Ghanaian refugees were in the process of being repatriated at year's end. According to the Government, there were approximately 800 refugees (mostly from Rwanda and the Democratic Republic of the Congo) registered in Lome and an approximate 1,200 additional refugees living in rural villages. According to UNHCR estimates, approximately 1,600 Togolese refugees lived in Benin and another 800 in Ghana.

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

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

The Constitution provides for the right of citizens to change their government peacefully; however, the Government restricted this right in practice. In the 1998 presidential election, the Interior Ministry declared Eyadema the winner with 52 percent of the vote; however, serious irregularities in the Government's conduct of the election strongly favored Eyadema and appear to have affected the outcome materially.

Although the Government generally did not obstruct the actions of political opponents openly, the President used the military and his government allies to intimidate and harass citizens and opposition groups (see Sections 1.d., 1.e., and 2.b.). LTC Ernest Gnassingbe, the President's son, threatened the leading legislative candidate for the opposition party CAR, Palakizima Aweli, telling him to leave the city.

The Government and the State remained highly centralized. President Eyadema's national government appointed the officials and controlled the budgets of all subnational government entities including prefectures and municipalities, and influenced the selection of traditional chiefs. The National Assembly has little authority or influence on President Eyadema and has limited influence on the Government. Aside from controlling its own programs and activities and writing amendments to the Constitution, the National Assembly largely approved the proposals of the President and the Government.

After the 1999 legislative elections, boycotted by the opposition and marred by procedural problems and significant fraud, the Government announced that it would pursue dialog with the opposition. In July 1999, all sides signed the "Lome Framework Agreement," which included a pledge by President Eyadema that he would respect the Constitution and not seek another term as president after his term expires in 2003. In 2000 the Government established the CENI, composed of 10 members of the President's RPT party and 10 members of the opposition, and adopted a new Electoral Code largely drafted by the opposition.

On February 1, in what it called a bid to speed up election preparations, the Government amended the electoral code to include: A requirement that legislative and presidential candidates must be citizens; a reduction of the composition of the CENI to 10 members (5 from the RPT and 5 representing the opposition); and that all CENI decisions could be made by a simple majority vote. On April 25, the Constitutional Court replaced the CENI with a seven-magistrate commission (C7), which proceeded to organize elections for October 27.

In April longtime RPT Party official and former president of the National Assembly, Dahuku Pere, publicly criticized the party's failure to break with its authoritarian one-party past. Noting that excesses from 1991 to 1993 had included murders and repression committed by the both the RPT and its opponents, Pere called for a renewal of party values and recommitment to success in a fairly fought democratic

contest. Gendarmes questioned and then released Pere. A nearly unanimous RPT Central Committee vote rejected Pere's treatise, and President Eyadema stripped him of his party position and decorations.

On June 27, Prime Minister Agbeyome Kodjo left his post and fled to France. He was the only member of the RPT Central Committee who did not sign the letter rejecting Pere's declaration. Upon his departure, he released a 14-page letter criticizing President Eyadema for his "monarchic-despotic" regime and accusing him of looting public coffers to sustain a life of luxury. As with Pere, the Government immediately stripped Kodjo of his party membership and decorations and accused him of treason.

In August four leading opposition parties united their agendas to demonstrate solidarity against the Government. Opposition parties that did not join the unified "Front" included the UFC party of Gilchrist Olympio, the son of the former president who was assassinated in 1963, and the Opposition Pan-African Patriotic Convergence party of former Prime Minister Edem Kodjo. In September several other minor opposition parties also united their agendas, calling themselves the Republican Opposition Front (FOR). Following the June 2001 presidential pardon of Harry Olympio on coup-plotting charges, the former Human Rights Minister and RSDD president stated that he intended to participate in the October legislative elections.

Long-delayed legislative elections were held on October 27, and the opposition parties who were members of the Lome Framework Agreement boycotted the races. President Eyadema's RPT party won 72 out of the total 81 seats in the National Assembly. Three newly formed opposition parties and one independent candidate shared the remaining nine seats. The Government said voter turnout was 67 percent, a figure contested by the main opposition parties as well as some of the Government-sponsored international election observers. There were reports of incidents of intimidation and fraud.

On December 30, the newly elected National Assembly passed 34 modifications to the 1992 Constitution. President Eyadema promulgated the law on December 31. Chief among the changes was a rewrite of Article 59 erasing the two-term limit for the presidency. In addition, the new Constitution lowered the age of presidential candidates from 45 to 35; stipulated only one-round of voting for all future elections; and created a new legislative body, the Senate, making the National Assembly a bicameral legislature, the Parliament. Many of the changes restored powers to the presidency taken away by the 1992 Constitution, including new language strengthening the president's authority over national policy, the power to dismiss the prime minister, and appoint a greater number of judges, especially to the country's highest bench, the Constitutional Court. The Constitutional Court now also was tasked as final arbiter in resolving future election disputes.

There were no legal restrictions on the participation of women and ethnic minorities in the Government. There were 5 female members in the 81-member National Assembly and there were 3 female ministers in the President's 20-member Cabinet. Members of southern ethnic groups were underrepresented.

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

There were several domestic private human rights groups, including the LTDH, the Center of Observation and Promotion of the Rule of Law (COPED), the CADEPROD, and the Togolese Association for the Defense and Protection of Human Rights (ATDPDH). In general the Government allowed groups to investigate alleged violations of human rights; however, the Government occasionally threatened or hindered the activities of human rights activists and was inconsistent in following up on investigations of abuses. Years of government threats and intimidation of human rights leaders, combined with a lack of results from human rights initiatives, have led some human rights monitors to end their public activities.

Former officials of the domestic chapter of AI remained in exile, although it resumed its activities in the country in 2000.

The National Commission for Human Rights (CNDH) continued to be dominated by supporters of the President, individual human rights groups, and activists. Although there were no records of arrest and mistreatment, the CNDH found it difficult to accomplish its agenda of making people more aware of their rights.

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

The Constitution prohibits discrimination on the basis of ethnic group, regional or family origin, sex, religion, social or economic status, or personal, political, or other convictions; however, the Government did not provide effective redress for discrimination complaints. Discrimination against women and ethnic minorities re-

mained a problem. Members of President Eyadema's Kabye ethnic group and other northern ethnic groups dominated much of the public sector, especially the military.

Women.—Domestic violence against women continued to be a problem. Although mechanisms for redress existed within formal judicial structures, police were not given any authority to protect women in abusive situations, and women were not made aware of the formal judicial mechanisms that would give them protection. As a result, the police rarely intervene in domestic violence incidents. Wife beating was estimated to affect approximately 10 percent of married women.

FGM continued to be practiced. The most commonly practiced form of FGM was excision, which usually was performed on girls a few months after birth. Most of the larger ethnic groups did not practice FGM; however, among the practicing groups rates ranged from 40 to 98 percent. FGM is illegal and penalties for practitioners ranged from 2 months to 5 years imprisonment as well as substantial fines. The law rarely was applied because most FGM cases occurred in rural areas where neither the victims nor the police knew the law. Traditional customs often superseded the legal system among certain ethnic groups. The Government continued to sponsor seminars to educate and campaign against FGM. Several NGOs, with international assistance, organized educational campaigns to inform women of their rights and how to care for victims of FGM.

There was some trafficking of young women (*see* Section 6.f.).

The Constitution declares women equal under the law; however, women continued to experience discrimination, especially in education, pension benefits, and inheritance as a consequence of traditional law. A husband legally could restrict his wife's freedom to work or control her earnings. In urban areas, women and girls dominated market activities and commerce; however, harsh economic conditions in rural areas, where most of the population lived, left women with little time for activities other than domestic tasks and agricultural fieldwork. Under traditional law, which applied to the vast majority of women, a wife has no maintenance or child support rights in the event of divorce or separation and no inheritance rights upon the death of her husband. Polygyny was practiced.

The Ministry of Health, Social Affairs, Promotion of Women, and Protection of Children, along with independent women's groups and related NGOs, continued to campaign actively during the year to inform women of their rights.

Children.—Although the Constitution and family code laws provide for the protection of children's rights, in practice government programs often suffered from a lack of money, materials, and enforcement. Although the law protected children, there were many practices that discriminated against children, especially girls. The Government provided free education in state schools. School attendance was compulsory for both boys and girls until the age of 15. Approximately 61 percent of children aged 6 to 15 years attended school, mostly boys. In the age group of 6 to 15 years, approximately 89 percent of boys and 66 percent of girls started primary school; however, only an estimated 39 percent of boys and 13 percent of girls reached secondary school. Approximately 3 percent of boys and 0.6 percent of girls reached the university level. Literacy rates were 57 percent for adult men and 31 percent for adult women. In its June 2001 General Direction of Education Planning (Direction Generale de la Planification de l'Education), the Ministry of Education estimated one-third of the national budget was spent on education.

Orphans and other needy children received some aid from extended families or private organizations but less from the State. There were social programs to provide free health care for poor children. In rural areas, traditionally the best food was reserved for adults, principally the father.

In November 2001, traditional chiefs met and agreed to set up watchdog committees and conduct awareness campaigns against the abuse of children, especially trafficking, confinement in voodoo shrines, FGM, torture, forced marriages, and other forms of sexual harassment. Without financial or legal support, success of the committees was sporadic, and they continued to function on a minimal level during the year. FGM was performed on approximately 12 percent of girls (*see* Section 5, Women).

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

Persons with Disabilities.—The Government did not mandate accessibility to public or private facilities for persons with disabilities. Although the Constitution nominally obliged the Government to aid persons with disabilities and shelter them from social injustice, the Government provided only limited assistance in practice. There was no overt state discrimination against persons with disabilities and some held government positions. However, persons with disabilities had no meaningful recourse against private sector or societal discrimination, and in practice there was discrimination against persons with disabilities.

National/Racial/Ethnic Minorities.—The country's population included members of approximately 40 ethnic groups that generally spoke distinct primary languages and were concentrated regionally in rural areas. Major ethnic groups included the Ewe (between 20 and 25 percent of the population), the Kabye (between 10 and 15 percent), the Kotokoli (between 10 and 15 percent), the Moba (between 10 to 15 percent), and the Mina (approximately 5 percent). The Ewe and Mina were the largest ethnic groups in the southern region and the Kabye was the largest group in the less prosperous northern region.

Although prohibited by law, societal discrimination on the basis of ethnicity was practiced routinely by members of all ethnic groups. In particular discrimination against southerners by northerners and against northerners by southerners was evident in private sector hiring and buying patterns, in patterns of de facto ethnic segregation in urban neighborhoods, and in the relative rarity of marriages across the north-south ethnic divide. Discrimination extended into the public sector, where the centralization of the State allowed little scope for regional or ethnic autonomy, except through the circumscribed authority of traditional rulers and the use of dispute resolution systems.

The relative predominance in private sector commerce and professions by members of southern ethnic groups, and the relative predominance in the public sector and especially the security forces by members of President Eyadema's Kabye group and other northern groups, were sources of political tension. Political parties tended to have readily identifiable ethnic and regional bases: The RPT party was more represented among northern ethnic groups than among southern groups; the reverse was true of the UFC and CAR opposition parties.

In each region, members of majority ethnic groups harassed and attacked members of ethnic groups originating from the other region, forcing them back to their home region. In addition, due to the congruence of political divisions and ethnic and regional divisions, human rights abuses motivated by politics at times had ethnic and regional overtones.

There were reports of violence involving ethnic Ibos from Nigeria. In October in the northern city of Dapaong, an Ibo was accused of killing a taxi driver and a vigilante mob gathered and demanded the police turn over the suspect for punishment.

Following an investigation that revealed the taxi driver had stolen from the Ibo, the Ibo accused of killing him was not turned over to the crowd but was detained by authorities. No trial had been set at year's end. Some believe that Nigerian Ibos kill young women, drain their blood, and steal their sex organs to perform voodoo to accumulate wealth, health, or protection.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides most workers with the right to join unions; however, security forces, including firefighters and police, did not have these rights. The Constitution also prohibits discrimination against workers for reasons of sex, origin, beliefs, or opinions. The World Bank estimates that the country's total workforce was approximately 2 million persons. The work force in the formal sector was approximately 20 percent of the total, of whom from 60 to 70 percent were union members or supporters.

The 1974 Labor Code prohibits foreign nationals from performing administrative or management functions in trade unions.

There were several major trade union federations, including the the National Confederation of Togolese Workers (CNTT), which was closely associated with the Government; the Labor Federation of Togolese Workers (CSTT); the National Union of Independent Syndicates (UNSIT); and the Union of Free Trade Unions.

The Labor Code prohibits antiunion discrimination. The Ministry of Labor was charged with resolving labor-related complaints, but it did not always do so effectively.

Federations and unions were free to associate with international labor groups. The CNTT and the UNSIT were affiliates of the International Confederation of Free Trade Unions, and the CSTT was an affiliate of the World Confederation of Labor.

b. The Right to Organize and Bargain Collectively.—The Labor Code nominally provides workers with the right to organize and bargain collectively; however, the Government limited collective bargaining to producing a single nationwide agreement that must be negotiated and endorsed by representatives of the Government, labor unions, and employers. All formal sector employees were covered by the collective bargaining agreement that set nationwide wage standards for all formal sector employees. The Government participated in this process both as a labor-management mediator and as the largest employer in the formal sector, managing numerous state-owned firms that monopolize many sectors of the formal economy. Individual groups in the formal sector could attempt to negotiate agreements more fa-

avorable to labor through sector-specific or firm-specific collective bargaining, but this option rarely was used.

The Constitution provides most workers with the right to strike; however, security forces and government health workers do not have this right. Government health care workers may join unions.

There is no specific law prohibiting retribution against strikers by employers. Air Afrique workers held a strike at Lome's airport during the year.

The law allows the establishment of export processing zones (EPZs). Many companies had EPZ status, and more than 30 were in operation. The EPZ law provides exemptions from some provisions of the Labor Code, notably the regulations on hiring and firing. Employees of EPZ firms did not enjoy the same protection against antiunion discrimination as did other workers. In practice unions did not have free access to EPZs or the freedom to organize workers.

c. Prohibition of Forced or Bonded Labor.—The law does not specifically prohibit forced or bonded labor, including by children, and children sometimes were subjected to forced labor, primarily as domestic servants. In rural areas, parents sometimes placed young children into domestic work in other households in exchange for one-time fees as low as \$25 to \$35 (15,000 to 20,000 CFA francs).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code prohibits the employment of children under the age of 14 in any enterprise. Some types of industrial and technical employment set a minimum age of 18. Inspectors from the Ministry of Labor enforced these age requirements but only in the formal sector in urban areas. In both urban and rural areas, particularly in farming and small scale trading, very young children traditionally assisted in their families' work.

The Ministry of Health, Social Affairs, Promotion of Women, and Protection of Children was responsible for enforcing the prohibition of the worst forms of child labor; however, few resources were allotted for its implementation and enforcement was weak. Forced and bonded labor by children was a problem (*see* Section 6.f.).

e. Acceptable Conditions of Work.—The Government sets minimum wages for different categories, ranging from unskilled labor through professional positions. In practice less than the official minimum wage often was paid, mostly to unskilled workers. Official monthly minimum wages ranged from approximately \$20 to \$33 (14,700 to 23,100 CFA francs) and did not provide workers a decent standard of living for themselves and their families. Many workers supplemented their incomes through second jobs or subsistence farming. The Ministry of Labor was responsible for enforcement of the minimum wage system but did not enforce the law in practice. The Labor Code, which regulated labor practices, required equal pay for equal work, regardless of sex; however, this provision generally was observed only in the formal sector.

Working hours of all employees in any enterprise, except for those in the agricultural sector, normally must not exceed 72 hours per week; at least one 24-hour rest period per week was compulsory, and workers must receive 30 days of paid leave each year. The law requires overtime compensation, and there were restrictions on excessive overtime work. However, the Ministry of Labor's enforcement was weak, and employers often ignored these provisions.

A technical consulting committee in the Ministry of Labor set workplace health and safety standards. It may levy penalties on employers who do not meet the standards, and employees have the right to complain to labor inspectors of unhealthy or unsafe conditions without penalty. In practice the Ministry's enforcement of the various provisions of the Labor Code was limited. Large enterprises were obliged by law to provide medical services for their employees and usually attempted to respect occupational health and safety rules, but smaller firms often did not.

Workers have the legal right to remove themselves from unsafe conditions without fear of losing their jobs; however, in practice some could not do so.

f. Trafficking in Persons.—The law does not prohibit specifically trafficking in persons, although other statutes against kidnaping, procuring, and other crimes linked to trafficking were used to prosecute traffickers, and trafficking was a problem. Local committees were set up in every region, and while they were voluntary without financial or legal support, these committees investigated reports of trafficking. The country remained a country of origin and a transit point for trafficking in persons, primarily children. Trafficking in women for the purpose of prostitution or nonconsensual labor as domestic servants existed.

The Government had little or no funding to investigate traffickers or trafficking rings. The police had limited success in intercepting victims of trafficking, but prosecution of traffickers was rare. In 2001 the Government reported that it detained

10 traffickers as well as 55 parents of the children stranded in Cameroon in a boat-capsizing incident. Most persons arrested or detained by security forces for alleged trafficking ultimately were released for lack of evidence. No records were available of the number of individual traffickers who were prosecuted during the year.

Government agencies involved in antitrafficking efforts included the Ministry of Social Affairs and Protection and Promotion for Family and Children, the Ministry of the Interior and Security, the Ministry of Justice, and security forces (especially police, army, and customs units). The Government cooperated with the Governments of Ghana, Benin, and Nigeria under a Quadripartite Law allowing for expedited extradition among those countries.

The majority of the country's trafficking victims were children from the poorest rural areas, particularly those of Cotocoli, Tchamba, Ewe, Kabye, and Akposso ethnicities and mainly from the Maritime, Plateau, and Central Regions. Adult victims usually were lured with phony lucrative jobs. Children usually were approached by friends or family friends. Sometimes parents sold their children to traffickers for bicycles, radios, or clothing.

Children were trafficked to indentured and exploitative servitude, which amounted at times to slavery. Victims were trafficked to West and Central Africa, particularly Cote d'Ivoire, Gabon, Nigeria; Europe, primarily France and Germany; the Middle East, including Saudi Arabia and Kuwait; and Asia. Children were trafficked to Benin for indentured servitude and to Cote d'Ivoire and Ghana for domestic servitude. Boys were trafficked for agricultural work in Cote d'Ivoire and domestic servitude and street labor in Gabon. They were fed poorly, clothed crudely, and cared for inadequately, and neither were educated nor permitted to learn a trade. Children sometimes were trafficked abroad by parents misled into allowing them to depart under false pretenses. There were reports that young girls were trafficked from the country to Nigeria for prostitution.

The country was a transit point for children trafficked from Burkina Faso, Ghana, Cote d'Ivoire, and Nigeria. There were credible reports of Nigerian women and children who trafficked through the country to Europe (particularly Italy and the Netherlands) for the purpose of prostitution.

From February 2001 until February, the Government reported that authorities intercepted 351 children ages 10 to 17 in the process of being trafficked.

Traffickers were believed to be men and women of Togolese, Beninese, and Nigerian nationalities.

The Government provided limited assistance for victims. Terre des Hommes, an NGO, assisted recovered children until their parents or next-of-kin could be notified. There also was a government-funded Social Center for Abandoned Children. During the year, the ILO-sponsored International Program for the Elimination of Child Labor (IPEC) program conducted a study of trafficking in persons in the country and in West Africa. During the year, ILO/IPEC worked with other NGOs to increase awareness of the trafficking problem and to encourage the Government to develop a law (which has been drafted but not passed and enacted) setting fines and penalties for anyone caught in the process of trafficking children. A World Bank program, started in 2001 to educate domestic servants and others at risk of being trafficked, was stopped when the country fell into arrears to the Bank on December 31, 2001.

During the year, the Government continued to conduct public awareness campaigns, with the help of UNICEF and NGOs such as WAO-Afrique and CARE.

UGANDA

President Yoweri Museveni continued to dominate the Government after he was reelected to a second 5-year term in March 2001. He has ruled since 1986 through the dominant political party, The Movement. The Constitution provides for an autonomous, independently elected President and a 295-member unicameral Parliament whose members were elected to 5-year terms. The Parliament was weak compared to the Executive, although it occasionally displayed independence and assertiveness. In the June 2001 parliamentary elections, more than 50 percent of those elected were new legislators; however, Movement supporters remained in control of the legislative branch. Observers believed that the 2001 presidential and parliamentary elections generally reflected the will of the population; however, both were marred by serious irregularities, particularly in the period leading up to the elections, such as restrictions on political party activities, incidents of violence, voter intimidation, and fraud. A 2000 national referendum on the role of political parties formally extended the Movement form of government indefinitely and severely re-

stricted political activities. The Constitutional Review Commission (CRC) continued to work to amend the 1995 Constitution during the year. The judiciary generally was independent but was understaffed and weak; the President had extensive legal powers.

The Uganda People's Defense Force (UPDF) was the key security force. The Constitution provides for civilian control of the UPDF, with the President designated as Commander in Chief; a civilian served as Minister of Defense. The Government withdrew a significant portion of the UPDF from the Democratic Republic of the Congo (DRC) during the year; however, security forces remained active in Bunia and border areas. The UPDF also increased its activities in the north in "Operation Iron Fist" against the Lord's Resistance Army (LRA) rebels and conducted operations destroying LRA sanctuaries in southern Sudan with the permission of the Sudanese government. UPDF soldiers and members of Local Defense Units (LDU's), assigned to the Reserved Forces, assisted the police in rural areas. LDU's operated under the authority of the Ministry of Internal Affairs but lacked a legal mandate. The Internal Security Organization (ISO) remained under the direct authority of the President. Although the ISO primarily was an intelligence-gathering body, its operatives occasionally detained civilians. The Chief of Military Intelligence (CMI), under UPDF control, detained civilians suspected of rebel and terrorist activity. The police were organized as a national force under the authority of the Ministry of Internal Affairs. All security forces were under government control and were responsive to the Government. Members of the security forces committed numerous serious human rights abuses.

The country's population was approximately 24.6 million. The economy grew at a rate of approximately 5.6 percent during the year. Approximately 40 percent of total GDP was in agriculture, and foreign economic assistance accounted for approximately 48 percent of the total government expenditure. Foreign investment fell slightly during the year but remained close to 4 percent of GDP. Corruption was a major problem but indicators showed positive changes during the year. For example, Parliament created a Local government Account Committee, which pursued local officials over financial issues raised in government audits. Parliament also passed the Ethics Bill, which requires the declaration of wealth by government officials and their family members. The privatization of state-owned enterprises continued.

The Government's human rights record remained poor, and there continued to be numerous, serious problems. Movement domination of the political process limited the right of citizens to change their government. Security forces used excessive force, at times resulting in death, and committed or failed to prevent extrajudicial killings of suspected rebels and civilians. The Government enacted measures to improve the discipline and training of security forces and punished some security force officials who were guilty of abuses; however, abuses by the security forces remained a problem. Security forces were responsible for some disappearances. UPDF forces committed fewer abuses in the DRC, where they significantly had reduced their presence during the year. Security forces regularly beat suspects in order to force confessions and at times tortured detainees. Prison conditions remained harsh and life threatening. Members of the security forces arbitrarily arrested and detained civilians, including opposition politicians and their supporters. Authorities used incommunicado detention. Prolonged pretrial detention remained a problem. Poor judicial administration, lack of resources, a large case backlog, and lengthy trial delays limited due process rights, including the right to a fair trial; however, some detainees received amnesty and were released. Security forces at times infringed on citizens' privacy rights. The Government at times did not respect freedom of speech and of the press, and restricted freedom of assembly and association. There were some limits on freedom of religion and movement. Domestic violence against women, rape, and abuse of children remained serious problems. Discrimination against women and persons with disabilities remained problems. The Government worked with nongovernmental organizations (NGOs) to combat the practice of female genital mutilation (FGM), which occurred on a limited basis. There continued to be limits on worker rights. Forced labor, including by children, occurred and child labor was common, mostly in the informal sector. There were reports of trafficking in persons. Vigilante justice remained a problem.

Insurgent forces committed numerous, serious abuses and atrocities. The LRA, a rebel organization led by Joseph Kony, increased attacks in the north and killed and abducted civilians, including children. Remnants of the Allied Democratic Forces (ADF) on one occasion abducted civilians.

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 unconfirmed reports of politically motivated killings by government forces, and members of the security forces and the police committed unlawful killings. Security forces sometimes used excessive force that resulted in deaths.

Security forces killed several persons during the year. For example, on March 21, two UPDF soldiers in Kotido killed Father Declan O'Toole, his driver, and his cook. On March 25, the soldiers received a court martial and subsequently were executed.

On April 1, a bodyguard of Presidential Advisor for Military Affairs, Lt. General David Tinyefuza, killed two farm workers in Nakoma Village, Sembabule District. The bodyguard was arrested but was not charged.

On April 19, the High Court in Kampala acquitted former Minister of State and Member of Parliament (M.P.) Vincent Nyanzi of the July 2001 murder of Vincent Mwebesa, a supporter of his opponent.

In May the Director of Public Prosecutions (DPP) dropped murder charges against Edward Kamana Wesonga, M.P. of Bubulo West, Mbale District, for lack of evidence. Wesonga had been charged in September 2001 for the murder of Sergeant Maxwell Wasswa during the 2001 parliamentary campaign.

There was no action taken against persons responsible for the following killings prior to the March 2001 presidential election: The January killing of a Museveni campaign task force member; the January killing of two men who were putting up posters of opposition leader Kizza Besigye in Tororo District; the February killing of four Besigye supporters during a campaign rally; and the March killing of one person during clashes between supporters of Museveni and Besigye in Rukungiri District.

There were no developments in the following 2001 cases: The April shooting by LDU members of two persons and the injuring of another in Kabarole District; the June killing of a woman and injuring of 14 persons by UPDF soldiers in an internally displaced persons (IDP) camp in Kilak County, Gulu District; the June killing of a political opponent by the bodyguard of Hoima Resident District Commissioner (RDC) Simon Mulongo in Bubulo East; the June killing of one person by parliamentary candidate Otieno Akika; the July killing of Makerere University student George Babigumira by police in Kampala; and the August killing of Annet Nakimuli by a police constable during an eviction in Kampala.

On August 16, a Special Police Constable in Nakasongola District was found guilty and sentenced to death for the murder of a fish dealer in 2000.

There was no action taken, nor was any likely, against the members of the security forces responsible for the following killings in 2000: The January killing of two LRA rebels by UPDF soldiers during an attack on Paloga trading center, Gulu; the January killing of six persons by the UPDF and the police in the Kampala suburb of Kabalagala; and the killing of nine persons by UPDF soldiers at a wedding party in the village of Kikere, DRC.

During the year, violent crime increased considerably nationwide, including carjackings, armed robberies, and murders. In June the Government began an anti-crime operation code named "Operation Wembley." Under the campaign, security forces fought aggressively against crime; however, the campaign resulted in many deaths, some in gunfire exchanges with criminals, some while criminals were trying to resist arrest or escape from detention. For example, on May 27, an LDU officer was arrested and charged with the murder of a 5-year-old child who was killed in crossfire when security personnel pursued thieves in Poloto Village in Mukono District. Human rights organizations questioned the legality and severity of the police actions.

On June 29, police operating under Operation Wembley killed three armed robbers, allegedly while they tried to escape from custody in Masaka Town.

Security forces used unwarranted lethal force during arrests. For example, on September 9, security forces killed a pedestrian while trying to arrest armed thieves in the Kampala industrial area.

Police at times used excessive force while dispersing gatherings that resulted in killings (*see* Section 2.b.).

There were reports of deaths in custody that resulted from alleged torture or other abuse. For example, on June 6, a juvenile trying to escape from Nyabahukye Farm Prison in Mbarara District, died after the prison warden allegedly ordered other inmates to beat him. There were no reports of action taken against responsible prison officials.

On July 23, Patrick Owomugisha Mamenero died in CMI custody in Kampala, allegedly of internal bleeding due to blunt injury. He was arrested on July 20 in

Kabale District for alleged subversion. The CMI Director initially denied CMI responsibility, but later promised to conduct an investigation. There were no reports of an investigation at year's end.

On September 16, during the process of transferring 21 detainees from the central prison to the military barracks in Gulu District, soldiers killed Peter Oloya allegedly after he tried to disarm a soldier. The Gulu branch of UHRC said the transfer was illegal. There were no reports of investigation into the incident or action taken against the responsible military officials; two Gulu M.P.'s filed petitions in the Constitutional and municipal Courts for Oloya's wrongful death. Oloya's body never was released to his family.

During the year, harsh conditions and lack of adequate medical treatment caused some deaths in prison (*see* Section 1.c.).

Government forces also killed civilians they mistook to be rebels. For example, on August 25, a UPDF helicopter gunship killed two civilians and injured eight others in Anara Parish, Lira District. Army spokesperson Major Shaban Bantariza confirmed the incident and said that the civilians were mistaken for rebels.

On September 7, a UPDF soldier in Kitgum reportedly killed Emmanuel Onencan, a student of Panyadwong Primary School, whom he mistook to be a rebel, near the Kitgum town council offices. Major Shaban Bantariza confirmed the incident.

On October 25, a village council Secretary for Security and three surrendering LRA rebels were killed in crossfire in Omoro County, Gulu District; Major Bantariza attributed the killings to the mistaken belief that the men were rebels. There were no reports of action taken in any of the cases.

There was no investigation into the April 2001 killing of five persons and injuring of two others during a confrontation between the UPDF and the LRA in Gulu District.

UPDF forces killed numerous persons during clashes with Karamojong raiders during the year. For example, in February soldiers allegedly tortured and killed two Karamojong warriors for refusing to surrender their guns in a disarmament exercise in Kapedo sub-county, Kotido District.

On April 10, the UPDF killed 10 Karamojong warriors during a gun battle to recover illegal guns in Kotido District. The UPDF Commanding Officer of Karamoja, Col. Sula Ssemakula, confirmed the killings; however, Ssemakula did not indicate whether any action would be taken against the responsible soldiers.

In May the UPDF killed 39 Karamojong warriors during a battle in Kotido, Panyangara sub-county.

There was no action taken against the UPDF soldiers responsible for the following 2001 killings: The January killing of 29 Karamojong warriors involved in cattle raids and ensuing clashes in Moroto and Katakwi districts; the April killing of 6 Karamojong warriors during encounters with the UPDF in the Katakwi District; and the September killing of 18 Karamojong warriors when a UPDF helicopter gunship fired upon villagers in Nakapiripirit District.

In August the UPDF submitted to the International Committee of the Red Cross (ICRC) a report of investigations into the April 2001 killings of six relief workers in the Ituri District, DRC; however, the report was not conclusive. ICRC field operations remained suspended, and ICRC offices maintained only a liaison presence at year's end.

Unlike in the previous year, there were no confirmed reports of UPDF abuses in the DRC. Independent observers often found access difficult due to hazardous security conditions and frequent impediments imposed by authorities. Both pro- and anti-DRC government forces extensively used propaganda disseminated via local media, including accusations of abuse by opposing forces, further complicating efforts to obtain accurate information regarding such events. In September the Government and the DRC agreed to set up a joint "pacification mission" to promote peace in Ituri region.

There were reports that violence between the Hema and Lendu tribes in northeastern DRC that was under UPDF influence resulted in the deaths of thousands of Congolese civilians.

Private Otim Okello's death sentence for killing six Congolese civilians had not been carried out by year's end.

There was no action taken against members of the UPDF for abuses committed during the 2000 fighting in Kisangani, DRC.

LRA attacks increased during the year. There were numerous LRA attacks on villages, IDP camps, and refugee camps in which persons were killed, injured, raped, or abducted (*see* Sections 1.b. and 2.d.). During the year, LRA attacks resulted in the deaths of approximately 750 persons, including children, numerous injuries, and the destruction of homes and property. While new incidents of mutilation were not reported, the LRA committed numerous atrocities. For example, on February 23,

LRA rebels killed eight persons during an attack on Agoro Market in Kitgum District. Eyewitnesses reported that the rebels forced parents to kill their own children by beating their heads against trees.

In March LRA rebels reportedly killed an estimated 50 children captives in the Imatong and Acholi Mountains in Sudan on the orders of Joseph Kony. A significant number reportedly died of hunger.

On October 13, LRA rebels burned to death 52 civilians during an attack in Mucwini Trading Center.

Protected villages, IDP camps, and refugee camps also were the targets of large-scale rebel attacks during the year (*see* Section.c.). On July 8, LRA rebels killed five refugees and a UPDF soldier during an attack on the Maaji Refugee Resettlement Camp in Adjumani, West Nile.

On August 5, LRA rebels killed 60 persons and injured several others during an attack on Achol-pii Refugee Camp in Aruu County, Pader District.

In September LRA rebels attacked a World Food Program (WFP) convoy and killed one of the drivers.

No action was taken against LRA rebels responsible for the following 2001 killings: The March killing of 9 persons in Pader District; the March killing of 12 persons and injuring of several others in the Murchison Falls National Park; the June killing of 3 Sudanese refugees and injuring of 7 others at the Maaji Refugee Camp; and the September killing of 1 relief worker and 4 civilians in Gulu.

There were no developments in the case of the LRA rebels who killed Father Raffale Di Bari of the Comboni Missionary Fathers, Kitgum RDC J.B. Ochaya, and seven others in 2000.

During the year, there were at least two reports of landmine use by the LRA. There continued to be deaths and injuries resulting from previously laid landmines. In March one person was killed and another seriously injured by a landmine allegedly laid by LRA rebels in Pawele, along the Gulu-Juba highway.

During the year, one person was killed during crossfire with ADF rebels (*see* Section 1.b.).

No action was taken against the alleged ADF members who in March 2001 killed 10 persons, injured several others, and burned 54 vehicles during an attack on Kasese.

Raids by armed Karamojong raiders continued during the year in Katakwi, Kotido and Kapchorwa districts in the northeast and resulted in more than 50 deaths and more than 80,000 IDPs (*see* Section 2.d.).

Unlike in the previous year, there were no reports that the Karamojong raiders killed relief workers in road ambushes. The Government continued its disarmament program for the Karamojong to stop the raids and killings.

There were no developments in the November 2001 case in which unidentified rebels killed a Catholic priest and two other foreign persons.

Unlike in the previous year, there were no reports of Rwandan Hutu rebel attacks in the country. There were no developments in the case of the Rwandan Hutus who killed two civilians in 2001 in Kisoro District.

Unlike in the previous year, there were no reports of urban bombings in Kampala and other cities; however, on August 12, one person was killed, and five others were injured when a bomb exploded in a house in Iganga District. No one claimed responsibility for the incident.

There were no developments in the cases against persons allegedly responsible for the 2001 series of bombings in the Kampala and Jinja urban centers and Sironko District that resulted in several deaths.

There were no developments in the 2000 grenade attacks in Kampala and Gulu that resulted in the deaths of nine persons.

Incidents of vigilante justice increased and were reported almost daily during the year (*see* Section 1.c.). In April the Inspector General of Police Major General Edward Katumba Wamala estimated that more than 1,000 persons had been killed by mob violence since 1991 and called for an end to the practice. Mobs often targeted and attacked criminals or alleged witches. There were numerous instances in which mobs beat or burned to death petty theft suspects. For example, on July 6, a mob cut with machetes, doused with petrol, and burned to death a suspected thief in Nyendo, Masaka District.

Unlike in the previous year, authorities prosecuted persons who engaged in mob violence. For example, on June 24, the High Court in Jinja convicted six persons of the mob murder of four persons in Kamuli District in 2000 and sentenced them to death. On September 30, the High Court in Kampala charged four men with the mob murder of a taxi driver who allegedly had killed a neighbor's child in Rubaga. However, there was no action taken against persons responsible for the October 2001 mob killing of a suspected thief near Kampala.

There were increased reports of ritual killings of children during the year (*see* Section 5).

b. Disappearance.—There were no confirmed reports of politically motivated disappearances due to action by government forces; however, there were numerous disappearances during the year. For example, on September 1, security officials who claimed to be “Operation Wembley” operatives reportedly abducted Steven Mukama, Vincent Kasozi, and Henry Subi from their homes in Kampala. On September 12, the Uganda High Court ordered the police and other security agencies to produce in court the three missing persons. On September 16, the three appeared in court and were charged with terrorism, aggravated robbery, and illegal possession of arms. The case still was pending at year’s end.

There were no developments in the February 2001 disappearance of Ahmed Mugere and Richard Mutebi, two supporters of opposition leader Besigye.

UNICEF reported that as many as 30,839 children and adults have been abducted since 1986 by rebel groups. Approximately one-third of the abductees were children, and 20 percent of the adults taken were female. UNICEF also stated that of these, 28,903 abductees were from the north, while 2,036 were from the southwest. Approximately 13,611 persons remained missing and presumed dead at year’s end, more than 5,000 of which were children.

UNICEF estimates that 4,500 children were abducted (including long-term and short-term abductions) in the north during the year; some of the children were released and returned home. There were an estimated 7,800 abductions overall from the north during the year. On September 14, LRA rebels abducted two elderly Italian priests and several citizens. The priests were released the next day, and some of the citizens were released by the end of September. The fate of the others was unknown.

During the year, the LRA significantly increased its abductions of civilians for training as guerrillas and as sex slaves, cooks, and porters; most victims were children and young adults. The LRA abducted an estimated 1,086 persons, including children and young girls (*see* Section 1.c.).

For example, on August 6, LRA rebels abducted four workers of the International Rescue Committee (IRC) following an attack on the Achol-pii Refugee Camp (*see* Section 1.a.). On August 11, the aid workers were released in Kazi Kazi.

The ADF abducted civilians on one occasion. On May 13, five ADF rebels abducted two girls during an attack on Bujonjo Trading Center in Nyamiramira Parish, Kagadi sub-county. The UPDF rescued one of the girls; the other girl was killed during the crossfire.

Under the 2000 Amnesty Act, government assistance was provided to former rebels to assist their return to the country. On May 9, UNRF-II Chairman, Major General Ali Bamuze, returned from Sudan to discuss amnesty and released more than 135 child soldiers to UNICEF for rehabilitation. On December 24, Bamuze signed a peace agreement with the Government.

Unlike in the previous year, there were no reports that Karamojong warriors abducted women as part of their traditional practice in which they claim unmarried women as wives by raping them.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, security forces commonly beat criminal suspects, often to force confessions. There were a few reports that security forces tortured suspects, primarily during the period prior to and after the March local council elections.

For example, on March 18, UPDF soldiers and members of the LDU from Moroto District allegedly beat and robbed civilians in Achowa sub-county; the authorities in Katakwi District were investigating the allegations at year’s end.

In May UPDF soldiers allegedly forced Esther Angela to swallow beads she was wearing and assaulted her co-wife Grace Aleper, whom they accused of violating a new, military-imposed dress code intended to apply only to men, during the ongoing disarmament exercise in Karamoja. In September the UPDF 3rd Division Commander ordered the detention of the nine soldiers, including his aide, who had been acquitted of a court martial for assaulting the two women on August 29. The case was pending at year’s end.

On August 23, Lt. Julius Mwali, a UPDF Intelligence Officer attached to the 21st Battalion in the southern district of Kabale, allegedly tortured a student; Mwali later was arrested.

Police arrested several persons who claimed to have been tortured or beaten while in custody. There were fewer reports during the year that members of the LDUs, who frequently lacked training, mistreated prisoners and detainees.

Police and security forces at times harassed and detained opposition activists and journalists (*see* Sections 1.d. and 2.a.).

There were allegations that UPDF soldiers raped and tortured persons in protected villages, IDP camps, and refugee camps that were the targets of large-scale rebel attacks during the year (*see* Section 1.a.).

On January 10, the police Human Rights Desk released a report on the 317 complaints received in 2001, including allegations of excessive force, torture, assault, rape, and murder. According to the report, of the 317 complaints received, 250 were resolved and 67 were pending investigations. During the year, the desk received 386 new complaints; however, details of the new police report were not released by year's end.

Police processed 101 cases of election-related violence in 2001. During the year, the NGO Election Monitoring Group-Uganda (NEMGROUP) recorded numerous incidents of election-related violence, including murder, attempted murder, harassment, intimidation, riots, and attacks against property.

In conjunction with the UHRC, the police continued a training program for police officials to foster respect for internationally recognized human rights standards. The UHRC and NGOs conducted similar programs with UPDF officials during the year.

The Government investigated some cases of abuse, and tried and punished some offenders (*see* Sections 1.a. and 3). In May 2001, the Ministry of Internal Affairs released the 1999 Judicial Commission of Inquiry report into corruption in the police force. The Commission recommended reform of the police force, including the removal of senior police officers found to be incompetent or who had acquired wealth fraudulently. Five high-ranking police officers subsequently were fired. During the year, four police officers interdicted in 2001 were reinstated; however, three others retired, and one was dismissed following investigations by the disciplinary committee of the police force.

The UHRC Tribunal awarded compensation to several persons who had been abused by police. For example, on April 16, the UHRC Tribunal awarded approximately \$18,000 (33 million shillings) to James Kamengo as compensation for torture and inhuman degrading treatment by Lugazi Police, Mukono District in 1999.

On May 22, the UHRC Tribunal awarded approximately \$16,000 (30 million shillings) to Private Godfrey Birungi as compensation for having been detained for 3 years, tortured, and deprived of his property by the UPDF in 1997.

On August 29, the UHRC tribunal awarded approximately \$2,222 (4 million shillings) as compensation to Yitzach Ocircan, whom police arrested, detained, and tortured for 12 days in 1998.

However, the Government failed to prosecute some persons who had committed abuses. For example, on April 26, the DPP dropped the charges of inciting violence against Ken Lukyamuzi, M.P. Rubaga Division, Kampala District, who in February 2001 urged the public to injure or kill any foreigner who attempted to vote in the presidential election at a rally in Kampala. No reason was given for the withdrawal of charges. Nasser Sebagala, who faced similar charges, was convicted of inciting violence in 2001 but was released with a warning.

There were no developments in the April 2001 incident in which LDU members killed two persons and injured another in Rwenkuba sub-county, Burahya, Kabarole District.

There were no further developments or action taken in the following 2001 election abuses: The January intimidation of opposition candidates in Rukungiri by members of the Presidential Protection Unit (PPU); the January case in which seven supporters of opposition leader Besigye were shot; the January beating of supporters of President Museveni; the January attacking of former candidate Chapaa Karuhanga's campaign team by armed gunmen; the February beating of supporters of opposition leader Besigye by Museveni supporters in Luwero; and the July 2001 harassment of Lydia Kamanyi, deputy campaign manager to presidential candidate Aggrey Awori.

There was no action taken against the UPDF soldiers in the following 2001 cases: The March case in which PPU members opened fire and injured several persons in Rukungiri; the March intimidation of voters by the UPDF soldiers in Gulu; the June injuring of 14 persons at the Pabbo IDP camp during violent clashes between supporters of parliamentary candidates; and the June allegation that UPDF soldiers beat voters in Mbarara, Lira, Kyoga, and Otuke.

There were no new developments in the following 2000 cases: The case in which Major Kakooza Mutale allegedly detained and tortured businessman Charles Mpunga at Mbuya Military Barracks; the case in which a police constable in Kayunga, Mukono District, allegedly tortured two civilians; the case in which the UPDF reserve force commander for Tororo district was arrested for torturing and beating of civilians and two police officers; and the case in which Major Dick

Bugingo, a commanding officer in the PPU, was summoned by the UHRC tribunal on charges that he tortured Sergeant Godfrey Mubiru.

There were no reports of any action taken against the responsible members of the police who beat or otherwise abused persons in the following cases from 2000: The March forcible dispersal of an unauthorized rally in Mbarara; the April beating of Ahmed Washaki, an official of the Uganda People's Congress (UPC); the June beating and arrest of 11 Makerere University students; and the September forcible dispersal of a Uganda Young Democrats (UYD) meeting in Gulu.

In accordance with the Lusaka Accords, the Government withdrew most of its troops from the DRC during the year; however, approximately 1,500 soldiers remained in Bunia and on the western slopes of the Rwenzori Mountains.

In 2001 the U.N. released a report that accused various foreign armies in the DRC, including the UPDF, of exploiting the DRC's minerals and other resources, as well as committing human rights abuses. In May 2001, the Government set up the "Judicial Commission into Illegal Exploitation of DRC's Natural Resources and Other Forms of Wealth by Uganda" to investigate the allegations. The report was completed in December but had not been released by year's end.

No action was taken during the year against members of the UPDF responsible for abuses committed in Kisangani in 2000.

There were no developments in the 2000 case in which two senior UPDF Officers were arrested for their involvement in violence between the Hema and Lendu in the DRC.

Reports of violations of humanitarian law decreased in the west, but remained a problem in the north due to the upsurge in LRA activity and the disarmament of the Karamojong in the northeast. The number of reported violations by the Government increased during the year in response to increased activities and abductions by the LRA. There were reports that civilians were injured during fights between UPDF forces and rebels (*see* Section 1.a.).

There were reports that the LRA committed numerous atrocities, including the use of landmines. The LRA increased attacks and the looting and burning of private homes, schools, and IDP and refugee camps. The LRA continued to abduct children and, at clandestine bases, forced them into virtual slavery as guards, concubines, and soldiers (*see* Section 1.b.). In addition to being beaten, raped, and forced to march until exhausted, abducted children were forced to participate in the killing of other children who attempted to escape. There also were numerous LRA attacks in which persons were killed and injured and homes and property were destroyed (*see* Section 1.a.).

There were numerous instances in which mobs attacked suspected thieves and other offenders caught in the commission of crimes (*see* Section 1.a.). Often motivated by widespread distrust or misunderstanding of the justice system, these mobs engaged in stonings, beatings, and other forms of mistreatment. Such mistreatment included tying suspects' wrists and ankles together behind their backs, stripping suspects of their clothes and parading them through the streets, or forcing suspects to hop painfully on the sides of their ankles.

Prison conditions remained harsh and life threatening for the estimated 17,500 inmates in the various prisons and police cells primarily as a result of the Government's seriously inadequate funding of prison facilities. Prison conditions came closest to meeting international standards in Kampala, where prisons provided medical care, running water, and sanitation; however, these prisons also were among the most overcrowded. By one estimate, the country's prisons held approximately three times their planned capacity. The central prison system continued to work with NGOs and the donor community to improve prison buildings, water and sanitation systems, food, and uniforms; however, progress was minimal during the year. Although the law provides for access to prisoners by their families, ignorance of this right and fear of prison authorities often limited family visits. The UHRC reported that it received allegations that officers in charge of police cells sometimes demanded bribes to allow visits.

In March the UHRC reported overcrowding, torture by wardens, severely inadequate medical services, unhygienic conditions, and "semi-starvation" among prisoners in many prisons. The investigator also received complaints from female prisoners that prison authorities tortured them. In March the UHRC branch in Gulu investigated the 2000 torture allegations of four inmates and wrote to the Officer in Charge of Lira government Prisons, who demoted Alfred Obura and transferred others who were responsible to different departments. Long remand periods also were a problem. For example, Gorretti Kabanuka, an elderly female inmate, had been on remand for 6 years in Kakiika prison in Mbarara.

Prisoners at most of the prisons grew maize, millet, and vegetables; however, the UHRC accused prison farms of overworking inmates (*see* Section 6.c.). Skilled pris-

oners earned approximately \$0.14 (500 shillings), and unskilled prisoners earned approximately \$0.06 (100 shillings) per day.

The Community Service Act reduces prison congestion by allowing minor offenders to do community service instead of being imprisoned. Since the act was implemented in November 2001, 301 offenders have been sentenced to community service in the pilot districts of Mukono, Mpigi, Masaka, and Masindi.

There were a number of deaths in custody, some due to torture (*see* Section 1.a.).

Authority over the local prison system remained with the Ministry of Local government. Both civilian and military prisons were believed to have high mortality rates from overcrowding, malnutrition, diseases spread by unsanitary conditions, HIV/AIDS, and lack of medical care; however, accurate estimates were unavailable. In October Assistant Commissioner of the Uganda Prisons Department Mary Kaddu reported the deaths in custody of 37 inmates due to health reasons in Kampala's Luzira Prison during the year; 30 of the 37 died of HIV/AIDS-related diseases. Government agencies sponsored or participated in numerous conferences on the justice system and prison conditions, and worked closely with international and domestic human rights organizations on prison reform efforts during the year.

Female prisoners were held in segregated wings with female staff in most prisons. According to human rights advocates, rape generally was not a problem, although female prisoners also suffered from severely substandard conditions. Due to lack of space in juvenile facilities, juveniles often were kept in prisons with adults. The central prison system maintained one juvenile prison and four lower security remand homes. School facilities and health clinics in all five institutions were defunct; prisoners as young as age 12 performed manual labor from dawn until dusk. Severe overcrowding also was a problem at juvenile detention facilities and in women's wings. The remand home in Kampala, designed for 45 inmates, held approximately 140 children. In Kampala penal institutions, pretrial detainees were kept separate from convicted prisoners; however, in the rest of the country, due to financial constraints, pretrial detainees and convicted prisoners sometimes were held together.

The Government permitted full access to prisons by the ICRC and local NGOs, principally the Foundation for Human Rights Initiative (FHRI) and the Uganda Prisoners' Aid Foundation. The UHRC visited numerous prisons and reported on its findings publicly. Prison authorities required advance notification of visits, a process that often was subject to administrative delays.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits such practices; however, members of the security forces arrested and detained citizens arbitrarily. Under the Constitution, search warrants issued by competent Judges or prosecutors are required to make an arrest; however, in practice suspects often were taken into custody without them. According to the Constitution, a suspect must be charged within 48 hours of arrest and be brought to trial or released on bail within 120 days (360 days for a capital offense). The Constitution also provides that suspects must have access to a lawyer; however, there was no provision for family visitation. The Constitution provides for bail in all but capital cases and cases of treason. If the case is presented to the court before the expiration of this period, the Constitution does not limit pretrial detention. The Constitution also provides that detainees be informed immediately of the reasons for their detention; however, in practice the authorities did not enforce these procedural protections. In March Parliament passed the Anti-Terrorism Act, which permits suspects to be held for not more than 48 hours without charge, repeals section 28 of the Penal Code that limits the definition of terrorism to illegal possession of firearms, and requires the death penalty for all convicted terrorists. On October 4, the General Court Martial in Kampala remanded UPDF Deputy Director for Sports Captain Moses Kabusenene under this act, after he was charged with terrorism, aggravated robbery, and illegal possession of a firearm.

Legal and human rights groups, including the UHRC, strongly criticized the excessive length of detention without trial, in many cases amounting to several years, for alleged offenses under other laws, which both violated the constitutional rights of the detainees and substantially contributed to prison overcrowding (*see* Section 1.c.). Pretrial detainees comprised 70 percent of the prison population. The average time in pretrial detention was between 2 and 3 years. An estimated 11,300 of the approximately 17,500 persons being held in the central prisons and in the local government-run prisons were pretrial detainees. During the year, the UHRC heard several cases brought by prisoners challenging the length of their detention (*see* Section 1.c.).

During the year, there were reported detentions of civilians in military barracks and unregistered places of remand. There were credible allegations that the CMI ordered detainees held incommunicado in police stations or so-called safe houses.

Arbitrary arrest was a problem, and police at times harassed and detained opposition activists (*see* Section 2.b.). During the local council election campaigns, there were many reports of arbitrary detention; however, few were reported to human rights groups or were verified independently.

For example, on February 13, five persons, including Abdelatif Sebagala, M.P. of Kawempe North, were arrested, taken to CMI cells, and later released without charges. The men who arrested them allegedly belonged to the extrajudicial group, Kalangala Action Plan, which was under the direction of Presidential Advisor on Political Affairs Major Kakooza Mutale and most often was used during elections to sway votes and harass citizens.

On March 31, CMI Officers in Rukungiri District, southwestern region, arrested James Musinguzi, former campaign manager of opposition leader Besigye for allegedly mobilizing youth for subversive purposes. He was released after a few hours.

On June 14, Alice Nakyanzi Katooda, a former Besigye campaign manager, and her husband were arrested for alleged subversion. On August 23, the ISO released them after 2 months in detention in the southwestern district of Ntungamo.

On September 7, security forces arrested and charged 14 opposition youths with treason in Gulu. The case was pending at year's end.

On September 17, police arrested and released after 4 hours Francis Malinga Egosot, a former Besigye Presidential Task Force Secretary, in Entebbe. On October 4, Egosot wrote to the Inspector General of Police asking him to investigate the alleged harassment. The case was pending at year's end.

Police at times detained journalists (*see* Section 2.a.).

Arbitrary mass arrests, known as "panda gari," remained a problem. On February 11, security forces arrested more than 150 suspected criminals, including 20 suspected sex workers, in Lira Town. The operation was prompted by a wave of robberies and murders. There were no reports of any court action.

On February 18, security forces arrested 128 suspected criminals in Jinja. The suspects reportedly were screened and released, and those without proper documents were sent to court.

On March 22, security forces arrested 38 persons at Lambu Landing Site, Mukono District. Those arrested were suspected prostitutes, drug addicts, and petty thieves. There were no reports of further judicial action.

The UPDF routinely detained for debriefing LRA fighters and their abductees, including adults and children, at the Gulu military barracks (*see* Section 5). There were several reports during the year that abductees, mostly children, escaped from the LRA or were freed and returned to their families.

There were fewer reports during the year that LDU members arrested citizens.

On January 16, Kampala Police released Bob Kabushenga, a former campaign manager of opposition leader Besigye, who was arrested from his home in Kampala in December 2001, on allegations that he was involved in the murder of Lt. Godfrey Ngabirano. On April 17, he filed a case against the Attorney General for illegal detention.

On July 24, a court sentenced five members of the Ndawula Religious Group, who had been charged in 2001 with unlawful assembly, to a fine of \$111 (200,000 shillings) or 6 months imprisonment.

On September 2, the court adjourned until October 31 the hearing of the February 2001 case in which Hajji Ramathan Muwonge, former campaign manager of opposition leader Besigye, sued the Government for wrongful detention and assault and demanded \$14,500 (250 million shillings) in compensation. No action had been taken on this case by year's end.

On September 3, the hearing of the September 2001 case in which Winnie Byanyima, M.P. for Mbarara Municipality and Besigye's wife, had been charged with unlawful possession of a firearm and seven bullets, was adjourned until October 31, when Byanyima's defense witness failed to appear. The case was ongoing at year's end.

The UHRC reported that Frank Byaruhanga, who was arrested and remanded to Kigo Prison on treason charges in November 2001, was in good health. His case still was pending at year's end.

There were no developments in the following 2001 cases of arbitrary arrest and detention: The February case in which PPU members reportedly arrested and detained for 2 days Lieutenant Bariba Kafara, Besigye's chief campaigner in Rukungiri; the February case in which Presidential Advisor on Political Affairs Mutale allegedly commanded UPDF soldiers to arrest several Besigye supporters in Tororo; the June detention of Hajji Muhammad Kimbugwe by the DMI; and the July mass arrests of persons in Kampala, Kasese, and Masaka.

There were no developments in the following 2000 cases: The case in which police arrested and later released Sam Lyomoki, Worker's M.P. and General Secretary of

the Uganda Medical Union, after he protested in front of State House (the President's residence); the case in which authorities arrested several religious leaders and church members for incidents including killings, defilement, rape, abduction, theft, and unlawful assembly; and the case of 30 youths arrested in Gulu after they were found without identification papers.

The Constitution does not prohibit forced exile; however, the Government did not use exile as a means of political control. During the year, several UPDF officers and Besigye supporters left the country. For example, on February 1, Sabiiti Mutegeza, UPDF's former Director of Records, left the country following an investigation against him over alleged corruption. In February Lt. Muhire Mugire, former ISO Director of Personnel also went into exile. In May Dennis Murindwa, Besigye's cousin who was charged with treason for the alleged recruitment of youths into rebel activity, was released when the court found he had been held beyond the mandatory 48 hours and then reportedly left the country. In September the independent Monitor newspaper reported that Mbareeba Kifaka, a Reform Agenda member, left the country following alleged harassment by security personnel. Kifaka was arrested for alleged subversion and later released in August in Rukungiri.

Former presidential candidate Kizza Besigye and a number of persons on his National Task force, including Rabwoni Okwir, Deus Bainomugisha, and Ann Mugisha, remained in self-imposed exile during the year. James Opoka reportedly was collaborating with the LRA in the north during the year.

Some former rebels returned to the country during the year under the 2000 amnesty (see Section 1.e.).

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the President had extensive legal powers that influenced the exercise of this independence. The President nominated, for the approval of Parliament, members of the Judicial Service Commission, which made recommendations on appointments to the High Court, the Court of Appeal, and the Supreme Court. The lower courts remained understaffed and weak.

The highest court was the Supreme Court, followed by the Court of Appeal (which also functioned as the Constitutional Court for cases of first instance involving constitutional issues), the High Court, the Chief Magistrate's Court, local council (LC) level 3 (sub-county) courts, LC level 2 (parish) courts, and LC level 1 (village) courts. A minimum of six justices could sit on the Supreme Court and the Court of Appeal. In addition, there were a few specialized courts that dealt with industrial and other matters. The Industrial Court (IC), which arbitrated labor disputes, structurally was parallel to the chief magistrate's court. A system of commercial courts resolved commercial disputes, improved commercial justice, and reduced case backlogs. There also was a military court system.

The LC courts often were marred by bribery and male dominance in rural areas. The LC courts had the authority to settle civil disputes, including land ownership and payment of debts, and criminal cases involving children. These courts, often the only ones available to villagers, frequently exceeded their authority by hearing criminal cases, including murder and rape. LC court decisions could be appealed to magistrate's courts; however, often there were no records made at the village level, and defendants were not aware of their right to appeal.

The civilian judicial system contained procedural safeguards, including bail and the right of appeal; however, an inadequate system of judicial administration and a lack of resources, resulting in a serious backlog of cases, circumscribed the right to a fair trial. The case backlog in the High Court continued to diminish; the number of criminal cases pending decreased from 149 in 2001 to 87 by year's end. Most courts rarely observed the constitutionally prescribed limits on pretrial detention. All nonmilitary trials were public.

Many defendants could not afford legal representation. The Constitution requires that the Government provide an attorney for indigent defendants accused of capital offenses, but there rarely was enough money to retain adequate counsel. The Uganda Law Society operated legal aid clinics in four regional offices, although its services remained limited due to funding constraints. It assisted military defendants as well as civilians. The local chapter of Federation International de Abogadas/Uganda Women Lawyers Association (FIDA-U) and the FHRI also practiced public interest law from offices in Kampala. The Law Development Center operated a legal aid clinic to address cases involving children and those accused of petty crimes. A public defense service also operated; however, it lacked government funding and relied solely on donor support.

The military court system did not assure the right to a fair trial. Although the accused had the right to legal counsel, some military defense attorneys were untrained and could be assigned by the military command, which also appointed the prosecutor and the adjudicating officer. The law establishes a court-martial appeals

process; however, the sentence passed by a military court, which could include the death penalty, could be appealed only to the High Command. Under exigent circumstances, a field court martial could be convened at the scene of the crime; however, the law does not permit an appeal under this provision.

On August 23, the Government utilized a National Resistance Army (NRA) statute granting jurisdiction over civilians found in possession of military property (including weapons and uniforms) and instituted an extraordinary court martial tribunal to try some suspects detained under Operation Wembley (*see* Section 1.a.). At least 450 suspects were arrested and detained on various counts including terrorism, aggravated robbery, murder, illegal possession of firearms and desertion, and on September 16, the tribunal began hearing some cases. On October 17, detainees challenged the legality of the extraordinary court martial. However, the Directorate of Public Prosecution, however, ruled that the tribunals were legal under the 1992 NRA statute.

The Government continued to arrest and charge persons for treason, especially captured rebel fighters and opposition supporters (*see* Section 1.d.). During the year, numerous human rights abuses continued to be committed in connection with treason cases, including political detention, detention without charge, detention in unregistered and unofficial places of remand, and mistreatment, including torture. At year's end, prison officials reported that there more than 120 persons detained on charges of treason. Detainees included members of the Islamic Tabliq group, some of whom were released and then rearrested (*see* Section 2.c.).

In 2000 the President signed an amnesty law, which applies to all persons involved in insurgencies since the Movement came into power in 1986. In July the amnesty law was extended for a 6-month period. Since the establishment of the amnesty Commission, 4,714 former rebels or collaborators accepted amnesty, of which 141 were already in prison in 2001 on charges of treason. During the year, no former rebels in prison on treason charges were pardoned, but there were pending applications. On April 19, approximately 1,350 UNRF-II rebels based in Southern Sudan returned to the country with their families to negotiate resettlement terms under the Amnesty Program, which increased the number of persons at a camp in Yumbe supported by the UPDF under a de-facto ceasefire to 2,500. The Government also released some persons convicted of treason and other suspects; however, by year's end, the Government had made limited progress in implementing provisions in the amnesty act related to the repatriation and resettlement of former rebels because of funding constraints.

There was one political prisoner. Bright Gabula Africa, whose death sentence for treason (plotting an armed coup) was upheld by the Supreme Court in 1995, remained imprisoned pending the outcome of his appeal to the Advisory Committee on the Prerogative of Mercy, a largely autonomous constitutional body.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice; however, there were some exceptions. The law requires that police obtain search warrants before entering private homes or offices; however, at times police did not obtain warrants prior to searches.

During the presidential, parliamentary, and local council election campaigns, there were credible reports that security officials searched homes and applied routine traffic roadblocks without warrants. The police also sometimes searched vehicles without prior warrants. During the year, police searched a newspaper office without a warrant (*see* Section 2.a.).

On March 20, Parliament passed the Anti-Terrorism Act, which authorizes certain law enforcement officials to intercept communication in order to detect and prevent terrorist activities. Prison officials routinely censored prisoners' mail.

The Government required that employees in the President's office register their political affiliation in writing.

The Government at times punished family members of suspected criminals. On July 13, John Bagashasha, a relative of Lt. Col. Anthony Kyakabale, an alleged UPDF deserter believed to be organizing a rebel force against the Government, was arrested for alleged subversion. In August the DMI released him.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government at times did not respect these rights in practice.

On occasion persons were arrested for criticizing the Government. For example, on February 8, police in Kampala questioned M.P. Michael Mabikke over seditious statements he allegedly made about President Museveni on January 31, in Kampala. He was released after 6 hours and issued a warning.

Most public media generally were free and outspoken. There were many privately-owned publications and broadcasters. The New Vision, a government-owned daily newspaper with a circulation of 35,000, was of fairly high quality and sometimes included reporting that was critical of the Government. The independent Monitor newspaper, with a daily circulation of approximately 30,000, consistently was critical of the Government. The East African, a Kenya-based weekly publication that provided extensive reporting on the country, continued to circulate without government hindrance.

In October the police raided the independent Monitor newspaper and shut down its publication for 1 week. The police, who did not obtain a search warrant, confiscated computers, mobile phones, diskettes, and print materials. Two editors and a journalist were charged with publication of false information that was considered a threat to national security. The Monitor subsequently was closed down and reopened 1 week later.

A print media law and a broadcast media law require journalists to be licensed and to meet certain standards, such as holding a university degree in journalism or the equivalent. The law also provides for a Media Council that can suspend newspapers and deny access to state information; the Media Council was staffed but not operational during the year. Government officials began to enforce the law at year's end. In November President Museveni ordered stations to stop interviewing "exiled political dissidents" who failed to renounce terrorist and subversive activity, specifically opposition leader Kizza Besigye.

Police at times harassed journalists by detaining them for several hours of questioning. In July an editor and a reporter from the Monitor were summoned by the police for questioning about a news story titled "Uganda Training Rwandan Rebels, Kigali tells UK," in which the journalists allegedly published false information. No formal charges were made.

Government ministers continued to speak out publicly against obscenity and for "press responsibility" in terms of moral content of media. On February 26, police investigators summoned the editor of Bukedde, the Luganda-language sister newspaper of the state-owned New Vision, for the publication of pornographic material; however, Bukedde was not charged.

The charges against the editor of the Red Pepper tabloid, who in October 2001 published obscene photographs, were dropped or suspended.

Unlike in the previous year, there were no reports that security forces forcibly removed journalists from open meetings and press conferences.

The Government continued to operate Radio Uganda, the only national radio station, and one television station (UTV), whose reporting was not considered to be independent. At year's end, there were at least 50 radio stations, mostly private, operating throughout the country. Monitor FM radio, belonging to the Monitor publications group, continued to operate throughout the raid and closure of the Monitor newspaper. There were four local private television stations and more than a dozen private television stations available via satellite. The number of independent media broadcast sources increased during the year.

Several independent media outlets in Kampala broadcast daily or weekly political talk shows, including live off-site radio public debates called "bimeeza" ("peoples' parliament"), which often were very critical of the Government. In August some government and police officials raised security concerns about the programs; however, other officials championed bimeeza as a forum to promote government policies. In late December, the Secretary of the National Broadcasting Council, a governmental body, informed three radio stations that they must stop broadcasting from off-site locations. Under protest the stations modified their bimeeza programs in subsequent weeks by moving them to station premises or taping them in advance. On December 19, the Minister of Information said the Government would begin enforcing media laws and restricting bimeeza, citing legal and security concerns.

Uncensored Internet access was available widely in major cities through several commercial service providers; however, it continued to be beyond the reach of most noninstitutional users, despite declining costs as competition increased. There were more than a dozen cyber cafes in Kampala and a few other cities, and several NGOs offered Internet access.

The Government did not restrict academic freedom. There were two public and more than nine private universities. Students and faculty sponsored wide-ranging political debates in open forums. On October 14, Makerere University students organized a demonstration to protest the police raid on the Monitor newspaper; however, the students cancelled it. One newspaper article said the demonstration was cancelled because of police threats to stop it, while others believed that the Monitor management asked students to let the newspaper resolve their problems quietly.

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

Political education and military science courses known as “Chaka Mchaka” continued during the year on a national level; however, the courses were not mandatory. These courses were criticized as indoctrination in Movement political philosophy.

b. Freedom of Peaceful Assembly and Association.—The Constitution restricts freedom of assembly, particularly for political groups. Permits were not required for public meetings; however, groups were required to notify the police prior to such gatherings. Police denied permission to hold public rallies to several non-Movement groups during the year; however, in practice many groups held rallies and large gatherings, only some of which were declared illegal or disrupted by authorities. For example, on February 1, opposition members Paul Ssemogerere of the Democratic Party (DP), Karuhanga Chapaa of the National Democrats Forum, Muhammed Kibirige Mayanja of the Justice Forum, and James Rwanyarare of the UPC, held a meeting in Kampala to discuss President Museveni’s remarks on political parties, and authorities did not interfere.

On May 14, Karamojong locals demonstrated in Moroto against UPDF soldiers whom they accused of looting property, beating and molesting civilians, and assaulting women and girls following a May 13 operation in which Karamojong men and women were detained and undressed by soldiers after the 3rd Division Commander’s aide de camp gave erroneous orders. The UPDF rearrested the soldiers and scheduled to retry them.

The Constitution also forbids any activities that interfere with the Movement system; the Government interpreted this provision to undermine political groups’ interests. The Constitution bans political parties from holding national conventions, issuing platforms, endorsing candidates, or opening branch offices outside the capital, and on several occasions, police disrupted or intervened and dispersed opposition demonstrations and other events. On June 6, the President approved the Political Organizations Act (POA), which regulates political party activities. The POA permits political parties to establish their headquarters and operate in Kampala; however, the law does not allow parties to operate or campaign at the district level or below. Furthermore, it requires parties to submit a list of names and addresses of at least 50 members from each of at least one third of all districts in the country. On July 2, the opposition DP and lobbying group Reform Agenda filed a petition in the Constitutional Court to challenge the constitutionality of the POA.

During the year, there continued to be credible reports that security personnel, including UPDF soldiers, intimidated members of the opposition and disrupted their rallies and political events. For example, On January 1, police arrested Rubaga South M.P. Ken Lukyamuzi on charges of trying to convene an illegal assembly at the Constitutional Square in Kampala. On January 18, police in Kampala lifted a police bond on the M.P.

On January 12, one person was killed and several others injured when police opened fire to disperse a crowd gathered for a planned UPC rally at the UPC headquarters in Kampala. The police also arrested several members of the UPC, including the Chairman of the Presidential Policy Commission, Dr. James Rwanyarare, and charged them with unlawful assembly. On January 22, the charges were withdrawn for lack of evidence. Three policemen were detained after the Inspector General of Police stated that he had ordered the police not to carry ammunition during the demonstration. They were released on bond pending investigations, and there was no court action by year’s end.

During the February LC 5 elections, security agents fired into a crowd of celebrating supporters of the winning LC 5 candidate, killing one man and injuring others in Kiboga District.

On March 21, anti-riot police in Rukungiri District stopped a planned demonstration by supporters of former Rukungiri M.P., Winnie Babihuga, who had mobilized to celebrate her victory in an election petition filed in the High Court on March 20.

There were reports that local government officials dispersed meetings of religious groups and sometimes denied groups the right to assemble for security reasons (see Section 2.c.).

No action was taken against the members of the police who forcibly dispersed demonstrations in 2001 or 2000.

The September 2001 ban on all meetings and elections within the labor movement still was in effect during the year.

The Constitution provides for freedom of association; however, the Government restricted this right in practice. NGOs were required to register with the NGO Board, which included representation from the Ministry of Internal Affairs as well as other ministries. The Government approved most NGO registrations; however, in September the Minister of State for Internal Affairs stated that the Government had

deregistered 25 NGOs in the public interest, none of which were human rights groups. At least one of the groups, Caring for Orphans, Widows, and Elderly Association (COWE) challenged its deregistration; on October 14, COWE was reinstated.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, at times the Government limited this right in practice.

Religious groups and foreign missionaries, like other NGOs, had to register with the Government. The Government continued to refuse registration to the World Last Message Warning Church, due to continuing suspicions following the 2000 cult killings of more than 1,000 citizens in Kanungu. The Government appointed a Commission of Inquiry to investigate the killings; however, the Commission's investigation was delayed due to lack of funds. There were no reports that the Government refused registration to any other religious organizations.

The backlash from the 2000 cult killings resulted in negative public attitudes toward fringe Christian groups. Some local governments restricted the hours of operations and the practices of religious organizations that were viewed as cults. Several churches, including the Revival Pentecostal Church in Nseko, a church group based in Hima public school in Busongone, and the Church of the Servants of the Eucharistic Hearts of Jesus and Mary, remained closed during the year.

Muslims occupied positions of authority in local and central government; however, some Muslim leaders claimed that the number of positions did not reflect their percentage of the population.

In August the District Security Committee of Ntungamo banned night prayers in all Evangelical churches. On August 19, the Resident District Commissioner (RDC) John Kigyagi told the Government sponsored New Vision newspaper that night prayers had become a security threat. Night prayers in Masaka also remained banned at year's end.

There were several reports that security forces denied the right of assembly to some religious groups, largely due to reasons of national security. In April security authorities rejected a Muslim request to march in Kampala to protest against Israel. The Muslims agreed to hold a prayer meeting instead in downtown Kampala.

There were some reports that security officials harassed and or detained Muslims. On July 12, 15 Tabliq Muslims who were acquitted of treason by the High Court were rearrested by the Joint Anti-Terrorism Task Force on allegations that they had made contact with ADF rebels. The suspects were remanded for further questioning.

Police arrested suspected cult leaders during the year for questioning. In May police arrested Aloysius Ndyabawe, a suspected cult leader who allegedly confined and overworked his followers in Kamwenge District. Ndyabawe was released after a few hours.

On July 16, Prophet Wilson Bushara, leader of the World Last Message Warning Church, was arrested and detained on suspicion that he was reorganizing his followers in Bukoto in Nakaseke County, Luwero District. Bushara later was released from Luwero Central Prison. Bushara had been released in January for lack of evidence in the 2000 case in which he was charged with defilement, rape, abduction, and theft.

On July 24, a court in Kampala sentenced the five leaders of the Ndawula religious group, who had been charged in 2001 with managing an unlawful assembly in Wakiso, to a fine of \$111 (200,000 shillings) or 6 months imprisonment.

In July 2001, the court dismissed for lack of prosecution the 2000 case in which Innocent Bitungwabariho was charged with participating in an unlawful assembly.

Nabi Besweri Kiswabuli, leader of the Issa Massiya religious group in Iganga district, was released from prison during the year after he was cleared of any wrongdoing.

There were no developments in the following 2000 cases: The March case in which Rukungiri Assistant Resident District Commissioner (ARDC) Reverend Francis Mutazindwa was arrested and released on bail for failing to act on information about the activities of the Kanungu cult; the May case of five members of the Kisaaba Redeemed Church in Kayunga, Mukono district; and the May case of five members of the Mulungimu Full Gospel Church in Luweero.

There also were reports of societal violence against traditional African religious institutions. For example, on September 16, a group of foreign pastors and evangelical members attacked a traditional healer's shrine in Masaka District; local residents stopped the attack. Local police initiated an investigation into the incident.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government at times limited them in practice. Some local officials reportedly demanded payment of fees for permission to change a place of residence. A married woman must obtain

her husband's written permission on her passport application if children are traveling on her passport.

The decision of Kizza Besigye's 2001 petition to the UHRC Tribunal against the Government for wrongful restriction of movement remained pending at year's end, and he remained in self-imposed exile during the year.

Attacks by LRA terrorists and armed Karamojong raiders caused many Acholis and Iteso to leave their homes for urban centers, IDP camps, and villages guarded by the UPDF and LDU's. Although the armed Karamojong raiders did not attack the Acholi during the year, increased incursions by the Karamojong raiders led to the displacement of approximately 79,600 persons, particularly in Katakwi, Kotido and Kapchorwa Districts. It was estimated that approximately half of Katakwi, Kotido, Gulu, Kitgum and Pader district populations were in IDP camps or protected villages due to attacks by LRA or Karimojong warriors. At year's end, there were 814,199 IDPs as a result of violence in the north and northeast, according to the U.N. Office of the Coordinator for Humanitarian Affairs.

In the north, government forces continued their policy of maintaining so-called protected villages with UPDF detachments nearby as a means of protecting civilians and denying support to the LRA. Despite substantial NGO and donor community assistance, conditions worsened due to increased LRA activity in the north. The Government failed to provide adequate security to the protected villages or IDP camps, which were the targets of large-scale rebel attacks (*see* Section 1.a.).

Approximately 27,700 persons were refugees in the DRC, Sudan, and Kenya during the year.

There were no laws that provide for the granting of asylum or refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government granted such status in practice. The Government cooperated with the Office of the U.N. High Commissioner for Refugees (UNHCR) and with other humanitarian organizations in assisting refugees. The Government continued to provide first asylum as well as land for temporary resettlement to citizens from neighboring countries and extended this practice to significant numbers of refugees during the year. More than 85 percent of the approximately 200,000 refugees in the country were from southern Sudan; there also were refugees from the DRC, Rwanda, and Somalia as well as a small number from Burundi.

In November Human Rights Watch issued a detailed report entitled "Hidden in Plain View: Refugees Living Without Protection in Nairobi and Kampala" describing the difficult living conditions of Kampala's urban refugees, including arbitrary arrests and detentions.

During the year, there were reports of the forced return of persons to a country where they feared persecution. In March the Government handed over for repatriation three Rwandan Patriotic Army (RPA) Officers, Michael Kanyamahanga, Joseph Akayezu, and Jean Baptiste Habimana.

In November 2001, the Government signed a Memorandum of Understanding on the Formation of a Joint Verification and Investigation Committee with Rwanda, which gave each country free access to inspect and investigate allegations of military and subversive activities that occurred in the other country.

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

The Constitution provides citizens with the right to change their government; however, Movement domination of the Government and some restrictive constitutional and statutory provisions limited citizens' effective exercise of this right. There was universal suffrage for adults who were 18 years of age and older. The Constitution does not provide the right to vote to prisoners.

The President dominated the Government and Movement supporters remained in control of the Parliament. The independence and assertiveness of the legislature decreased significantly prior to the June 2001 parliamentary elections; however, the Seventh Parliament showed occasional signs of independence.

In 2001 the Constitutional Review Commission (CRC) began soliciting the public's opinion and holding public hearings on amending the 1995 Constitution. The CRC was set up to examine the constitutional provisions relating to sovereignty, political systems, democracy, and good governance; its report was scheduled for release in June 2003.

The Government maintained, at government expense, the Movement Secretariat, an organization that roughly paralleled government institutions and was limited to those who supported the Movement. The Government prohibited some non-Movement political gatherings, required employees in the President's office to register their political affiliation in writing, and dispersed numerous political meetings not

sanctioned by the Movement (*see* Section 2.b.). The 2000 referendum on the role of political parties resulted in the indefinite extension of the Movement form of government and the indefinite continuation of restrictions on political parties (*see* Section 2.b.). The referendum process was flawed by restrictions on political party activities and unequal funding. In May the President signed the Political Parties and Organizations law, which permits political parties to establish their headquarters and operate in Kampala; however, the law does not allow parties to operate or campaign at the district level or below.

The law sets educational requirements for candidates for public office. Election candidates were required to prove that they met the requirements. Several candidates were disqualified because of false papers, and Asraf Olega, M.P. Aringa County, was disqualified over academic qualifications. The cases of four others were pending at year's end.

The Presidential Elections Law permits election campaigns to commence after the Electoral Commission (EC) has approved a candidate's nomination. Under the Local government Act and the Electoral law, Parliament must approve funding for each electoral exercise. The Government's failure to provide timely legislation for the presidential, parliamentary, and LC elections caused EC funding for electoral materials to be delayed considerably.

On January 4 and 5, the LC 3 and 4 elections were held in some districts. They were marred by insufficient procurement, incorrect and faulty ballot papers, and poor and incorrect packaging for distribution. Defective voter rolls also prevented many persons from voting. In some cases, there were no dispatches of materials to districts before election day, causing some LC 3 elections to be delayed. Many of the election flaws were attributed to insufficient funds and corruption in the EC.

On February 14, LC 5 elections were held and generally were peaceful; however, there was some violence, intimidation, and voter fraud in some districts during the campaign period and on election day (*see* Section 2.b.). For example, Kampala District and Kabale District had multiple allegations of beatings on election day. In Kasese District, a man was shot and killed in an election scuffle in Kitholhu. Voter turnout was low.

On February 26, Parliament formed a 15-member select committee to probe violence and irregularities in the 2001 presidential and parliamentary elections and LC elections that took place during the year. On September 10, its findings were made public and revealed that Movement supporters accounted for 29 percent of all cases of violence during the elections. The UPDF accounted for 17 percent, closely followed by EC officials with 16.5 percent. The committee recommended that the Government desist from using the army and other security organs to advance partisan interests during elections and that the army should register at civilian polling stations to avoid the appearance of malfeasance. It also recommended that acting Army Commander Major General James Kazini, Presidential Advisor on Political Affairs Major Kakooza Mutale, Brigadier Julius Oketa, and other security personnel be investigated further and prosecuted for alleged crimes related to election violence.

On July 31, President Museveni dismissed EC Chairman Hajji Aziz Kasujja, together with several other EC commissioners. The dismissals followed recommendations from the Inspector General of government (IGG) that the EC officials be terminated for misuse of public funds and incompetence. Six former EC staff members were on remand in prison on fraud charges. On November 5, President Museveni appointed Baddru Kiggundu the new EC Chairman and Sister Margaret Magoba, a Catholic nun, Deputy Chairman, along with four other commissioners.

In March 2001, six candidates competed in the presidential elections, including President Museveni and Kizza Besigye. President Museveni was reelected with 69.3 percent of the total votes cast; Besigye received 27.3 percent of the vote. The presidential election generally reflected the will of the population; however, there were many complaints of irregularities prior to and on election day, which led to a flawed election process. These irregularities included: Insufficient time for voter registration; vote-buying; unauthorized persons tampering with voter rolls; double voting; persons' names being crossed off the voter list before they voted; and votes being given to President Museveni before the votes were cast. There also were reports that soldiers intimidated voters (*see* Section 1.c.). Although there were allegations that the voter list rolls contained many illegal names, the percentage of all registered voters accounted for only 70.3 percent of the eligible voter poll.

Army Commander Major General Jeje Odongo was appointed head of the country's internal security during the election period. There were numerous reports of election-related violence and intimidation by both the Government and the opposition prior to and on election day (*see* Section 1.c.). Police and UPDF forces also harassed and detained opposition politicians and supporters (*see* Section 1.d.).

Several civil and religious organizations prohibited their members from campaigning for candidates during the presidential elections. There were reports that UPDF officers campaigned, and a UPDF officer reportedly was arrested and another went into hiding to avoid arrest for violating army rules against campaigning. The Inspector General of Police restricted presidential candidates and their agents from conducting campaigns in police barracks and cautioned police against wearing T-shirts of candidates, carrying out campaigns, and putting up posters. The Anglican Church directed its clergy to stop campaigning in churches and not to display candidates' posters.

In March 2001, Besigye filed a petition with the Supreme Court challenging the results of the election, and in April 2001, the Court ruled 3–2 against Besigye, stating that he had failed to prove that the election was so flawed that a new election was needed. The Court found that the EC was at fault for its handling of the election. Opposition leader Besigye was detained or called in for questioning at least three times following the presidential and June parliamentary elections; he left the country in August 2001.

In June 2001, elections were held for the 214 directly elected parliamentary seats. There was an increase in the number of M.P.'s following the implementation of a law that increased by 12 the number of districts. Observers stated that the elections generally reflected the will of the population; however, there were numerous instances of election-related intimidation and violence. Despite active campaigning by President Museveni and influential members of the Movement, many important Movement M.P.'s lost their seats in the elections; however, a number of them lost to other Movement candidates, which suggested that their defeats were due to local concerns rather than political affiliation. The number of opposition M.P.'s increased to 35 from 12, including 9 UPC (former President Milton Obote's party) M.P.'s and at least 6 M.P.'s from the DP. Others were affiliated loosely with the DP; however, the affiliation of several other M.P.'s was unclear. There were 230 M.P.'s from the Movement party, giving it a clear majority; however, a number of moderate Movement M.P.'s, kept their seats in spite of Museveni's active campaigning for their opponents.

Prior to both sets of June 2001 parliamentary elections, the President campaigned against opposition candidates, including Movementists, and such threats increased immediately prior to the election days. Museveni appeared at rallies supporting his favored candidates and used the occasion to criticize their opponents. For example, in June 2001, during an FM radio broadcast, Museveni accused Winnie Babihuga, incumbent Rukungiri Women's M.P. and Besigye supporter, of engaging in election malfeasance, suggesting that she and others could be arrested; Babihuga was not reelected. However, in March Winnie Babihuga filed a petition challenging the June 2001 election of Winifred Maskio as Women's M.P. of Rukungiri District. On March 20, the High Court nullified the election, citing massive electoral fraud, and requested Masiko to vacate her seat. Masiko appealed the decision and the High Court ruling was overturned on November 4. Masiko was reinstated as M.P. and Babihuga ordered to pay court costs.

Election results in several districts were challenged and resulted in recounts. The most notable occurred in Mbarara Municipality, where M.P. Winnie Byanyima defeated her opponent Mbarara RDC Ngoma Ngime despite strong support for Ngime by President Museveni and other Movement officials. Ngime challenged the results in the Mbarara Chief Magistrate's court, and the Chief Magistrate ordered a recount of Byanyima's votes; however, the recount was stayed. The High Court ruled in favor of Byanyima and ordered the recount stayed indefinitely. In November 2001, Ngime filed an appeal and on September 23, the Court began hearing the appeal, which was pending at year's end.

On May 17, the High Court ruled in favor of James Musunguzi against Minister of Defense Amama Mbabazi and the EC in the Kinkizi West parliamentary race and ordered a by-election. The Court found that Mbabazi bribed voters, failed to comply with the electoral law, and wrongfully used public resources. The Court also found that the UPDF interfered with the electoral process. Mbabazi appealed to the Court of Appeal and on December 18, the Court upheld the lower court findings.

The Constitution requires elections through electoral colleges for the 81 special interest group seats in Parliament reserved for women (56), organized labor (5), persons with disabilities (5), youth (5), and the army (10); however, the UPDF High Command, chaired by President Museveni, selected the 10 army representatives. In June 2001, the elections were held for these seats; there were allegations of vote rigging and vote buying in some of the elections.

Newspaper, radio, and television coverage, in particular coverage by state-owned media of the presidential, parliamentary, and LC elections, favored Movement ac-

tivities. Efforts to promote activities by opposition candidates received less coverage in the media than the activities of the President.

The Government used quotas in an aggressive effort to place women in positions of authority. Women won 12 non-reserved seats for the 295-member Parliament in the June 2001 election, and the number of reserved seats for women increased from 38 to 56 in the 2001 elections. In total there were 73 female M.P.'s in the Seventh Parliament. The Vice President was a woman, as were 4 ministers and 12 junior ministers in the President's 66-member Cabinet. One woman served as Deputy Chief Justice of the Supreme Court, and another woman headed the CID. In 2001 four female members were elected to represent the country on the East African Community (EAC) legislative Assembly. Elections for special interest group seats reserved for women in Parliament were held in the 12 new districts created during the year.

The first M.P. of Asian ethnicity was elected for one of the reserved youth seats in Parliament in 2001; however, he resigned after it was discovered that he had forged his secondary school diploma.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were responsive to their views. Active domestic groups included the FHRI; FIDA-U; Human Rights Focus; the National Association of Women's Organizations of Uganda (NAWOU); the International Federation of Human Rights; and the Human Rights and Peace Center of Makerere University. The Prisoners' Aid Foundation monitored prison conditions. The National Organization for Civic Education and Election Monitoring dealt with problems related to civil society and political rights. HURINET, a Human Rights Network and an umbrella organization for nine human rights organizations in the country, also continued to be active. The local NGO Uganda Debt Network addressed corruption. Government officials frequently attended conferences and seminars hosted by NGOs on social problems and continued to cooperate with NGOs on legal and prison reforms.

The Uganda National NGO Forum was a consortium of local and international NGOs involved in advocacy. On August 8, the organization launched the NGO Code of Conduct that provides for the self-discipline, regulation, and mechanism of restraint for NGOs.

The Government allowed visits by international human rights NGOs, including Amnesty International (AI), the ICRC, and the UNHCR. The ICRC suspended all field activities in the country and in northeastern DRC following the killings of six ICRC workers in 2001 (see Section 1.a.). The ICRC maintained only local staff at branches in Kasese, Bundibugyo, Fort-Portal, Gulu, Kitgum, and eastern DRC during the year. The ICRC also suspended visits to military detention facilities (see Section 1.a.).

The Constitution establishes the UHRC as a permanent independent body with quasi-judicial powers. The President appointed the UHRC's eight-member board. Under the Constitution, the UHRC may subpoena information and order the release of detainees and the payment of compensation for abuses. The UHRC continued to pursue suspected human rights abusers, including high-level officials in the Government and military, and expanded its operations by opening three more branches countrywide, in Mbarara, Fort Portal, and Jinja. The UHRC Human Rights Tribunal headquarters received 409 new complaints during the year, including some against senior government leaders and military and police officials; the Soroti office received 405 complaints and the Gulu office received 372. Of the 409 complaints received at headquarters, 335 were pending investigations, 25 were referred to other bodies, 1 was waiting for judgement before the tribunal, 7 cases were ruled as no violation, 21 were resolved through mediation, 6 were determined not to be human rights cases, 9 complainants lost interest, 2 were time barred, 2 were dismissed for lack of evidence, and 1 case was dropped when the respondent died. Of the 405 complaints received at the Soroti office, 31 were pending investigation, 4 were referred to other bodies, 8 were waiting for judgement before the tribunal, 30 were resolved through mediation, 1 was time barred, 10 were dismissed for lack of evidence and 321 were pending resolution through mediation. Of the 372 complaints received at the Gulu office, only 13 complaints were investigated due to the insecurity in the region, of which 6 are pending judgement and 8 are awaiting a hearing before the tribunal. A total of 51 cases were referred to other bodies. The UNRC did not have the power to intervene in cases pending before a court. The UHRC inspected numerous detention facilities and publicly reported on its findings; however, it complained

of lack of access to military facilities during the year. In March the UHRC released its 2001 report that cited abuses by security organs, criticized police corruption and inefficiency, noted instances of denial of the right to assembly, and criticized involvement in the DRC.

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

The Constitution prohibits discrimination based on these factors; however, the Government did not enforce the law effectively in matters of locally or culturally accepted discrimination against women, children, persons with disabilities, or certain ethnic groups. Race was not a factor in national politics. The continued instability in the north led to violations of the rights of some Acholi, an ethnic group that comprises a significant part of the population. Most violations of Acholi rights resulted from LRA actions.

Women.—Domestic violence against women, including rape, remained common. According to the 2001 Law and Advocacy for Women Projects Report on Domestic Violence, wife beating ranked highest among the Acholi people at an estimated 80 percent. The Bakiga in the south ranked second with 75 percent. There were no laws that specifically protect women from battery or spousal rape, although there was a general law concerning assault. Law enforcement officials, reflecting general public opinion, continued to view wife beating as a husband's prerogative and rarely intervened in cases of domestic violence. Women remained more likely to sue for divorce than to file assault charges against their husbands.

These problems continued to receive increasing public attention. Numerous women's rights NGOs sponsored conferences, empowerment sessions, and training programs throughout the country. The revised 1964 bride-price by-law, which was passed by a referendum in Tororo in December 2001, made the bride price a non-refundable gift to the parents of the bride and was expected to lessen domestic violence when either party sought divorce. During the 2001 presidential elections, the Government set up a hotline for women to call the UPDF to seek redress if their husbands threatened violence against them for exercising their right to choose a candidate.

The Karamojong ethnic group in the northeast has a cultural practice of claiming unmarried women as wives by raping them; however, no cases of this practice were reported during the year. An undetermined number of women were victims of abduction and rape by rebel forces. There were allegations of rape by the UPDF (*see* Section 1.c.).

FGM was practiced by the Sabiny tribe, located in the rural Kapchorwa District, and the Pokot tribe (also known as the Upe), which inhabited the northeastern border with Kenya. There were approximately 10,000 Sabiny and approximately 20,000 Upe who lived in the country. Among the Sabiny, initiation ceremonies involving FGM were carried out every 2 years. During the year, initiation ceremonies took place in Kapchorwa. The NGO REACH recorded a total of 586 women who underwent FGM. These figures were down from the 621 reported in 2000.

There was no law against the practice, but the Government and women's groups working with the U.N. Population Fund continued to carry out programs to combat the practice through education. These programs received strong government support and some support from local leaders. The programs emphasized close cooperation with traditional authority figures and peer counseling. Significant press attention to these ongoing efforts brought public attention to the problem during the year.

Prostitution was illegal; however, it was common. There were no credible statistics available on the occurrence of prostitution during the year.

There were reports of trafficking in persons during the year (*see* Section 6.f.).

Sexual harassment also was common. On May 9, the Board of the Faculty of Law at Makerere University approved a sexual harassment policy intended to combat sexual abuse and harassment at the University. The July International Women's Congress held in Kampala heard from female police officers who were pressured into giving sexual favors and denied promotions.

Traditional and widespread societal discrimination against women continued, especially in rural areas. Many customary laws discriminate against women in the areas of adoption, marriage, divorce, and inheritance. In most areas, women could not own or inherit property, nor retain custody of their children under local customary law. Divorce law requires women to meet stricter evidentiary standards than were required for men in order to prove adultery. Polygyny was legal under both customary and Islamic law, and a wife had no legal status to prevent her husband from marrying another woman. In some ethnic groups, men also could "inherit" the widows of their deceased brothers. Women did most of the agricultural work but owned only 7 percent of the agricultural land. There were limits on a married woman's ability to travel abroad with her children (*see* Section 2.d.).

There were active women's rights groups, including FIDA, Action for Development, the National Association of Women Judges (NAWJ), Akina Mama Wa Afrika, the Forum for Women in Democracy, and NAWOU, which promoted greater awareness of the rights of women and children. Women as Partners for Peace sponsored a forum to discuss democracy and conflict resolution. FIDA continued with its program on proposed reforms of outdated and discriminatory laws.

Children.—The Government demonstrated a commitment to improving children's welfare. Education received the largest percentage of the budget. During the year, the Government did not enforce effectively the 1996 Children's Statute, which outlines broad protections for children. Government efforts to enforce the statute's provisions were hampered by the large proportion of the population that was below 18 years of age (50 percent of the country's population was under 15), staffing and fiscal constraints on the judiciary, and cultural norms. The law stipulates parents' responsibilities and provides extensive protection for children in a wide variety of areas, including financial support, foster care placement, adoption, determination of parentage, and treatment of children charged with offenses. It also includes provisions on the rights of the child. For example, the law prohibits children from taking part in any activity that was likely to injure the child's health, education, mental, physical, or moral development; however, the Government often did not enforce these prohibitions. The Children's Statute also requires children with disabilities to be treated and given necessary special facilities; however, inadequate funding often hampered the enforcement of this provision. In August the Ministry of Gender reported that knowledge on the rights of children of the 1996 Children's Statute was poor in most parts of the country, particularly in rural communities.

The Government continued the Universal Primary Education (UPE) program, which provided free education through the seventh grade; however, education was not compulsory. According to official statistics, there was a 95 percent enrollment rate; however, this figure widely was believed to be inflated as a result of both school dropouts and a tendency of some schools to inflate attendance figures for funding purposes. Since the implementation of UPE, primary school enrollment increased from 2.9 million in 1996 to 7.2 million during the year.

During the year, the Government eliminated the previous restriction to four children per family and opened UPE to all primary age children without limits. Key components of the UPE program included eliminating compulsory uniform requirements, providing free textbooks, and eliminating school and Private Learning Examination (PLE) fees. The UPE increased funding for education, provided additional skills training for teachers, and reduced the textbook to student ratio; however, some provisions had not yet been implemented fully by year's end. Strained finances, internal corruption, instability in some areas, infrastructure problems, and inadequate teacher training prevented full implementation. The UPE program made education more accessible financially; however, parents still had to pay for school supplies and some school costs.

Girls and boys theoretically had equal access to education in the lower grades; however, the proportion of girls in higher school grades remained low because families traditionally favored boys when making financially related educational decisions. Boys also were more likely to finish primary school and perform better on the PLE. The Government continued several programs to promote a national plan for the education of girls; only 54 percent of adult women were literate compared with 74 percent of adult men.

Child abuse remained a serious problem, particularly the rape of young girls or defilement. Defilement applied to all cases of sexual contact outside of marriage involving girls younger than 18 years of age, regardless of consent or the age of the perpetrator. The perpetrators of rape often were family members, neighbors, or teachers; however, only a small fraction of these cases was reported. In August the district of Mbarara's Department of Education established a hotline for the public to report defilement cases by teachers. Many cases frequently were reported in newspapers; a payment to the girl's parents often settled such cases. During the year, there were 5,554 reported cases of defilement, of which 3,178 were investigated. Increasing numbers of accusations reached the courts and an increasing number of cases were prosecuted during the year; however, neither conviction nor punishment was common. Defilement carried a maximum sentence of death; however, no court sentenced rapists to death during the year.

The marriage of young girls by parental arrangements was common, especially in rural areas.

Most schools used corporal punishment; however, the beating of secondary school students was prohibited. On August 9, a court sentenced a primary school teacher to 3 weeks imprisonment in Luzira Prison for caning student Elizabeth Uwimeza

and causing bodily injury. The teacher also was ordered to pay \$111.00 (200,000 shillings) to the victim after serving the sentence.

There were increased allegations and some confirmed reports of ritual killings of children during the year. On June 17, police in Luwero arrested four persons in connection with a ritual murder of a girl whose body was discovered in a shallow grave near a shrine in Nakikoota Village. Investigations in the case were pending at year's end.

On June 28, Salim Hussein of Kasusu, Kabarole District, beheaded the 2-year-old son of the Fort Portal Municipal Council Treasurer. Hussein later was killed by an angry mob.

In September police in Mukono arrested a man named "Davis," who allegedly tried to sell his 6-year-old son for approximately \$1,666 (3 million shillings). Davis reportedly was arrested following the delivery of the child to a traditional healer.

There were no reports of developments in the April 2001 case in which police arrested three traditional healers for allegedly kidnaping and trying to sacrifice a 13-year-old boy in Mukono, or in the December 2001 case in which police arrested Sheikh Hamdan Madanga, a witch doctor, for possession of a human head in his shrine in Mbale.

There were an estimated 2 million orphaned children (children missing either or both parents). This large number of orphans resulted from previous civil wars, the internal displacement of persons, and HIV/AIDS.

FGM was performed on girls in the Sabinu and Pokot tribes (*see* Section 5, Women).

Child prostitution was a problem (*see* Section 6.f.).

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

The legal recruitment age for military service was 18 years; however, in practice some recruiters allowed 17 year-olds to enlist. LDU's could recruit children under the age of 18 with parental consent.

There were reports that the military detained and used child soldiers to help find LRA landmines, camps, and arms caches (*see* Section 1.d.).

The LRA abducted many children and used them as guards, laborers, soldiers, or as sex slaves (*see* Section 1.b.). Most LRA fighters were abducted children coerced into becoming rebels.

Persons with Disabilities.—The Constitution provides persons with disabilities with "a right to respect and human dignity"; however, widespread discrimination by society and employers limited job and educational opportunities for such persons. There was no statutory requirement for the accessibility of buildings for persons with disabilities. Most buildings had one floor; however, taller buildings in larger cities rarely had elevators and those that operated seldom were reliable. There was a Minister of State for Disabled Persons and a Department for Disabled Persons within the Ministry of Gender, Labor, and Social Development; however, these institutions lacked sufficient funding to undertake or support any initiatives.

The Children's Statute also requires children with disabilities to be treated and given necessary special facilities; however, in practice inadequate funding hampered its enforcement.

National/Racial/Ethnic Minorities.—Civil strife in the north led to the violation of the rights of members of the Acholi tribe, who primarily resided in the northern districts of Gulu and Kitgum. Both government forces and the LRA terrorists, who themselves largely were Acholi, committed abuses. LRA fighters in particular were implicated in the killing and kidnaping of Acholi tribe members (*see* Section 1.a.); the UPDF record in the north worsened with the increased activity of the LRA during the year. Unlike in the previous year, there were no reports that ADF rebels committed abuses against members of the Bakonjo and Bamba tribes.

During the year, raids by armed Karamojong raiders in Katakwi, Kotido, and Kapchorwa districts in the northeast resulted in more than 50 deaths. The raids reportedly exacerbated ethnic tensions in the northeast (*see* Section 1.a.). In December 2001, the Government began a disarmament program for the Karamojong raiders, which caused confrontations between the Karamojong and the UPDF in its efforts to enforce the program.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of every person to join workers' associations or trade unions; however, the Government at times did not respect this right in practice. The Government continued to refuse registration to the Uganda Allied Teachers' Union. Employers often did not observe the requirement to recognize a union. The right to form unions extended to civil servants; however, many "essential" government employees were not permitted to form

unions, including police, army, permanent secretaries in the ministries, heads of departments and state-owned enterprises, school principals, and other management-level officials. The Government failed to enforce the rights of some employees to join unions in newly privatized industries and factories.

The law allows unionization if 51 percent or more of the work force supported it and if the proposed union represented at least 1,000 employees. These requirements effectively prevented the right of workers in the private sector to form unions, especially in the textile, hotel, and construction sectors. The International Labor Organization (ILO) noted that this dual requirement could deprive workers in smaller bargaining units or who were dispersed over wide geographical areas of the ability to form unions or exercise collective bargaining rights, especially when no trade union represented an absolute majority of the workers concerned (*see* Section 6.b.). Both the ILO's Committee of Experts (COE) and Committee on Freedom of Association (CFA) requested that this dual requirement be amended, and at year's end, there was a draft bill pending before Parliament that would reduce to 20 the number of workers required to form a union.

The National Organization of Trade Unions (NOTU), the largest labor federation, included 19 unions with a membership of 80,000, or approximately 5 percent of the workforce. The NOTU was independent of the Government and political parties. Among its members were medical workers, including doctors, and the civil service union. The NOTU's influence on the overall economy remained minimal, since approximately 90 percent of the labor force worked as peasant farmers. Even in areas in which cash crops were significant, unionization remained practically nonexistent.

The Ministry of Gender, Labor, and Social Affairs did not lift the 2001 ban on meetings and elections within the labor movement during the year.

The law does not prohibit antiunion discrimination by employers, and union activists were not protected sufficiently from retribution for union activities; however, there were no reported incidents of government harassment of union officials during the year.

Labor unions freely exercised the right to affiliate with and participate in regional and international labor organizations. The NOTU was a member of the International Confederation of Free Trade Unions (ICFTU).

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively; however, the right to organize was rarely defended by the Government and true collective bargaining occurred only in the small private sector of the modern economy. The International Textile, Garment, and Leather Workers Federation (ITGLWF) formally complained to the ILO about the denial of the right to organize to members in all but one of 16 factories. The local affiliate, the Uganda Textile, Garment, Leather, and Allied Workers Union, has more 2,000 members. The case was pending at year's end.

There were examples of collective bargaining in the private sector during the year. For example, on March 15, the management of the Kampala Sheraton Hotel agreed to increase wages by 7 percent under the negotiated union agreement with management. In the modern sector, the Government by far was the largest employer (civil service and state-owned enterprises) and it dominated the bargaining process. The Government adopted a tripartite (Government-employers-labor) cooperative approach to setting wages and resolving labor disputes. Both the Government and employers could refer disputes to the Industrial Court (IC); however, the IC lacked funds and rarely sat.

The Constitution provides the right to strike; however, the Government seldom defended this right and government policy required labor and management to make "every effort" to reconcile labor disputes before resorting to strike action. This directive presented unions with a complicated set of restrictions. If reconciliation did not appear to be possible, labor had to submit its grievances and notice to strike to the Minister of Labor, who usually delegated the dispute to the IC. In principle IC rulings were final; however, its decisions often were appealed by employers who claimed that they doubted the impartiality of the Court. The Minister of Labor generally did not permit strikes in the absence of verdicts from the IC on the basis that "every effort" had not been exhausted. The Government only took limited action on organized labor complaints. Frustrated laborers often went on strike anyway.

There were several strikes during the year. For example, between July and August, there were nine strikes staged by primary school teachers protesting poor working conditions and delays in salary payments in different parts of the country. The teachers resumed work after the Government intervened and agreed to investigate the delays.

On August 5, more than 100 workers went on strike demanding higher wages at Lutembe Quarry in Mpigi District. The workers also complained of poor working

conditions, including the lack of sanitation facilities. They returned to work after the management agreed to address their concerns.

On August 9, casual laborers, mostly cane cutters, went on strike at a sugar plantation in Masindi District at Kinyara to protest high taxes withheld by the company and the failure of the Masindi District Administration to produce tax receipts. The strike lasted 1 week and resulted in the death of one worker, who was shot when police fired into the crowd to stop strikers from setting sugar cane fields on fire. On August 15, the Government ended the strike and agreed to resolve the grievance.

There were no developments in the 2000 case of Sam Lyomoki, General Secretary of the Uganda Medical Union, or the 2000 case in which 21 workers were dismissed at the Nytil Picfare textile factory.

There were no export processing zones (EPZs); however, the Ministry of Finance and the Uganda Investment Authority prepared legal documentation for Parliament to create such zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, a lack of resources prevented the Government from enforcing this prohibition effectively in practice. There was strong evidence that prison officials hired out prisoners to work on private farms and construction sites, where often they were overworked. Throughout the country, prison officials routinely supplemented their meager wages with crops grown by prisoners on the prison grounds (*see* Section 1.c.). Male prisoners performed arduous physical labor while female prisoners produced marketable handicrafts such as woven basketry. Juvenile prisoners performed manual labor, often 12 hours per day. Compensation, when paid, generally was very low; however, the law requires that pretrial detainees receive back pay for all work that they performed once they are released.

There were reports that the UPDF used children to help find LRA landmines, camps, and arms caches (*see* Section 1.d.).

The LRA often forced abducted children into virtual slavery as guards, laborers, soldiers, and sex slaves (*see* Section 1.b.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits employers from hiring workers below the age of 18; however, child labor was common, especially in the informal sector. The Ministry of Gender, Labor, and Social Development enforced the law on child labor; however, financial constraints limited its enforcement. Demographics contributed to the problem of child labor; half of the population was under 15 years of age. Many children left school and went into agricultural or domestic work in order to help meet expenses or perform the work of absent or infirm parents, a situation common throughout the country (*see* Section 5). The problem was acute particularly among the large orphan population.

In urban areas, children sold small items on the streets, were involved in the commercial sex industry (particularly in border towns and in Kampala), or begged for money. Adults did most tea harvesting; however, some children were employed in this sector as well.

It was estimated that 60 percent of all land-based trade in the country was informal. Smuggling was one of the larger informal industries and employed large numbers of child laborers at the borders with Kenya and Tanzania. Children walked back and forth across the unguarded borders, transporting small amounts of fuel, sugar, coffee, or other commodities.

The Government made efforts to decrease the incidence of child labor during the year. On August 13, the Government signed an agreement with the ILO to continue the 1998 International Program for the Elimination of Child Labor (IPEC). Under the program, approximately 2,600 children were identified and withdrawn from hazardous work and were provided with alternatives, such as returning to school or taking vocational training. Government officials acknowledged that for the IPEC to be implemented, continued judicial and law enforcement reforms were needed and held several awareness-training workshops for officials charged with enforcing child labor laws during the year. In September there was a nationwide program to educate the public regarding child labor practices. Several human rights NGOs also continued programs during the year aimed at removing children from hazardous work.

In 2001 the Government ratified ILO Convention 182 on the Worst Forms of Child Labor and incorporated its provisions into the draft Employment Bill 2000 to comply with international standards; however, the law was not passed by year's end.

The law prohibits forced and bonded labor by children; however, a lack of resources prevented the Government from enforcing this prohibition effectively (*see* Section 6.c.).

e. Acceptable Conditions of Work.—The minimum legal wage was \$3.50 (6,000 shillings) per month, a rate set in 1984; however, this wage was not enforced effectively in practice. The Government and the private sector negotiated a new rate during the year. The minimum wage was insufficient to provide a decent standard of living for a worker and family.

Wages continued to be determined through negotiation between individuals and their employers, unions, and proprietors, or through negotiation within the boards of directors at state-owned industries. Other benefits such as housing and transport allowances, which often were equal to base wages, often supplemented salaries. The Ministry of Public Service's salary scale for civil servants started support staff at approximately \$38 (69,000 shillings) per month, up to supervisors at \$666 (1,200,000 shillings) per month, plus modest increases for years worked. All included provisions for paid overtime. The higher end of this wage scale provided minimal standards of living for a worker and family; however, most civil servants had great difficulty earning enough money to pay their children's school costs. Many civil servants and their dependents worked second jobs, grew their own food, or sought other ways to supplement their incomes.

In industries that employed workers on an hourly basis, the normal workweek was 40 hours. There was no legal maximum workweek; however, employers were supposed to pay a time-and-a-half rate for each additional hour worked beyond a 48-hour work week. Many industries paid workers incrementally in order to avoid overtime and circumvent the prohibition on child labor. Many companies employed workers as "casual laborers" or "contract workers" in order to avoid providing benefits.

The condition of employee housing on the tea and sugar plantations at the major state-owned corporations, and within military and police barracks, was substandard. Sanitation and water facilities often were inadequate.

Building codes often were not enforced. Some structures tripled in height above the original foundations, which often compromised the structural integrity of these workplaces. Factories generally were safe; however, machinery almost always lacked safeguards.

The law establishes some occupational health and safety standards. The Workers' Compensation Act provides compensation, based on monthly salaries, for workers injured or killed at work. The Ministry of Labor's Department of Occupational Health was responsible for enforcement of occupational safety regulations; however, in practice inspections were rare, primarily due to the lack of vehicles and funding for inspection trips. There were fatal accidents at several construction projects at a rate of approximately one per month. The limited occupational safety regulations under the law did not protect workers who refused to perform dangerous work from being fired; however, strong unions in certain dangerous industries protected such workers.

Foreign workers were protected under the Occupational Health and Safety Law. The law does not exclude illegal workers; however, any illegal worker filing a claim may find it difficult to prove that they genuinely were employed and would face penalties if in the country illegally.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports that persons were trafficked to, from, or within the country. The Criminal Code prohibits slavery with penalties of up to 10 years' imprisonment and requires the CID to combat trafficking. The CID did not keep records on the magnitude of the trafficking problem and it was unknown if its efforts were effective.

There was strong evidence that prison officials hired out prisoners to work on private farms and construction sites, where they often were overworked (*see* Section 6.c.).

In urban areas, some children were involved in the commercial sex industry, particularly in border towns and in Kampala.

There were no reports that government officials were complicit in the trafficking during the year.

Unlike in the previous year, there were no reports that the country acted as a transit point for trafficking in persons.

There were continued reports that the SPLA forcibly recruited Sudanese refugees in the north for service in Sudan.

The LRA abducted civilians for training as guerrillas; most victims were children and young adults whom the LRA forced into virtual slavery as guards, laborers, soldiers, and sex slaves (*see* Section 1.b.). On March 5, the Government and Sudan signed an agreement in Khartoum for the Government of Sudan to stop supporting the LRA and permit the UPDF access in southern Sudan to pursue the LRA. The protocol was extended several times, including in December.

The Government, through the military, continued efforts to combat trafficking in persons by the LRA despite severe resource constraints. The Government began Operation Iron Fist to eradicate the LRA threat. It continued to offer amnesty to ex-rebels, providing resettlement packages that provided educational benefits and vocational training. The Government also established protected camps garrisoned by the UPDF that have helped to prevent abductions (*see* Sections 1.a. and 2.d.). The UPDF escorted rescued abductees to NGO facilities, which provided physical assistance and counseling to the children and their families so that the children could be reintegrated into society.

ZAMBIA

Zambia is a republic governed by a president and a unicameral national assembly. Since 1991 generally free and fair multiparty elections have resulted in the victory of the Movement for Multi-Party Democracy (MMD). In December 2001, Levy Mwanawasa of the MMD was elected president, and his party won 69 out of 150 elected seats in the National Assembly. The MMD's use of government resources during the campaign raised questions over the fairness of the elections. Although noting general transparency during the voting, domestic and international observer groups cited irregularities in the registration process and problems in the tabulation of the election results. Opposition parties challenged the election result in court, and court proceedings remained ongoing at year's end. The Constitution mandates an independent judiciary, and the Government generally respected this provision; however, the judicial system was hampered by lack of resources, inefficiency, and reports of possible corruption.

The police, divided into regular and paramilitary units operated under the Ministry of Home Affairs, had primary responsibility for maintaining law and order. The Zambia Security and Intelligence Service (ZSIS), under the Office of the President, was responsible for intelligence and internal security. Members of the security forces committed numerous, and at times serious, human rights abuses.

Approximately 60 percent of the labor force worked in agriculture, although agriculture contributed only 22 percent to the gross domestic product. Economic growth slowed to 3 percent for the year, partly as a result of drought in some agricultural areas. Pledged assistance from foreign donors increased substantially as a result of the peaceful change of administration, greater official attention to governance issues, the privatization of the mines, and the completion of a Poverty Reduction Strategy Paper. Approximately 73 percent of the country's estimated 10 million population live below the poverty line.

The Government's human rights record remained poor; although, there were some improvements in a few areas, serious problems remained. Police officers committed several unlawful killings and frequently beat and otherwise abused criminal suspects and detainees. Some police officers who committed these abuses were disciplined or remained in detention pending trial; however, most officers who committed such abuses did so with impunity. The lack of professionalism, investigatory skill, and discipline in the police force remained serious problems. Prison conditions were harsh and life threatening. Arbitrary arrests, prolonged detention, and long delays in trials were problems. The courts issued a number of rulings against the Government, senior officials, and the ruling MMD party during the year. The National Assembly rescinded former President Chiluba's constitutional immunity from prosecution, an action he challenged in court. The police infringed on citizens' privacy rights. The private media generally were free; however, there were reports that the Government at times sought to restrict press freedom. Violence against women remained widespread, and women continued to experience discrimination in both law and fact, including the denial of widows' inheritance rights. Child abuse was a problem. Discrimination against persons with disabilities was a problem. Child labor was a problem in rural subsistence occupations and some urban occupations. There were reports of trafficking in persons.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life.—Police committed several unlawful killings during the year. The Legal Resources Foundation (LRF), an independent human rights organization that counseled victims' families and represented them in action against the state, consistently investigated and publicized such incidents.

On February 11, a police officer in Chalimbana killed Joe Mpambeni, a 28-year-old man, allegedly for failing to settle a beer debt. The Director of Public Prosecu-

tions (DPP) determined that sufficient evidence did not exist for criminal prosecution. The LRF brought a civil action against the officers involved, and a trial was pending at year's end.

On March 28, Fackson Kafumukache, a chief's retainer allegedly in possession of poached game meat, died in Solwezi after a police officer beat him to discipline him at the request of Chief Kapijimpanga. The officer turned himself in when he learned Kafumukache had died. No further action was taken by year's end.

On May 7, the LRF reported that five armed police officers from the Shibuyunji police post went on a rampage, stealing, burning houses, and severely beating Henry Simwinda, who subsequently died of his injuries. Two of five officers allegedly involved have been arrested and charged with aggravated robbery, arson, and assault; however, there was no trial by year's end.

On August 17, the LRF reported that a police officer beat Mukata Sifu, reported by his family to be mentally ill, for stealing two packages of cookies. Sifu died September 4; an autopsy found that Sifu died from blows to the head and chest. The LRF was considering legal action on behalf of Sifu's family at year's end.

On February 14, former State House Comptroller Gibson Zimba appeared in court to answer charges of murdering three teachers in 2001 near Zimba's home; a police officer was also charged. The Inter-Africa Network for Human Rights and Development (AFRINET), a local human rights nongovernmental organization (NGO), demanded an investigation into the killings. A trial was ongoing at year's end.

Police forcibly dispersed a demonstration in which at least one person was killed (*see* Section 2.b.).

Several persons died in custody during the year. A large number of prison inmates died due to illness and harsh conditions (*see* Section 1.c.).

Alison Phiri, a 25-year-old man, died in police custody approximately 7 days after being detained on January 27 as a suspect in a house breaking and theft case; according to the LRF, he had been beaten severely with batons and slammed against the wall and floor. In August the LRF asked the court to order an inquest into the circumstances of Phiri's death. There was an inquest; however, no results were released by year's end.

On March 8, David Nkwambwa died in the Livingstone Airport police cells. A preliminary police investigation found that the victim had committed suicide; however, relatives repeatedly told the LRF that Nkwambwa died of injuries sustained from being assaulted in police custody. The victim's mother reportedly found her son in a kneeling position with an undershirt tied around his neck. There was an inquest; however, no results were released by year's end.

The father of Eddie Muonga sought the assistance of the LRF to press for prosecution of the responsible police officers following the death of his son in police custody at Chawama in late 2001 after being severely beaten. A police officer was suspended but not charged with any criminal offense. The LRF initiated a civil action against the Government that was pending at year's end.

In July the LRF initiated a civil action against the Government in the 2001 death in custody of Lameck Siamapande, and the officers remained in detention at year's end pending a trial. In addition, the Government agreed to pay compensation to the victim's family, though an amount was not determined by year's end.

After the Government declined to present a defense, the LRF won a civil suit in the deaths in custody of Kelvin Mushabati and Geoffrey Michelo in 2000. A decision on the amount of damages was pending at year's end.

By year's end, there was no court ruling had been issued nor a date set for a decision in 1999 case of two suspects charged with murdering Wezi Kaunda, the son of former President Kenneth Kaunda. In August a public exhibit was opened in Lusaka by AFRINET to generate pressure on the Government to investigate deaths occurring under mysterious circumstances, such as that of Wezi Kaunda.

There were no confirmed deaths caused by landmines during the year.

In 2001 unknown persons killed Paul Tembo, a former senior MMD official, the night before he was to testify before a tribunal convened to investigate charges of financial fraud—testimony that was expected to be highly damaging to the Government ministers being investigated. On March 13, Tembo's wife was charged with murdering her husband but on October 29, the Lusaka High Court discharged her after the Prosecution dropped the charges following the deaths in a traffic accident of two key prosecution witnesses.

Unlike in the previous year, there were no armed attacks within the country's territory as a result of the conflict in Angola.

b. Disappearance.—There were no reports of politically motivated disappearances. However, there were reports that Angolan government forces or National Union for the Total Independence of Angola (UNITA) rebels abducted persons, particularly young persons, for forced labor in Angola. On July 23, then Home Affairs Minister

Lackson Mapushi told Parliament that Angolan soldiers abducted 261 Zambians from January 1999 until March. In December Angolan government forces detained eight Zambians who crossed the border into Angola. A detained woman was released quickly; however, there was no further information on the whereabouts of the seven detained men at year's end.

On July 1, the remaining citizens abducted from the Western Province by UNITA rebels early in the year returned to the country (*see* Section 6.f.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, police frequently used excessive force when apprehending, interrogating, and detaining criminal suspects or illegal immigrants. In most instances, officers who beat suspects generally were not disciplined or arrested for such acts, although local human rights organizations were active in pressing for such action. The LRF systematically investigated and publicized such incidents and represented victims in court proceedings.

For example, on January 9 and 10, police and neighborhood watch officers beat Joe Shapi Mulenga while being detained without charges at Chipata police post. In February the LRF filed a lawsuit against the responsible police officers for false imprisonment and assault; there were no further developments by year's end.

On March 13, according to the LRF, a drunken Matero police officer beat and injured Leonard Zimba with a heavy leather whip while questioning him during a theft investigation. There was no known disciplinary action taken against the responsible officer.

Police Officer Wilbroad Chewe reportedly was ordered to pay \$333 (1.5 million kwacha) in compensation after being accused of the February 9 rape at Chawama police post of a woman who had sought police assistance in recovering a missing radio. By year's end, Chewe had not paid the woman, and criminal charges had not been filed against him.

In April the police reportedly launched investigations into reports implicating five police officers in alleged rape cases and harassment of prostitutes. The results of the investigation were not known by year's end.

On April 18, President Mwanawasa dismissed Teddy Nondo as Deputy Commissioner of the Drug Enforcement Commission. Dean Mung'omba, leader of the opposition Zambia Alliance for Progress (ZAP), reactivated a legal suit against the Government, which alleged that he was tortured by Nondo while incarcerated in 1997 on false treason charges. The LRF also obtained signatures of other victims of alleged abuse by Nondo; however, the DPP refused to grant authority for civil prosecution.

Other 1997 coup suspects also accused Emmanuel Lukonde of being one of the senior police officers who had tortured them or who had given instructions to subordinates to carry out the torture. The 2000 report of the official Torture Commission recommended that both Lukonde and Nondo be retired from police service in the national interest. At the time, the Government rejected most of the Commission's recommendations; however, on June 19, President Mwanawasa ordered the retirement of Lukonde from his post as Commissioner of Police. On October 6, Legal Affairs Minister George Kunda stated that the Government was reconsidering a number of recommendations from the Commission, including those that recommended victim compensation; however, no further action had been taken by year's end.

Police forcibly dispersed a demonstration in which at least one person was injured (*see* Section 2.b.).

There was no known action during the year, nor was any action likely to be taken, against the police officers responsible for torturing, beating, or abusing the persons in the following cases from 2001: The January case in which police and a neighborhood watch group beat, detained, and subsequently released with a charge of immoral behavior 11 men who were suspected of killing a man; the January case in which 8 officers of the Kabwe flying squad tortured Adess Ngulube in her home and at a police station; the March beating and detention of Godfrey Mulundano; and the May case in which police used tear gas to disperse persons from the site of a banned rally, resulting in the death of an elderly man who was struck by a car while fleeing the scene.

There was no known action taken during the year, nor was any action likely to be taken, against the police responsible for torturing, beating, or abusing the persons in the following cases from 2000: The January case of Shadreck Selemani; the August case at the University of Zambia that followed demonstrations the day prior; and the August case of Hendrix Mbumwai.

During the year, the court referred a civil action against police accused of abusing Cedrick Phiri in 1999 to mediation after the Government requested another postponement. The results of the mediation were pending at year's end.

The amended Police Act provides for a police complaints authority to which members of the public could direct complaints of police harassment and abuse. In June

then Minister of Home Affairs Lackson Mapushi announced the establishment of the Police Complaints Authority and appointed the first authority members.

On July 25, the new Inspector General of Police announced that a Police Professional Standard Unit would be established to investigate corruption, arbitrary arrests and detention, and other unprofessional behavior in the police force. He also stated that the unit would have the power to recommend action against any implicated officers and that it would be under the direct authority of the senior police prosecutions officer, who is a lawyer. Human rights groups welcomed the announcement; however, they also expressed skepticism about the effectiveness of such a unit without the authority of a statute. The Police Professional Standards Unit was established and operational by year's end.

Corruption in the security forces also was a problem. On July 5, Xavier Chungu, the Director of ZSIS, was arrested and charged with abuse of authority in making irregular payments from a secret government account. There were reports that police released prisoners in exchange for bribes. Police often detained citizens in private debt disputes in exchange for a portion of the payment owed (*see* Section 1.d.). Police sometimes committed extortion at roadblocks or required document processing "fees" or "gas money" in order to commence investigations (*see* Section 2.d.).

The police investigated instances of police use of excessive force and disciplined officers found to have committed human rights abuses. Officers who committed serious abuses sometimes were prosecuted; some were convicted and sentenced to prison. Other cases of abuse in detention frequently went unpunished unless an NGO took up the case on behalf of the victim. Punishment, if any, usually came years after the abuse was committed, and the accused officers often remained on duty in the interim.

During the year, human rights groups reported a change in the Government attitude toward allegations of police misconduct. In some cases, the Government decided not to present a defense and agreed to mediate settlements out of court. The LRF agreed to settle 30 outstanding cases by mediation; at year's end, 19 cases were settled, and the remaining 11 were awaiting decisions on the amount of damages to be awarded. The Solicitor General indicated that the Government intended to recover some portion of awarded monetary damages from the responsible police personnel.

Senior government officials acknowledged the problem of police abuse and requested foreign donor assistance for training of the police. A national forensic laboratory was founded in 2001 to provide the police with resources for professional investigations, and some laboratory equipment was acquired during the year.

Human rights training for new recruits, middle ranks, and long-serving officers continued at the police academy. The training has raised police awareness of human rights; however, there was no decrease in police use of physical force to gather information from suspects.

Despite a High Court ban on corporal punishment in the country, some chiefs in Northern Province continued to use corporal punishment as a disciplinary measure in local court cases. During the year, the police told Chief Chiundaponde in Mpika, Northern Province, that they could not enforce the decree he issued on February 1 under which anyone who killed or assaulted someone would be killed or assaulted with the same weapon.

On July 24, three citizens were injured when approximately 100 suspected bandits from the Democratic Republic of Congo (DRC) raided their village in Nchelenge before looting their homes and granaries.

Prison conditions were harsh and life threatening. According to official statistics, prisons designed to hold 5,330 prisoners held more than 13,160 prisoners as of August. This severe overcrowding, combined with poor sanitation, inadequate medical facilities, meager food supplies, and lack of potable water, resulted in serious outbreaks of dysentery and other diseases, including tuberculosis. According to the Ministry of Home Affairs, 91 inmates died of tuberculosis or dysentery between January and September. The Government attempted to address water and sanitation problems with funds from donors, and water systems were rehabilitated at two prisons.

In April the Minister of Home Affairs reported that starvation was occurring in prisons throughout the country because the Prison Service had not received enough funds for food. He indicated that long-term measures to produce sufficient maize for prisoners had been worked out to avoid food shortages in the future. Efforts were underway to expand agricultural production in prisons so that they would be self-sufficient.

On June 2, the Minister of Home Affairs announced that more than 100 terminally ill and aged prisoners that had not committed unpardonable offenses would be released within 2 weeks as a humanitarian gesture and to relieve overcrowding.

On October 18, the Minister announced that another 170 terminally ill and aged prisoners would be released within 48 hours again to relieve overcrowding. Both of these prisoner releases took place.

Women and men were held separately. Juveniles often were not held separately from adults. Pretrial detainees were not held separately from convicted prisoners.

The Government permitted prison visits by both domestic and international NGOs and by resident foreign diplomats during the year. Provincial human rights committees periodically inspected prison conditions. The LRF maintained a prison visitation program under which it participated in the deportation of prohibited immigrants to their countries of origin to help relieve prison overcrowding (*see* Section 2.d.). The LRF reported some improvement in its working relationship with prison authorities in arranging prison visits.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention; however, the Government did not respect these prohibitions. Criminal suspects often were arrested on the basis of insubstantial evidence or uncorroborated accusations. Unlike in the previous year, there were no reports that family members or associates of criminal suspects sometimes were detained, interrogated, and physically abused by the authorities in attempts to identify or locate suspects. Attorneys and family members were permitted access to pretrial detainees.

Although there was a functioning bail system, overcrowded prisons reflected in part the large number of detainees charged with offenses for which bail was not granted. These included treason, murder, aggravated robbery, and violations of narcotics laws, as well as lesser offenses such as motor vehicle theft. The Oasis Forum, a local NGO, called for abolition of the nonbailable provision in laws regarding motor vehicle theft, which was applied in the August arrests and detention of Xavier Chungu, former chief of the ZSIS, and Richard Sakala, who was former President Chiluba's press aide. Chungu also was charged with abuse of authority in making irregular payments from a secret government account. There were no cases of "constitutional bail," which may be granted in cases in which a judge determined that the accused has been detained for an excessive period without evidence being presented against him or her.

Indigent detainees and defendants rarely had the means to post bail. The Government's legal aid office was responsible for providing representation for indigent detainees and defendants in criminal or civil cases; however, in practice few received assistance. The office had nine attorneys and a budget of \$128,000 (576 million kwacha) during the year.

Police stations frequently became "debt collection centers," where police officers acting upon unofficial complaints indefinitely detained debtors without charge, until they paid the complainants. In return the police received a percentage of the payments.

Pretrial detention often was prolonged. On December 6, the Chief Judge of the High Court said that over 1,000 detainees were awaiting trial in Lusaka in facilities intended to hold only 260 detainees. In some cases, defendants were awaiting trial for as long as 2 to 3 years. In past years, some defendants had waited as long as 10 years for completion of appeals processes that reached the Supreme Court. These long delays were a result of inadequate resources, inefficiency, lack of trained personnel, and broad rules of procedure that give wide latitude to prosecutors and defense attorneys to request adjournments (*see* Section 1.e.).

In March a 29-year-old mother, Alice Munachilengala, and her 3-year-old baby were forced to spend a night at Kamanga police post after being accused of disobeying police orders. The woman was released without being charged; however, she was required to pay \$2.22 (10,000 kwacha) for sleeping in police cells. There were no further developments by year's end.

In April Lukas Zulu, a 34-year-old farmer, was detained for 4 days on suspicion of stock theft, then released without explanation. When he asked why he was not being taken to court, the officers ordered him not to ask any questions concerning his detention. No action was taken by year's end.

Authorities arrested four journalists on charges of defamation during the year (*see* Section 2.a.).

Two Members of Parliament (M.P.s) and two journalists charged in 2001 with defamation of former President Chiluba were acquitted in July (*see* Section 2.a.).

There was no action taken in the following 2001 cases of arbitrary arrest and detention: The January detentions of a mother, father, and their 1-year-old daughter; the March detention of Kennedy Kangwa for 2 months; and the March beating and detention of Godfrey Mulundano.

There were no developments in the following court cases: The 1999 murder case against Donald Phiri; the 2000 case against four opposition cadres; and the 2000 case against Imasiku Mutangelwa.

The law prohibits government use of exile for political purposes, and the Government did not use it. In May the Government revoked earlier deportations of William Banda, former Lusaka Urban District Governor and a leader of the United National Independence Party, and Majid Ticklay, who was deported by the Government in 2000 after he wrote a letter publicly urging the Asian community to unite behind one political party. Banda and Ticklay returned to the country without incident.

During the year, the Government sought to assure citizens who remained in self-imposed political exile in foreign countries that they could return. In May the press reported that Liberal Progressive Front President Dr. Roger Chongwe, living in Australia, was invited home and assured of his safety in the country; however, he did not return during the year.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, the judicial system was hampered by lack of resources and inefficiency. The President nominates and the National Assembly confirms the Chief Justice and other members of the Supreme Court. On July 31, Chief Justice Matthew Ngulube resigned after being named as a beneficiary of a secret government account. On August 9, President Mwanawasa announced increases in salaries and benefits for judges when he swore in Ernest Sakala as the country's new Chief Justice. One opposition newspaper alleged that the increments were awarded in an attempt to influence the court's decision on petitions alleging rigging in last year's presidential elections (see Section 3). During the year, the courts issued a number of rulings against the Government, senior officials, and the ruling MMD party. In addition, the courts acquitted or discharged journalists and M.P.s charged in two defamation suits (see Section 2.a.).

The Supreme Court had appellate jurisdiction for all legal and constitutional disputes. The High Court, which held regular sessions in all nine provincial capitals, had authority to hear criminal and civil cases and appeals from lower courts. Magistrate courts had original jurisdiction in some criminal and civil cases; local, or customary, courts handled most civil and petty criminal cases in rural areas.

Local courts employed the principles of customary law, which varied widely throughout the country. Lawyers were barred from participating in proceedings in such courts, and there were few formal rules of procedure. Presiding judges, who usually were prominent local citizens, had substantial power to invoke customary law, render judgments regarding marriages, divorces, inheritances, other civil proceedings, and rule on minor criminal matters. Judgments often were not in accordance with the Penal Code; for example, they tended to discriminate against women in matters of inheritance (see Section 5).

Trials in magistrate courts were public, and defendants had the opportunity to confront their accusers and present witnesses; however, many defendants lacked the resources to retain a lawyer, and the limited resources of the Government's legal aid department meant that legal aid was unavailable for many citizens. Courts were congested, and there were significant delays in trials while the accused remained in custody. In criminal cases, the law requires that a detainee be charged and brought before a magistrate within 24 hours; in practice the authorities held most detainees for more than 1 month from commission of an offense to the first appearance before a magistrate. In many cases, an additional 6 months elapsed before a magistrate committed the defendant to the High Court for trial. Following committal, preparation of the magistrate court record for transmittal to the High Court took months, or in some cases as long as a year. Once a case reached the High Court for trial, court proceedings lasted an average of 6 months. Approximately 30 of 72 magistrate positions were filled by fully qualified individuals, the rest were filled by lay magistrates. Unlike in the previous year, there was no strike action during the year by magistrates or judges.

In 2000 the Magistrates and Judges' Association tried to expedite the process of court appearances by setting up a fast-track court that could quickly hear minor, uncomplicated cases. During a 2001 strike by the Magistrates and Judges' Association, this mechanism was suspended and has not been reinstated. During the year, courts began hearing cases on Saturdays on a voluntary basis to reduce backlogs.

Courts continued to act independently and at times made judgments and rulings critical of the Government (see Section 3). For example, in both July and September, the courts stayed implementation, pending judicial review, of Parliament's unanimous decision to revoke former President Chiluba's immunity from prosecution.

Appeals in the cases of 59 military personnel detained during a 1997–98 state of emergency and later sentenced to death for involvement in an attempted coup were ongoing. On September 30, the Supreme Court held a hearing on the appeals, but the case was adjourned. The appeals again were heard in December; however, a ruling was not issued by year's end.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, the Government frequently did not respect these prohibitions in practice. The law requires a search or arrest warrant before police may enter a home, except during a state of emergency. Police routinely ignored this requirement and often arrested alleged criminals at their homes without an arrest warrant.

Roundups of suspected illegal aliens in the home or workplace continued (*see* Section 2.d.). According to the Government's Commissioner for Refugees, immigration officials were empowered under the law to conduct these roundups without a warrant.

The Constitution grants the Drug Enforcement Commission and the ZSIS authority to wiretap telephones for probable cause. There were no confirmed reports of wiretaps during the year.

Unlike in the previous year, police did not detain or abuse relatives and associates of suspects.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government at times restricted these rights in practice. The Penal Code prohibits various activities that may be interpreted broadly to restrict these freedoms such as regulations requiring prior notification of rallies and libel legislation.

In response to headlines and stories of alleged corrupt practices on the part of government officials, the accused government officials and other individuals have brought numerous libel suits against the independent Post newspaper. During the year, nearly 80 cases filed over a period of 6 years were waiting to be adjudicated. The private print media routinely criticized the Government.

On October 8, police issued a warning to M.P. Vitalis Mooya for alarming the nation by stating publicly that three persons in his constituency died of hunger. The Government had declared a crisis due to drought in some areas but repeatedly told the public that relief supplies were adequate. On October 21, the DPP announced that Mooya would not be prosecuted.

The Government exercised considerable influence over the Government-owned media, including reviewing articles prior to publication and censoring individuals responsible for published articles or programs deemed offensive by the Government. As a result, workers in the Government media generally practiced self-censorship. The Government-owned media continued to be supportive of the Government. In August the Government-owned Zambia National Broadcasting Corporation (ZNBC) excluded experts who regarded grain containing genetically modified organisms (GMO) as safe for human consumption from a program debating whether the country should accept food relief assistance that could not be certified as GMO-free.

A number of privately owned newspapers questioned government actions and policies, and these circulated without government interference. For the last 5 years, the leading private daily, the Post, had an Internet website that attracted more than 15,000 readers per month. The Government-controlled Times of Zambia and Zambia Daily Mail, two of the most widely circulated newspapers, also had websites.

The law provides that investigative tribunals can call as witnesses journalists and media managers who print allegations of parliamentary misconduct. Failure to cooperate with a tribunal could result in charges of contempt punishable by up to 6 months in jail. The media criticized these provisions as clear infringements of freedom of the press and as a means for parliamentarians to bypass the court system.

Although the Post continued to run articles containing explicit information on government corruption cases during the year, Post staff was not targeted for legal action over any of these stories.

On June 5, authorities arrested four journalists, Emmanuel Chilekwa, Shaderick Banda, Kinsley Lwendo, and Jean Chirwa, for defamation for reporting that President Mwanawasa suffered from Parkinson's disease. On June 6, a Lusaka court refused to grant bail, which the court reaffirmed on June 25. The International Secretariat of Reporters without Borders took up their cause. On July 30, the Lusaka Magistrate's Court discharged them after President Mwanawasa agreed to accept their apology for the article. The journalists told the court that the article was based on information obtained from Richard Sakala, who served as former President Chiluba's press secretary.

On July 12, the Lusaka Magistrate's Court acquitted Post editor Frederick M'membe, reporter Bivan Saluseki, and M.P.s Edith Nawakwi and Dipak Patel on charges filed in 2001 of defaming former President Chiluba. Nawakwi had called

President Chiluba a “thief” in public remarks, which Saluseki subsequently reported in the Post. All four had been free on bail since their arrest in August 2001.

In addition to the Government-controlled radio station, there were several church-related radio stations, two private commercial radio stations, and three community radio stations in the country. Radio Phoenix rebroadcast Voice of America (VOA), British Broadcasting Corporation (BBC), and South African Broadcasting Corporation (SABC) items. A Catholic radio network, Radio Yatsani continued broadcast operations; however, the Government has not approved an application to add an associated television station. The radio license limited Radio Yatsani to three newscasts of 3 minutes each per day. Yatsani officially had permission to rebroadcast VOA and BBC transmissions; however, it first must have excerpts approved by the Ministry of Information, a censorship process that effectively eliminated timely rebroadcasts.

Unlike in the previous year, there were no reports of direct government intervention in private broadcast operations.

The Government-owned ZNBC was the sole local-content television station. Multi-choice, a telecommunications company based in South Africa, provided satellite and analog wireless subscribers with television services. These services included broadcasts of Cable News Network (CNN), BBC World, Sky Television, and the SABC’s Africa News. They also provided three BBC, one Radio France International, and VOA radio news broadcasts. None of the services included local news coverage. There was a second wireless television service, CASAT. Trinity Broadcasting Network, a foreign-based, church-related television network, broadcast a 24-hour transmission of prerecorded religious programming from a rented studio at the former ZNBC complex.

Opposition political parties complained that government control of the ZNBC and two major newspapers limited their access to the chief means of mass communication in the country. Opposition politicians and the Government submitted bills to Parliament that would revise media legislation. At year’s end, negotiations were underway to resolve differences between the competing bills.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom. Although the law gives the University Council a mandate to address faculty concerns, the Minister of Education was empowered to appoint the members of the Council; some academics criticized this provision as an infringement of academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. The law requires rally organizers to notify the police 7 days in advance of a rally. The police may advise the organizers that the time or venue is unacceptable. In practice the police did not interfere with most peaceful rallies whose leaders followed the prior notification rule, especially when such events could be described as politically neutral or favorable to the Government or MMD. Unlike in the previous year, the authorities did not deny permission to proceed with, ban, or block rallies planned by the political opposition.

In July university students staged an unauthorized demonstration on roads leading to Parliament buildings in order to demand revocation of the former President’s immunity from prosecution. Some members of the National Assembly expressed concern that their personal safety might be put at risk if they departed from the Parliament buildings without acting on the immunity question, and the National Assembly passed the Government-supported revocation before departing. To maintain order police lined the roadways where the students were demonstrating; however, they did not attempt to break up the gathering, and there was no violence.

On November 26, a 14-year-old boy was killed and a 30-year-old woman injured when police in a Lusaka neighborhood fired their weapons to disperse a crowd protesting the demolition of squatters’ dwellings. This was a spontaneous demonstration, and there had been no prior notification. The Government subsequently ordered local authorities to suspend demolition of squatters’ quarters.

There was no known action taken against police responsible for injuring students during a demonstration in 2000.

The Constitution provides for freedom of association; however, the Government placed some limits on this right in practice. All organizations must apply formally for registration to the Registrar of Societies. In most cases, authorities routinely approved these applications. There were 45 political parties and dozens of NGOs registered. The Government threatened to take action against those organizations that did not submit annual reports to the Registrar of Societies; however, no action has ever been taken.

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

clared the country a Christian nation, the Government in practice generally respected the right of all faiths to worship freely.

The Government required the registration of religious groups, and the Government approved all applications for registration from religious groups without discrimination.

Religious leaders spoke out forcefully during the year in supporting calls for investigation into, and prosecution of, corruption and other abuse of public office during the administration of former President Chiluba.

The Oasis Forum, composed of the Zambia Episcopal Conference, the Christian Council of Zambia, and the Evangelical Fellowship of Zambia, convened numerous public events to promote discussion of comprehensive constitutional reform. Although disagreeing with the Oasis Forum's position, the Government did not dispute the Forum's right to express its views.

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

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, at times the Government limited them in practice. Police continued to man numerous roadblocks around the country to control criminal activity, enforce customs and immigration regulations, check drivers licenses, and inspect vehicles for safety compliance. Police at times extorted money and goods from motorists at these roadblocks. In an effort to reduce opportunities for corruption, signs were erected at some roadblocks serving notice that payment of fees was prohibited. These signs were not notably effective.

Unlike in the previous year, there were no raids by Angolan government or UNITA forces in the country.

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, in practice the Government complied with the provisions of these agreements. The Government offered first asylum to refugees fleeing conflict in neighboring countries. The U.N. High Commissioner for Refugees (UNHCR) estimated that there were approximately 275,000 refugees, mainly Angolans and Congolese, in the country at year's end, 135,000 of whom were in formal camps. The Government cooperated with the office of the UNHCR and other humanitarian organizations in assisting refugees.

Following the death in February of UNITA leader Jonas Savimbi and the April ceasefire in Angola, the influx of refugees arriving from Angola ceased. New arrivals from the DRC declined significantly during the year. An estimated 10,000 Angolans spontaneously returned home, 4,000 of them from formal camps and settlements. In June, with UNHCR and the Government's cooperation, the Angolan government carried out a repatriation airlift of 149 refugees, mostly relatives of UNITA leaders and families. The Government continued to cooperate closely with UNHCR, and cautioned refugees against returning to Angola before facilities were in place to receive them.

At year's end, the authorities held in detention pending deportation approximately 200 illegal immigrants, principally from neighboring countries. Because the immigration authorities lacked funds for deportation, illegal immigrants sometimes were kept in prison for extended periods, sometimes for more than 5 years. It was reported in February that the Immigration Department had deported 103 illegal immigrants to their respective countries, with travel funding from the Permanent Human Rights Commission (PHRC). The Department planned to deport 80 additional illegal immigrants, both as a humanitarian measure and in order to alleviate prison congestion.

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

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

The Constitution provides citizens with the right to change their government, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage.

Under the Constitution, the President exercises broad authority. The National Assembly ratifies major appointments and theoretically has broad powers. The ruling MMD emerged from the December 2001 elections lacking sufficient seats to hold an outright majority, thus confirmation of some presidential appointees was delayed or blocked. President Mwanawasa's anticorruption campaign had the broad support of all parties, and on July 16, Parliament voted unanimously to revoke former President Chiluba's immunity from prosecution. The MMD gained majority control of the

National Assembly by winning three by-elections in August and September. Even with an MMD majority, the Government was forced to withdraw several bills in November and December because of opposition in Parliament. The anticorruption campaign resulted in many arrests and suspensions of former and current government officials. No prosecutions had been completed by year's end.

In December 2001, 11 political parties contested the presidential elections. Levy Mwanawasa, the MMD presidential candidate, was elected with 29 percent of the vote; runner-up Anderson Mazoka, the United Party for National Development (UPND) candidate, won 27 percent of the vote. The remaining 44 percent of the vote was divided among the other nine opposition candidates. The MMD won 69 out of 150 elected parliamentary seats, leaving it slightly short of a majority; the remaining 81 elected seats were divided among several opposition parties and 1 independent member. Approximately 55 percent of eligible voters registered, and approximately 70 percent of registered voters cast ballots. President Mwanawasa was sworn in on January 2.

Although noting general transparency during the voting, domestic and international observer groups cited irregularities in the registration process and problems in the tabulation of the election results. There were no reports of violence or overt intimidation during the elections. The MMD's use of government resources during campaigns, including the Government-owned media, called into question the fairness of the elections. Opposition parties further alleged that significant rigging took place during the elections. Mazoka, Christon Tembo of the Forum for Democracy and Development, and Godfrey Miyanda of the Heritage Party challenged the election results in court on those grounds. On July 23, the court banned public comments on this matter, after the three petitioners claimed that they were intimidated by President Mwanawasa's warning in a media interview that his accusers should "also be prepared to accept as a reward for their evidence that they should be prosecuted and possibly convicted of theft or corrupt practices." President Mwanawasa also indicated that he was unaware of any election rigging and expressed publicly his willingness to step down if the court nullified his election. The decision was pending at year's end.

On July 29, when Mazoka and another party official were summoned to police headquarters for questioning, the UPND complained that the Government was attempting to "vilify and scandalize" the former presidential candidate.

On July 29, following a second recount, the Lusaka High Court declared incumbent Kabwata M.P. Given Lubinda of the UPND duly elected M.P. in his constituency. The losing candidate, who had alleged irregularities in ballot paper security, had challenged the December result. In separate actions, the court also upheld elections in the Itenzi-tezhi, Lukulu West, and Chiengi parliamentary constituencies.

On August 2, in response to suits brought by losing candidates, the Lusaka High Court nullified the December 2001 parliamentary election results in the Isoka East and Isoka West constituencies, which had been won by Foreign Affairs Deputy Minister Catherine Namugala and Harry Sinkala, respectively, both of the ruling MMD party. The court cited contradictory maps, which created confusion over the constituency boundaries. The courts also overturned election results in Lukulu East, Msanzala, and Mulobezi. In all cases, M.P.s applied for a stay of judgment, pending rulings on their appeals to the Supreme Court.

Parliamentary by-elections were held in the Bwacha, Lufwanyama, Mwandi, and Kabwe Central constituencies. Local and international monitors and observers formally were accredited upon payment of \$2.22 (10,000 kwacha) and \$33.33 (150,000 kwacha) fees, respectively. The ruling MMD party candidates won all four seats in what observers judged as free and fair elections, and it now has a slim majority in Parliament.

Parties and NGOs generally were satisfied that the new system of voter registration adopted in advance of the 2001 elections was not subject to manipulation by the ruling party. However, the overall process of voter registration remained inefficient and difficult for eligible citizens to use.

There were 18 women in the 158-seat Parliament (150 members were elected, while 8 others were appointed by the President). Former ambassador Gwendoline Konie and Dr. Inonge Mbikusita-Lewanika were the first women to run for president in the 2001 elections.

There were 2 elected ethnic Asians in the 158-seat Parliament.

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

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

to their views. Unlike in the previous year, there were no known complaints by human rights or civic education NGOs of harassment by the Government or organizations supported by the Government.

Some domestic human rights organizations, including the Law Association of Zambia, Women for Change, the Catholic Commission for Justice and Peace, and the Zambia Civic Education Association, continued to press for a more transparent democratic electoral system. Human rights, development, and election NGOs monitored the by-elections during the year and organized civic education activities focused on improving voter participation and information. Several of these organizations worked to organize voter awareness campaigns and create conflict resolution bodies to address violations of the electoral code of conduct.

Government representatives cooperated with the international NGO Transparency International that mounted a campaign to encourage adoption of a national strategy against corruption.

Human rights training that the LRF offered to arrange for police officers in Livingstone did not materialize; however, the LRF reported that senior police commanders have adopted a more responsive attitude toward human rights organizations. A local NGO conducted human rights training during the year for police personnel in the Southern Province.

The Government did not interfere with inquiries or visits by human rights organizations or other international representatives. The LRF had access to imprisoned clients.

A Supreme Court justice chairs the PHRC; other members were drawn from throughout society and included the former head of the Foundation for Democratic Processes and a University of Zambia lecturer on human rights. The Commission interceded on behalf of persons whose rights it believed were denied by the Government and spoke out on behalf of detainees and prisoners. The Commission oversaw human rights committees in all provincial capitals. Independent human rights groups complained that the PHRC was understaffed, underfinanced, and lacked sufficient authority to enforce its recommendations.

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

The Constitution prohibits discrimination based on race, tribe, sex, place of origin, marital status, political opinion, color, or creed. Constitutional amendments barring citizens of partial or full foreign ancestry from the presidency violated the prohibition on discrimination based on place of origin. These amendments also prohibit traditional chiefs, who were accorded authority and privileges as chiefs, from running for political office unless they resigned their chieftainships.

Women.—Domestic violence against women was a serious problem. Wife beating and rape were widespread. Domestic assault is a criminal offense. The police had a Victim Support Unit (VSU) to handle the problems of domestic assault, wife beating, mistreatment of widows by the deceased husband's relatives, and "property grabbing"; however, the police in practice often were reluctant to pursue reports of domestic violence, preferring instead to encourage a reconciliation. The Government and NGOs expressed continued concern about violence against women, and the media continued to devote considerable publicity to it during the year. Recent statistics were not available; however, more than 4,700 rape cases were reported to the police between 1991 and 1998. Of these, approximately 30 percent resulted in conviction and 5 percent in acquittal. The remainder of the cases either were dismissed or remain unresolved. The courts normally sentenced defendants convicted of rape to hard labor. Since many rape cases were not reported to the police, the actual number was considered to be much higher. In 2001 at its "Drop In" Center in Lusaka, the Young Women's Christian Association reported 12 cases of sexual abuse, 22 cases of domestic violence, and 257 cases of marriage problems.

Prostitution was considered prevalent, but no statistics were available. In April a police investigation was begun into allegations that five police officers had engaged in sexual harassment of prostitutes. The case was dropped after the prostitutes failed to identify positively the police officers who allegedly had harassed them.

Seven women who returned to the country from Angola reported sexual abuse there (see Sections 6.c. and 6.f.).

Both the Constitution and the law entitle women to equality with men in most areas; however, in practice women were disadvantaged severely in formal employment and education compared with men. Married women who were employed often suffered from discriminatory conditions of service. Women had little independent access to credit facilities; in most cases, they remained dependent on their husbands, who were required to cosign for loans. As a result, few women owned their own

homes. Some small financial institutions allowed women to sign independently for loans.

Customary law and practice also placed women in a subordinate status with respect to property, inheritance, and marriage, despite constitutional and legal protections. Polygyny was permitted if the first wife agreed to it at the time of her wedding. During the year, the NGO Women and Law in Southern Africa campaigned against the common traditional practice of "sexual cleansing," under which a widow had sex with her late husband's relatives as part of a cleansing ritual. Under the law, the children of the deceased man equally shared 50 percent of an estate; the widow received 20 percent; the man's parents received 20 percent; and other relatives received 10 percent. The widow's share must be divided equally with any other women who can prove a marital relationship with the deceased man, thus granting inheritance rights to other wives, mistresses, and concubines. However, under the traditional customs prevalent in most ethnic groups, all rights to inherit property rested with the deceased man's family. In practice property grabbing by the relatives of the deceased man remained widespread, although increased training of local court officials may have brought about a slight decrease in the number of incidents. Ignorance of the law on the part of victims was a problem. As a result, many widows received little or nothing from the estate. The fines that the law mandated for property grabbing were extremely low. During the year, the Law Development Commission, a semiautonomous body linked to the Ministry of Legal Affairs, began a review of the Intestate Succession Act. In response to the President's criticism of property grabbing, the police, through its VSU, handled instances of property grabbing as criminal offenses.

NGOs that predominantly represented women's interests were particularly active as lobbying organizations. The Non-Governmental Organizations Coordinating Committee, an umbrella organization for women's NGOs, was influential in the Oasis Forum, which continued to conduct civic education programs on the issue of constitutional reform. Women for Change conducted a series of high profile human rights awareness programs with traditional leaders.

Children.—The Government sought to improve the welfare of children, but scarce resources and ineffective implementation of social programs continued to affect adversely the welfare of children. The Ministry of Sport, Youth, and Child Development, the Ministry of Education, the Ministry of Labor, and the Ministry of Community Development and Social Services had the responsibility for improving child welfare.

Government policy provided for compulsory basic education for the first 9 years of elementary school; however, this policy was not enforced, and many children did not attend school. In March the Government announced the elimination of school fees and mandatory uniforms for primary education students, in an effort to increase school attendance by children of impoverished families. This initiative was commended widely and has reversed the decline in primary school attendance; the net enrollment ratio for children of primary school age increased from 66 percent in 1999 to 68 percent by year's end. Inadequate educational facilities and a scarcity of educational materials were problems. Some areas have established community schools; however, these schools had fewer resources than public schools and required contributions from parents. The number of girls and boys in primary school was approximately equal; however, fewer girls attended secondary school.

The number of street children in Lusaka increased from approximately 35,000 in 1991 to approximately 95,000 in 2001, partly because of the growing number of orphans whose parents have died from HIV/AIDS. Approximately 75 percent of all households were caring for at least one orphan; these children faced greater risks of child abuse, sexual abuse, and child labor. Approximately 7 percent of households were headed by children due to the death of both parents. The Government instituted programs to increase public awareness of HIV/AIDS.

Child abuse was believed to be fairly common, but few statistics were available. On July 30, the Deputy Minister of Home Affairs told Parliament that 925 child defilement cases were recorded over the last 2 years, of which 753 had been prosecuted. Of those numbers, 260 cases involved allegations of incest by parents. In August the National Initiative for Citizen's Awareness called on the Government to institute more severe penalties and step up prosecution of such offenses.

Child prostitution occurred (*see* Section 6.f.).

Laws against child prostitution were not enforced effectively; however, cases of child pornography and sexual exploitation generally were enforced effectively.

Persons with Disabilities.—Persons with disabilities faced significant societal discrimination in employment and education. The Government took steps to ameliorate their hardships, including establishing a national trust fund to provide loans to per-

sons with disabilities to help them start businesses, but its efforts were limited by scarce resources. The Government did not legislate or otherwise mandate accessibility to public buildings and services for persons with disabilities.

Section 6. Worker Rights

a. The Right of Association.—The Constitution recognizes the right of workers to form and belong to trade unions, and these rights were exercised and protected in practice. The procedures for registration set forth in the Industrial and Labor Relations Act (IRA) were somewhat burdensome. For example, no organization can be registered unless it had at least 100 members; however, with some exceptions, no trade union may be registered if it claims to represent a class or classes of employees already represented by an existing trade union or eligible for membership in an existing trade union. Unions may be deregistered under certain circumstances; however, the IRA provides for notice, reconsideration, and right of appeal to an Industrial Relations Court. In practice antiunion activities were not permitted prior to registration of a new union; however, the IRA provides for a 90-day period during which objections to registration may be lodged in writing.

The law provides the right of unions and their leaders to conduct their union activities without outside interference, and adequate enforcement mechanisms existed to protect this right. Unions acted independently of government, political parties, and other institutions in practice.

Approximately 60 percent of the 300,000 formal sector workers were unionized. Of the country's 19 large national unions, organized by industry or profession, 17 were affiliated with the Zambia Congress of Trade Unions (ZCTU). The ZCTU was operated democratically and, like its constituent unions, was independent of any political party and the Government. The Zambia Union of Financial and Allied Workers and the Primary Teachers Union of Zambia were independent of the ZCTU.

The law codifies the "one union, one industry" principle, but allows for a multiplicity of trade unions as well as federations of trade unions. The Bankers Union of Zambia, although registered with the Government in 1993, was unable to operate because the employers recognized the existing Zambia Union of Financial and Allied Workers. The Secondary School Teachers Union of Zambia (SSTUZ) and the Zambia National Teachers Union (ZNTU) continued to operate; however, most teachers still belonged to the ZNTU. The ZNTU lost bargaining power when some members switched to separate unions for primary and secondary school teachers; these unions experienced difficulty gaining the attention of the Government. Unions continued to experience increasing fragmentation due to a shrinking formal sector and changes in labor laws that decreased union leverage. Only 11 percent of the eligible workforce was employed in the formal sector; approximately 60 percent of the country's labor force was engaged in agriculture.

In a May 5 interview, Minister of Labor and Social Security Mutale Nalumango expressed an intention to crack down on organizations that violated labor laws such as by deliberately hiring casual workers for 5 months and then terminating their contracts in order to avoid employing them on a full-time basis after 6 months as required by law. In response to complaints that foreign investors were exploiting workers, the Minister announced plans to go from company to company to determine whether their employment policies met legal requirements; however, no known action was taken by year's end.

The law prohibits discrimination by employers against union members and organizers. Workers have access to an Industrial Relations Court (IRC) established by the IRA, which functions independently of government. Employers may not refuse to engage, dismiss, penalize, or discriminate against an employee for union membership or for holding union office. An employee who believed that he has been penalized for union activities may, after exhausting any existing administrative channels for relief, file a complaint with the IRC. This court had the authority to order the appropriate redress for the aggrieved worker. The complainant may appeal a judgment of the IRC to the Supreme Court. The IRC often ordered employers to reinstate workers found to have been victims of discrimination. The IRC had inadequate resources to handle the majority of the cases before it in a timely manner.

Under the IRA, a trade union is authorized to affiliate with a trade union organization or federation outside the country by a simple majority decision of members present and voting at a general conference of the union, provided that the Commissioner of Labor is notified within 21 days. The ZCTU was a member of the International Confederation of Free Trade Unions (ICFTU), and ZCTU President Fackson Shamenda served as President of the ICFTU during the year. In October Shamenda retired from the presidency of the ZCTU but remained President of the ICFTU at year's end. Labor leaders traveled without restrictions to international conferences and visited counterparts abroad.

b. The Right to Organize and Bargain Collectively.—The right to collective bargaining, without government interference, is protected in law and freely practiced. Employers and unions in each industry negotiated collective bargaining agreements through joint councils in which there was no government involvement. Civil servants and teachers, as public officials, negotiated directly with the Government. Collective disputes were referred first to conciliation. If conciliation failed to resolve the dispute, the parties may refer the case to the IRC or, in the case of employees, vote to strike. In practice the industry joint councils functioned effectively as collective bargaining units.

All workers have the legal right to strike, except those engaged in essential services. In addition to the Zambia Defense Force, the judiciary, the police, the prison service, and the Security and Intelligence Service, the law defines as essential services any activity relating to the generation, supply, or distribution of electricity, to the supply and distribution of water, to sewerage, to fire departments, and to the maintenance of safe and sound conditions in underground working environments such as shafts and machinery in the mining sector. It permits strikes only after all other legal recourse has been exhausted. Those procedures were sufficiently cumbersome that there has not been a legal strike since 1993. The law prohibits employers from retribution against employees engaged in legal union activities. Workers engaged in illegal strikes did not enjoy this protection.

In protest over nonpayment of accrued salary arrears and delayed payment of their July salaries, Copperbelt University lecturers initiated a “go slow” action, and the University of Zambia Lecturers and Researchers’ Union (UNZALARU) organized a strike from July 31 to August 12. Government released a sum of \$66,667 (3 billion kwacha) to cover those payments. Health workers and the Resident Doctors Association of Zambia (RDAZ) also carried out a “go-slow” over late payment of their July salaries. In August lecturers at Evelyn Hone College in Lusaka boycotted classes for a week, after a registrar was suspended for allegedly leading efforts to bring about improved employment conditions. After student demonstrators clashed with police, the institution was closed on August 18, and police in riot gear compelled students to vacate the campus. No action was taken against the workers engaged in these strikes.

In November 2001, the country adopted an Export Processing Zones (EPZ) Act, providing for the designation of areas or premises where business enterprises will be entitled to relief from numerous taxes and duties. The listed incentives did not extend to exemption from applicable labor laws, and no such zones were established by year’s end.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children, and the law was enforced effectively; however, it authorizes the Government to call upon citizens to perform labor in specific instances, for example, during national emergencies or disasters. The Government also may require citizens to perform labor that was associated with traditional civil or communal obligations, as when all members of a village were called upon to assist in preparing for a visit by a traditional leader or other dignitary.

There were reports that Angolan government soldiers and UNITA rebels abducted persons for forced labor; however, there were no such reports following the Angolan cease-fire in April.

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age for employment of children is 16 years. The Labor Commissioner effectively enforced this law in the industrial sector, where there was little demand for child labor because of high adult unemployment. Child labor was most concentrated in the hotel and catering industries, construction, farming, transportation, prostitution, and household work. The law was not enforced for those who work in subsistence agriculture, domestic service, and informal sectors, where children under the age of 16 often were employed. Acute family poverty levels and economic factors contributed to child labor, and the problem was compounded by the HIV/AIDS epidemic, which has produced a growing number of orphans.

In urban areas, children commonly engaged in street vending. The International Labor Organization estimated that approximately 564,000 children were in the work force during the year. A Child Labor Survey conducted by the Central Statistical Office placed the number at 595,000. While approximately 87 percent of working children worked in the agricultural sector, the number of children migrating to urban areas and living as street children increased rapidly, due to growing numbers of orphans resulting from the death of both parents due to HIV/AIDS.

As of September, an estimated 600 children were prevented from entering the labor market and 1,400 children withdrawn from hazardous work and provided with

educational opportunities by direct action programs carried out by NGOs under the National Program on the Elimination of Child Labor.

The National Steering Committee of the National Country Program on Child Labor coordinated efforts at addressing the root causes of child labor.

e. Acceptable Conditions of Work.—The minimum wage for nongovernment workers whose wages and conditions of employment, which were not regulated through collective bargaining, was determined by category of employment. Based on a 48-hour workweek, the legal maximum for nonunionized workers, a general worker earning the minimum wage would receive \$17.28 (76,800 kwacha) per month. The minimum wage was insufficient to provide a worker and family with a decent standard of living, and most minimum wage earners supplemented their incomes through second jobs, subsistence farming, or reliance on the extended family.

With respect to unionized workers, wage scales and maximum workweek limits were established through collective bargaining. In practice almost all unionized workers received salaries considerably higher than the nonunionized minimum wage. The minimum workweek for full-time employment was 40 hours, which was the normal workweek. The law requires 2 days of annual leave per month of service. The Government effectively enforced these standards.

The law also regulates minimum health standards in industry, and the Department of Mines was responsible for enforcement. The Inspector of Factories under the Minister of Labor handled factory safety; however, staffing shortages limited enforcement effectiveness. There were provisions in the law to protect the right of workers to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment. The Government has acted when well-known occupational health problems existed, for example, by requiring underground mine workers to receive annual medical examinations. The LRF reported three cases during the year of employers assaulting their workers, represented workers seeking compensation for on-the-job injuries, and urged the Government to enact stiffer penalties governing violent employer-employee incidents. Foreign workers were protected under the law and were not treated by specific legislation.

f. Trafficking in Persons.—The Constitution prohibits trafficking of children under the age of 18, as well as trafficking in women for immoral activities; however, there were reports of trafficking in persons.

There are laws that criminalize child prostitution, pornography, and sexual exploitation of children under the age of 21; however, the presence of an estimated 95,000 street children in Lusaka contributed to the proliferation of street begging and prostitution. Anecdotal reports indicated that the food crisis resulted in an increase in prostitution, including child prostitution, in severely affected rural areas near transit routes. Statistics on child prostitution were not available, but it was considered widespread.

There were reports of small-scale trafficking of Zambian women to South Africa for prostitution and the use of the country as a transit point for regional trafficking of women to South Africa for prostitution.

Early in the year, Angolan government forces or UNITA deserters abducted 59 citizens and forced them to accompany them back to Angola, where the abductees were forced to herd cattle, carry logistical supplies, and engage in prostitution. They were returned to the country by July 1 (*see* Sections 1.b. and 5).

ZIMBABWE

Zimbabwe is a republic in which President Robert Mugabe and his Zimbabwe African National Union-Patriotic Front (ZANU-PF) have dominated the executive and legislative branches of the Government since independence in 1980. Although the Constitution allows for multiple parties, opposition parties and their supporters were subjected to significant intimidation and violence by the ruling party and government security forces, and financial restrictions continued to be imposed on the opposition. In 1999 the country's first viable opposition party emerged, the Movement for Democratic Change (MDC), which won 57 out of 120 seats in the 2000 parliamentary elections. The March presidential election was preceded and followed by a government-sanctioned campaign of violence directed towards supporters and potential supporters of the opposition. Although the voting process itself generally was peaceful, most election observers agreed that there were widespread and serious irregularities and that the election process was not free and fair. The Constitution provides for an independent judiciary; however, the Government eroded its independence by installing judges sympathetic to government policies, sanctioning in-

timidation against sitting judges, and ignoring or overturning judgments with which it did not agree.

The Zimbabwe Republic Police (ZRP) was responsible for maintaining law and order. Although the ZRP officially was under the authority of the Ministry of Home Affairs, in practice it was controlled by the President's Office. The Zimbabwe National Army and Air Force under the Defense Ministry were responsible for external security; however, they frequently were called upon for domestic operations during the year. The Central Intelligence Organization (CIO), under the Minister of State for National Security in the President's Office, was responsible for internal and external security and had powers of arrest. Senior government and ruling party members tightly controlled the security forces. Members of the security forces committed numerous, serious human rights abuses.

An estimated 60 percent of the population of approximately 12 million survived on subsistence agriculture and approximately 75 percent relied directly or indirectly on agriculture for their livelihood; however, there were significant mining, manufacturing, and service sectors. The political crisis, a drought, excessive government spending, manipulation of interest rates, money supply growth in excess of 100 percent, and the Government-sanctioned land occupations led to inflation, diminished agricultural harvests, reduced foreign investment and tourism, acute foreign exchange and fuel shortages, accelerating unemployment, and shrinking real incomes. The country's gross domestic product (GDP) dropped to an estimated \$4.1 billion (Z\$6,560 billion). During the year, per capita GDP fell to \$344 and, according to authoritative estimates, more than 70 percent of the population lived below the poverty line. International experts estimated that half the population faced starvation by year's end.

The Government's human rights record remained very poor, and it continued to commit numerous, serious abuses. The Constitution provides citizens the right to change their government through free and fair election; however, in practice President Mugabe and his ZANU-PF party used intimidation and violence to maintain political power. A government-sanctioned, systematic campaign of violence targeting supporters and potential supporters of the opposition began in late 2001 and intensified during the year. Security forces committed extrajudicial killings. Ruling party supporters and war veterans (an extralegal militia), with material support from the Government, expanded their occupation of commercial farms, and in some cases killed, abducted, tortured, beat, abused, raped, and threatened farm owners, their workers, opposition party members, and other persons believed to be sympathetic to the opposition. There were reports of politically motivated disappearances. Security forces and government youth militias tortured, beat, raped, and otherwise abused persons. Prison conditions remained harsh and life threatening. The Government frequently did not take steps to prosecute human rights abusers and official impunity was a problem. Arbitrary arrest and detention and lengthy pretrial detention remained problems. The Government undermined the independence of the judiciary by manipulating the composition of the courts and repeatedly refusing to abide by judicial decisions. Infringements on citizens' privacy continued. The Government expanded its far-reaching "fast-track" resettlement program under which nearly all large-scale commercial farms, of which most were white-owned, were designated for seizure without fair compensation.

The Government continued to restrict freedom of speech and of the press, passed new legislation that imposed stringent controls on the independent media, enforced restrictive laws against journalists, intimidated, arrested, and prosecuted journalists who published antigovernment articles, and monopolized radio and television broadcasting. Journalists also practiced self-censorship, and the Government continued to restrict academic freedom. The Government restricted freedom of assembly and used force on numerous occasions to disperse nonviolent public meetings and demonstrations. The Government at times restricted freedom of movement. Hundreds of thousands of farm workers were displaced internally due to the ongoing land resettlement policies, and tens of thousands of opposition supporters were displaced by threats of violence. The Government manipulated the electoral process effectively to disenfranchise thousands of voters. The Government's Grain Marketing Board (GMB) routinely and publicly denied handouts of maize meal to suspected MDC supporters and provided it only to ruling party supporters. The Government attacked and arrested members of civil society and human rights nongovernmental organizations (NGOs) and accused the NGOs of sponsoring opposition political activity. Domestic violence against women remained widespread, and discrimination against women and persons with disabilities remained problems. Abuse of children and child prostitution were problems. The President and his government encouraged widespread resentment of the white minority. The Government violated worker

rights. Child labor was a problem. There were anecdotal 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.—Security forces committed several extrajudicial killings, and in numerous other cases, army and police units participated or provided transportation and other logistical support to perpetrators of political violence and knowingly permitted their activities.

The Zimbabwe Human Rights NGO Forum, an umbrella group of 9 prominent domestic human rights organizations, reported that 58 persons were confirmed killed as a result of political violence during the year, mostly perpetrated by supporters of the ruling party. ZANU-PF supporters committed almost all of the killings during the year. The majority of those killed in political violence were MDC activists or supporters. A number of farm workers reportedly were killed in political violence; however, exact figures were not known.

For example, on January 28, a group of men in a car accosted Tichaona Katsamudangu in Harare and demanded to know where MDC meetings were held and who occupied MDC party structures. The men then grabbed Katsamudangu and attached cables from the car's revving engine to his thighs and fingernails. Katsamudangu later was forced to swallow an herbal substance, which induced severe diarrhea. He died 4 days after the attacks as a result of his injuries and dehydration. No official action was taken by year's end.

In February war veterans and a suspected CIO officer abducted and tortured for a month three MDC activists from Nkayi, Tembendi Ndebele, Venny Dube, and Newman Bhebhe in an underground military-style bunker. Ndebele died of his injuries shortly after being released. No official action was taken by year's end.

On March 8, unknown assailants killed Amos Museva, a war veteran, on his plot of land in Masvingo. Prior to his death Museva was embroiled in a dispute over ownership of his plot with the daughter of the Deputy Minister of Youth, Gender, Development, and Employment Creation. Police arrested suspects in connection with Museva's death; however, a trial date was not set by year's end.

On September 22, ZANU-PF supporters hacked to death MDC supporter Nikonhari Chibvamudeve in Hurungwe West prior to the rural district council elections. Faston Chipurupuru, another MDC supporter who was with Chibvamudeve at the time, sustained cranial axe wounds and barbed wire lacerations on his back. Twelve arrests were made; however, there was no further official action by year's end.

At least one commercial farmer was killed during the year. Security guards of the Government official who was to receive the property ambushed and shot him.

There were no new developments in the following 2001 cases of killings: The March killing of a soldier in police custody; the April beating death by police of a University of Zimbabwe (UZ) student; the August death of Vusumuzi Mukweli while in custody; and the October beating death by two army soldiers of a man in a Guruve police station.

There was no legal action taken against members of the security forces who in August 2001 killed 3 striking members of the Steel Workers' Union and injured 10 others.

In November 2001, six ZDF soldiers beat and threw Lameck Chemvura, a UZ student who they suspected of supporting the MDC, from a moving train; he subsequently died from his injuries. The soldiers also beat and harassed other passengers. Six soldiers were arrested; however, only one was charged with murder. The police denied that the case was politically motivated. The Rusape magistrate court postponed the case several times and appeared unwilling to try it by year's end.

Lawyers from the Zimbabwe Human Rights NGO forum filed a lawsuit against the police on behalf of the families of the 12 victims of a stampede at a soccer match in 2000. The police failed to respond to the lawyers' allegations that they behaved negligently in firing tear gas into the crowd. The lawyers obtained an order from the court compelling the police to respond to the specific allegation of negligence; however, the police refused to comply. By year's end, the lawyers planned to file an application for a default judgment on behalf of the victims' families with the court.

No further action was taken, nor was any likely to be taken, in the following 2001 cases: The March killing in Muzarabani and Hoya wards, Mashonaland Central province of two MDC members by ZANU-PF supporters; the May assault by four suspected ZANU-PF supporters of Misheck Mwanza that led to his subsequent death in June; and the December abduction and killing of Augustus Chacha, an MDC activist, by suspected ZANU-PF supporters.

The six MDC suspects charged with the 2001 murder of Bernard Gara, a ZANU-PF supporter, during clashes between ruling party and opposition supporters at Baradzanwa Business Centre in Bikita West were acquitted and subsequently released.

The case of Tawanda Mutinzwe, a ZANU-PF supporter, charged with murder and held without bail for allegedly torturing two men to death with a hot iron in 2001 remained pending at year's end.

Despite a May 29 High Court ruling ordering the Government to release three of the nine MDC members implicated in the 2001 killing of Cain Nkala, Bulawayo War Veterans Chairman, on bail until a trial date has been set, they remained in custody. In 2001 the Attorney General's office charged Remember Moyo, Khethani Sibanda, and Sazini Mpofu with murder. The trial date was postponed from November to early 2003 and the accused remained in detention awaiting trial at year's end.

Police arrested several government youth brigade members for the 2001 killing of Trymore Midzi, the MDC vice-chairman for the Bindura district. The youth brigade members appeared in court, were released on bail, and no trial date was set by year's end. Following Midzi's death, local ZANU-PF supporters forced the Midzi family out of their home. No one had been arrested in connection with the deaths of three other MDC activists, including Titus Nheya, an MDC candidate who ran for office but was defeated in the 2000 parliamentary election.

The MDC members implicated in the 2001 killing of war veteran and ZANU-PF supporter Willis Dhliwayo were released without being charged; an investigation was ongoing at year's end.

During the year, police failed to comply with a High Court Order to arrest two known suspects, one of whom serves as the head of the CIO branch in Chimanimani, in the 2000 beating death of the MDC leader Morgan Tsvangirai's campaign manager and another person. There were no arrests or court actions in the case by year's end.

There was no known investigation or action taken, nor is any likely to be taken, against the ZANU-PF supporters responsible for the following killings in 2000: The March killings in Mberengwa district; the April killing of Luckson Kanyurira and another MDC supporter; the May beating to death of Alex Chisasa; the May beating to death of Mationa and Onias Mashaya; and the June killing of Mandishona Mutyanda, MDC ward chairman for Kwekwe district.

There was no action taken, nor was any likely to be taken, against a group of war veterans, including active duty defense force personnel in civilian clothing, for the April 2000 killing of MDC organizer and commercial farmer David Stevens, or the three men armed with rifles who killed commercial farmer Henry Elsworth in December 2000.

Unlike in the previous year, there were no reports that the use of excessive force to disperse demonstrations resulted in deaths (*see* Section 2.b.).

Harsh prison conditions and a high incidence of HIV/AIDS were acknowledged widely to have contributed to a large number of deaths in prison; the Zimbabwe Prison Service documented that 1,051 prisoners have died of HIV/AIDS-related causes since 1998 (*see* Section 1.c.). However, some deaths in custody and prison may have been due to abuse.

There were no reports of landmine deaths during the year.

On May 2, the body of MDC polling agent Tipason Madhobha was found in a stream near the Ganye Dam in Gokwe. Madhobha went missing on April 10 after he left his home with a group of neighbors to search for missing cattle. Although the family demanded a postmortem, there was no further inquiry into the cause of Madhobha's death or the circumstances surrounding his disappearance by year's end.

There were no substantial developments in the 2001 killing of 72-year-old Gloria Olds, a commercial farmer. Police arrested one suspect shortly after the murder and claimed that the investigation into Olds' death was ongoing; however, no further action was taken by year's end. ZANU-PF supporters allegedly killed her son, Martin Olds, in 2000.

The police investigation into the 2001 killing of Kwekwe farmer Ralph Fenwick Corbett was ongoing; however, they reportedly had no leads on the case and no one was arrested by year's end.

Unlike in the previous year, there were no reports of ritual murders and killings of children for body parts that were associated with traditional religious practices. On July 22, the High Court acquitted Faber Chidarikire on a ritual murder charge.

b. Disappearance.—During the year, there were 35 reports of politically motivated disappearances mostly committed by ZANU-PF supporters, especially in the rural areas where most organized groups were loyal to the Government and few opposi-

tion organizations. Domestic human rights organizations believed that there were disappearances in rural areas that were not reported due to fear of retribution by progovernment factions. Many abductees were beaten or tortured, others later were found killed (*see* Sections 1.a. and 1.c.).

On March 6, suspected ZANU-PF supporters in Mabvuku abducted Thomas Manyika, the MDC polling agent for Mt. Darwin. Manyika was carrying a package of MDC T-shirts when he boarded a local commuter bus. When Manyika disembarked, six men followed him. No suspects were arrested in connection with Manyika's disappearance, nor had the police made any inquiries into the circumstances surrounding his abduction.

In July Musande Matsveta, the MDC treasurer for Buhera South, reportedly was abducted from a funeral service in Masasa by suspected ZANU-PF supporters. On the same day and in the same town, a second MDC member, Kudzai Magama, was abducted from his home by suspected ZANU-PF supporters. Magama's and Matsveta's whereabouts remained unknown. It is unclear whether police were conducting an investigation into their disappearances.

In the pre-election period prior to the September 28 and 29 rural district council elections, at least three MDC candidates were kidnaped and beaten, and several others assaulted (*see* Section 1.c.). For example, on July 21, ZANU-PF youth allegedly abducted Meynard Mashapa, a potential MDC candidate in the September election in Tanganda, Manicaland, from the Tanganda shopping center, held him for 3 days, and assaulted him. MDC members later rescued him from the home of a ZANU-PF member in Chipinge. The MDC identified those responsible; however, the police took no action on the case by year's end.

There were no further developments or action taken in the following 2001 cases of disappearance: The January abduction, beating, and interrogation for 2 nights of Eide Javachava, a messenger of former MDC parliamentary candidate Elliot Pfebve, by four CIO agents in Harare; the April and May abductions and attempted extortion of managers of urban NGOs and private companies by war veterans; the reported May abduction and detention for several hours of Joel Sithole, the MDC candidate for a local election in Plumtree, by masked men suspected of being ZANU-PF supporters; the July reported abduction of Chipo Ruzive and 27 MDC supporters—the whereabouts of 5 of the supporters remained unknown at year's end—in Bindura by armed police officers claiming to be war veterans; the July reported kidnaping and torture of 13 MDC supporters by war veterans in Bindura; and the September abduction at knifepoint and detention for 4 hours of the wife and daughter of Elliot Pfebve.

In 2000 suspected ZANU-PF supporters abducted Patrick Nabanyama, a local MDC official and polling agent for Bulawayo South Member of Parliament (M.P.) David Coltart, from his home. Seven war veterans, including Cain Nkala, the chairman of the National Liberation War Veterans Association in Bulawayo, reportedly were arrested and detained for the kidnaping. In 2001, a day after the war veterans' release on bail, Nkala was kidnaped and killed (*see* Section 1.a.). Unable to charge the remaining six with kidnaping because of President Mugabe's 2000 blanket amnesty for political crimes, the Attorney General charged them with murder. Court records reportedly included admissions by some of the accused to kidnaping and torturing Nabanyama; however, in June the judge, noting the absence of a body, acquitted the accused.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, security forces tortured, beat, and otherwise abused persons. The ZRP showed poor training in criminal apprehension and interrogation, and there were unconfirmed reports of human rights abuses by the CIO. There continued to be reports of police using excessive force in apprehending and detaining criminal suspects. Government supporters continued to beat and torture suspected opposition members, commercial farmers, and farm laborers, and some persons died from torture during the year (*see* Section 1.a.).

Security forces were involved in incidents of political violence, including instances of soldiers beating civilians nationwide, particularly in areas where persons voted for the opposition.

Government supporters continued to beat and torture suspected opposition members, commercial farmers, farm laborers, and trade union members (*see* Section 6.a.). An international team of experts from the International Center for Rehabilitation of Torture Victims, led by Dr. Inge Gefencke, visited the country in 2001 and concluded that there was systematic mass physical and psychological torture perpetrated by government supporters throughout the country. Human rights groups have reported that war veterans and other ruling party supporters set up torture chambers in government-funded offices, police stations, and schools to brutalize opposition supporters. National youth training camps were the source of government

youth militia forces, which were deployed widely to harass, abduct, and torture suspected MDC supporters during the presidential elections. There were reports that the camps were used to teach paramilitary skills and expertise in political oppressions and torture (*see* Section 6.c.). The Zimbabwe Human Rights NGO Forum reported 1,061 cases of torture during the year as part of a campaign of political violence.

On February 28, riot police attacked the MDC provincial office in Harare where MDC polling agents were training Philip Jani and others. The police beat Jani and the other agents, took them to the Harare Central Police station, and detained them for 4 days before releasing them without charge at year's end.

On April 6, suspected CIO officers abducted MDC provincial secretary for information and publicity for Midlands, Robbie Siyanai, from the Gweru Central Police station, where he was visiting detained MDC members and took him to an undisclosed location in Gweru where they beat him with their fists, booted feet, and whips. They demanded Siyanai renounce his MDC membership. Siyanai was severely injured in the attack. There were no arrests or investigations by year's end.

In August four MDC members were arrested and detained in connection with the killing of senior ZANU-PF activist Ali Khan Manjengwa in the Mbare area of Harare, including Mbare East M.P. Tichaona Jetter Munyanyi, who was held for 2 days. MDC intelligence officer Solomon Chikowero and Harare councilor Linos Mushonga were held in police custody and subjected to beatings and electric shock torture for 4 days. Joshua Rusere still was detained without charge.

On September 27, police arrested MDC youth activists Tom Spicer, Cosmos Ndira, Barabas Ndira, Reuben Tichareva, and Tendai Maluzi in the Mabvuku area of Harare. The five were held incommunicado for 4 days at Harare Central Police Station and then released. During his detention, Spicer, an 18-year-old college student, was separated from the others, handcuffed, repeatedly beaten on the soles of his feet, and subjected to electric shock torture lasting 4 hours at a time. No official action was taken against the responsible policemen by year's end.

On December 10, police arrested then beat and tortured the Secretary General of the Zimbabwe Confederation of Trade Unions (ZCTU), Wellington Chibebe.

Persons perceived as supporting the opposition, including judges, teachers, civil servants, health workers, and laborers in the manufacturing sector, were singled out for assault or intimidation by ruling party supporters (*see* Sections 1.e. and 6.a.). From interviews with victims the Zimbabwe Human Rights NGO Forum reported 75 cases of assault and 34 cases of torture against teachers. In most cases, the national police did not halt acts of political intimidation or violence, arrest the perpetrators, or investigate political crimes. For example, on March 11, ZANU-PF youths attacked 50 polling agents at a Mt. Darwin counting center where they were guarding ballot boxes overnight. Although the agents reported the attack to the local police, by year's end, no arrests were made. Some victims who were tortured or beaten died as a result of their injuries (*see* Section 1.a.).

On August 1, suspected ZANU-PF youths assaulted Tapera Dzingai, the opposition Chairman for Mbare East in his home. The youths allegedly broke down the door of his house and beat him with broken bottles and sticks. Dzingai filed a report with the police; however, they refused to arrest any suspects. The Police Commissioner Wayne Bvudzijena later said he was unaware of the allegations.

In the months preceding the September nationwide rural council elections, ruling party supporters beat and threatened opposition party candidates in an organized campaign of intimidation that resulted in hundreds of MDC candidates withdrawing from the election (*see* Section 1.b.). There also were reports of beatings, rapes, and arrests of MDC officials and supporters following the election.

Prior to the September elections, government militia abducted more than 100 MDC supporters and took them to Gunduza School in Gunduza, one of the three sites ZANU-PF set up in Mashonaland Province to detain and beat MDC supporters. Known or suspected MDC supporters were taken to these three sites, pressured to defect to ZANU-PF, and beaten or raped if they refused. In 2001 war veterans set up camps at Kitsiyatota, Chiveso, Murembe, Mupandira, and Maizeland Farms in Bindura district where they tortured captured opposition supporters. The Zimbabwe Human Rights NGO Forum reported that war veterans also established torture camps at Foothill Farm and Nyawa in Bindura in 2001 and at schools in other parts of the country during the year.

On November 15, war veterans detained a foreign diplomat, a local embassy employee, a U.N. employee, and a local citizen for 45 minutes and beat the citizen and the embassy employee. No arrests were made by year's end.

During the year, ruling party supporters increased their attacks on teachers who they suspected of supporting the opposition.

War veterans and ZANU-PF supporters continued to harass, intimidate, and abuse journalists considered to be sympathetic to the opposition during the year (*see* Section 2.a.).

In a number of rural areas, war veterans and other ZANU-PF supporters conducted “pungwes” (forced nightly political gatherings). Hundreds of villagers were rounded up, driven to remote areas, and forced to chant ZANU-PF slogans or denounce the opposition until the next morning.

Unlike in the previous year, there were no reports that managers of urban NGOs and private companies were abducted or beaten by ZANU-PF members.

Unlike in the previous year, there were no reports that war veterans targeted for abuse ZANU-PF members who were not carrying the new party identification cards.

There was no action taken, nor was any likely, against the responsible officials in the following 2001 cases: The January detention and torture of MDC supporter Ishmael Kauzani by police officers and CIO agents; the May reported beating of the occupants of local nightclubs and other establishments by 50 army recruits; and the July beating of residents in Harare’s suburbs during a strike by police; the July beating with batons by police officers in Harare’s Budiriro township of Richard Jachi and his wife; and the September detention by police officers and beating by young ZANU-PF members of Tinaapi Diura, a local MDC official in Chikomba.

No action was taken in the following 2001 cases: The June abduction and severe beating of Fani Javangwe in the Harare township of Epworth by ZANU-PF supporters who accused him of being pro-MDC; the June attack on MDC M.P. Willias Madzimure in his home during which his maid and two residential guards sustained serious injuries; the July ambush and stoning of a motorcade carrying MDC President Tsvangirai and several MDC M.P.s by several hundred ZANU-PF supporters in which five persons were injured seriously; the September beating and stabbing of MDC-supporter Mutandera; the October abduction and torture of 10 MDC supporters, including a local MDC official, in Gokwe district by ZANU-PF supporters; the November beating and whipping of numerous farm workers and their families, including a 5-year-old boy, near the town of Marondera by ZANU-PF supporters; the November assault by hundreds of war veterans and ZANU-PF supporters on shoppers, schoolchildren, and other persons in Bulawayo that caused numerous injuries; and the November reported raid by 300 war veterans on a farm near Chegutu during which they beat farm workers, causing 20 persons to be hospitalized, and burned 42 houses.

There was no known action taken against the ZANU-PF supporters or war veterans responsible for torturing, beating, or otherwise abusing the persons in the following cases from 2000: The April beating and killing of several MDC supporters; the April beating and killing of a commercial farmer; the May beating of Eomonn Oliver; the May beating to death of an army sergeant; the May beating to death of an opposition supporter and his son; the June beating of several journalists; the June beating of an MDC ward chairman; the June reported attacks on 200 schools; the July beating of The Standard journalist Cengetayi Zvanya; and the August sexual abuse of 10 school children.

No action was taken, nor was any likely to be taken, against the army soldiers who allegedly beat an MDC M.P. and MDC members at a political rally in 2000 or against the police and security forces who used excessive force to disperse demonstrations or soccer matches in July and October 2000.

The Amani Trust and Musasa Project reported that at least 14 politically motivated rapes were committed during the year but noted that the figure likely was grossly underreported due to cultural taboos. The attacks targeted MDC supporters, their daughters, and their wives (*see* Section 5).

There were reports that young girls were raped at national youth service training camps (*see* Section 5).

Security forces repeatedly used force, including tear gas, to disperse nonviolent demonstrations; security forces also beat demonstrators, which resulted in injuries (*see* Section 2.b.).

Unlike in the previous year, there were no reports that the Government used excessive force to disperse strikes during the year.

The Government generally has not pursued actively past allegations of torture and has not prosecuted CIO or ZRP officers for such abuses. The 2000 amnesty protects nearly all the agents of the political violence campaign and effectively prevents any criminal prosecutions against them (*see* Section 1.e.).

No further action was taken by year’s end against two suspects who reportedly shot a farmer three times at close range in the Macheke area in November 2001.

There were no reports of landmine injuries during the year.

Prison conditions remained harsh and life threatening. The Government’s 42 prisons were designed for a capacity of 16,000 prisoners; they held more than 25,000

at year's end. Overcrowding became worse, and shortages of clothing and poor sanitary conditions persisted, which aggravated outbreaks of cholera, diarrhea, and HIV/AIDS-related illnesses. Government prison service authorities have determined that exposure to HIV/AIDS was a major cause of a large number of deaths in detention, and prison authorities called for more research to address this growing problem; some authorities argued for the early release of such terminally ill prisoners. Fletcher Dulini-Ncube, an MDC M.P. who was arrested in 2001 for the killing of Cain Nkala and held in Khami Maximum Security Prison for more than 1 month, reportedly was denied regular access to medications for diabetes and hypertension.

In 2001 the Government established a successful community service sentencing program to try to alleviate prison overcrowding. The Legal Resources Foundation, in cooperation with the prison service, had established a human rights training program for prison officials. Officials who mistreated prisoners were punished routinely.

There was a significant increase in the number of women incarcerated during the year. Female prisoners were held in separate cellblocks from male prisoners. There were an estimated 2,000 women in prison, increasingly for crimes of prostitution, embezzlement, fraud, petty theft, and abandonment of infants. Many incarcerated women were obliged to raise their very young children in prison if they had no one to care for them while they were detained. Juveniles generally were held separately from adults; however, a local NGO reported that occasionally juveniles, particularly juveniles between the ages of 16 and 18 years, were held with adult prisoners for brief periods of time.

Pretrial detainees generally were held in group cells until their bail hearings. If detainees were charged and held in custody, they routinely were held with the general prison population until trial.

The Government permitted international human rights monitors to visit prisons; however, government procedures and requirements made it very difficult to do so. Permission was required from the Commissioner of Prisons and the Minister of Justice, which sometimes took a month or longer to obtain or may not be granted. A local NGO that deals with prisoners' issues was granted access on a number of occasions during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, some laws effectively weakened this prohibition, and security forces arbitrarily arrested and detained persons repeatedly.

The law requires that police inform an arrested person of the charges against him before he is taken into custody. Warrants of arrest issued by the courts were required except in cases of serious crimes or where there was the risk of evidence disappearing. There was a growing problem, especially in rural areas, in which victims or witnesses of crimes who report to the police were charged themselves with the crimes of the perpetrators. Although a preliminary hearing before a magistrate is required within 48 hours of an arrest (or 96 hours over a weekend), the law often was disregarded if a person did not have legal representation. Police typically arrested individuals accused of political crimes on Fridays, so that they could detain them legally until Monday. In several cases, police claimed not to know where they were holding a detained individual, which delayed a hearing on bail release.

Detainees generally were not allowed prompt or regular access to their lawyers. Authorities often informed lawyers who attempted to visit their clients that detainees were "not available." Family members generally were denied access unless accompanied by an attorney. Detainees, especially those from rural areas without legal representation, routinely were held incommunicado. Family members and attorneys often were not able to verify that a person had been detained until the detainee appeared in court.

The Criminal Procedures and Evidence Act substantially reduced the power of magistrates to grant bail without the consent of the Attorney General or his agents; however, in practice a circular issued by the Attorney General giving a general authority to grant bail lessened the negative effect of the rule. High Court judges granted bail independently.

The Official Secrets Act and the Public Order and Security Act (POSA), which replaced the colonial era Law and Order Maintenance Act (LOMA), grant the Government a wide range of legal powers. The POSA, which gives extensive powers to the police, the Minister of Home Affairs, and the President to prosecute persons for political and security crimes that are not defined clearly, was passed by Parliament in January.

Prolonged pretrial detention remained a problem. Detainees spend an average of 6 months incarcerated before their trials because of a critical shortage of magistrates and court interpreters.

On June 3, Law Society of Zimbabwe President Sternford Moyo and Executive Secretary Wilbert Mapombere were arrested and held by police for 48 hours. During their detention they were denied food, access to a toilet, and were given a lice-infested blanket. On June 4, police arrested and interrogated the entire staff of the Law Society for approximately 4 hours. The arrests stemmed from allegations that Moyo was involved in planning mass action to overthrow the Government with the opposition MDC and British High Commission. Due to a lack of evidence the Attorney General had not made a decision on whether to take the case to trial, but was scheduled to do so by the next hearing scheduled for February 2003.

On August 3, plainclothes police officers arrested M.P. and MDC treasurer Fletcher Dulini-Ncube for the second time in connection with Nkala's death. Dulini-Ncube, a severe diabetic, was taken from a Bulawayo hospital where he was recuperating from having an eye surgically removed, and detained at a police station for 6 hours. Although Dulini-Ncube was allowed to return to the hospital later that day, the police accompanied him to the hospital and posted guards both inside and outside his room. On August 5, Dulini-Ncube was to be formally indicted in the Nkala murder case; however, the judge postponed the indictment hearing indefinitely for lack of evidence.

Following the August 8 deadline for commercial farmers to vacate their properties, police arrested and detained hundreds of farmers, or in their absence, their family members, most for a few days, for refusing to vacate their properties. After posting bail, all of them reportedly were released (*see* Section 1.f.).

On September 13, retired Judge Fergus Blackie was arrested on trivial charges, detained largely incommunicado, and not permitted his required medication for 4 days. Before he was pressured into retiring in July, Blackie sentenced Justice Minister Patrick Chinamasa to a 3-month jail sentence for contempt of court. The U.N. Special Rapporteur on the Judiciary criticized publicly the Government's treatment of Blackie. At year's end, Blackie's son William was organizing an international effort to get the charges against his father dropped.

On September 29, the MDC M.P. for Chimanimani, Roy Bennett was arrested and detained for 2 days without access to his attorney along with bodyguard Menson Magwaza and business partner Stuart Girvin. They were charged with violating the Electoral Act for video taping food distribution to ZANU-PF supporters at a polling station during the rural district council elections. Magwaza reportedly was tortured and Girvin beaten while in police custody. Bennett and Magwaza were released on bail of \$6.25(Z10,000). Girvin, who is South African, was released on bail of \$12.50 (Z\$20,000).

Police arrested several journalists during the year (*see* Section 2.a.).

Police arrested persons holding meetings and during the forcible dispersal of gatherings (*see* Section 2.b.).

Police arrested religious leaders during the year (*see* Section 2.c.).

No action was taken, nor was any likely to be taken, in the following 2001 cases: The July arrest and beating of Richard Jachi and his wife by police officers in Harare's Budiriro township; the July police raid of an MDC office and their arrest of 33 youths who police claimed were responsible for attacks on ZANU-PF supporters in Bindura; the July arrest and release by police of three journalists for reportedly photographing the police beating of workers who were participating in a 2-day national strike; the July arrest, questioning, then release of Wellington Chibebe, the Zimbabwe Confederation of Trade Unions' (ZCTU) Secretary General; and the August arrest then release on bail of a number of white farmers and their relatives.

No action was taken, nor was any likely to be taken, in the 2001 cases of protesters arrested and charged with violence under the LOMA.

No action was taken, nor was any likely to be taken, in the 2000 cases of police detaining 70 persons during food riots, and police arresting 20 MDC supporters preparing for an MDC rally.

The Constitution prohibits forced exile, and the Government did not use forced exile; however, a number of persons left the country to escape repression and remained in self-imposed exile at year's end. For example, Nkosana Moyo, former Minister of Industry and International Trade and his family remained outside the country at year's end.

On March 12, Captain Ernest Chuma disappeared from army headquarters in Harare after an interrogation by members of the army's counter-intelligence branch. He was accused of being an MDC supporter. Fearing for his safety, Chuma fled the facility and went into hiding. He had retained a lawyer to contest the army's allegations; however, legal proceedings could not proceed because his whereabouts were unknown. At year's end, he was being detained without charge at the Francistown State Prison in Botswana.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and since independence the country's judiciary generally had been independent. However, beginning in 2001 the judiciary came under intense pressure to conform to government policies, and the Government repeatedly refused to abide by judicial decisions. In a July 25 speech, President Mugabe said, "if judges are not objective, don't blame us when we defy them." In addition numerous government officials, including the Justice Minister and the Minister for Information and Publicity, repeatedly called for the resignation of justices whose rulings were not consistent with the policies of the executive branch, and officials criticized the judiciary for these rulings. In 2001 the Chief Justice was coerced into retiring early, and during the year, a number of High Court judges resigned or retired early after being subjected to intensive government pressure and intimidation. In 2001 the International Bar Association conducted an investigative visit to the country and criticized the intimidation of judges and the forced retirement of the Chief Justice in its report.

The law provides for a unitary court system, consisting of headmen's courts, chiefs' courts, magistrates' courts, the High Court, and the Supreme Court. Civil and customary law cases may be heard at all levels of the judiciary, including the Supreme Court.

Judges are appointed to serve until the age of 65 and may extend their terms until the age of 70 if they remain in good physical and mental health. The Constitution provides that they may be removed from the bench only for gross misconduct, and that they cannot be discharged or transferred for political reasons; however, during the year, judges were coerced by the Government into resigning. For example, in July High Court Judge Fergus Blackie retired early (*see* Section I.d.).

In 2001 President Mugabe appointed three additional Supreme Court judges, bringing the total number to eight. The Government stated that the additional appointments were necessary to handle an increase in workload; however, some members of the legal community criticized the action as an attempt by Mugabe to pack the court. Magistrates, who are part of the civil service rather than the judiciary, hear the vast majority of cases and came under increasing political pressure during the year after some of their decisions were interpreted as running counter to government interests.

For example, on August 16, a mob of 150 to 200 ZANU-PF militants and war veterans dragged Walter Chikwanha, a presiding magistrate, out of his Chipinge courtroom and beat him. They then paraded him around Chipinge forcing him to chant ZANU-PF slogans. This happened after Chikwanha granted bail to five MDC officials accused of burning two government tractors in Chipinge.

On August 28, the Zaka district resident magistrate, Godfrey Gwaka, was stabbed in the chest and back while in the company of another court official. The court official identified one of the two assailants, whom police arrested. During and after the March election period, Gwaka had heard cases involving political violence and five deaths in Zaka. Observers intimated that Gwaka was attacked for his remarks and judgments in favor of MDC supporters in those cases.

Military courts dealt with disciplinary or court-martial proceedings. Police courts, which can sentence a police officer to confinement in a camp or demotion, handle disciplinary and misconduct cases. Trials in both these latter courts generally met internationally accepted standards for fair trials. Defendants in these courts have the right to appeal to the Supreme Court.

The Constitution provides for the right to a fair trial, but the judiciary had difficulty enforcing this right due to political pressures. Every defendant has the right to a lawyer of his choosing; however, well over 90 percent of defendants in magistrates' courts did not have legal representation. In criminal cases, an indigent defendant may apply to have the Government provide an attorney, but this was done rarely and granted rarely. However, in capital cases, the Government provided an attorney for all defendants unable to afford one. Litigants in civil cases can request legal assistance from the NGO Legal Resources Foundation. All litigants were represented in the High Court. The Supreme Court has instructed magistrates to ensure that unrepresented defendants fully understood their rights and to weigh any mitigating circumstances in criminal cases, whether or not the accused presented them as part of his defense.

The right to appeal exists in all cases and is automatic in cases in which the death penalty is imposed. Trials were open to the public except in certain security cases. Defendants enjoyed a presumption of innocence, the right to present witnesses, and the right to question witnesses against them. Defendants and their attorneys generally had access to government-held evidence relevant to their cases. The legal system generally did not discriminate against women or minorities; however, some High Court judges imposed lenient sentences in some cases of rape and

child sexual abuse, and local women's and legal organizations challenged these decisions.

Members of the ruling party and the Government increasingly were dissatisfied with the judiciary when judgments were not to their liking. In 2001 the Supreme Court overturned as unconstitutional President Mugabe's decree prohibiting the nullification of the election of any M.P. The ruling allowed the High Court to hear challenges to the results in 38 constituencies—all but 2 of them submitted by the MDC—in the 2000 parliamentary elections (see Section 3).

The Government and police routinely failed to abide by court decisions ordering the removal of war veterans and other squatters residing on commercial farms, and the Government routinely continued to delay payment of court costs or judgments awarded against it.

Prior to 2000, the Government repeatedly amended the Constitution in response to judicial decisions that were protective of human rights. Amendments to the Constitution were not ratified by the public but were subject only to the ZANU-PF-dominated Parliament's approval. Constitutional amendments require a two-thirds majority vote, a margin ZANU-PF has been unable to muster since the MDC won 57 of 150 Parliamentary seats in 2000.

In October 2000, President Mugabe issued a presidential decree granting a general amnesty for politically motivated crimes that occurred between January 1 and July 31, 2000. The pardon excluded the offenses of murder, robbery, rape, sexual assault, theft, and possession of arms, but did not exclude the charges of common assault and assault with the intent to commit grievous bodily harm. The pardon permitted the immediate release of prisoners convicted of the latter two offenses. The amnesty protected nearly all the agents of the political violence campaign that preceded the 2000 parliamentary elections and effectively prevented any criminal prosecutions against them. Domestic and international human rights groups criticized widely the amnesty. Amnesty International expressed concern that it would encourage further violence in the run-up to the March presidential elections.

There were a few reports of MDC political prisoners held for sustained periods of a month or more by CIO agents or war veterans in unofficial locations. Police frequently detained opposition leaders and supporters for several days at a time (see Sections 1.a., 1.c., and 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, security forces searched homes and offices without warrants, and the Government was believed to monitor some private correspondence and telephones, particularly international communications. The law permits the Government to monitor and intercept e-mails entering and leaving the country, and security services reportedly have used this authority to monitor e-mail communication, although the extent of this monitoring was unknown.

On August 4, approximately 10 armed policemen raided MDC President Morgan Tsvangirai's home searching for "arms of war, illegal immigrants, and subversive materials." Although the police did not find any of the items listed on the search warrant, they did confiscate a car that belonged to Tsvangirai's assistant. Police claimed the car was being used in illegal activities.

Police periodically conducted house-to-house searches in the suburbs of Harare and Bulawayo during the year.

ZANU-PF supporters and war veterans attacked and destroyed the homes of hundreds of opposition supporters and commercial farmers. For example, on January 5, government militia stoned several houses in Chitungwiza and Ruwa, including those of MDC legislators Fidelis Mhashu and B. Tumbare-Mutasa, destroying property worth approximately \$560 (Z\$400,000). On January 20, police used tear gas in the Mpopoma home of MDC M.P., Milton Gwetu.

On April 22, approximately 50 ZANU-PF youth set fire to MDC ward chairman for Redcliff George Hungwe's house, destroying \$7,092 (Z\$5 million) worth of property. Prior to setting the fire, the perpetrators forced Hungwe and his family into one bedroom. The Hungwes then fled through a window as flames engulfed their house. The police claimed that an investigation was ongoing, and no one was charged in connection with the arson attack by year's end.

No action was taken against hundreds of ZANU-PF supporters who in 2001 embarked on a campaign of looting and burning farmhouses, destroying crops, livestock, and farming equipment, and forced 60 farmers and their families—approximately 300 persons—to flee the area. Many farm workers who refused to assist the looters were beaten. There were credible reports of police involvement in the looting.

The Government continued to claim that white farmers occupied more than 70 percent of the country's most productive land. The Commercial Farmers Union disputed that figure, contending that members of the white minority owned only 20 percent of the country's farmland, while the remainder comprised communal land

(government-owned), small-scale farms, national parks, forest lands, and urban lands.

Shortly after a 2000 referendum defeated a proposed constitution that would have permitted land seizures, Parliament passed a constitutional amendment permitting the seizure of land without compensation. In 2000 President Mugabe, using extraordinary presidential powers, amended the 1992 Land Act to bring it into conformity with this amendment. After the 2000 elections, the Government began a “fast-track” resettlement program in an ostensible effort to settle historical inequities in land ownership quickly. All or portions of 1,250 commercial farms were occupied by war veterans, ZANU-PF supporters, and other squatters who built homes and planted crops on the land. Intimidation and work stoppages occurred daily for commercial farmers and farm workers. In 2001 a newly-reconstituted Supreme Court reversed a 2000 decision that the land occupations violated constitutional private property rights and protection from arbitrary search and entry, ruling that the fast-track program was being conducted consistent with the law (*see* Section 1.e.).

In 2001 President Mugabe amended the Land Act by decree to permit the immediate government seizure of all commercial farming land, and the ZANU-PF dominated Parliament formalized this decree. The law requires all farm owners who have received a Section 8, final compulsory acquisition, notice to halt farming activities within 45 days of receipt of the order and leave their homes within 90 days. By August approximately 97 percent of the 4,500 remaining commercial farmers had received Section 8 notices.

In June the Government ordered all white commercial farmers who had received Section 8 notices to cease farming operations, despite widespread food shortages. In August the Government began arresting farmers en masse after the time period expired for the first batch of Section 8 notices. Most farmers who were arrested were detained for a few days and released on bail; some were allowed to return to their farms, and some ordered to abandon their standing crops and livestock. Many farmers filed legal challenges, arguing that the acquisition orders were not legitimate since they did not follow the Government’s own procedural laws. In many cases, the Government had not followed the procedural step of having the Administrative Court sign an eviction order; in others the Government had failed to notify banks or other bondholders who had an interest in the properties. Some farmers had limited success arguing in court that eviction notices were invalid because they were not served on all interested parties of a property, i.e. the bank or mortgage holder, the bondholder, and the farmer. In practice they were often served on the farmer alone. In September Parliament legislated that procedurally irregular Section 8 orders could be reissued without starting a new 90-day evacuation period. In addition, Section 8 orders that expired due to technical irregularities or failure of the Government to acquire the property within its own statutory time limit could be reissued with only a 7-day evacuation period. In that legislation, the fine for farmers who failed to vacate their property within the 90-day (or new 7-day) period increased 5-fold.

By November war veterans had intimidated thousands of ex-commercial farm workers into moving off of their original farms and into other areas of the country. Hundreds had relocated themselves and their families to the soil-poor Dande area in northern Zimbabwe and even across the border into the neighboring Tete Province of Mozambique.

Even on farms that did not receive Section 8 orders or those that received reprieves from the High Court, farmers were evicted with as little as 2 hours notice. “Settlers,” war veterans, or government youth militia members enforced evictions often in full view of police who declined to intervene stating that it was a “political matter.” Estimates were that more than 500,000 farm laborers, and their families were left destitute.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression but legislation limits this freedom in the “interest of defense, public safety, public order, state economic interests, public morality, and public health,” and the Government restricted this right in practice. Police and ZANU-PF supporters harassed, intimidated, and beat journalists. Security forces arbitrarily detained journalists and refused to investigate or punish security force members who tortured journalists and opposition members. Journalists practiced self-censorship.

The Government continued to restrict freedom of speech, particularly by opposition members and supporters and those making public comments critical of President Mugabe. For example, on July 25, MDC President Morgan Tsvangirai was asked to present himself at the Harare Central Police station on allegations of plotting to overthrow President Mugabe. Tsvangirai, who at the time was on bail for

allegedly plotting to assassinate Mugabe, was asked to sign a warned and cautioned statement. He was alleged to have contravened Section 5 of POSA, which refers to planning the overthrow of government, by allegedly telling persons at a rally in Gwanda that “what the MDC had planned for Mugabe shall remain a secret.” Tsvangirai was not charged formally.

In a number of rural areas, war veterans and other ZANU-PF supporters conducted *pungwes*, in which they forced villagers to chant ZANU-PF slogans or denounce the opposition (*see* Sections 1.c. and 6.a.).

Several major daily newspapers and one local-language tabloid belonged to the Mass Media Trust (MMT), a holding company heavily influenced by the ZANU-PF. The Government, through the MMT, controlled two daily newspapers, *The Chronicle* and *The Herald*. The news coverage in these newspapers generally focused on the activities of government officials, neglected opposition parties and other antigovernment groups, and also downplayed events or information that reflected adversely on the Government. The Government-controlled media always portrayed favorably President Mugabe and the Government. In 2001 Jonathan Moyo, Minister for Information and Publicity in the President’s Office, announced the dissolution of the MMT board and its replacement by a new board, which reportedly was more sympathetic to ZANU-PF. The Minister also controlled the Zimbabwe Inter-Africa News Agency wire service.

The independent press continued to operate despite frequent attacks and intense pressure from the Government. In addition to the *Daily News*, an independent newspaper that had the nation’s largest circulation, there were three major weeklies (*The Financial Gazette*, *The Independent*, and *The Standard*), and three monthlies. The major independent newspapers continued to monitor government policies and open their pages to opposition critics, but most of them also continued to exercise self-censorship in reporting due to growing government intimidation of the press and the continuing prospect of prosecution under criminal libel and security laws.

The Government increasingly was intolerant, especially of reports perceived to be critical of the security forces. The Government tolerated private media criticism of official corruption; however, corruption was not a major focus of the private media during the year. The Government arrested and prosecuted editors and journalists who contributed to published stories critical of government policies or security force operations; however, the Government did not censor directly the independent media.

Stricter measures, including the passage of two restrictive new laws, were introduced to prevent negative coverage of the Government and its policies. On January 22, the POSA was enacted to replace the colonial-era LOMA. Clause 15 of POSA, intended to replace section 50 of LOMA, makes it an offense to publish or communicate false statements prejudicial to the state. Legal experts have criticized this section saying that it imposes limits on freedom of expression beyond those permitted by the Constitution. Clause 16 of POSA also makes it an offense to make statements that will engender feelings of hostility towards the President. An extremely broad Official Secrets Act makes it a crime to divulge any information acquired in the course of official duties. In addition, antidefamation laws criminalize libel of both public and private persons.

In March the Parliament enacted the Access to Information and Protection of Privacy Act (AIPPA), which was criticized strongly by journalists, media analysts, and human rights organizations. Section 80 of AIPPA requires journalists to apply for accreditation from the Media and Information Commission, the members of which were appointed by the highly partisan Minister of Information and Publicity. Section 81 of this Act also makes it an offense for journalists to submit a story that already was published by another mass media service without the permission of the owner of that service. Journalists also were prohibited from falsifying or fabricating information, publishing rumors or falsehoods, and collecting and disseminating information for another person without the permission of their employer. On November 21, a trial challenging provisions of the AIPPA began and was pending at year’s end.

During the year, the Government used these acts to harass and intimidate many persons, including journalists, human rights activists, and opposition members. For example, on March 27, members of the CIO arrested and detained overnight Peta Thornycroft, the Zimbabwean correspondent for Britain’s *Daily Telegraph* and for South Africa’s *Mail and Guardian*, in Chimanimani while she was investigating reports of post-election violence and of a campaign of retribution against the MDC. Her legal counsel was denied access to her and only was allowed to see her after she was transferred to a Mutare police station. She was detained in Mutare for 3 more nights and was released on March 31 only after a High Court ordered her release. The police seized her documents, her camera, and her automobile during the detention. Her attorney described her charges as a “fishing expedition” by the state.

Thornycroft initially was charged under POSA for “publishing a false statement likely to be prejudicial to the state” but later was charged under section 83 of the newly enacted AIPPA, for “posing as a journalist” since she had not registered with the Media Commission. The Attorney General’s office declined to prosecute, and Thornycroft was challenging the constitutionality of the charges against her at year’s end.

On April 30, police arrested and detained two Daily News reporters, Lloyd Mudiwa and Collin Chiwanza, for publishing a story alleging that suspected ZANU-PF supporters had beheaded a woman in Magunje. The story turned out to be false. Chiwanza and Mudiwa were detained for 2 nights at Harare Central Police station. On May 1, the correspondent for the British Guardian, Andrew Meldrum, was arrested and detained overnight at his home in Harare for duplicating the story, and on May 20, the editor-in-chief of the Daily News, Geoff Nyarota was arrested in connection with the same story. All four journalists were charged under Section 80 of the AIPPA for abusing journalistic privilege. Meldrum became the first journalist to be tried under the AIPPA. On July 15, he was acquitted by a Harare magistrate, but was served with deportation papers, which required that he leave the country within 24 hours. Meldrum was given an extension by the High Court, and Meldrum was challenging the constitutionality in the Supreme Court of the deportation order since he has been a resident in the country for 22 years. At year’s end, Meldrum remained in the country pending the hearing of his case. Nyarota and Mudiwa were challenging the constitutionality of their charges, and their cases were pending before the Supreme Court at year’s end.

During the year, particularly in the presidential election period, war veterans and other ZANU-PF supporters harassed, intimidated, and abused journalists considered to be sympathetic to the opposition. For example, in February war veterans and government youth brigades regularly threatened the Daily News Masvingo bureau chief and reporters, and at least once burned a Daily News delivery truck. In March ZANU-PF youth and war veterans frequently intimidated and assaulted the vendors of independent newspapers in Bindura, Masvingo, Kariba, and Karoi, and on numerous occasions, destroyed their sale copies of The Daily News, Financial Gazette, Zimbabwe Independent, and The Standard.

There were no developments during the year in the trials under the LOMA of MDC M.P. Peter Nyoni or Dirk Wouter du Ploy.

In January 2001, an explosion destroyed the printing press facility of the Daily News. The Daily News continued to operate using a combination of private and government-owned printers before replacing its presses in September. There was a police investigation, but no arrests were made by year’s end, despite the fact that police were given the registration number of the vehicle seen at the sight. Most observers believe that the Government or ruling party was responsible due to the professional nature of the operation.

There were no new developments in the following 2001 cases: The July police arrest of three journalists reportedly for photographing the police beating of workers who were participating in a 2-day national strike; the August police arrest in the Chinoyi area of two journalists from the weekly newspaper The Sunday Mirror who they charged with “publishing subversive statements”; the August arrest of three editors, including Geoff Nyarota, the editor-in-chief of the Daily news for criminal defamation; the September police arrest and detention of two journalists during a mayoral election in Bulawayo; and the December police arrest of two Daily News reporters in Bulawayo in connection with the killing of Cain Nkala.

There were no new developments in the following 2001 cases: The January raid on the Harare offices of the Daily News by war veterans and other ZANU-PF supporters during which they harassed and assaulted Daily News reporters, staff, and passers-by; the May beating by ZANU-PF supporters of a Daily News reporter after he attempted to report on a political meeting in Gweru; the August beating with wooden clubs by ruling party supporters of Daily News reporter Mduduzi Mathuthu (Mathuthu resigned from the Daily News and since has left the country); the September severe beating with chains and other weapons by war veterans and land occupiers of three journalists and one driver from the Daily News; and the December attack on the Daily News office in Harare by ZANU-PF supporters during which they beat a photographer who was trying to film the attack.

There were no developments in the following 2000 cases: The detention and harassment of a Daily News Journalist; the detention and assault of Chengetai Zvauya; the attack on journalists during a peace march; and the beating and abduction of a journalist for the Independent, a foreign journalist, and her cameraman in Mutoko district.

Radio remained the most important medium of public communication, especially for the majority of the population living in rural areas. The Government continued

to control all domestic radio broadcasting stations through the state-owned Zimbabwe Broadcasting Corporation (ZBC), supervised by the Minister for Information and Publicity in the President's Office. There were credible reports that the Minister routinely reviewed ZBC news and repeatedly excised reports on the activities of groups and organizations opposed to or critical of the Government, including antigovernment demonstrations and the ZCTU. It was unclear how many Zimbabweans could actually listen to short wave broadcasts, however, by January there were three independent radio stations—two of which broadcast only on short wave for a few hours daily—Radio Dialogue-FM, Short Wave Radio-Africa, and Voice of the People (VOP) Radio. Short Wave Radio-Africa broadcast from the United Kingdom; Voice of the People broadcast from the Netherlands via transmitter in Madagascar. Radio Dialogue-FM produced prerecorded tapes for distribution in the community, but did not transmit over the airwaves.

On July 4, the police raided the offices of the VOP and searched for a transmitter and other broadcasting equipment. They confiscated 133 tapes and files, and the VOP trust deed also disappeared in the search. After questioning Trustees of the VOP, the police returned the trust document and all other tapes seized. On August 4, three armed men bombed the VOP offices shortly after midnight, completely destroying the premises and all equipment and documents. No arrests were made by year's end.

In 2001 the Broadcasting Services Bill became law, despite the fact that Parliament's legal committee found the bill to be unconstitutional. Section 47 of the Act gives the Act retroactive effect to October 4, 2000, the day police shut down the private radio station Capital Radio. The Broadcasting Services Act allows for one independent radio broadcaster and one independent television broadcaster but requires them to broadcast with a government-controlled signal carrier. Under the Act, the Minister of Information remains the final authority in issuing and revoking broadcasting licenses. Legal rights groups criticized the Act for restricting broadcasting employees to citizens who are resident in country; requiring 80 percent locally produced content; setting aside free airtime for the Government to "explain its policies"; and establishing a journalistic code of conduct that potentially limits free speech.

On June 19, Capitol Radio challenged the legality of the Broadcasting Services Act in the Supreme Court and argued that it was unconstitutional to place broadcasting authority under the control of the Minister of Information and Publicity. It also argued that the Broadcasting Services Act was developed in such a way that it ensured "the greatest difficulties were put in the way of anyone wishing to obtain a broadcasting license." The Supreme Court reserved judgment in the case, and there was no decision by year's end.

The Government controlled all domestic television broadcasting stations. The ZBC owned and operated television broadcasting facilities. During the year, ZBC appeared to lose its credibility and audience, as fewer international programs were carried and regular broadcasts of CNN were discontinued. Call-in talk shows, which carried phone calls from viewers critical of the Government, were cancelled. Prior to the presidential elections and continuing to year's end, ruling party music videos were aired throughout the day promoting the fast-track land redistribution program. The Government's key slogan highlighted in these videos, "Chave Chimurenga" or "the liberation war has begun" hinted at violence. Due to financial constraints, 60 percent of the ZBC staff members were fired, and some new employees, loyal to the ruling party, were appointed to senior positions.

Joy Television (Joy TV) was the only privately licensed television station; however, President Mugabe's nephew, Leo Mugabe, reportedly had financial ties to it, and the ZBC reportedly exercised some editorial control over Joy TV's programming. Joy TV was restricted to broadcasting on an available channel that was leased from the ZBC because the Broadcasting Act restricts the creation of an independent transmission facility. Joy TV reportedly came under pressure to cease regular, unedited BBC broadcasts, and the principal shareholder, James Makamba, lost favor with the Government when he launched a political talk show that included prominent opposition politicians such as MDC President Morgan Tsvangirai. After May 31, Joy TV was not allowed to broadcast. Despite public appeals and pressure from war veterans who were reported to hold shares in the company, the Government refused to continue leasing broadcast time to Joy TV.

International television broadcasts were available freely through private satellite firms, although the requirement that payment must be made exclusively in foreign currency made it unavailable for most citizens.

The Media and Information Commission imposed more stringent restrictions on both local and foreign journalists. One of the clauses of the new media law prohibited foreign correspondents from applying for greater than 30-day accreditation. The Commission declared October 31 as the deadline for the submission of applications

for the registration of media companies and accreditation of journalists. The Chairperson for the Commission, Dr Tafataona Mahoso, announced that the Commission intended to have all journalists registered before December 31. Many journalists applied for accreditation. Some received letters from the Commission requiring them to pay the application fees in U.S. dollars, and provide proof of their qualifications and examples of their work. With the advice of their attorneys, the journalists refused both requests. The Government had not made final decisions about whom to register by year's end. In accordance with AIPPA, mass media companies must pay an application fee of approximately \$625 (Z\$500,000). Journalists must pay \$1.25 (Z\$1,000) for application and accreditation respectively. Freelance journalists must pay \$0.63 (Z\$500) and \$3.13 (Z\$2,500). Foreign journalists were supposed to pay \$50 (Z\$40,000) and \$100 (Z\$80,000) for application and registration. Foreign media companies have to pay \$2,000 (Z\$1,600,600) and \$10,000 (Z\$8,000,000).

The Government denied entry to journalists, including journalists who were citizens, who it perceived to be portraying the country negatively. On June 12, Florence Machio, a Kenyan journalist, was detained at the Harare International Airport for failing to receive advance clearance from the Minister of State for Information and Publicity and was given until June 14 to leave the country. On September 14, Griffin Shea, correspondent for Agence France Presse, was forced to leave the country after the Government refused to renew his work permit. Shea had been working in the country for 2 years. Information Minister Moyo later said that no foreigner should be resident in the country as a journalist.

Books and films were subject to review by the Zimbabwe Board of Censors. The Board banned at least 10 films in recent years.

The Government did not restrict access to the Internet. During the year, there were many privately owned domestic Internet service providers (ISPs). However, the law permits the Government to monitor all international e-mail messages entering and leaving the country (*see* Section 1.f.). The arrests of journalist Andrew Meldrum and human rights activist Frances Lovemore were because of articles published on the Internet.

The Government restricted academic freedom. The University of Zimbabwe (UZ) Amendment Act and the National Council for Higher Education Act restricted the independence of universities, making them subject to government influence, and extends the disciplinary powers of the university authorities against staff and students. The Ministry of Higher Education and Technology controlled the UZ and appointed its Chancellor and Vice Chancellors; the Ministry also appoints the Dean of Faculty, and most members of the University Council. During the year, a number of students were brought before a disciplinary committee for allegedly being MDC members, and faculty members reportedly were denied promotions allegedly for supporting the MDC.

Unlike in the previous year, police did not disperse forcibly students during protests at the UZ.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of assembly; however, the Government restricted this right in practice through laws such as the new POSA. Legal experts believed that the restrictions imposed by POSA on an individual's right to freedom of assembly were unconstitutional. The police repeatedly used force to break up nonviolent demonstrations by its critics and erect roadblocks in urban areas to prevent public gatherings from taking place. Although permits were not required for meetings or processions, the POSA requires organizers to notify the police of their intentions to hold a public gathering 7 days in advance. Failure to do so would result in criminal prosecution as well as civil liability. Although most groups that conducted marches did not seek permits, some groups informed the police of their planned demonstrations. Police insisted that their permission was required to hold public gatherings, and they disrupted many events for which permission had not been sought.

Under the POSA, the Government asserted the right to have police members present at certain labor union meetings, claiming that they were "public meetings" banned under the Act. During the year, this was challenged and police no longer were required to attend (*see* Section 6.a.).

Police refused to permit numerous campaign rallies and meetings by the MDC in the period preceding the March presidential election and September rural council elections.

On February 15, police arrested 14 members of the National Constitutional Assembly (NCA) together with the MDC M.P. for Highfield Munyaradzi Gwisai who had marched in support of a new constitution and to demand a free and fair presidential election. The 15 men claimed that the police assaulted them and mistreated them, and Gwisai challenged the constitutionality of his arrest in the Supreme Court. The case had not been heard at year's end.

On April 3, police arrested 344 members of the Young Women's Christian Association in Harare during a planned meeting for a peaceful march to protest the results of the presidential election. Some women were detained for 3 nights with their babies, before being released on \$0.63 (Z\$500) bail.

On June 16, police assaulted and arrested approximately 70 MDC supporters and 3 independent journalists at the MDC's International Youth Day rally in Harare. Although the MDC obtained permission to hold the gathering in their Harare Provincial office, on the day of the event riot police dispersed the gathering and charged the participants with violation of the POSA. The MDC supporters claimed that the police assaulted them both prior to their arrest, and after they were detained at the Harare Central Police Station.

On July 25, MDC M.P. Austin Mupandawana and other senior members of the Kadoma branch of the MDC, were arrested following clashes between ZANU-PF youth and MDC supporters at an MDC campaign rally in advance of the Kadoma mayoral election. Several persons were injured when the ZANU-PF youths, armed with stones and iron bars, attempted to forcefully disperse the gathering. Although riot police intervened to stop the fighting, they accused the MDC members of inciting violence and arrested Mupandawana and other top MDC members who attended the rally. At year's end, the MDC officials still were in detention pending trial.

There was no action taken against police who used excessive force to disperse a number of demonstrations or rallies in 2001.

No action was taken, nor is any likely to be taken, against the members of the security forces who used excessive force to disperse demonstrations or rallies on the following dates in 2000: May 7; May 13; June 28; in July; October 9; October 12; and October 16 to 18.

No action reportedly was taken against the war veterans and riot police who violently disrupted a peace march in central Harare organized by the NCA in 2000.

The Constitution provides for freedom of association for political and nonpolitical organizations, including a broad spectrum of economic, social, and professional groups, and the Government generally respected this right in practice. However, ZANU-PF supporters, supplied with government vehicles and money, killed, tortured, beat, and otherwise abused persons perceived to be political opponents (*see* Sections 1.a., 1.c., 1.d., and 1.f.).

The formation of unions and political parties was not restricted.

Organizations generally were free of governmental interference as long as their activities were viewed as nonpolitical.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, a law that criminalizes both purporting to practice witchcraft and accusing persons of practicing witchcraft reportedly was viewed as restrictive by some practitioners of indigenous religions.

The Government and government supporters targeted some clergymen because they strongly criticized the state-sanctioned, politically motivated crimes and violence during the period prior to the 2000 parliamentary elections and the March presidential election and urged the Government to restore peace in the country. Church leaders and members who criticized the Government faced arrest and deportation. On February 16, police arrested Father Kevin O'Doherty and eight others participating in a prayer procession to police headquarters in Bulawayo. They were charged with contravening the POSA, but the charges later were dropped.

In February ZANU-PF supporters beat three Catholic priests, two Catholic nuns, and a Catholic brother in Zaka after they met with foreign officials. The perpetrators said the fact that the religious figures had met with foreign diplomats suggested they were opposition supporters. Local ruling party officials later apologized to the victims; however, the perpetrators were not charged with any crime.

The Government does not require religious institutions to be registered; however, religious organizations that run schools or medical facilities must register those specific institutions with the appropriate ministry involved in regulating those areas.

Witchcraft—widely understood to encompass attempts to harm others not only by magic but also by covert means of established efficacy such as poisons—traditionally has been a common explanation for diseases of which the causes were unknown. Although traditional indigenous religions generally included or accommodated belief in the efficacy of witchcraft, they generally approved of harmful witchcraft only for defensive or retaliatory purposes and purported to offer protection against it.

The Witchcraft Suppression Act (WSA) criminalizes purporting to practice witchcraft, accusing persons of practicing witchcraft, hunting witches, and soliciting persons to name witches; penalties include imprisonment for up to 7 years. The law defines witchcraft as “the use of charms and any other means or devices adopted in the practice of sorcery,” and provides punishments for intending to cause disease

or injury to any person or animal through the use of witchcraft. Human rights groups also generally supported the existing WSA, which has been used particularly to protect persons, primarily women, who have been accused falsely of causing harm to persons or crops in rural areas where traditional religious practices were strong.

There was some tension between the Government and some of the indigenous African churches, and between mainstream Christian churches and practitioners of traditional indigenous religions, because of the latter's preference for prayer over medical practices that resulted in the reduction of avoidable childhood diseases and deaths. Some members of the indigenous churches believed in healing through prayer only and refused to have their children vaccinated or treated. The Ministry of Health has had limited success in vaccinating children in these religious communities against communicable childhood diseases. Human rights activists also criticized these indigenous churches for their sanctioning of marriages for underage girls.

President Mugabe has expressed skepticism about the increasing membership in evangelical and indigenous churches and has indicated that he believed they could be subversive.

There were generally amicable relations among the various religious communities. Catholic Church officials said they welcome interfaith dialog with Muslims but believed some of the evangelical churches were hostile to Islam.

Muslims complained of discrimination by private employers who refuse to allow them sufficient time to worship at their mosques on Fridays.

Unlike in the previous year, there were no reports of ritual murders associated with traditional religious practices, and the Government actively enforced the law against ritual murders. However, Gordon Chavanduka, chairman of ZINATHA, the national association of traditional healers, reportedly stated in 2001 that black-market demand for human body parts used in making potions has increased greatly in recent years. Some observers suggested that this development might be associated with the spread of HIV/AIDS in the country and the lack of affordable science-based medicines for treating infected persons. Unlike in previous years, there were no reports that persons killed children for body parts for use in healing rituals associated with traditional religions.

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

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government at times restricted them in practice.

During the year, police routinely erected armed roadblocks in and around cities and rural districts during the post- and pre-election periods. Police claimed that they were looking for criminals and illegal weapons, but legal rights groups asserted that it was a measure designed to discourage or limit opposition campaigning in the electoral areas. Police used the POSA to erect roadblocks in urban areas to prevent public gatherings from taking place.

On November 8, government-owned media reported that the Government imposed travel bans and visa requirements on a variety of persons. Among those affected were British government officials, members of the British Parliament, an American human rights activist, and journalists. Several of the journalists reportedly banned from entering the country were Zimbabwean citizens. The Government expelled foreign journalists it perceived to be portraying the country negatively (see Section 2.a.). Foreign correspondents were denied visas during the year.

In 2001 the Minister of Information and Publicity threatened that the Government would revoke the passports of citizens who it viewed as traveling overseas to promote sanctions or other interests allegedly harmful to the country. During the year, the Government seized the passports of four of the MDC's top leaders: President Morgan Tsvangirai, Secretary-General Welshman Ncube, Treasurer Fletcher Dulini-Ncube, and shadow agricultural minister and M.P. Renson Gasela.

The Zimbabwe Citizenship Act, amended in 2001, requires all citizens with a claim to dual citizenship to renounce their claim to foreign citizenship under the laws of the foreign country in order to retain their citizenship. According to the act, citizens who failed to abide by the regulations by January 7 would cease to be citizens, would be removed from the voter rolls, and would be unable to vote. The revised act also revokes the citizenship of persons who fail to return to the country in any 5-year period. Legal rights groups described the legislation and regulations as a government attempt to disenfranchise citizens, because of their perceived opposition leanings, as well as the country's more than 500,000 commercial farm workers, many of whom have origins in neighboring countries, and the approximately 30,000 mostly white dual nationals. Many persons with dual citizenship experienced

difficulty complying with the regulations because many other countries do not provide procedures for repudiating citizenship.

On May 10, the High Court affirmed the Zimbabwean citizenship of Judith Todd, the daughter of Sir Reginald Garfield Todd, the former Prime Minister of Rhodesia. Registrar General Tobaiwa Mudede had refused to renew Todd's passport, declaring that her failure to renounce her claim to New Zealand citizenship had resulted in her losing her citizenship. The High Court Judge ruled that the Citizenship Act was not concerned with those persons who merely had entitlement to foreign citizenship and ordered that Todd's passport be renewed.

According to the local U.N. Development Program chapter and other NGOs, up to 500,000 farm workers were internally displaced at year's end. The majority of internally displaced persons (IDPs) were women and children. Many IDPs were farmers and farm workers who were forced to flee with their families because of threats and assaults by war veterans and other ZANU-PF supporters (*see* Section 1.f.). Displaced farm workers reportedly were living by the roadside, in the bush, or on other farms, and some were arrested. In most cases, the ZANU-PF supporters were farm squatters who ordered the farm workers to leave so that they could plant their own crops on the property. Other IDPs were persons, often teachers and civil servants, suspected by local officials of supporting the opposition who government supporters forced to leave their homes.

According to the Amani Trust, approximately 70,000 MDC supporters were displaced internally during the year, an increase from the 10,000 who were displaced in 2000; however, the number of unreported cases likely was higher. Often war veterans in local government positions applied pressure on local chiefs to order the expulsions of certain individuals. Some IDPs relocated to live with relatives or friends in urban areas; however, many remained in rural areas without shelter or reliable sources of food. Since early 2000, the Government has condoned and even encouraged an environment of lawlessness that permits war veterans and other ruling party supporters to force opposition members and supporters from their homes without consequences for the perpetrators (*see* Section 1.f.). In most cases, police were not permitted to intervene expeditiously. The Government harassed IDPs living in NGO safe houses in the capital, and arrested workers and staff of humanitarian organizations attempting to house them at camps.

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 generally has cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government generally provided first asylum. According to UNHCR, about 100 asylum-seekers arrived each month and there were almost 11,000 refugees and 594 asylum seekers in the country at year's end. During the year, the Government denied first asylum to 38 persons. Asylum seekers from more than 20 countries were granted refugee status; the largest groups of refugees consisted of 4,525 Congolese (DRC), 2,819 Rwandans, and 880 Burundians.

The Director of operations of the Geneva-based International Catholic Migration Commission investigated allegations of rampant sexual abuse of female refugees at a camp it supervised. He interviewed 26 refugees and met with the UNHCR during his visit and found the allegations to be substantiated. The two perpetrators were suspended, and the police were notified.

Some employers reportedly took advantage of illegal refugees for inexpensive labor (*see* Section 6.e.).

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

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

Although citizens have the legal right to change their government democratically, in practice the political process continued to be tilted heavily in favor of President Mugabe and his ZANU-PF party, which have ruled continuously since independence in 1980. The Government amended laws, passed new legislation, and manipulated the electoral process effectively to disenfranchise voters during the year. On March 13, President Mugabe was declared the winner of a presidential election after a campaign in which violence and intimidation were used nationwide against MDC supporters, and in which the electoral rules were manipulated to favor overwhelmingly the ruling party. International observer missions from the Commonwealth, and the South African Development Community (SADC) parliamentary forum described the electoral process as fundamentally flawed while a large mission from the European Union (EU) withdrew before the election when the Government refused to accredit the delegation leader.

On April 8, James Majwabu-Moyo, a member of the 5-person Electoral Supervisory Commission (ESC), which was responsible for overseeing elections, resigned from the ESC citing differences with the ESC's Presidential Election Report, which described the election as "free and fair."

In April the MDC filed a lawsuit with the High Court calling for the nullification of the election results and a repeat of the election, claiming widespread violence against its supporters and numerous serious irregularities. In response, ZANU-PF claimed MDC President Tsvangirai lost because of an ineffective campaign and declining popularity. The case was scheduled to be heard in November but was postponed until February 2003.

During the year, the Government's GMB routinely and publicly denied handouts of maize meal to suspected MDC supporters and provided it only to ruling party supporters. In advance of the September rural council elections, ZANU-PF candidates were given maize meal to use in their campaign efforts. A common ZANU-PF tactic was to announce the distribution of food in the vicinity of, and at the precise time of, an MDC rally. Persons chose to attend the food distribution event but often were turned away empty-handed once the nearby MDC rally ended. In addition, GMB would only sell food to those who produced ZANU-PF membership cards, making it very difficult for known MDC supporters to purchase it.

In January Parliament passed the General Laws Amendment Act, which substantially amended the Electoral Act governing elections. The Act places new restrictions on local and international monitors and observers, gives the progovernment Registrar General the authority to amend the voters roll at will and issue absentee ballot papers, and effectively prohibits placing political posters in public areas. The Act also mandates that only the ESC can conduct voter education or delegate that responsibility to organizations that were registered with it (*see* Section 4). Media and civil society groups criticized the Act widely.

The 16 constitutional amendments enacted since 1980 have increased greatly Mugabe's power relative to the legislature. Originally a Prime Minister elected by the Parliament, he has become a President directly elected by the population. Constitutional Amendment 9 authorizes the President to declare unilaterally a state of public emergency for a period of up to 14 days. Amendment 10 grants the President sole power to dissolve Parliament and to appoint or remove a vice president and any minister or deputy minister. Amendment 10 also allows the President to appoint 20 of the 150 M.P.s, including 12 nonconstituency M.P.s and 8 provincial governors who sit in Parliament. The President also exerts great influence on the process by which the country's chiefs (traditional rulers) select 10 of their number to sit as M.P.s. All 30 of these M.P.s have been consistent ZANU-PF members.

The legislature, which traditionally has been subordinate to the executive branch, has a viable opposition that called on the Government to be accountable and transparent. Parliamentary question time was used to force debate and disclosure. In October 2000, the MDC brought a motion to Parliament to impeach President Mugabe for violating the Constitution and for gross misconduct. In November 2000, the Speaker of Parliament appointed a special committee composed of eight ZANU-PF members and four MDC members to consider the charges outlined in the motion. Legal rights activists accused the Speaker of preventing the committee from meeting or holding hearings; the committee essentially was defunct by year's end.

General parliamentary elections were held in June 2000 amid widespread voter intimidation and violence by the Government and ZANU-PF supporters with reports of vote-rigging and other irregularities. Although the election day generally was peaceful, the process leading up to it was neither free nor fair. The MDC won 57 out of the 120 popularly elected seats. Thirty additional seats were reserved for presidential and tribal chief appointees, who were ZANU-PF supporters, which gave ZANU-PF a total of 92 seats; this total increased to 93 in 2001 after the ruling party won a parliamentary by-election for a seat previously held by the MDC.

In the period before the March presidential election and the 2000 parliamentary elections, the Government, backed by security forces, implemented a systematic campaign of intimidation and physical violence against opposition supporters (*see* Sections 1.a., 1.b., and 1.c.). In many districts, the campaign reportedly backfired, both during the year and in 2000, resulting in additional votes for the opposition, but in others voters stayed away from the polls due to fear of retribution. For example, there were reports that farm workers of non-Zimbabwean heritage were threatened with deportation if they voted against the ruling party.

In 2000 President Mugabe amended the Electoral Act to prohibit the nullification of the election of any M.P. after the MDC and ZANU-Ndonga opposition parties filed petitions with the High Court challenging the electoral results in 37 parliamentary constituencies. In 2001 the Supreme Court declared the President's decree unconstitutional, which allowed the High Court to hear parliamentary election challenges

(see Section 1.e.). During the year, the High Court nullified the results in four constituencies, but upheld the results in four others. The respective parties appealed all eight cases to the Supreme Court, which had not heard the cases by year's end. Witnesses who testified in the cases were threatened or beaten. Police also frequently harassed individual MDC members after the both the elections during the year and in 2000 (see Sections 1.c. and 2.d.).

In 2000 Vice-President Msika announced that civil servants would not be permitted to act as election monitors in the parliamentary elections because they sympathized with the opposition. The civil service has been the Government's traditional source for domestic election monitors. The MDC accused the Government of replacing the civil servants with its own supporters. In 2000 the ESC challenged in the High Court sections of the amended Electoral Act that reduced ESC authority to accredit international electoral monitors; it was unlikely at year's end that the court would take any further action.

International election observers repeatedly were denied accreditation by the Government, and most were not accredited until the last few days before the 2000 election as a result of frequent changes in the accreditation rules by the Government. The Government continued to erect obstacles to international observers during the year.

Government and ruling party supporters used tactics of intimidation and violence, with the aid of security forces, to manipulate the electoral process in four districts holding parliamentary by-elections and three cities holding mayoral elections in 2001. ZANU-PF won four by-elections in 2001, a mayoral election, and virtually all the rural district council seats in the September election. The opposition MDC won two mayoral elections during the year and three in 2001. War veterans and security forces established base camps in Bikita West, Bindura, Makoni West, and Chikomba from which they reportedly beat and intimidated opposition supporters (see Section 1.c.). The ZANU-PF issued new party identification cards in 2001, however, unlike in the previous year, there were no reports that war veterans targeted for abuse ZANU-PF members who were not carrying the new cards. Observers also expressed general concern about a number of weaknesses and irregularities in the electoral process, including the lack of an independent electoral commission to oversee elections; the absence of a monitoring mechanism for the voter registration process; the consistent failure of election authorities to make the voters roll and supplementary rolls available for public inspection far enough in advance of the election; and the lack of voter education.

There were institutional problems with the management and supervision of elections, and the ESC, the Elections Directorate, the Ministry of Justice, Legal and Parliamentary Affairs, and the Registrar-General's Office had overlapping mandates. Although the Ministry of Justice technically administered the Electoral Act, the Registrar General's Office fell under the Ministry of Home Affairs. With an insufficient budget and an overburdened staff seconded from the Ministry of Justice, the ESC lacked the independence, institutional capacity, and resources to oversee all of the country's polling stations. Commissioners also lacked authority to order the correction of irregularities. The voters' roll was computerized, but it contained a large number of redundancies and errors, including misspellings, multiple entries, and names of deceased persons. These irregularities were highlighted during the 2000 parliamentary elections when deceased persons were recorded as casting votes for the ruling party. International observers cited the need to establish an independent electoral commission. The Government invested immense powers in the presidency through the Electoral Act, which institutionalized gerrymandering and fraudulent voters' rolls. The Government invoked the act shortly before the 2000 elections to redraw constituent boundaries in its favor and raise bureaucratic barriers to voter registration. Although most election observers agreed that the voting process itself generally was peaceful, 15 percent of voters were prevented from voting on election day on technical grounds or due to incomplete or inaccurate voters' rolls. Electoral officers did not operate in a fully open and transparent manner.

In 2001 the MDC unsuccessfully challenged in the High Court the Government's requirement that all voters cast ballots in the March presidential election in the constituency where they were registered. In previous presidential elections, voters were allowed to vote anywhere in the country; however, in the March elections they could only vote in their registered constituency. Legal rights groups argued that the new requirement would disenfranchise voters who were unable to travel to their home constituencies. In December 2001, the High Court ordered the Registrar General to supply a copy of the entire voters' roll to the opposition for inspection. The list was delivered in January, but the MDC complained it was outdated by the time of the election. The Government continued registering voters in its areas of strongest support until just before the March election, even though the registration dead-

line had passed in late January. Although the Registrar General was required by law to provide a copy of the voters rolls used in the March presidential election, the MDC still was unable to obtain one by year's end.

During the year, the NCA, an umbrella organization comprising most of the country's important civil society groups, continued to press for consideration of a new constitution that would reduce the power of the presidency and offer greater protection for civil liberties. In a nationwide referendum in 2000, voters defeated the draft constitution prepared by the Constitutional Commission that would have maintained a strong presidency.

The ruling party's candidates continued to benefit from the ZANU-PF's control of the state-owned firms that dominate the country's economy, from its control of the state-monopolized broadcast media (*see* Section 2.a.), and from its control over state funds granted to political parties. Under the Political Parties Finance Act (PPFA), the Government is required to allocate \$125,000 (Z\$100 million) among political parties in proportion to the parties' seats in the Parliament, provided the party has at least 15 seats. In 2001 the Government amended the PPFA to prohibit foreign funding for political parties. Political rights groups declared that the amended act was designed to cut off funding for the opposition, although ZANU-PF routinely ignored the PPFA's prohibitions without consequences.

Many persons who were perceived as opposition supporters by the Government, were removed from the civil service and the military.

There were 17 women in the 150-seat Parliament, including the Deputy Speaker of Parliament, and there were 4 female ministers and 1 female deputy minister in the Cabinet. In addition, there was one woman governor. Women participated in politics without legal restriction; however, according to local women's groups, husbands, particularly in rural areas, commonly directed their wives to vote for the husband's preferred candidates. The ZANU-PF congress allotted women one out of every three party positions and reserved 50 new positions for women on the party's 180-member Central Committee, which was one of the party's most powerful organs.

All major ethnic groups were represented in Parliament and in the Government; however, most members of the Government and the Parliament, as well as most ZANU-PF officials, belong to the Shona ethnic group, which composed 82 percent of the population (*see* Section 5).

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

The Government permitted local civic and human rights groups to operate, but it monitored their activities closely. The Government usually was unresponsive to the concerns of NGOs and rarely consulted with them during the year. National groups that promoted human rights included: The Amani Trust; the Bulawayo Legal Projects Centre; the Catholic Commission for Justice and Peace (CCJP); the Child and the Law Project; the Legal Resources Foundation; the Media Institute of Southern Africa; the Musasa Project; National Alliance of Nongovernmental Organizations; the NCA; the Southern African Foundation of the Disabled; Transparency International-Zimbabwe; the Women's Action Group; Women and AIDS Support Network; Women and Law in Southern Africa; Women in Law and Development in Africa; the Zimbabwe Elections Support Network; the Zimbabwe Human Rights NGO Forum; Zimbabwe Lawyers for Human Rights; the Zimbabwe Liberators Platform; the Zimbabwe Union of Journalists; the Zimbabwe Women Lawyers Association; Zimbabwe Women's Resource Centre and Network; Zimcet; and ZimRights.

Domestic NGOs worked on human rights and democracy issues, including lobbying for revision of the POSA and AIPPA, increasing poor women's access to the courts, raising awareness of the abuse of children, eliminating irregularities in voter rolls, conducting voter education, preserving the independence of the judiciary, and eliminating torture, arbitrary detention, and restrictions on freedom of the press and assembly. The Zimbabwe Human Rights NGO Forum has taken the lead in coordinating reports on human rights violations and abuses in the period prior to and following the 2000 elections.

During the March presidential election campaign only the Government-sponsored ESC and government-approved NGOs were permitted to carry out voter education.

On September 13, the Government signaled its intention to step up its oversight of NGOs, many of which they accused of supporting opposition political activity. It published a notice saying it would begin enforcing the 1995 Private Voluntary Organizations (PVO) Act requiring all PVOs to apply for registration with the Ministry of Social Welfare. Most PVOs had ignored the 1995 Act and expressed concern that enforcement of it would give the Government excessive control over their activities. Government ordered all nonregistered PVOs to cease operations until they registered, a process that generally takes approximately 8 months. On November 16,

Welfare Minister July Moyo declared in Parliament that the Amani Trust was in breach of the country's PVO registration laws. This coupled with ongoing government pressure and surveillance caused Amani Trust to cease operations indefinitely.

In a 2001 case brought by a women's NGO, the Supreme Court ruled unconstitutional those sections of the PVO Act that had authorized the Minister of Social Welfare, Labor, and Public Service to suspend the executive body or "any member of the executive committee of an organization and to appoint persons to manage the affairs of the organization for a specified time." Prior to the Supreme Court's ruling, several new NGOs set up their organizations as "associations" connected with established NGOs so that their executive bodies would not be subject to government interference.

In May local government minister Ignatius Chombo prompted war veterans in Binga district, Matabeleland North province, to close down the food distribution efforts of the CCJP, which was the only source of food for many rural residents in the Binga district. Chombo criticized the CCJP for establishing local structures parallel to the Government's structures. Beleaguered, the CCJP gave up their Binga operation to Save the Children UK which resumed food deliveries to Binga in November.

On August 29, police arrested and detained incommunicado overnight Frances Lovemore, acting director of a leading human rights organization, Amani Trust, after searching the organization's offices. She was denied access to food and a blanket. Lovemore was arrested for violating the POSA after she reportedly said the Government youth brigades were "raping [women] on a mass scale." She was charged formally under POSA with publishing falsehoods prejudicial to the state; however, all charges against her were dropped due to insufficient evidence.

Unlike in the previous year, there were no reports that war veterans abducted NGO directors.

Amnesty International, Transparency International, and the International Committee of the Red Cross operated in the country. The Government hindered representatives of international human rights groups from visiting the country before, during, and immediately after the presidential elections. For example, on April 18, the Government denied entry at Harare International Airport to the co-director of the Africa Program of the International Crisis Group. He was not given reasons why he was denied entry, but his organization had published a number of reports strongly critical of the Government. Norwegian parliamentarians and a prospective contractor for foreign government project were also denied entry at the airport, and the Government announced that citizen employees of Short Wave Radio-Africa would not be permitted to return to the country.

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

The Constitution provides that "every person in Zimbabwe" cannot be deprived of fundamental rights, such as right to life, liberty, and security of person, based on his race, tribe, place of origin, political opinions, color, creed, or sex; however, domestic violence and discrimination against women, abuse of children, and discrimination against persons with disabilities were problems. The Government and ruling party discriminated against the white minority in areas of due process, foreign travel, and property ownership.

Women.—Domestic violence against women, especially wife beating, was common and crossed all racial and economic lines. It occurred throughout the country and sometimes resulted in death. The Musasa Project, a leading women's rights organization, reported that the number of incidents of domestic violence increased during the year due to the deteriorating economy and higher unemployment among men. In one high-profile case, MDC M.P. and spokesperson for the party, Learnmore Jongwe, admitted to fatally stabbing his wife and subsequently died in police custody of chloroquine poisoning. The organization addressed approximately 1,669 cases during the year. Musasa reported that 54 percent of the women counseled for domestic violence had sexually transmitted diseases, and 29 percent had HIV/AIDS.

There continued to be reports of rape, incest, and sexual abuse of women. Musasa handled 22 cases of rape in the first 8 months of the year; many cases were not reported because of the social stigma attached to the crime and wives' fear that husbands may disown them. Approximately 1,200 rapes were reported in Harare in 2001. Although the Government refused to supply figures for the year, the rate reportedly was higher than in 2001. Musasa and Amani Trust reported 14 cases of politically motivated rape during the year; human rights groups estimated that the actual number of politically motivated rapes may number in the hundreds (*see* Section 1.c.). Women faced many obstacles in filing reports of rape; for example, many police stations were not prepared to handle properly the investigation of such cases. When cases go to court, lengthy sentences for rape and wife beating generally were

imposed. However, a “binding over” order (an order to appear in court to respond to an accusation of violent behavior) was issued based only on actual physical abuse and not on threats of violence. Courts also did not have the power to oust an abusive spouse from a couple’s home. Systemic problems and lack of education often meant that police did not respond to women’s reports or requests for assistance.

There were reports of sexual abuse of female refugees (*see* Section 2.d.).

In 2001 the Sexual Offenses Act was enacted, which improved the legal recourses available to women. The Act enhances the protection of women by making non-consensual sex among married partners a crime. The Act provides penalties for up to 10 years in prison for sexual crimes. It also expanded the definition of sexual offenses to include rape, sodomy, incest, indecent assault, or an immoral or indecent act with a child or person with mental disabilities.

Female genital mutilation (FGM) rarely was performed in the country. However, according to press reports, the initiation rites practiced by the small Remba ethnic group in Midlands Province include infibulation, the most extreme form of FGM.

There were anecdotal reports of the trafficking of women (*see* Section 6.f.).

Since independence the Government has enacted laws aimed at enhancing women’s rights and countering certain traditional practices that discriminate against women; however, women remained disadvantaged in society. Illiteracy, economic dependency, and prevailing social norms prevented rural women in particular from combating societal discrimination. Despite legal prohibitions, women still were vulnerable to entrenched customary practices, including the practice of pledging a young woman to marriage with a partner not of her choosing and the custom of forcing a widow to marry her late husband’s brother.

The law recognizes women’s right to own property independently of their husbands or fathers. Although unmarried women may own property in their own names, women married under customary law were not allowed to own property jointly with their husbands. The Administration of Estates Amendment Act makes inheritance laws more favorable to widows; however, in 2000 the Supreme Court upheld a magistrate court decision that, under customary ethnic law, a man’s claim to family inheritance takes precedence over a woman’s, regardless of the woman’s age or seniority in the family. The Court cited Section 23 of the Constitution, which allows discrimination against women under customary law. Divorce and maintenance laws were favorable to women, but women generally lacked awareness of their rights under the law.

Although labor legislation prohibits discrimination in employment on the basis of gender, women were concentrated in the lower echelons of the work force and commonly faced sexual harassment in the workplace. One in three working women at all levels was subjected to sexual harassment in the workplace.

In 2000 the Government promised to grant a quota of 20 percent of resettled land to women, although they comprised nearly 80 percent of the rural population. During the year, very little land was granted to women under the fast-track resettlement scheme. The women who were allocated land were asked to register the land in their husband’s names. In contrast there were reports that the wives of senior government officials were allocated some well-established commercial farms in their own right (*see* Section 1.f.).

There is a Ministry of Youth Development, Gender, and Employment, but it did little to advance the cause of women. The Government gave qualified women access to training in the military and national service. Although there have been advances for women, they continued to occupy mainly administrative positions.

Several active women’s rights groups, including Women in Law and Development in Africa, the Musasa Project, the Zimbabwe Women Lawyers’ Association, the Women’s Action Group, and the Zimbabwe Women’s Resource Center and Network concentrated on improving women’s knowledge of their legal rights, increasing their economic power, and combating domestic violence. Groups that focused on the problems of protection of women against domestic violence and sexual transmission of HIV/AIDS included the Women and AIDS Support Network and the Musasa Project.

Children.—The Government’s commitment to children’s rights and welfare deteriorated during the year. The Government focused primarily on political issues, to the detriment of pressing social needs. Consequently, children, especially those in the rural areas, suffered greatly. Although legislation was in place to protect children’s rights, it was difficult to administer. The Children’s Protection and Adoption Act, the Guardianship of Minors Act, the Deceased Person’s Maintenance Act, and Sexual Offenses Act supposedly protect the legal rights of minor children, but they were not enforced effectively.

While there was no compulsory education and schooling was not free, in the past the country had made considerable progress in providing education for children. However, because of increased school fees in urban schools and rural secondary

schools, enrollment has declined. School fees have risen sharply due to high inflation, resulting in the inability of many families to afford to send all of their children to school. The Government established a program of social welfare grants for needy children; however, it was underfunded and corruption undermined the beneficiary selection process. The members of selection committees in some communities gave grants to their relatives and friends and denied them to the children of opposition supporters.

In most regions of the country, fewer girls than boys attend secondary schools. If a family was unable to pay tuition costs, it most often was female children who left school. The literacy rate for women and girls over the age of 15 was estimated to be 80 percent, while the male rate was approximately 90 percent. However, budget cuts and the lack of adequate attention to HIV/AIDS prevention eroded the Government's capacity to address children's needs in these areas.

The Government ordered that students entering college, teacher training schools, or the civil service must present a diploma from one of the newly established training camps (*see* Sections 1.c. and 6.c.). Graduates of the latest "class," which numbered in the several hundreds, were placed in police and military units. Reportedly the GMB hired 1,250 of the graduates for unspecified duties.

Several schools were shut down as teachers who supported the MDC were tortured and told they were not allowed to work as long as they did not support ZANU-PF and the President. There were reports that some schools were used as torture centers (*see* Section 1.c.).

International experts estimated that HIV/AIDS infected one-third of the adult population and killed approximately 2,000 persons every week. Deaths from HIV/AIDS created hundreds of thousands of orphans, a number expected to rise to 1 million by 2005. Government-funded and private orphanages were filled to capacity, and the number of street children or those living in adoptive homes rose dramatically and visibly during the year. This rapidly growing problem was expected to put a tremendous strain on both formal and traditional social systems. At the household level, there was an increased burden on the extended family, which had traditional responsibility for caring for orphans. Many grandparents were left to care for the young, and in some cases, children or adolescents were heading families. Many orphans were sent to foster homes, where they often become victims of sexual abuse. At the provincial and national levels, the Governments faced increasing demands for community orphan projects, orphanages, health care, and school fees.

The number of street children, and the related problems of theft, street violence, drug use, and violent death, increased significantly. There were an estimated 12,000 homeless street children in the country in 1999, and an estimated 5 to 6 children joined those ranks daily during the year. The number of incidents of child abuse, including incest (long a taboo), infanticide, child abandonment, and rape increased during the year. It was not known whether the statistics reflected the fact that more cases were occurring or only that more were being reported. The Parents and Family Support Network, a local NGO, reported that one in three children in the country was at risk of physical or emotional abuse. There was a large volume of rape cases in the Harare victim-friendly courts (VFC), which consisted of individual magistrates designated to try family cases. These courts were understaffed because many magistrates sought more lucrative employment outside the country. The large volume led to calls by children's rights' advocates to establish additional courts in surrounding areas.

Children were at increasing risk of HIV/AIDS infection as a result of the rising rate of sexual abuse cases. The Sexual Offenses Act (SOA) makes it a crime to infect anyone knowingly, including children, with HIV/AIDS. The SOA provides for a maximum fine of \$115 (Z\$35,000) or imprisonment of up to 7 years for those convicted of prostituting children under 12 years of age. It also provides for a maximum fine of \$167 (Z\$50,000) and a maximum prison sentence of 10 years for "procuring another person to become a prostitute and have sex whether inside or outside Zimbabwe." Although this Act was passed in 2001, it had little impact on the status of children. The Zimbabwe Women's Lawyers Association (ZWLA) claimed that most magistrates in the country were not aware of some of its contents or that the law was in effect. ZWLA's research illustrated that many magistrates continued to make judgments based on old laws. ZWLA was in the process of conducting training courses for local magistrates. The criminal justice system has special provisions for dealing with juvenile offenders.

A local NGO, Musasa Project, worked closely with the Ministry of Youth Development, Gender, and Employment Creation to investigate allegations of young girls being raped at the Government's national youth service training camps, established by the late Minister Border Gezi (*see* Section 6.c.). Musasa believed that the girls who were subjected to abuse remained silent out of fear of retribution. Many young

girls came to the camps because of the economic suffering in the country. In addition, members of government militias gang raped adolescent girls some as young as 12.

There were several cases of child rape within the country during the year, but no reports of trafficking associated with these cases. There were some reports of arranged marriages involving young girls, but no reports of sexual exploitation or forced labor associated with those.

No action was taken against the gardener who sodomized his employer's son and reportedly infected him with HIV/AIDS in 2001.

The 2000 case in which war veterans abducted and sexually abused 10 schoolchildren reportedly was under investigation; however, there was no further information available at year's end.

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

There were some reports that girls under 17 years of age were engaged in prostitution, and there were anecdotal reports of trafficking in children (*see* Section 6.f.). The Sexual Offenses Act, provides fines and imprisonment for those convicted of prostituting children or procuring prostitutes inside or outside the country.

The traditional practice of offering a young girl as compensatory payment in interfamily disputes continued during the year.

Indigenous African churches that combine elements of established Christian beliefs with some beliefs based on traditional African culture and religion generally accepted polygyny and the marriage of girls at young ages; they also generally approved of healing only through prayer and opposed science-based medicine including the vaccination of children.

Child rights advocates criticized the failure of government to provide children with birth certificates, which they blamed on overly stringent requirements and a shortage of staff at the relevant ministry. There also was concern that children displaced as a result of the land redistribution program would not be able to obtain birth certificates because they would be unable to obtain letters from evicted farmers to prove that they were born on the farms.

Unlike in the previous year, there were no reports of ritual murders and killings of children for body parts that were associated with traditional religious practices.

Persons with Disabilities.—The law specifically prohibits discrimination against persons with disabilities in employment, admission to public places, or provision of services and was viewed by advocates of persons with disabilities as model legislation; however, in practice the lack of resources for training and education severely hampered the ability of persons with disabilities to compete for scarce jobs. The law stipulates that government buildings should be accessible to persons with disabilities; however, implementation of this policy has been slow. A local NGO was working on auditing and implementing the law during the year. NGOs continued to lobby to include albinos in the definition of "disabled" under the law. Persons with disabilities face particularly harsh customary discrimination. According to traditional belief, persons with disabilities were considered bewitched, and reports of children with disabilities being hidden when visitors arrive were common.

The SOA expanded the definition of sexual offenses to include an immoral or indecent act with a person with mental disabilities.

National/Racial/Ethnic Minorities.—According to government statistics, the Shona ethnic group makes up 82 percent of the population, Ndebele 15 percent, whites less than 1 percent, and other ethnic groups 2 percent. There were tensions between the African majority and the white minority, between the Shona majority and the Ndebele minority, and among the various Shona subgroups.

During the 1960s and 1970s, elements of the white minority rebelled against British rule and established and maintained a racially discriminatory apartheid regime, which was dismantled in 1980 only after insurgencies by the armed wings of ZANU and the Zimbabwe African People's Union (ZAPU), and economic sanctions by the international community. The white community remained economically privileged despite government efforts to confiscate most of their land (*see* Section 1.f.).

Government services generally were provided on a nondiscriminatory basis. The Government has sought to expand and improve the previously "whites only" infrastructure in urban areas to provide health and social services to all citizens, and all schools and churches were integrated legally. However, social interaction between Africans and whites remained uncommon. Racial tensions have subsided since independence and remained low despite the Government's ongoing attempts to blame whites for the country's economic and political problems. On many occasions, President Mugabe, members of his government, and the state-controlled media attempted to reignite resentment of the white minority. President Mugabe accused the white minority of having too close ties to their ancestral countries and

criticized other governments for trying to interfere with the “continuing liberation struggle.” The Government’s far-reaching fast-track resettlement program designated 97 percent of large-scale, white-owned commercial farms for seizure with no clear means for providing compensation, and government supporters and war veterans assaulted commercial farmers in their homes and forced hundreds from their property (see Sections 1.a., 1.c., and 1.f.). Ruling party supporters seldom were arrested or charged for infringing upon minority rights.

Although relations between the Shona and the Ndebele have improved since the Shona-dominated government suppressed an alleged insurgency by Ndebele civilians in the 1980s that killed an estimated 10,000 to 20,000 Ndebele civilians in Matabeleland, the disproportionate number of Shona speaking teachers and headmasters in Matabeleland schools remained a sensitive issue. Members of the Ndebele community continued to criticize the Government’s unequal distribution of national resources and the Government’s failure to compensate victims of the 1980’s Matabeleland killings.

Section 6. Worker Rights

a. The Right of Association.—The Labor Relations Act (LRA) provides private sector workers with freedom of association and the right to elect their own representatives, publish newsletters, set programs and policies that reflect the political and economic interests of labor, and form or join unions without prior authorization, and workers exercised these rights. The LRA allows for the existence of multiple unions per industry, provided that each is registered with the Ministry of Public Service, Labor, and Social Welfare (MPSLSW). While the Government can deregister individual unions, the High Court has ruled that the LRA does not give the Minister the power to suspend or deregister the national umbrella labor confederation, the ZCTU. In 2001 ZANU-PF brought the Labor Relations Amendment Bill before Parliament that proposed enhanced dispute settlement mechanisms and increased procedural barriers required before unions can call a strike, and the parliamentary legal committee issued an adverse report on the bill, calling many of its provisions unconstitutional. The Zimbabwe Tripartite Task Team—composed of representatives from the Government, employers, and workers—met in August to consider the proposed amendments to the LRA. There were serious objections to some of the bill’s language from labor unions, and there was little consensus as to the final form of the proposed amendments. The bill remained under consideration at year’s end.

At the end of 2001, approximately 25 percent of the formal sector work force (approximately 400,000 workers) belonged to the 31 unions that form the ZCTU; however, labor unions suffered dramatic losses in membership due to the contraction of the economy over the past 2 years. In 2001 more than 80 percent of all industries were unionized; however, during the year, the percentage was between 65 and 70 percent. Approximately 160,000 workers belong to unions (roughly 17 percent of the workforce), although not all were dues paying members. Although the Government encouraged the ZCTU’s formation, anticipating that it would form the labor arm of ZANU-PF, it no longer controlled the ZCTU; many of the leaders of the MDC began their public careers with the ZCTU. ZCTU officers were elected by delegates of affiliated trade unions at congresses held every 5 years; the ZCTU elected a new leadership at its congress in February 2001. ZANU-PF reportedly tried to influence the election of its preferred candidates at the congress by paying the back dues of affiliated unions and bribing congress delegates; however, the majority of candidates elected were independent of ZANU-PF. The Government and the ZCTU regularly clashed sharply over economic policy. The Government often did not consult either the ZCTU or employers before implementing policy decisions that affected the workplace. This lack of consultation often resulted in disrupted labor relations.

Public servants and their associations, the Public Service Association (PSA), and its branch associations, the Zimbabwe Teachers Association (ZIMTA), the Zimbabwe Nurses Association, and the Civil Service Employees Association, were not covered by provisions of the LRA. Instead, their conditions of employment were provided for under the Constitution. Although civil servants constitutionally were barred from forming unions, the PSA, and its affiliated associations, were members of the ZCTU.

The Labor Relations Amendment Act (LRAA) specifies that workers may establish independent worker committees, which existed side by side with unions in each plant. Worker committees also had to be registered with the MPSLSW, which was free to refuse registration. ZCTU officials believed that the formation of worker committees was an attempt to dilute union authority, because the worker committees comprised both union and nonunion workers; however, the ineffectiveness of worker committees demonstrated the need for the experienced worker representation of the established trade unions.

The LRA allows for the formation of multiple national labor federations. The ZCTU is the oldest and most powerful labor federation; however, the Government openly targeted the ZCTU by announcing that the ZCTU was a political organization and declaring it aligned with the opposition MDC. Under the restrictive POSA, the Government claimed the right to have police members present during ZCTU's meetings—even those at the executive level—by claiming these private meetings to be “public meetings” banned under the Act. During the year, ZCTU successfully challenged this interpretation in court and no longer was required to inform the police of its meetings and allow plainclothes police to attend.

On February 16, government youth militia members abducted ZCTU council member Ephraim Tapa and his 5-month pregnant wife Faith from a roadside canteen approximately 100 miles north of Harare. The Tapas were accused of supporting the opposition and held for almost 1 month in different locations, during which time Mr. Tapa was beaten frequently, at least once to the point of unconsciousness. They overheard their captors plotting their killing; however, police rescued them in the Mushimbo area near the border with Mozambique.

The ZCTU continued to criticize violence directed at agricultural workers who live and work on commercial farms. Many of these agricultural workers were members of GAPWUZ, which was affiliated with the ZCTU.

The Zimbabwe Federation of Trade Unions (ZFTU) was led by its vice president Joseph Chinotimba, the “war veteran” and self-styled leader of the 2000 farm invasions and 2001 factory invasions, who continued to disrupt relations between workers and their union leadership. In addition to arbitrarily guaranteeing wage increases and new benefits absent any agreement by employers, the ZFTU used a variety of coercive methods to convince workers to join its ranks. There were credible reports that ZFTU activists threatened to physically attack workers or publicly mark them as opposition supporters. In order to “persuade” them to change their labor union allegiance, the ZFTU at times sent armed gangs to force workers out of bed during the night to chant ZANU-PF slogans and prove their allegiance to the party.

The ZFTU increased its presence on several fronts during the year, and worked closely with ZANU-PF to undermine the ZCTU. ZANU-PF/ZFTU sponsored a second set of May Day commemorations intended to overshadow the traditional ZCTU workers' day celebrations. In many cities throughout the country, including Harare, the public venues normally rented by the ZCTU were coopted by the ZFTU. The politically charged alternative ZFTU gatherings decreased attendance at ZCTU celebrations; however, attendance at most ZFTU events was low as well. The ZCTU's Harare commemoration occurred without incident, despite a heavy police presence and subsequent ZANU-PF denunciations that it was a “political rally.”

The ZFTU also was responsible for confrontations involving the agricultural sector. During the year, the Government passed Statutory Instrument 6 (SI6), which was perceived widely as an attempt to bankrupt and dispossess white commercial farmers. Under SI6 commercial farmers whose farms were acquired compulsorily were required to pay all of their farm laborers terminal benefits or “retrenchment packages,” including severance benefits, payment for accrued leave, bonuses, and a “gratuity.” These packages were fixed by law in a formula that depended on the number of years worked by each employee, with some packages reaching in excess of \$724 (Z\$500,000). According to SI6, if the farmer did not have funds to finance the retrenchment packages, he could pay half immediately and postpone the remainder until, or if, he received compensation for the improvements on the land from the Government, but only with the consent of their labor force. However, the agricultural workers, who were left impoverished by the land redistribution program, virtually never gave permission to delay payment of the retrenchment package. The ZFTU, under the personal leadership of Chinotimba, successfully capitalized on the fears of the labor force by instigating hostile confrontations with farmers, in some instances barricading farmers inside their homes and demanding liquidation of any available asset to fund immediate payout of the retrenchment package. This also happened on farms that had not received final acquisition orders. In most cases, the ZFTU officials who orchestrated these confrontations collected between 30 and 40 percent from each retrenchment package as their “fee.”

The LRA prohibits antiunion discrimination by employers against union members. Complaints of such discrimination were referred to labor relations officers and subsequently adjudicated by the Government's Labor Relations Tribunal (LRT). Such complaints were handled under the mechanism for resolving cases involving “unfair labor practices.” The determining authority may direct that workers fired due to antiunion discrimination should be reinstated, although this was not utilized in practice.

The ZCTU and its officials ostensibly were free to associate with international labor organizations, and they do so as actively as possible. The ZCTU was affiliated formally with the International Labor Organization (ILO), the International Confederation of Free Trade Unions (ICFTU), and the Southern African Trade Union Coordinating Council. The ZFTU had no known international affiliations.

Before the annual ILO conference in Geneva, there was a great deal of tension regarding the Government's intentions towards the ZCTU. The Government accredits a labor organization, traditionally the ZCTU, to attend the convention as the workers' representative alongside the employers' representative and a government representative. During the year, the Government postponed its declaration as to which workers' organization would receive accreditation until the last minute, which raised concern that the Government might accredit the rival ZFTU. The ZCTU planned to raise an objection with the Accreditation Committee if the ZFTU was accredited as the official delegate; however, the Government backed down in the face of overwhelming international support for the ZCTU. The ZCTU was formally accredited as the official delegate representing the country's workers, with the ZFTU leaders being given an official role as "advisors." The Government paid for the attendance of the ZFTU representatives.

During the conference, after ZCTU officials had presented detailed and documented evidence of interference by ZFTU members and ZANU-PF operatives against its membership, ZCTU president Lovemore Matombo stated that the country "was no longer subject to democratic processes," and called for a "direct contacts mission" from the ILO to "bring his country back to a more democratic industrial relations system." Labor Minister July Moyo stated that the Government was negotiating amendments to the LRA and that the legislation would be sent to the ILO's Committee of Experts (COE) for its examination. The ILO requested follow-up information regarding the proposed amendments, and stated that if the Government did not accept an ILO mission, the COE would "take the appropriate measure in this respect next year."

No further action was reported on pending ILO cases during the year, although the ILO continued to request information from the Government regarding alleged interference with the right to organize and bargain collectively.

b. The Right to Organize and Bargain Collectively.—The LRA provides workers with the right to organize. As originally written, the act did not address the right to bargain collectively; however, the LRAA permits unions to bargain collectively over wages. Worker committees, which by law were not organizationally part of the unions or the ZCTU, were empowered to negotiate with the management of a particular plant on the conditions of labor and codes of conduct in the workplace, except for wages. Unions, employers, and individual workers have the right to take their grievances to the Government's LRT for final adjudication. Despite the additional appointment of four new judges, the LRT continued to maintain a 2-year backlog of cases. While the ZCTU claimed that any labor grievance should be resolved within 21 days, many cases took years to resolve.

Collective bargaining and wage negotiations take place on an industry-wide basis between the relevant union and employer organizations sitting on joint employment boards or councils. Collective bargaining agreements applied to all workers in an industry, not just union members. Between April and July each year, workers and employees negotiated salary increases and other benefits in their respective National Employment Councils. These bodies submit their agreements to the Registrar in the MPSSLWSW for approval. The Government retained the power to veto agreements that it believed would harm the economy; however, it did not involve itself directly in labor negotiations unless requested to do so by one of the parties. When no trade union represented a specific sector, representatives of the organized workers, such as the professional associations, meet with the employer associations, under the mediation of labor officers from the MPSSLWSW. Companies offered wage increases that did not keep up with inflation during the year, and most workers and unions accepted the increases offered because of the economic crisis, but some continued to press for higher wages. The Government called for a wage freeze to last for 18 months to counter inflation; however, this was not accepted by the labor unions nor enacted into law.

Employees in positions designated as managerial were excluded from union membership and thus from the collective bargaining process. The ZCTU stated that the definition of manager in the LRAA was overly broad and criticized the Government and private sector for using it to exclude managers from the collective bargaining process.

The Salary Service Department of the MPSSLWSW determined public sector wages, subject to the approval of an independent Public Service Commission (PSC) (see Section 6.e.). Each year PSC officials meet with PSA representatives to review wages

and benefits. These reviews result in a recommendation that is forwarded to the MPSSW. The Minister is not required by law to accept the recommendation and usually proposed a wages and benefits package that was less than the recommendation, resulting in yearly industrial protest actions by civil servants.

The Government is a signatory to various ILO conventions, including Convention 98, which provides for the right to organize and the right to bargain collectively. The ILO's COE stated that several pieces of the country's legislation restricted workers' rights provided for by Convention 98. Under cover of the LRA, the Minister of Labor allegedly interfered with the internal affairs of both workers' and employers' organizations. The Government also could impose compulsory arbitration whenever it considered that it was appropriate. Moreover, the Minister of Labor was authorized to set minimum wages and maximum benefits that limited the right to bargain collectively. In addition, collective bargaining agreements reached between employers and workers were subject to approval by the Minister of Labor. The COE also raised other questionable legislation, including the Public Service Act of 1996, which denies the right of public servants to join unions.

It was very difficult to conduct a legal collective job action. There is no right to strike in the Constitution, and the LRA and the LRAA do not mention this issue. The law prohibits essential employees from striking, and the Government defined all public sector workers as essential. The Government also considered some private sector workers, such as those in the health sector, as essential workers. The ZCTU was apprehensive about the Minister of Labor's power to declare which sectors constituted "essential services," which precluded such sectors from engaging in strikes. The ZCTU noted that proposed amendments to the LRA, as well as other pieces of legislation such as the POSA, gave the Government enhanced power to declare a service essential or otherwise penalize workers who engaged in collective action.

The ICFTU has criticized the labor laws for giving "wide scope to the authorities to declare that a given enterprise or industry constitutes an essential service, and then impose a ban (on strikes) on it." Unlike in the previous year, the authority to reclassify a previously nonessential service as essential was not used. Government officials stressed that the Government reserved the right to impose these bans at its discretion.

Managers also were prohibited from striking, and in some industries, the Government defined most employees as managers. For the remaining nonessential employees legally to conduct a strike more than 50 percent of the company's employees must vote in favor of the action. Many employees were afraid of management reprisals. If a majority voted to strike, the dispute was referred to the concerned government agency for resolution. Only if the Government-appointed arbitrator determined that a resolution was not possible was the right to strike granted. These government-imposed delays prevented most employees and their unions from ever declaring legal strikes; however, during the year, illegal strikes or work stoppages have occurred within individual companies and in entire industries occasionally. There were a number of labor actions, including strikes and stayaways, during the year; however, due to the political uncertainty in the country, no mass stayaway was successful.

For example, in March immediately after the presidential election, the ZCTU called for a mass stayaway protesting the outcome of the election. Due to a variety of factors, including a lack of publicity by the Government-controlled television station and newspapers as well as fears about the likely government reaction, the strike was not supported fully by constituent unions. The ZCTU was reluctant to call for another mass stayaway and believed that the failed effort was counterproductive and worse than no effort at all; however, strikes occurred within individual industries throughout the year, primarily protesting the erosion of income and the increased cost of living.

A 1-day stayaway was called by the NCA for December 9. The ZCTU neither endorsed the call for mass action nor discouraged their members from participating. The night before the stayaway, the Government arrested 11 members of the ZCTU—9 senior elected officials and 2 functionaries—and incarcerated them for 48 hours. The Secretary-General was held incommunicado with no food or water, was beaten on the head and body with the heels of his captors' open hands (resulting in a burst eardrum and bruised ribs), was beaten on the soles of his feet with a broomstick, and was threatened with death. Prosecutors asked that the trade unionists be charged with attempting to overthrow the constitutionally elected government; however, the judge released all 11 without charge.

Stagnating wages, increasing inflation, and eroding value of income were the major concerns for all sectors of the labor force. Some sectors addressed this by implementing a biannual wage adjustment, others have adjusted wages quarterly. Still other sectors—particularly those that were subject to price controls on their finished

products—were unable to increase wages due to pressures from increases in the cost of their inputs and decreases in profitability. Other sectors have resorted to strikes in order to pressure their employers into raising wages. Striking workers have received increases averaging 45 percent.

In late July, despite being categorized as providers of “essential services,” junior and mid-level doctors went on a 3-week strike protesting their low wages, a newly implemented doctor grading system, and poor working conditions. The healthcare sector particularly has been hit hard by a number of factors: Lack of foreign exchange to buy drugs, significant professional attrition due to physicians and nurses seeking better salaries in other countries, high inflation combined with the rapidly eroding exchange rate, and the increasing impact of the HIV/AIDS pandemic. The doctors returned to work with an increase in wages; however, the healthcare system remained unstable.

In early October, the Progressive Teachers’ Union of Zimbabwe (PTUZ), one of the two major teachers’ unions, called a strike. Despite common grievances regarding pay scale, conditions of work, and other benefits, the more mainstream ZIMTA did not support the strike. Teachers, particularly members of the PTUZ, often were suspected to be MDC supporters and were subjected to harassment by ZANU-PF supporters, war veterans, and government youth militia members. A recent government decree indicated that all headmasters, including private school headmasters, would become civil servants so that persons of the “right sort” would be leading the country’s schools. The Government also announced a policy under which teachers’ colleges must give first preference to students who have completed youth service training, such as that provided at the Government’s Border Gezi Youth Training Center. In one teacher training school in Masvingo, there were 750 youth training graduates, overwhelming facilities intended for 325 students. A combination of extremely low salaries and increased pressure from the Government threatened to widen the strike. Despite press reports, no teachers were fired for striking.

Prior to the teachers’ strike, a new graduate teacher earned approximately \$12.46 (Z\$20,000 dollars) per month. Although the PTUZ teachers returned to work in November after the Government offered a salary increase to all teachers, both unions continued actively to negotiate the amount of the increase and other benefits. Government sources claimed that the pay scale will be adjusted to give experienced teachers—defined to include those teachers who have undergone “national service” training such as the Youth Service training—a commensurately higher salary. While one group of established teachers and headmasters has already completed such a course of national service training, an agreement regarding salary increases had not yet been reached at year’s end.

Unlike in the previous year, there were no reports that war veterans forced striking civil servants to work.

In May the ZFTU made a concerted effort to discredit the ZCTU and to coopt the membership of the ZCTU-affiliated Zimbabwe Sugar Milling Workers union in the Chiredzi sugarcane region. After promising a raise, which was not negotiated with the employers, ZFTU called for a strike. During the strike, anyone perceived as not supporting the strike or as a ZCTU supporter was harassed and physically attacked. Many workers were beaten severely and hospitalized. ZCTU leaders were not able to intervene because they feared for their lives. After several weeks, the employers granted the wage increase. During the year, the ZFTU was active in fomenting unrest and urging spot strikes by agricultural workers against individual farmers to win retrenchment packages (*see* Section 6.a.).

In 2001 members of the security forces attempted to disperse forcibly a strike at the Zimbabwe Iron and Steel Company (ZISCO) plant in Redcliff, which resulted in the deaths of 3 strikers and injuries to 10 others. The Government claimed that the police shot the three accidentally; however, labor activists stated that the security forces fired at the workers deliberately to break up the strike. Although police conducted an investigation, the results were not announced by year’s end. The Steel Workers’ Union sued the police and army for using excessive force; the case still was pending at year’s end. During the year, representatives from the Iron and Steel Workers Union were called to Parliament to give evidence about the strikers’ deaths to the Committee on Foreign Affairs, International Trade, and Indigenisation. At year’s end, Parliament had taken no action on the representatives’ testimony.

The LRAA streamlined the procedure for adjudicating disputes by strengthening the LRT. Labor relations officers hear a dispute; their decision may be appealed to regional labor relations officers, after which the LRT may hear the case. Ultimately it may be appealed to the Supreme Court. However, cases from as early as 1997 remained pending with the LRT at year’s end.

There were few reported incidents of “factory invasions” such as those that occurred in 2001; however, coercion continued to be an issue, particularly regarding the ZFTU’s actions.

The Export Processing Zones Act states the LRA shall not apply to workers in export processing zones (EPZs). The ZCTU has negotiated directly with EPZ employers to allow some unions in the EPZ, although their number and level of activity remained low.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.f.). The traditional practice of offering a young girl as compensatory payment in interfamily disputes continued in rural areas (see Section 5).

The Government, war veterans, and the ZFTU have the power to force workers to perform labor, which they might not otherwise choose. In addition, during the year, the Government announced a compulsory youth service requirement under which young citizens were forced to undertake training at government-sponsored training camps such as the Border Gezi Youth Training Camp (see Section 5). This camp was the source of the youth militia forces, or “Green Bombers,” who were deployed widely to harass, abduct, and torture suspected MDC supporters during the March presidential elections. The stated purpose of the training camps was to instill a sense of pride in the youths, highlight the history of the struggle for independence, and develop employment skills; however, they were reported to be training camps to instill ZANU-PF allegiance, paramilitary skills, and expertise in political oppression and torture.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law sets the minimum age for general employment of children at 12 years and restricts employment of those between the ages of 12 and 17 to light work during school holidays for periods not exceeding 6 hours per day. Light work was defined as work not likely to prejudice a child’s education, health, safety, rest, or social, physical, or mental development. All hazardous employment, overtime, and night shift work was banned for those under the age of 18; however, there was little to no enforcement of these laws.

Child labor was common. According to the 2000 National Child Labor Survey, approximately 25 percent of children between the ages of 5 and 17 were involved in some form of child labor. Children worked in the agricultural sector, and there were reports that children worked as domestics and as car-watchers. Some form of child labor on large commercial farms formerly was widespread; however, the land resettlement program, which has expropriated almost 95 percent of commercial farms, has dispossessed child workers along with many thousands of adults.

The unemployment rate continued to grow, with some estimates as high as 75 percent, decreasing the number of children employed in the formal sector. However, the incidence of children working in the informal sector increased as families, often headed by children, needed a source of income. Approximately 35 percent of the adult population were infected with HIV/AIDS. As a result, more children worked in the informal sector to fill the income gap left by ill or deceased relatives. Many children sold simple wares on the streets; others worked in the booming illegal gold panning industry. In addition, there were reports of an increasing number of girls under 17 years of age engaged in prostitution. The deteriorating economy, accelerating social breakdown, and increasing impact of HIV/AIDS were forcing more children to work. Although child labor in the agricultural, domestic, and informal sectors increasingly was discussed, the Government and NGOs have been unable to gather concrete data on the number of cases.

In 2001 Parliament passed the Child Adoption and Protection Amendment Act, which incorporates ILO Convention 182 on the Worst Forms of Child Labor; however, the law was not implemented by year’s end.

Forced child labor and child prostitution occurred (see Sections 6.c. and 6.f.)

e. Acceptable Conditions of Work.—The maximum legal workweek is 54 hours, and the law prescribes a minimum of one 24-hour rest period per week. The Government regulated working conditions on an industry-specific basis. The Constitution provides the PSC with the authority to set conditions of employment in the public sector. The Government eliminated a national minimum wage as part of the Economic Structural Adjustment Program of 1990, with the exception of agricultural and domestic workers. Government regulations for each of the 22 industrial sectors continued to specify minimum wages, hours, holidays, and required safety measures. In recent years, in an effort to remove itself from the wage bargaining system, the Government mandated wage parameters for industries. Due to an ineffective monitoring system, many agricultural and domestic workers were remunerated below the minimum wage. In October 2001, the Government implemented new monthly wages of

\$5.36 (Z\$4,181) for agricultural workers, \$10.13 (Z\$7,903) for agro-industrial workers, and \$11.44 (Z\$8,926) for industrial workers. While agreements to increase the minimum wage were reached in principle at the tripartite meetings in July and August, no national increase was instituted. Representatives from labor, employers, and the Government remained in consultation through year's end. Although the Government called for a wage freeze intended to last up to 18 months in support of its efforts to control inflation after the new minimum wage increases were determined, labor appeared unwilling to support this without major concessions in other areas.

Minimum wages in the formal sector changed continuously as a result of multiple increases in salaries to offset the high inflation rate. Some industries implemented wage increases every 6 months in an attempt to keep pace with inflation, the spiraling exchange rate, and the increases in the prices of basic food staples. However, in almost all cases, wage increases did not keep pace with these factors. The minimum wage did not provide a decent standard of living for a worker and family, and at least 70 to 80 percent of the population lived below the Government's poverty line.

Many of the basic legal protections do not apply to the vast majority of farm, mine, and domestic workers. Health and safety standards were determined on an industry-specific basis. Despite the lack of general standards, the National Social Security Authority's (NSSA) statistics from 1999 showed a decrease in the number of occupational injuries and deaths. There were 78 fatal job accidents reported, and 87 persons were killed in industrial accidents during the year. The NSSA reported an increase in the number of fatal accidents in the construction, electrical, and telecommunications industries and cited unskilled contract personnel performing jobs formerly done by professionals. In theory labor relations officers from the MPSLSW were assigned to monitor developments in each plant to ensure that government minimum wage policy and occupational health and safety regulations were observed; however, in practice these offices were understaffed, could not afford to inspect routinely workplaces, and relied on voluntary compliance and reporting by employers.

The Government designated the Zimbabwe Occupational Safety Council (ZOSHC) to regulate safe work conditions. The ZOSHC was a quasi-governmental, advisory body comprised of six representatives each from the Government, employers, and trade unions. The National Director of the ZOSHC was responsible for enforcing worker safety regulations. The director reported weekly to the MPSLSW on actions taken. Budgetary constraints and staffing shortages, as well as its status as an advisory council, made the council ineffective. The NSSA continued to experience difficulty monitoring the thousands of work sites across the country; however, it began to enforce safety standards more vigorously by closing down shops and factories in noncompliance. Although workers have a legal right to remove themselves from dangerous work situations without jeopardy to continued employment, in practice they risked the loss of their livelihood if they did so, and this situation worsened during the year.

Foreign workers were covered by ZOSHC's safety standards, but domestic workers were excluded because of the "impracticality" of enforcing standards in private homes. Government workers also were excluded.

According to the ZCTU, some employers took advantage of illegal refugees for inexpensive labor. Because the job market traditionally was worse in neighboring countries such as Malawi and Mozambique, the refugees were willing to risk arrest and work for wages below the legal minimums; however, there was an increasing tendency for economic refugees to flee the country and seek work in countries such as South Africa and Botswana.

f. Trafficking in Persons.—While no laws specifically address trafficking in persons, common law prohibits abduction and forced labor, and the Sexual Offenses Act makes it a crime to transport persons across the border for sex. There continued to be infrequent and anecdotal reports that persons were trafficked, particularly women and children, from and through the country to South Africa for prostitution and forced labor. Unlike in the previous year, there were no reports that Zimbabwe was a destination country.

In 2001 Parliament passed and signed into law the SOA, which makes it a crime to transport persons across the country's borders for the sex industry (*see* Section 5). Traffickers also can be prosecuted under other legislation, such as immigration and abduction laws. The primary government authority that would combat trafficking was the ZRP.

No NGO or law enforcement agency had any direct evidence of or statistics on either trafficking or child prostitution by year's end. A few NGOs, including South Africa-based Molo Songololo, Harare-based Save the Children Norway, and Connect had some anecdotal reports of both trafficking and child prostitution. Connect was

compiling a qualitative report on the subject; however, the report was not expected to indicate the scope of the problem.

The approximately 20 anecdotal reports that Connect was compiling were mostly of Zimbabwean female teenagers whose families, in the economic decline, had accepted some form of payment in exchange for allowing them to work in brothels, notably in the border town of Beitbridge. Molo Songololo claimed that Zimbabwe was a transit point for children being trafficked from countries such as those in Asia and Malawi to South Africa; however, they could provide no specific examples or numbers of cases.

While it commonly was known that many Zimbabwean women worked in the hotel industry in South Africa, sometimes a euphemism for commercial sex work, and many Zimbabweans were low-wage agricultural workers in South Africa, there was no evidence of coercion or force in these areas.

There were no reports of organized trafficking groups. Unlike in the previous year, there were no reports that Taiwanese crime syndicates were involved in trafficking Chinese through the country.

The Government generally did not acknowledge the problem of trafficking in persons; however, a trafficked person had the option to take his or her case before the VFC. No cases were filed during the year.

The regional governments had not taken action on recommendations made at the 2001 conference on trafficking by year's end.